



PRECAUTIONS CONCERNING DRUGS SMUGGLING AT COLOMBIAN PORTS

Please find below our recommended precautions that Members should consider taking, to fully protect their interests concerning drug smuggling at Colombian Ports.

A. Present situation and specific risks at Colombian Ports

- Colombian ports presents some risks in terms of drug trafficking, although local authorities have police officers in the port, in order to mitigate risks some shipowners prefer to take extra preventive measures as the ones described below. Drug inspections are not mandatory (with the exception of Puerto Bolivar and Puerto Drummond where these are mandatory), but advisable due to drug smuggling risks. Normally, said inspections can be undertaken by the navy or by private diving companies.

B. Measures before entry

- Crew going ashore should be informed that it is common practice in Colombia that drug traffickers may seek to befriend them in order to achieve their co-operation to smuggle drugs and that local authorities are likely to act forcefully against any crewmember who is considered to be associated with drug traffickers.

- Prior to the vessel's arrival, the Port Agent must provide the Master with the relevant updated data related to the Colombian Port. In the event that the Port Agent fails to provide this data on time, the Master should demand prompt delivery from the Port Agent.

- The ship should keep accurate records of all activities observed and the actions taken by local authorities, stevedores and other shore-based personnel and crew before entry into port, during the stay and immediately after departure.

C. While in port or at anchor

- Prior to Sailing, an underwater inspection could be undertaken by a reliable private Diving Company in presence of the P&I Correspondent, to ascertain that no illegal substances are attached to the vessel below her waterline.



- Although Colombia's terminals accomplish with ISPS standards, it is advisable to provide extra private security on board monitored by the P&I Correspondent. In this regard permanent watchmen should be present in areas where stevedores or repair technicians are working onboard the ship. During hours of darkness all areas should be well lit in order to facilitate visual monitoring of activities. Any suspicious activities conducted by third parties on board should be reported to the Master. Attention should be paid to small boats approaching the ship and any suspicious activity in the vicinity of the ship which may warrant further investigation. The use of a searchlight during the hours of darkness should be considered.
- The crew should perform regular shipboard inspections throughout the duration of the port call. As explained above, it would be very advisable to employ additional security guards from an approved supplier. When broken/missing seals for compartments, lockers, containers etc, are discovered an investigation should be conducted and if nothing is found the seals should be replaced by the crew. A record should be made in the logbook together with a note of the outcome of the investigation/search and the relevant seal numbers.
- It would be important to include in the Gangway Log Book (or in another ship's registry) the registration of every person boarding the ship, including stevedores, operators and even private guards (not only authorities and agents as it usually happens).
- Guards going on board should be body searched (and their belongings) before boarding the vessel by a crew member.
- The crew member on guard should undertake body/belongings searches at all times to people entering the ship (not just randomly as it usually happens).
- Extra crew members (or extra private guards) should be tasked to keep watch on persons loitering on deck or elsewhere or board, and, if possible try to avoid leaving outsiders (stevedores etc) wandering alone on board.

D. Actions to be taken if drugs are found onboard

- Give immediate advice to the P&I insurer, the local P&I correspondent and the shipowner/manager.
- Give immediate advice to the Police at the port. This can be done directly by the Master, or through the Vessel's agents at port. This will mitigate the risk of the Master and the crew becoming part on the criminal investigation undertaken by the Colombian Prosecutor's office when drugs are found.



- The drugs must not be touched.
- Photograph or video the area of the ship where the drugs were found, but leave it untouched and seal it off to prevent any unauthorized access.
- If drugs are found on board by the authorities, the crew members and the Master will be temporary placed under authorities' custody and they will be part on the preliminary investigation. The vessel will be also detained at port for further investigation. Sometimes, when drugs are found within containers, these latter become apprehended as they are considered evidence under the criminal process.

E. Punishment established under Colombian law:

- Administrative investigation by HM: If the HM decides to open an investigation for breaches to maritime regulations, the proceeding may last around 3 years and the worst case scenario would be that the HM issues a fine against the ship at the end of the investigation. This fine should not be higher than USD 10,000 (although in theory these fines could go up to USD50,000 in practice they are almost never higher than USD 10,000).
- Criminal investigation by Public Prosecutor: in case the vessel/crew is involved at the criminal investigation, the vessel may be detained and the crew imprisoned (if there's a totally different crew then only the ship detention would apply). Additionally please find below the relevant Colombian criminal regulations on drug smuggling (these are worst case scenarios): the Colombian criminal code states that any person involved in the traffic, production or carriage of illegal drugs will be subject to the penalty of imprisonment from eight (8) to twenty (20) years and a fine of between 1,000 and 50,000 Colombian monthly minimum wages. The same code states (Article 377) that any person that may use or allow the use of movable goods for the production, storage or carriage of illegal drugs will be subject to the penalty of imprisonment from six (6) to twelve (12) years and a fine of between 1,000 to 50,000 Colombian monthly minimum wages. If criminal liability is declared by a judge at a final instance where it is proven that the shipowner was involved with the drug trade, the vessel could be permanently seized by Colombian authorities.

In all of the aforementioned events, our company A&A Multiprime is able to provide immediate assistance by appointing a trusted surveyor to monitor the whole procedure and assist the master, and, if necessary, appointing one of our trusted criminal lawyers to defend the member's interests, as we have done successfully in the past.