

## **Timeline and Lingering Questions Regarding the Disappearance of a Transshipment Observer**

**By Elizabeth Mitchell, Association for Professional Observers**

The observer community and observer program managers were shocked and heartbroken by the September 10, 2015 news of the disappearance of our dear friend and colleague, Keith Davis, a transshipment observer on assignment aboard an Inter-American Tropical Tuna Commission (IATTC) transshipment vessel. Keith chaired the Observer Professionalism Working Group (OPWG) at the IFOMC for many years and was a former board member of the Association for Professional Observers (APO). He helped draft the International Observer Bill of Rights (IOBR) and Codes of Conduct for Responsible Observer Programmes – Health and Safety (CCROP-HS) and Stakeholder Responsibilities (CCROP-SR), which was presented at the 7<sup>th</sup> IFOMC in Chile, 2013.

Keith Davis had an unwavering commitment with seemingly limitless energy toward improving the profession of observers and was instrumental in elevating the level of observer professionalism and participation at this conference. Keith's disappearance sent rippling trepidations throughout the observer community and all remain without closure. In absence of any official statement regarding the investigation, this is an attempt to piece together available information. This timeline is based on updates from Keith's employer, MRAG Americas (September and October 2015); phone and e-mail conversations with the FBI (October 2015, August 2016 and October 2016); US Coast Guard documents during the investigation; some of Keith's last photographs and data entries on the Victoria No. 168; and previous knowledge of Keith.

**In 2009**, Keith began working as a Western and Central Pacific Fisheries Commission (WCPFC) transshipment observer for MRAG Americas. In July 2009, at the 6<sup>th</sup> IFOMC in Portland, Maine, USA, Keith helped organize a meeting of stakeholders in transshipment observer programs. At this meeting he showed a video that highlighted potential human trafficking conditions – a vessel capacity of 25 with 65 crewmembers on board, sleeping in the halls and on the decks. He also mentioned the difficulty in counting and identifying fish in this program. It is typical for the fish being offloaded to have most of their identifying characteristics previously removed and often observers are expected to count and identify the fish without adequate access to them.

**In 2011**, when returning from a WCPFC Transshipment trip, Keith had experienced harassment on board a Japanese transshipment vessel. I encouraged him to report the harassment to the responsible agency, which he apparently did.

**In 2013**, after one of the panel presentations at the 7<sup>th</sup> IFOMC in Viña del Mar, Chile, Keith commented that RFMO officials were not doing enough to protect fisheries observers. The following morning, Keith told his family and colleagues at the conference

that he had been approached and told to “back off” and that he “didn’t know what he was getting into”. He appeared visibly shaken and declared that he would retire from the transshipment observer programs.

**In 2015**, Keith had decided to return to the Transshipment Observer Program, this time for the IATTC, and boarded August 5 the M/V Victoria 168, a Chinese operated, Panama-flagged transshipment vessel. This vessel accepts fish from Gilontas Ocean Group, based in Taiwan and delivers to Rocmar Seafood, S.A. located in Panama.

**August 5 to September 4, 2015:** Keith entered photo and video documentation of transshipments. Taking at least 167 photos, there may have been more after this date because he collected data until the day he disappeared. The subject of the photos included vessel identification characteristics (call signs, names painted over previous names, company insignias on smoke stacks, vessel registration numbers, and port names); 50 photos of fish needing identification confirmation or further discussion (mostly sharks and billfish, but also some tuna); and camera and video documentation of marine pollution violations on half of the fishing vessels and the Victoria 168.

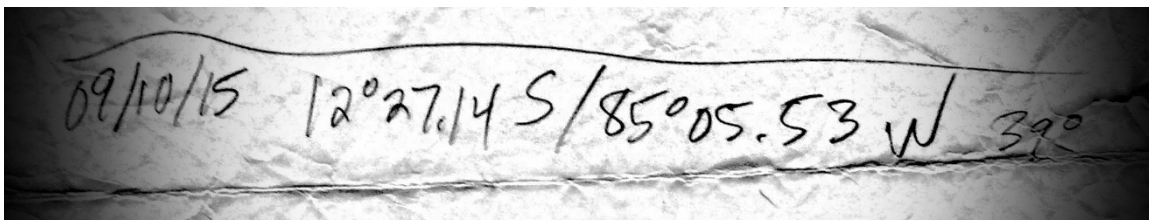
**August 20 – 31, 2015:** Keith sent a series of e-mails to NOAA fish identification experts to suggest additional work was needed to create improved fish identification materials for transshipment observers. Most of the fish were fully dressed, missing most identifying characteristics. He advocated for requiring the tuna to be left whole, which would facilitate positive identification to species, as he believed this was necessary to prevent tuna laundering.

**August 30, 2015:** Keith made notations that Chung Kuo No. 858 “had cancelled due to death of Indo crew.” On September 2, Keith reported more crewmember injuries: “Chung Kuo No. 818 also cancelled...back to port...sick crew member.”

**September 5 or 6, 2015:** Keith transmitted data to MRAG on schedule.

**September 7, 2015:** MRAG exchanged e-mails with Keith about disembarkation and travel plans.

**September 10, 2015:** Keith recorded his last transshipment (Chung Kuo No. 818) and noon position:



**September 10, 2015, 12:50 – 14:05 PDT:** Keith disappeared and was presumed overboard. September 11, 2015: Original Message from the Victoria No. 168, reporting Keith's disappearance:

On Fri, Sep 11, 2015 at 4:44 PM, [REDACTED] <[REDACTED]@cwpanama.net> wrote:

From: VICTORIA168 <VICTORIA168@amosconnect.com>  
Date: 2015-09-11 11:50 GMT+08:00  
Subject: Shipboard Observer Men Missing  
To: "Miss. [REDACTED] 王雅玲" <[REDACTED]@gilontas.com>

To: Gilontas Ocean Co., Ltd  
Attn: Miss [REDACTED]  
Miss [REDACTED]  
Vsl 10/Sep 0810 F/V Ck-818 Along Side

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0835 Commenced Transfer work  
1130 Lunch Time Was with Capt together Have Lunch  
1450 2nd mate Have been see him from # 3 hatch ship side  
go back accommodation  
1605 Transshipment Finished C/O need he Signature Found Can't  
found him.  
1615 F/V Ck-818 Cast off  
1620 Vsl Every body do all vsl Search again and again could not  
found for.  
Fm 1620-2225 we are already do 3time all vsl's space cheked also not  
found is confirmed which men is not on vsl already. and then master  
Execution Expanding square sea searching Till 2230 also not found  
which men. and continue Exculte Expanding square sea searching for.  
2230 Contact Peru coast Callao MRCC dadio Telephone no body answer.

B.Rgds Master

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The Victoria No. 168 notified Gilontis Ocean Group headquarters eighteen hours after Keith disappeared, who then notified Rocmar Seafoods, the vessel's agent, some hours

later. Rocmar Seafoods notified MRAG 12 hours after Keith disappeared, who notified the US Coast Guard (USCG) 5 hours after that. ***This clearly illustrates that immediate protocols need to be enacted for prompt reporting of missing, injured or ill observers.***

**September 11, 2015:** USCG briefed various investigative departments. USCG Investigative Service couldn't do anything because there was no evidence a crime had been committed. Peru's SRR (Search, Rescue and Recovery) couldn't go beyond the 200 miles (Keith disappeared 500 miles off Peru). No assistance was available at the US Embassy in Peru or Ecuador. The Joint Interagency Task Force and the JIATF – Counter Drug Officer was alerted. A US C130 was approved for launching and could have arrived at the scene in 2 hours. They received clearance from US authorities but the plane was grounded in Peru for unknown reasons.

**September 12, 2015:** The USCG asked for information about the Chung Kuo No. 818, as the “reporting source (assumed MRAG) had concern about possible people on board from longliner that could be catching a ride back to shore (these people are not part of the standard crew).” This is important because potential suspects could have left the scene and the Chung Kuo No. 818 was never called into port or otherwise investigated.

September 13, 2015: The Victoria No. 168 ended its 72 hour search for Keith, after which they made way for Manta, Ecuador but then changed plans to go to Panama (the vessel's flag state) instead, which led to an additional 4 days delay in the investigation.

September 20, 2015 early AM: The Victoria No. 168 arrived in Panama. Panama had decided they would lead the investigation and left the Victoria No. 168 unattended overnight.

**September 21, 2015, AM:** Panamanian authorities began investigation. The Chung Kuo was finally contacted by radio by US authorities.

**September 27, 2015:** The vessel was allowed to leave for Ecuador to offload its fish. The FBI met the vessel in Ecuador to inspect the hold because they were not allowed to do so in Panama.

**November 29, 2015:** Despite an ongoing investigation by both Panama and the United States into Keith's disappearance, MRAG Americas and IATTC placed another observer on board the Victoria No. 168 and business resumed as normal.

**May 25, 2016:** The IATTC reported at its 90th meeting, that its transshipment observer program is “operating without any major problems”, which is another way of saying: There is a major problem with this observer program.

**October 12, 2016:** Panama closed its investigation. The FBI is keeping the case open.