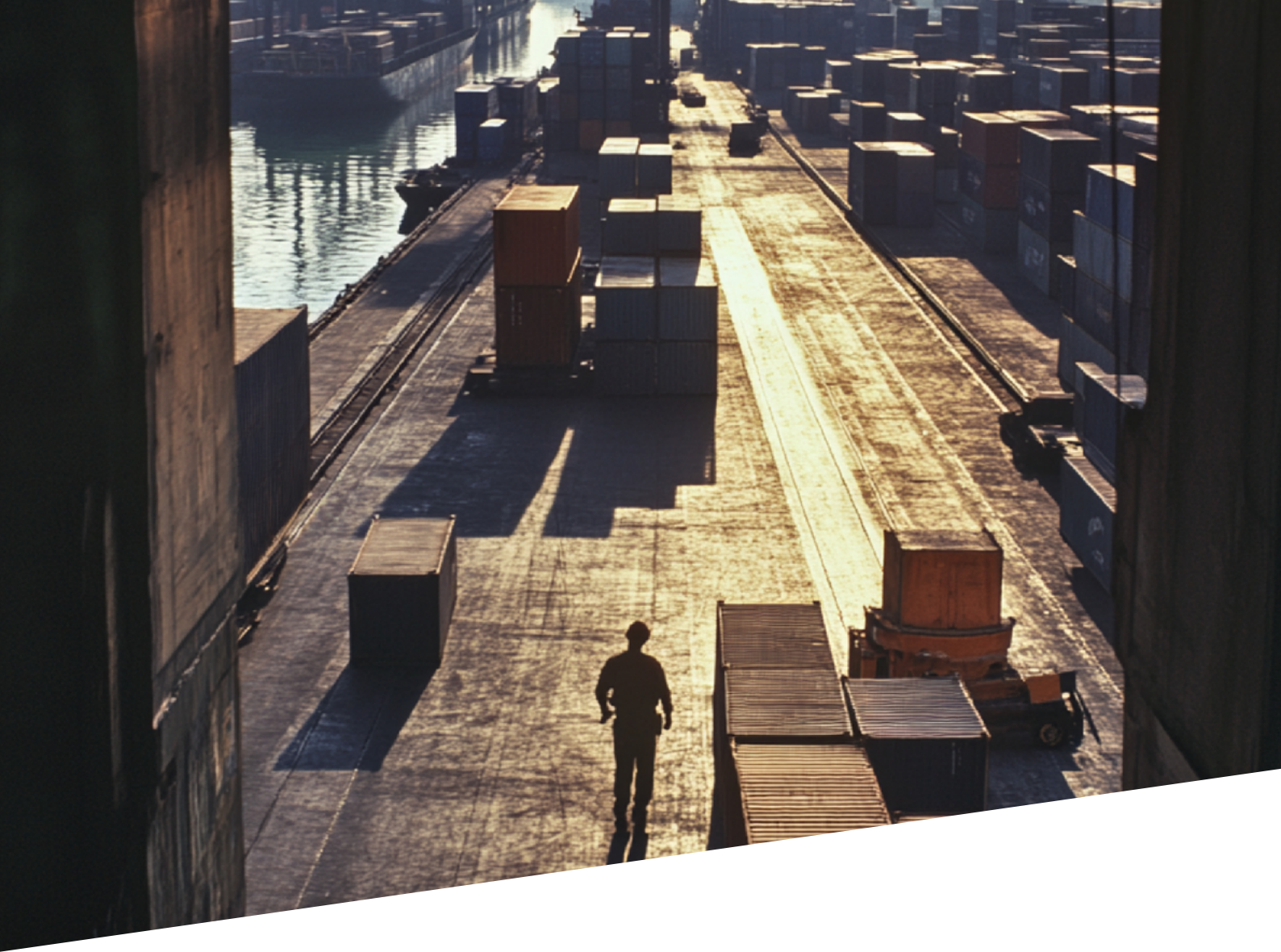




Anti-Narcotic Smuggling in Brazilian Ports



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Brazilian ports, due to the country's strategic location and extensive coastline, are prime targets for narcotics smuggling, particularly cocaine, destined for Europe and other global markets.¹

Most drugs have been intercepted at the Ports of Paranaguá (Paraná State), Santos (São Paulo State), and Itaguaí (Rio de Janeiro State). In Santos, over 7 tonnes were seized, hidden in containers and general cargo in 2023.²

In Brazil, authorities have identified several methods used to conceal drugs on board different types of vessels. Common techniques include hiding drugs in legitimate shipping containers, concealing them in hidden compartments within the ship's hull or ballast tanks, and mixing them with bulk cargo such as grains or sugar. Drugs are also attached externally to the hull, often near the rudder or propellers, requiring divers for placement and retrieval. Additionally, traffickers use falsified container seals, forged documentation, or small auxiliary boats to transfer drugs offshore. Personal belongings of crew or passengers are another avenue.

The Brazilian authorities (Federal Police, Federal Revenue, Brazilian Navy, Public Prosecution Office, among other authorities), port administrations and the shipping community have been deeply engaged in taking action to combat narcotic trafficking. Advanced technologies, such as scanners,

sniffer dogs, drones, and underwater inspections, to combat these practices have been largely used.³ The discovery of drugs on board can lead to legal disputes and administrative investigations. Ships may face detention and inspection by authorities during investigations, and crewmembers, including the master and officers, may be heard by local authorities, arrested, or even have their belongings confiscated.⁴

Contractual liabilities for carrying illicit drugs are typically outlined in the charter party through anti-drug clauses. If these clauses are absent, disputes may arise, though shipowners generally accept responsibility if the master, officers, or crew are involved. If drugs are loaded with cargo or containers, the charterer is typically held liable.⁵

According to Brazil's Anti-Drug Law (Law No. 11.343/2006), criminal penalties for drug trafficking range from five to fifteen years in prison, along with a fine of BRL 500 to BRL 1,500 daily fine. If the trafficking involves interstate or transnational operations, the penalty may be increased by one-third to two-thirds. The law also provides that vessels used for this purpose may be subject to seizure if it is proven that they were engaged in the transport of drugs.

To help mitigating these risks, we have summarized below specific guidelines provided by the Brazilian Navy, Federal Police, and Ministry of Justice.

¹Drug Smuggling in Brazilian Ports 2023 - Brazil May Have New Routes for International Drug Trafficking; Risk Watch February 2024.

²Apreensões de cocaína despencam no Porto de Santos em 2023 e 2024 | Folha Destra

³Receita Federal e Marinha do Brasil realizam operação conjunta de combate ao tráfico de drogas — Receita Federal.; PF apreende 785 quilos de cocaína que seriam escondidas em cascos de navios e enviadas à Europa | Jornal Nacional | G1.; A rota marítima do tráfico de cocaína do Brasil à Europa; Uol: PF busca mergulhadores que inseriam drogas em compartimentos submersos de navios.

⁴Drug Smuggling in Brazilian Ports 2023 - Brazil May Have New Routes for International Drug Trafficking; Risk Watch February 2024; UNODC, UNDP and MJSP launch study on illicit drug market in Brazil; UNODC Brazil promotes training to improve the response to illegal timber trafficking in the port context.

⁵U.S. Anti-Drug Abuse Act 1986 Clause for Time Charter Parties 2013; Drug Smuggling in Commercial Shipping; Charter Party Agreements - International Maritime Group, PLLC

How to prevent narcotics smuggling?

General Security Measures

Keep an Updated Security Plan

Regularly revise the Ship's Security Plan (SSP) to address emerging risks and prevent the boarding or concealment of unmanifested drugs.

Crew Training

Train crewmembers to ensure they understand the risks, detection methods, and preventive protocols.

Treat the Main Ports as Potential Risk Areas

Operate under the assumption that the main Brazilian ports present a potential risk of drug contamination.

Surveillance and Monitoring

Permanent Monitoring of Deck and Access

Conduct regular patrols of the deck and access areas, keeping a vigilant lookout for unusual activity.

Install and Maintain Surveillance Systems:

Use camera monitoring systems to monitor critical areas such as gangways, cargo holds, and access points.

Enhanced Lighting

Illuminate decks, access points, and ship's overside during darkness to prevent unauthorized activities.

Access Control

Secure Sensitive Areas

Lock accommodations, deck stores, and non-operational holds, restricting access to authorized personnel only.

Monitor Visitors and Contractors:

Maintain strict oversight of stevedores, contractors, and other visitors. Randomly check bags and ensure all activities are logged.

Cargo and Vessel Inspections

Thorough Cargo Checks

Inspect breakbulk items, vehicles, containers, and seals. Capture photographs of bulk cargo after loading to ensure no objects are added.

Pre-Sailing Searches

Conduct a complete search of the vessel and cargo before departure to detect and remove suspicious packages.

Underwater Inspections

Arrange underwater checks when there is suspicion of illicit material attached to the hull.



Vigilance Over Waterborne Threats

Monitor Nearby Crafts

Keep an eye on small boats, service barges, and divers near the vessel. Use floodlights to illuminate suspicious underwater activity.

Secure Gangway Ladders

Guard the shoreside gangway ladder and ensure the seaside ladder is stowed securely when not in use.

Use of Independent Services

Surveyor Inspections

Employ independent surveyors to seal and unseal cargo holds, ensuring integrity throughout the journey.

Cautious Use of Private Security

If engaging private security services, ensure accreditation by relevant authorities to prevent misinterpretation of intentions.

How to proceed in case of drug discovery while your ship is in a Brazilian Port?



Reporting

Promptly report any suspicious activities or findings to authorities, agents, and P&I Clubs to enable legal assistance.



Emergency Response Protocols

In case of intrusion or suspicious activity, activate alarms to alert the crewmembers, authorities, and nearby vessels, and maintain communication through established channels to report incidents promptly.



Cooperate with Authorities and Follow Safety Guidelines

Work closely with the Federal Police, Federal Revenue, and other agencies during investigations, while adhering to maritime safety recommendations from Brazilian authorities and lawyers to enhance onboard security.

Final Note: The information provided herein is general and may not address all specific circumstances. For accurate guidance, please consult with a specialist for a case-by-case analysis. Our team is available 24/7 to assist with inquiries and provide support and legal assistance.

