



### **CLUB CIRCULAR – 4 JULY 2006**

#### **DRUG SMUGGLING IN THE CARIBBEAN**

**We wish to draw the Club's and Members' attention to a recent increase in reported cases of drug smuggling in the Caribbean by attaching containers to the outside of vessels.**

The most common occurrence has been that the container holding the drugs is found attached to the vessel's bowthruster. In every such case investigated by this office the Master has reported that he was aware that the bowthruster was not operating correctly, but that the cause of this had not been investigated prior to the finding of the container by the authorities.

Whereas to date the authorities have tended to adopt a relaxed approach as regards the involvement of the carrying vessel, there is increasing public pressure for action to be taken. It is inevitable that sooner or later a prosecution will take place. The Club and its Members should be aware that anti-drug legislation in much of the region is based on strict liability for the importer of drugs. There is a risk of detention or impounding of the vessel, substantial fines, and imprisonment of the Master, varying in detail between the various regional jurisdictions. An element in any prosecution could be the Master's knowledge of operational problems with the bowthruster which have not been investigated, or reported to the authorities, in spite of information that a regular cause of malfunction is the securing of a container of drugs to the bowthruster. The position is likely to be compounded in cases where the same vessel, or vessels in the same fleet, have been affected on more than one occasion.

Further, in a recent incident of this nature, the Master was taken to the police station without formal caution. Following an indication from the police that once the Master had answered their questions he would be allowed to return to his ship, the Master provided information and signed a written statement without prior legal advice or representation. However the Master was detained for a further eight hours while the authorities considered whether to proceed with a prosecution, and was only released following intervention from this office.



Masters should be aware that a decision whether to prosecute in such cases will often be taken at a higher level than that of the detaining officers. Under those circumstances representations by those officers as to the prospective treatment of the Master are not conclusive. Prosecution is dependant on the facts of the incident and not the Master's readiness to co-operate with the authorities. While Masters should not be seen as refusing to co-operate with the authorities, it is recommended that Masters should be warned not to answer questions or sign any form of statement without at least first contacting the local P&I Club correspondent, and probably seeking legal representation. The authorities would expect a professional ship's captain to proceed in this manner.

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