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Colombia Drug Smuggling

REPORT 2023



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Cocaine Production in Colombia.

Unfortunately, Colombia continues to be the largest producer of coca bushes in the world, accounting for an estimated 61% of global production. According to the United Nations Office on Drugs and Crime (UNODC), despite a relevant 9% decrease in productive areas under coca bush cultivation three years ago, Colombian coca crops hit historic levels in 2021, reversing a three-year trend.

As reported by the Ministry of Defense, Colombian authorities broke their historical record of cocaine seizures for the second consecutive year, with 671 tons confiscated. Additionally, it was reported that in 2022, a total of 87.3 tons of cocaine base paste and 484 tons of marijuana were confiscated in the country.

Furthermore, the UNODC has advised that cocaine trafficking is increasingly being carried out by sea, covering wider geographic routes. Almost 90% of the quantities of cocaine seized over the last analyzed year are related to maritime trafficking modalities.



New drug smuggling concerns from local authorities.

Our company holds regular meetings every year with the highest maritime authority ("DIMAR") and other relevant entities to discuss new modalities of drug smuggling, top concerns for local authorities, and new recommended preventive measures that shipowners should adopt in Colombia to protect their interests and prevent these risks.

This year, we have identified the following main new concerns that we highly recommend ship-owners keep in mind, in addition to the other recommendations and advice included in this report:

- It is crucial that all crew members know and understand the Ship Security Plan (SSP) and fulfill their responsibilities and procedures, regardless of whether external security guards are hired to strengthen the ship's security schemes at Colombian terminals.
- The Ships' Sea Security Alert Systems ("SSAS") of all ships calling at a Colombian port should include the addresses of the respective Port State Control Stations to transmit timely alerts of any potential security breach.
- It is suspected that many security incidents are not being reported promptly to local authorities. Every security incident in Colombian jurisdictional waters must be reported, with the assistance of local agents, through the maritime authority's web system ("SITMAR").
- Special attention should be paid to ships when pilots are boarding or disembarking at anchorage areas, as this has been identified as a critical moment when small boats and speedboats may approach the ship to contaminate it with drugs.



Most common strategies/methods currently used by drug traffickers.



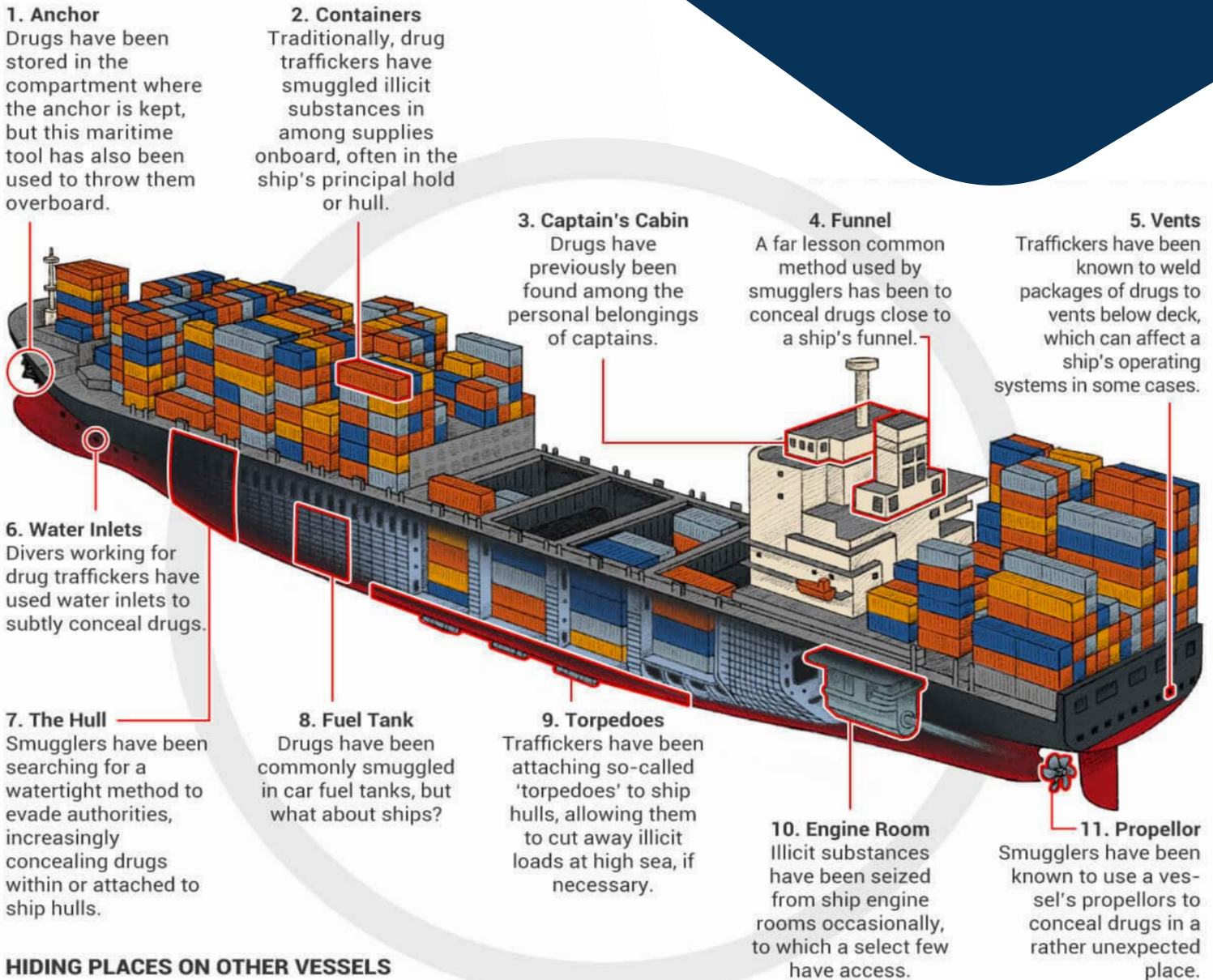
Colombian drug traffickers develop every day new complex trafficking patterns to use commercial vessels and their crews to transit illicit substances, especially cocaine, worldwide. Even though Colombian shipping terminals comply with ISPS standards and the Navy and local authorities have implemented several controls to avoid and prevent drug smuggling, drug traffickers have developed creative ways to hide illegal drugs inside and outside the vessels calling at Colombian Ports.

The most common strategies/methods currently used locally by drug traffickers include:



Introducing bags filled with drugs in the sea chests and/or attaching them to the vessel's hull, rudders, anchors, propeller, vents, or water inlets; using divers while the vessel is berthed or at anchorage. See image next page.

Hide and Seek: Drug Traffickers get creative at sea



HIDING PLACES ON OTHER VESSELS



-  **12. Store Room**
A ship's sail store room is out of bounds for most, but traffickers have found a way to use it to their advantage.
-  **13. Fishing Nets**
Fishing Nets have been used to bring drugs aboard ahead of departure.

Image source: InSight-Crime Investigations 2021

- B** Hiding relatively small amounts of drugs in certain remote locations onboard (e.g. cabins, funnels, decks, store room or engine room) with collaboration of stevedores or even crew members. In some cases, visitors (with or without collaboration of the crew) board the vessel and quickly hide these packages in certain remote locations.
- C** Placing illegal substances within sealed containers before loading. One of the most common methods currently used by drug traffickers all around the world is to break into containers and hide drugs within the cargo, replacing then the security seals (usually this method involves certain level of collaboration from the terminal operators and/or the cargo agents). Most targeted containers are reefers.
- D** Burying packages with drugs within bulk cargoes. This method allows high quantities of illegal substances to be moved at any time, usually within the stow.

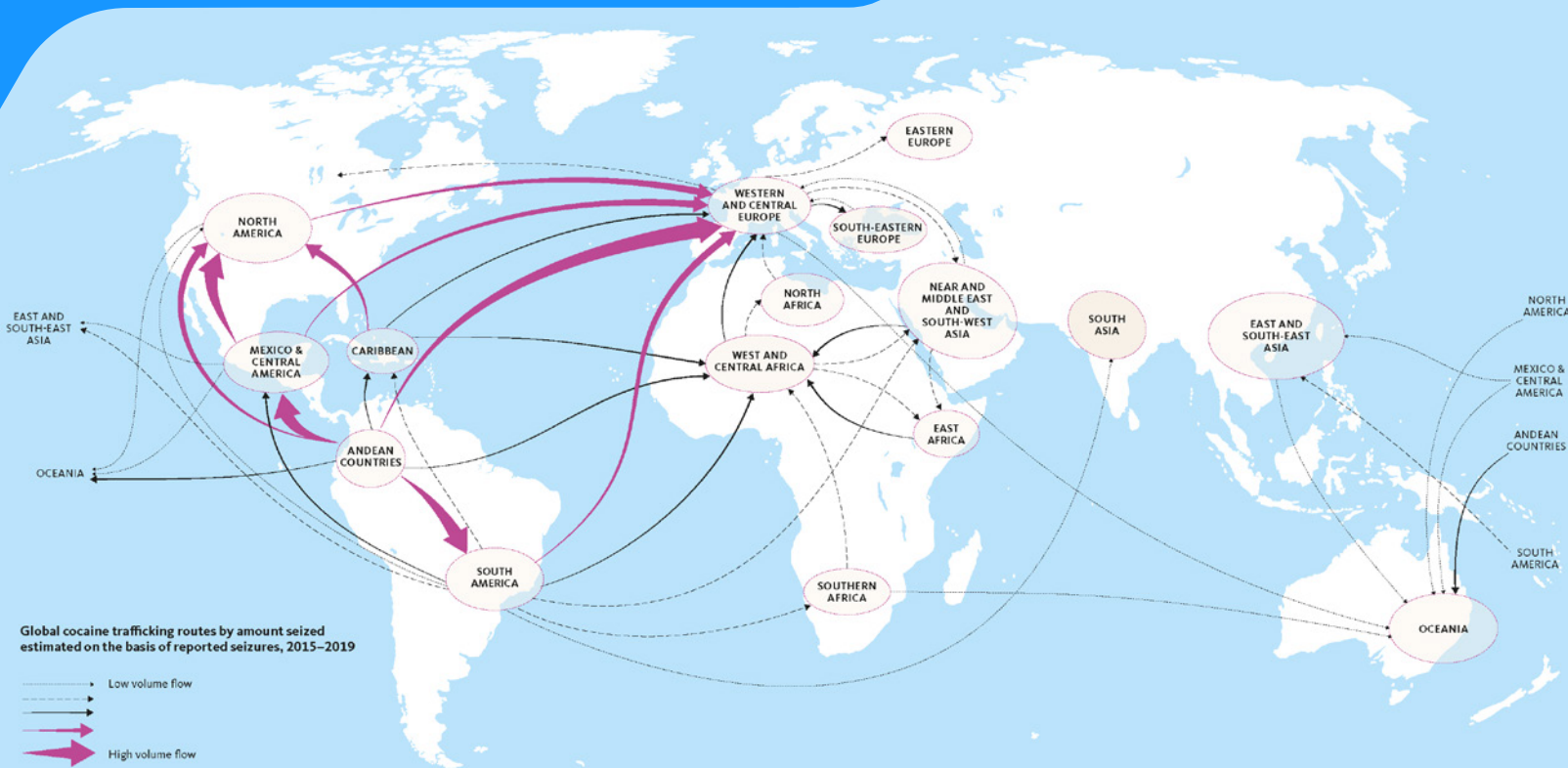




Trafficking routes from colombian ports.

Unfortunately, Colombia continues to be the primary cocaine trafficking producer to North America and Europe. For instance, it is estimated that Colombia is the source of approximately 90% of the cocaine seized in the United States, most of which is shipped via the Eastern Pacific Routes (74%).

Main cocaine trafficking flows 2015-2020



Sources: UNODC elaboration.
 The size of the route is based on the total amount seized on that route, according to the information on trafficking routes provided by Member States in the annual report questionnaire, individual drug seizures and other official documents, over the 2015–2019 period. The routes are determined on the basis of reported country of departure/ transit and destination in these sources. As such, they need to be considered as broadly indicative of existing trafficking routes while several secondary routes may not be reflected. Route arrows represent the direction of trafficking; origins of the arrows indicate either the area of departure or the one of last provenance, and points of arrival indicate either the area of consumption or the one of next destination of trafficking. Therefore, the trafficking origin may not reflect the country in which the substance was produced. Please see the Methodology section of this document.
 The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.




According to the information provided by Belgian authorities, most of the cocaine shipped to Antwerp, Europe’s second largest container terminal which is catalogued as a prominent entry point for illicit drugs shipped to Europe, comes from Colombia usually via the port of Guayaquil in Ecuador.

Preventive Measures





Vessels calling to Colombian ports should take actions to reduce the risks of drugs being placed in any manner in/on the vessel. To fully protect Member’s interests concerning drug smuggling at Colombian ports, we recommend the following advice and preventive measures:



1 Current situation and specific risks at Colombian Ports

-  Colombian ports present some risks in terms of drug trafficking and, although there are law enforcement authorities in all the ports, we would like to suggest the preventive measures discussed in point below.
-  Drug inspections performed by the Colombian navy are mandatory at the following ports: Puerto Drummond, Puerto Nuevo, Puerto Bolívar, Puerto Brisa and all Ecopetrol Terminals. In these places, it is advisable that a surveyor monitors the inspection, coordinates with the different involved parties and reviews the respective report.
-  In the rest of Colombian ports, underwater inspections are not mandatory, but advisable due to drug smuggling risks. Normally, said inspections can be undertaken by the navy or by private diving companies.






2 Recommended measures before entry

-  The crew going ashore should be informed that it is common practice in Colombia that drug traffickers may seek to be friendly just 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.
-  The owners and operators of vessels trading in Colombia must ensure that the Ship’s Security Plan (SSP) is regularly reviewed and updated.
-  The ship’s agent must provide the Master with the relevant updated data related to the Colombian Port. The Master should demand prompt delivery of this data from the ship’s 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.





3 While in port or at anchor

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 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.
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 Although Colombia's terminals comply 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 to facilitate visual monitoring of activities. Any suspicious activities conducted by third parties on the vessel should be reported to the Master. Attention should be paid to any boats approaching the vessel and any suspicious activity in the vicinity of the ship which may warrant further investigation. The use of a searchlight during nighttime should be considered.
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 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). Even guards going on board should be body searched (and their belongings).
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 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 trusted providers. 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.
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 Even detailed searches prior to departure can sometimes be inadequate due to the inaccessibility of some areas of the vessel. Sometimes, the best defences are physical barriers on the inside and outside that limit entry.



The crew should perform regular shipboard inspections throughout the duration of the port call

- Secure and lock areas such as accommodations and deck stores and strictly monitor the activities of stevedores, contractors, and other visitors. Stevedores and other shore personnel should be kept away from crew quarters and non-working cargo holds, and these spaces should remain closed.
- The shoreside gangway ladder should be kept well-guarded. The seaside ladder should also be stowed, secured, and surveilled.
- It would be important to include in the Gangway Logbook (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).
- The crew must inform the Ship Security Officer or Master if they are unsure whether a person has a legitimate reason to be on board and deny access to those who refuse or are unable to establish their identity and purpose of visit.
- Extra crew members (or extra private guards) should be tasked to keep watch on persons loitering on deck or elsewhere on board and, if possible, try to avoid leaving outsiders (stevedores etc) wandering alone on board.
- Sealing of cargo holds should be arranged by an independent surveyor upon completion of loading of solid bulks.



Actions to be taken if drugs are found onboard.

If drugs are found onboard, the following actions would be highly recommendable:



The P&I insurer, the local P&I correspondent, and the shipowner/manager should be immediately contacted.



Formally inform and provide all the available information 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.

Additionally, it is important to note the strict punishments established under Colombian law for events of drug trafficking:

- Administrative investigation by HM: If the HM decides to open an investigation for breaches to Colombian port security regulations (i.e., ISPS Code), 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 has been a change of all the 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 the shipowner is found guilty of any criminal charges by a court, the vessel could be permanently seized by Colombian authorities.



- The general rule pursuant article 1544 of the Colombian Commercial Code is that shipowners are jointly and severally liable for their vessels' masters' faults, however, this extension of liability would not be applicable in relation to criminal charges.

For a shipowner to be found guilty in a criminal proceeding, it would have to be proven that he determined the commission of the crime (i.e., convincing the ship's crew to carry drugs), or that his operation was directly aimed to the commission of the crime, either independently or in collaboration with other criminal organizations.



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.



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