

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

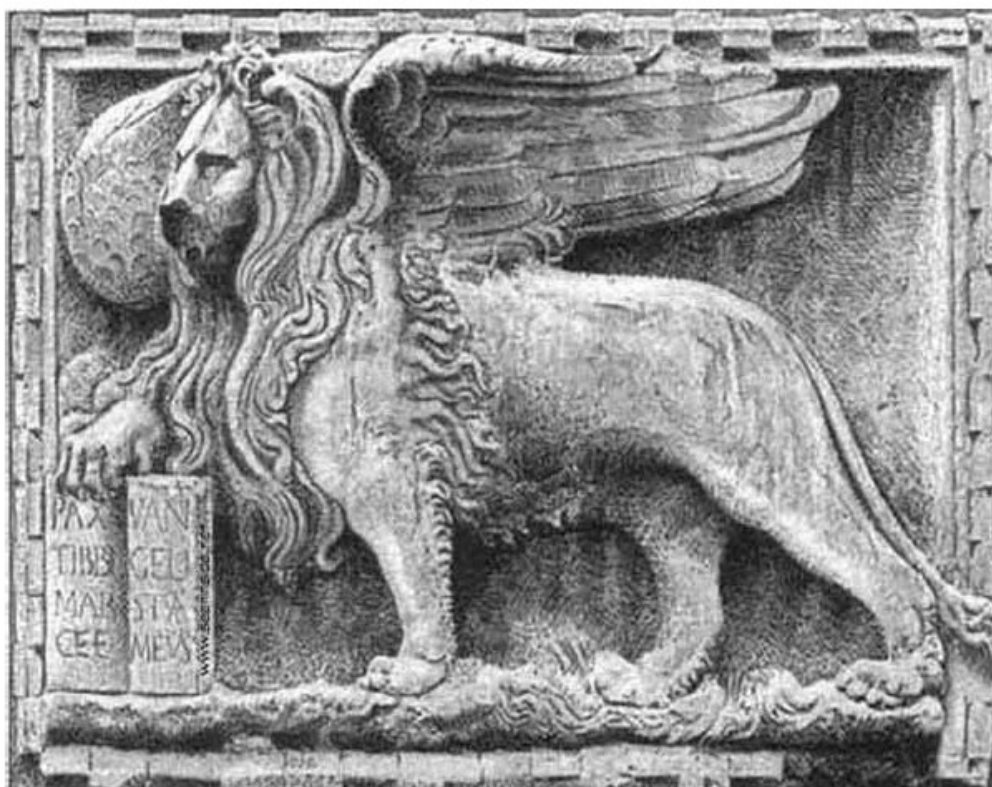
DISPUTE CONCERNING THE ENRICA LEXIE INCIDENT

THE ITALIAN REPUBLIC v. THE REPUBLIC OF INDIA

WRITTEN OBSERVATIONS OF THE REPUBLIC OF INDIA

VOLUME 2 – ANNEXES

6 AUGUST 2015



**STATEMENT OF MR SAHIL GUPTA, CREW MEMBER OF THE
MV ENRICA LEXIE, 26 JUNE 2013**

ANNEX



published on the Internet by Luigi Di Stefano (info@seeninside.net) for

ENRICA LEXIE: TECHNICAL ANALYSIS

www.seeninside.net/piracy



Annex 29

STATEMENT OF MR SAHIL GUPTA, CREW MEMBER OF THE *MV ENRICA LEXIE*, 26
JUNE 2013

**STATEMENT OF SHRI SAHIL GUPTA, S/O DR. RAVINDRA GUPTA, R/O H.NO.2316,
MOHALLA BOGRAM, NAKODAR, JALANDAR, DISTRICT PUNJAB.
Mob.No.09878471454. (E-mail ID 'sahilg9@gmail.com')**

I had my certificate of competency under DG (Shipping) in the year 2011. I started my official carrier as a Deck Cadet in MV Nandu Arrow, it was a Bahama Flag Vessel. I worked as a Deck Cadet in two ships and subsequently I completed my certificate of competency. On 25th Sept. 2011, I joined MT Enrica Lexie as Second Officer. Second Officer is in-charge of the Navigation of the ship. Chief Officer and Master of the Ship are senior to me. James Mandley Samson was the Chief Officer and Vitelli Umberto was the Captain. I performed duty as a Bridge duty officer. Chief Officer James Mandley Samson, second officer me and third officer Fumai Luka perform duty in turn. The important Log maintained by Duty Officer is deck Log Book which is also called Log Book No.3. In the Log Book we write true course of the ship and reading Cyro Compass, Magnetic Course, Wind and Sea Direction and the State, weather it is clouded colour visibility, barometric readings, temperature and humidity will be recorded and also the vessel's position as per GPS position along with time and important events of the ship. All three officers who were on duty on bridge will be mentioned in the Log Book No.3. On 4th Feb.2012, we left Singapore to Port Sayed, Egypt. There were 24 crew members. On the way at Port Galle, six Italian Navy Guards boarded the ship. Out of the 24 crews, 19 were Indians and 5 were Italians. 9489297 is the IMO number of the ship Enrica Lexie. We left Galle on 14th February, 2012 at about 1800 hrs. On 15th Feb. the vessel was coasting in the coast of Kerala. My duty started on that day from 1200 hrs. to 1600 hrs. ships time. Ship time is 30 minutes behind IST. On the same day I was also having turn duty from 0000 hrs.

to 0400 hrs. On that day from 1200 hrs. to 1600 hrs. Shri Naren Fulbaria was my Able Seaman on watch duty. At about 1545 hrs my watch duty Naren Fulbaria reported that he noticed a fishing boat. I asked him to monitor it. I checked the position of the boat on the radar and I was sure that the boat will clearly passing without any collision. The Italian Navy Guards Commander Lattore and other Girone were present on the bridge at that time. Ordinary seaman ao also came to the bridge. I have seen Massimiliano Latorre and Salvatorre Girone going to the starboard side bridge wing. Master NM Noveillo Carlo was also present in the Wheel house. Suddenly Massimiliano Latorre and Salvatorre Girone came in and took their weapon and went out. I heard firing shots and I took the vessel on hand steering and altered the course of the ship to western side. I heard several shots I don't remember how many in number. As and when I heard firing I took the vessel on hand steering from automatic steering. Fulbaria came and he took over the wheel from me and meantime master came in and pressed the emergency alarm and addressed in the PA system that this is not a drill, everybody to go to the Engine Control room, we are under a pirate attack. When I saw Master pressing the emergency alarm, James already reached the bridge to relieve me. The details written in that day 1200 to 1600 hrs is in my handwriting. I have not seen any warning shot fired. I only heard the shots. This is the Log No.3 of the ship shown to me now. As per the register the position of ship is 1600 hrs. ship time 09 degree 17.2 N 076 degree 01.8 E. On hearing the alarm, I went down. James Mandley, Chief Officer was already there. When I heard the firing, the boat was about 200 mtrs away from the ship. It was a normal fishing boat and I didn't see anything unusual with it. I have not seen any person armed in the

boat. At around 6.30 p.m. I came back to the bridge and I received a phone from M CC, Mumbai. I handed over the phone to the Master. I was questioned by Kerala Police earlier in this connection. I have seen the weapons when the Security Guards were carrying it. It had around 1 mtr approximately in length. I don't remember whether I have communicated any official with V F on the same day. I narrated the firing incident to Chief officer James Mandley. I heard the firing shot only. On that day, the sea was absolutely calm and the visibility was good. I have finished my contract with MV Enrica Lexie on 8th May 2012. Presently I am engaged with ship FD Sea Wish with UK Flag. There was no specific warning of piracy on the coast of Arabian Sea on that day. I didn't press the VD since to me it was not a suspicious boat, it was a normal fishing boat. During normal hours, there will be one person on watch duty. But, in certain other times, during dawn and dusk there may be two watchmen. From 1600 hrs. to 2000 hrs., Ayas and so were on watch duty. Usually they will come to the bridge about 2 to 5 minutes before the change time. This is the attested photo copy of the V F Log. On 15.02.2012 at 1915 hrs. it is entered that the vessel has informed Indian Coast Guard in V F Channel 10 about the ship particulars and estimated time of arrival. On 15.02.2012, we have not received any distress message. I have not seen the Marines in the evening after the incident on that day. On the following day, one Coast Guard Officer boarded the ship and told us that two people have died because of the firing from the ship. I have seen Kerala Police seizing the hard disc of the VD. The Navy Guards were not under the control of Master or any other crew. Usually two of them will be in the bridge and they will be going to the starboard side and port side with their Binocular and

watching the surroundings. At the time of incident, Massimiliano Latorre and Salvatore Girone were on turn duty. They were deciding their turns themselves.

read over to the witness and admitted by him to be correct.

Recorded by me,

Sd -

(P.Vikraman)
Dy. Superintendent of Police,
National Investigation Agency,
Kochi 25.06.2013