

B GUIDANCE

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DRUG SMUGGLING PREVENTION

A SHIP MAY BE THE TARGET OF SMUGGLERS SEEKING TO USE IT FOR TRANSPORTING THEIR ILLEGAL SUBSTANCES.

This guidance provides valuable advice on preventing your ship unintentionally becoming a part of an illegal smuggling operation.

One of our Member's ships had just departed from a Mexican port and was about 1nm from the berth when 2 trespassers were observed throwing 3 packages into the water and then jumping overboard themselves. Both the packages and the trespassers were retrieved by a small craft. Later investigations revealed that the trespassers may have come on board disguised as terminal employees.

In this instance, no further action was taken against the ship or the Member by the Mexican authorities. However, several other recently reported cases have resulted in ships being arrested following the discovery of illegal drugs on board and in some cases the Master and other crew members were later put in prison. In one case, the Master remained in custody for several months without any formal charges made against him. It goes without saying that such situations can put an enormous mental strain on the crew members involved, as well as on their families.

INCIDENTS SUCH AS THE ONE DESCRIBED ABOVE ARE UNFORTUNATELY SHOW THAT THE MARITIME INDUSTRY IS OFTEN THE TARGET OF SMUGGLERS SEEKING TO USE SHIPS AS A MEAN OF TRANSPORTING DRUGS TO MARKETS, TYPICALLY IN THE US OR EUROPE. IT IS THEREFORE IMPORTANT THAT MEMBERS DEMONSTRATE DUE DILIGENCE AND TAKE APPROPRIATE MEASURES TO PREVENT DRUGS BEING BROUGHT ON BOARD THEIR SHIPS.

SMUGGLING CAN TAKE PLACE IN MANY DIFFERENT WAYS, SOME OF WHICH ARE MORE SOPHISTICATED THAN OTHERS, AND TYPICALLY IT TAKES PLACE WITHOUT THE KNOWLEDGE OF THE CREW.

Some of the methods of smuggling which have been recently reported to the Association include drugs being:

- Concealed either with or within the cargo. This is facilitated by the level of access afforded to the cargo or cargo space, and is most commonly experienced on dry cargo ships, for example buried in the bulk cargo in the hold space or inside a container. Particular risks are associated with Pure Car and Truck Carriers (PCTC) and other ships designed to carry vehicles, with the latter offering various possibilities to remotely and easily conceal drugs in a variety of spaces in a vehicle, including engine bays, fuel tanks and even inside tyres.
- Brought on board and hidden by "official" terminal stevedores, or by persons impersonating stevedores or other shoreside officials.
- Deposited in watertight cylinders attached by divers to the ship's hull below the waterline. This has been reported in South America, with the presumed intention that the cylinders were to be removed from the hull at one of the ship's next ports of call, often in Europe or the US.
- Placed in a package attached to a pad eye above the waterline on the stern frame between the rudder and propeller. In one such recent incident, a watchman observed a small boat operating in the vicinity of a Member's ship in Peru early in the morning. The port authorities were notified and an inspection of the hull revealed the suspicious package dangling from the pad eye.
- Hidden in void spaces around the ship's open rudder trunk, which have been accessed while the ship is moored or at anchor.

The variety and ingenuity of the scenarios above demonstrate the lengths that smugglers will go to in order to transport their illicit goods, and therefore the level of awareness that Members and their seafarers need to maintain.

Some of the simple precautions that can be taken to prevent the smuggling of drugs onto Members' ships include:

1. If operating to a known area of smuggling activity, or if there are any concerns of such activity, then the ship should make contact with the local correspondent, agent or authorities at an early stage and before arriving at the port or anchorage to obtain up-to-date advice on the potential risk of smuggling. This will enable an assessment of the likely security risks to be conducted and reviewed in conjunction with the Ship Security Plan (SSP)¹ to ensure that appropriate mitigation measures are implemented in accordance with the perceived risks and the designated Security Level² for the port area. For example, for certain port areas where a specific risk has been identified, arrangements can be made to conduct enhanced shore-assisted pre-departure inspections using sniffer dogs and/or divers.
2. Prior to departure from port, and as a final precaution, a thorough and systematic search should be carried out for any trespassers.
3. Ensuring that an appropriate identification system for all visitors to the ship is in place and robustly and tightly controlled. The identity of all persons seeking to board the ship and their reasons for doing so should be confirmed by checking photographic IDs, work orders etc. Those unwilling or unable to establish their identity and/or to confirm the purpose of their visit when requested to do so should be denied access to the ship. Any such attempt to gain access should be reported, as appropriate, to the Ship Security Officer (SSO), the Company Security Officer (CSO), the Port Facility Security Officer (PFSO), as well as the applicable shoreside authorities, with the local agent well placed to assist and advise on the latter.
4. Maintaining a log of all personnel visiting the ship including stevedores, and a record of their activities.
5. All persons seeking to board a ship should be liable to random search. Such searches should ideally be undertaken by the port facility in close co-operation with the ship and in close proximity to it. Any such search shall be undertaken in a manner which fully takes into account the human rights of the individual and preserves their basic human dignity.

¹ As required by the International Ship and Port Facility Security (ISPS) Code.

² The ISPS Code determines three levels of security and that it is the responsibility of the Contracting Government within whose territory the port facility is located to determine which level of security is applicable.

6. Identifying and monitoring all access points that should be secured or attended to prevent unauthorised access. Closed circuit television cameras (CCTV), if installed, can be used as a further means of monitoring and recording activity in way of access points.
7. Maintaining vigilance while in port or at anchor, including conducting frequent security patrols. This should include monitoring both the adjacent land and sea areas, the latter in particular for any boats operating near the ship; the SSO should be alerted of any such suspicious activity.
8. Observing when a cargo hold is being topped up, for example, to ensure that no packages are placed on top of the cargo as the hatch covers are about to be closed. Container seals or other methods used to prevent tampering can also be checked, with particular attention given to any containers that are empty or with an open-top/sides, as these represent easily accessible areas to plant packages.
9. Keeping areas, such as accommodation and deck stores, locked in port.
10. Maintaining illumination of deck areas and access points during the hours of darkness and periods of low visibility while conducting ship/port interface activities or at a port facility or anchorage, including where possible, illuminating the ship's side.
11. Cargo destined to be loaded on board, including vehicles, should be searched to the extent possible, the latter ideally in liaison with the port facility. The use of sniffer dogs, if available, might be considered as a useful means of enhancing such searches.
12. Consider the installation of metal gratings above any accessible openings to the rudder spaces, as well as conducting a thorough search of any such areas prior to departure

If any suspicious package or items are found on board, the Members' shoreside office shall immediately be contacted in order to activate the contingency plan that should already be in place. This should include ensuring that all relevant parties, including the Association, are promptly contacted so that the Master can be provided with further advice to assist him to deal with the situation.

ALTHOUGH PHOTOS AND/OR VIDEOS OF SUSPICIOUS PACKAGES CAN BE TAKEN TO DEMONSTRATE HOW AND WHERE THEY WERE FOUND, CARE SHOULD BE TAKEN BY CREW MEMBERS NOT TO TOUCH OR TAMPER WITH ANY SUCH PACKAGES IN ORDER TO AVOID ANY SUBSEQUENT ACCUSATION OF BEING INVOLVED IN THE ACTIVITY. THE LOCATION SHOULD BE CORDONED OFF AND GUARDED UNTIL THE ARRIVAL OF THE AUTHORITIES, WHO SHOULD ALWAYS BE CO-OPERATED WITH FULLY.

Lastly, it is important for crew members to always remember to prioritise personal safety. Due to the nature of their activity, smugglers may be dangerous and armed. It is advisable to, as far as possible, avoid direct contact with any smugglers, leaving this to the authorities.

FOR FURTHER INFORMATION

If you have any questions or would like further advice on how to mitigate the risk of drug smuggling, then please feel free to contact the Britannia Loss Prevention team at: lossprevention@tindallriley.com.

DISCLAIMER

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