

## Bulletin 476 - 07/06 - Drug Smuggling - Caribbean

**The Club has been alerted to an increase in the number of drug smuggling incidents in the Caribbean where parcels of drugs are being secured to the underside of the ship.**

In the most recent occurrences drugs have been found attached to the bowthrusters of ships. In every such case investigated by the Club's correspondent, 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 drugs being found by local authorities.

To date the authorities have tended to adopt a relaxed approach toward affected ships but there is increasing public pressure for action to be taken. It is inevitable that sooner or later a prosecution will take place.

Members should be aware that anti-drug legislation in much of the region is based on strict liability toward the importer of drugs. There is a risk of detention or impounding of the ship, substantial fines, and imprisonment of the master. 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. The position is likely to be compounded in cases where the same ships have been affected on more than one occasion or ships within an affected fleet.

In a recent incident 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 the Club's correspondent.

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 be warned not to answer questions or sign any form of statement without contacting the Club for advice and legal representation.



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