



Shipborne drug trafficking in Brazil

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Practical Guidance

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Foreword

The global rise in the consumption and widespread availability of cocaine and other drugs over the past decade poses a significant threat to health and safety and an overwhelming challenge to law enforcement communities around the world.

To varying degrees, the problem affects the entire world, whether as a region of source, transit or destination of drugs. It has adverse effects on people's health, overburdens public healthcare and welfare systems, and leads to an increase in convergent crimes, intimidation, corruption, and, ultimately, violence and murders, markedly in producing and transit countries. In poorer regions, drug abuse and trafficking further undermine already struggling political, cultural and socioeconomic structures.

As shipborne drug trafficking intensifies, with no sign that illegal drug markets will saturate any time soon, it increasingly affects international maritime trade, threatening the safe operation of ships and the well-being of seafarers, who may face prosecution and have to prove their innocence in often unfriendly foreign jurisdictions, some of which have harsh punishments like the death penalty for drug-related crimes.

Brazil is a strategic drug transshipment hub, offering extensive road infrastructure and vast networks of airports and ports that connect the country to the rest of the world. Unfortunately, powerful criminal groups have taken control of the profitable drug trade in many of the country's ports, the Amazon region, and along the borders with the leading producers, Colombia, Bolivia and Peru, as well as with Paraguay, a significant transit country for drug smuggling.

In the wake of COVID-19, criminal organisations have come up with innovative ways to continue shipping growing amounts of drugs, notably cocaine. They use intricate and less conspicuous techniques and routes, enlisting skilled professionals on demand. These methods have been developed from the lessons learned during the pandemic.

While parcels hidden within containers are still the preferred method of maritime drug trafficking, there has been a surge in the number of cargo vessels unwittingly employed to conceal drugs, especially bulkers and containerhips.

This publication consolidates previously published materials on drug trafficking prevention. It features the latest statistics on drug seizures, local developments, and trends. Drawing on practical experience assisting carriers and liability insurers, it provides guidance on the regulatory framework and recommendations to help commercial ships take steps to avoid drug contamination and criminal prosecution of innocent seafarers, which could ultimately result in reputational, commercial, and financial losses for the ship owners and operators.

REPRESENTAÇÕES PROINDE LTDA.

April 2024

1. The drug problem

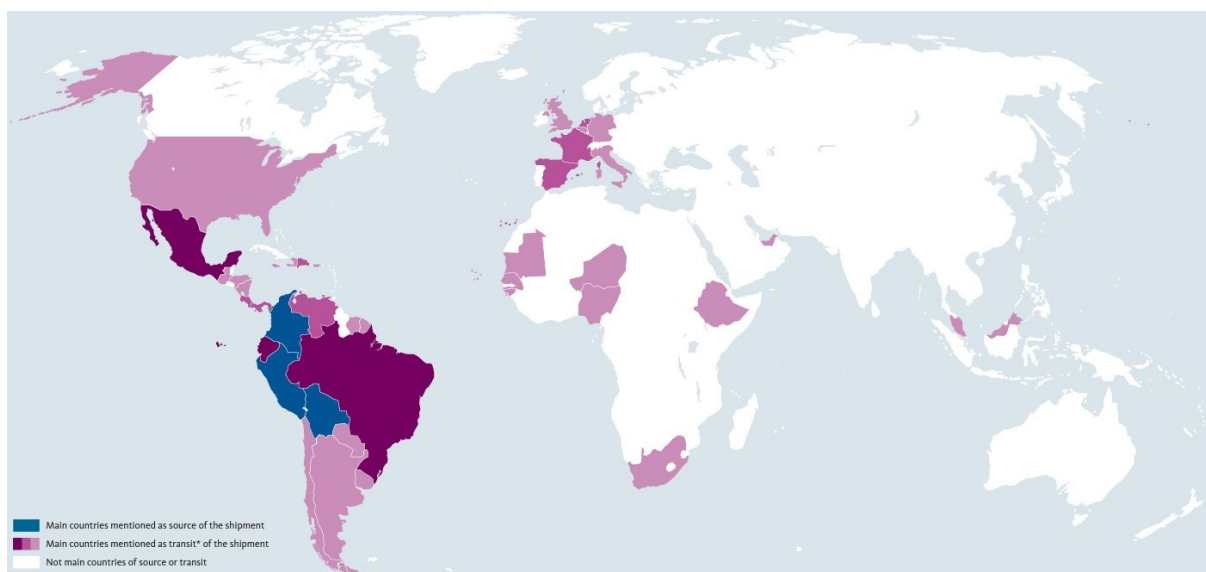
1.1. Increased drug use

In its latest reports¹, the United Nations Office on Drugs and Crimes (UNODC) points to a steady rise in the world's consumption of illicit substances (cocaine, cannabis, opiates, and synthetic drugs in general) by over 30% in the past decade. Global demand for these substances remains high, and the drug supply chain responds swiftly, enhancing productivity and expanding distribution channels around the world.

Drug use remains prevalent in North America (primarily the United States), Western and Central Europe (including Spain, the Netherlands and the United Kingdom), and Oceania (chiefly Australia). Notable growths in demand have been detected in Asian and African countries, and interceptions by law enforcement authorities are also on the rise worldwide, indicating increased drug availability.

1.2. Brazil as a cocaine trade hub

Cocaine is the second most commonly used and trafficked illicit drug after cannabis. The drug trade is an unfortunate element intrinsically associated with Latin America. Colombia is the world's top producer and supplier of this popular stimulant drug, followed by Bolivia and Peru. At the same time, Brazil is the second-largest consumer market, behind the United States, and plays a significant role as a strategic hub to sustain international drug trafficking.



Picture 1: main countries identified as source and transit of cocaine shipments. Source: UN/UNODC

Although the continental-sized country does not grow raw coca plants and is not a significant producer of this narcotic substance, it features well-developed road infrastructure, seaports and airports to outflow illegal substances. To the north and west, Brazil shares extensive, largely unguarded borders in the Amazon along the three largest cocaine-producing countries. To the south, it borders landlocked Paraguay, another critical drug transit country in South America.

Cocaine is smuggled into Brazil from the Andean producers in the form of raw base paste extracted from coca leaves or processed cocaine hydrochloride. It arrives by land in cars, trucks and buses, by river in small boats and barges down the Amazon waterways, and by air through clandestine flights on small planes and drug couriers on commercial flights. Pictures 1 & 2

¹ "World Drug Report 2023" (United Nations Office on Drugs and Crime publication, 2023)

Drugs are also intensely smuggled on the so-called Southern Cone route through Paraguay down the Paraná-Paraguay waterway, as well as across air and land borders with Brazil.

A portion of the cocaine shipments that arrive in Brazil remain in the country to supply the substantial domestic market, while another portion is further trafficked to foreign markets. The drug is transported abroad either on a piecemeal basis using couriers or “drug mules” or, in larger parcels, inside shipping containers or directly onto merchant ships.



Picture 2: cocaine and cannabis trafficking routes and the number of route mentions. Source: UN/UNODC

While cocaine producers themselves supply most of the North American and Asian markets, Brazilian ports in the Amazon and along the East Coast and its vast airport network that connects the country to every continent constitute strategic and convenient points for transshipping large volumes of illegal drugs to destinations in Europe, Africa and, more recently, Asia and Oceania. Pictures 1 to 3

1.3. Drug trafficking violence

1.3.1. Escalating crimes

Despite progressive socioeconomic improvements for the past three decades, Brazil is still a violent country, featuring one of the highest intentional homicide rates in the world, primarily associated with the drug trade and drug-related crimes².

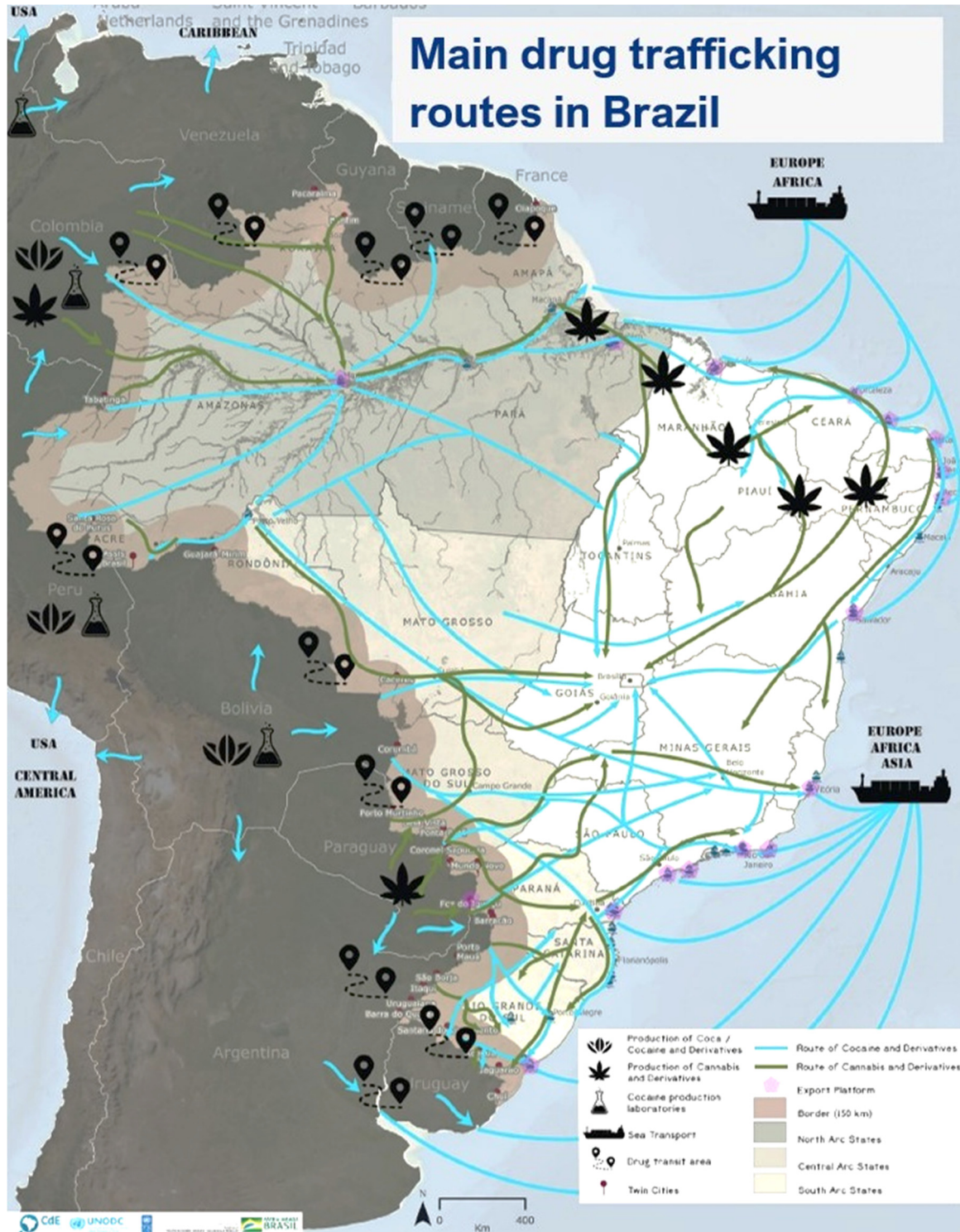
In large Brazilian cities like São Paulo and Rio de Janeiro, with an alarmingly increasing frequency, crossfire between law enforcement forces and gang members – or between rival criminal groups – takes thousands on both sides of the conflict and often claims innocent lives with stray bullets. Indeed, conflicts between criminal groups over drug entry and distribution points in large urban centres are also a significant source of violent crimes in Brazil³.

² “The Global Study on Homicide 2023” (United Nations Office on Drugs and Crime publication, 2024)

³ “UNODC Global Report on Cocaine 2023 – Local Dynamics, Global Challenges” (United Nations Office on Drugs and Crime publication, 2023); “Global Organized Crime Index - Brazil” (Global Initiative Against Transnational Organized Crime publication, 2023)

1.3.2. Intersection with other crimes

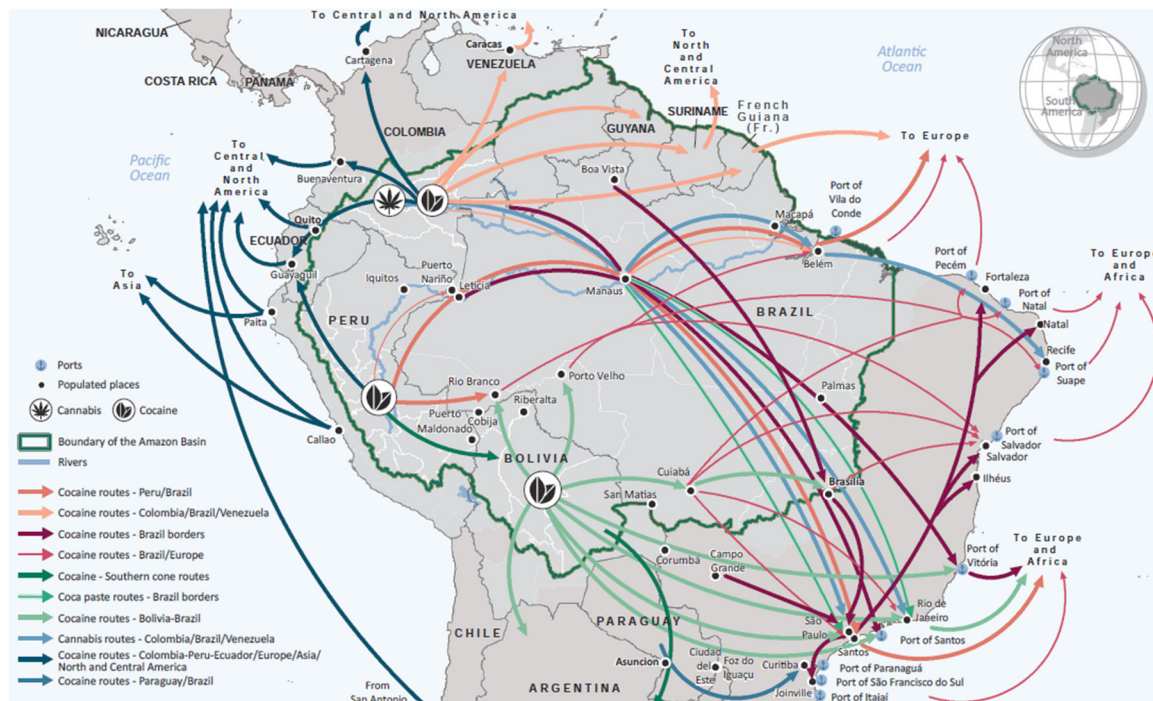
Sophisticated and agile drug trafficking networks continue expanding and developing their methods, shipping record-breaking quantities of illegal drugs to established and new consumer markets, generating formidable profits for the cartels and gangs that control and cooperate in international drug smuggling.



Picture 3: main drug trafficking routes in Brazil. Source: UN/UNODC/CdE

Invariably, this complex criminal activity often converges with other offences, such as corruption, extortion, and money laundering, besides violence and crimes against life.

Drug trafficking organisations have infiltrated multiple illegal activities, not only in urban areas in southern Brazil but also in the Amazon region, which is neighbour to the three Andean cocaine-producing countries and lies at intersections where, due to the limited presence of the State, numerous forms of crimes are widespread, particularly along the triple borders (Brazil-Colombia-Peru and Brazil-Peru-Bolivia). **Picture 4**



Picture 4: selected drug trafficking routes in the Amazon Basin. Source: UN/UNODC/CdE

Apart from crimes against human dignity and life, notably sexual exploitation and human smuggling, drug trafficking in the Amazon exacerbates other criminal activities in the region. These include armed robberies in the inland waterways, land-grabbing, illegal logging, illegal mining, and trafficking in people, wildlife, precious metals, and minerals. Beyond environmental damage, these crimes lead to an escalation of drug-related violence, posing a threat to the security, health and well-being of the socially vulnerable and impoverished riverside communities and indigenous peoples⁴.

1.3.3. Rise of organised crime groups

International cocaine trafficking through Brazil has become more consolidated over the last few decades. It has led to crime syndicates operating in the retail drug market taking a keen interest in this lucrative unlawful business, which yields high profits at relatively low costs and risks for narco-traffickers.

The *Primeiro Comando da Capital* – PCC (First Capital Command) stands out among Brazilian organised crime groups. Fostered in the harsh prison system of São Paulo from the 1990s onwards, PCC evolved from a collective group that sought to fight against prisoner abuse and improve the environment of the penitentiary system into a full-fledged crime syndicate. Today, it is Brazil's mightiest and most feared criminal outfit, made up of thousands of members, allies and connections with criminal rings in Latin America and beyond⁵.

⁴ "World Drug Report 2023: the Nexus Between Drugs and Crimes that Affect the Environment and Convergent Crime in the Amazon Basin" (United Nations Office on Drugs and Crime publication, 2023)

⁵ "Atlantic Connections: the PCC and the Brazil-West Africa Cocaine Trade" (Global Initiative Against Transnational Organized Crime publication, 2023); "World Drug Report 2023" (United Nations Office on Drugs and Crime publication, 2023)

PCC has managed to infiltrate all levels of civil, business and political society and sustains a global presence fueled by the drug trade and strategic alliances with other prominent criminal enterprises. The São Paulo-based group is the only Brazilian crime syndicate that has made it to the US Department of the Treasury's sanctions list as an entity engaged in global illicit drug trafficking⁶. It reportedly controls most of the country's maritime drug smuggling routes.

The *Comando Vermelho* – CV (Red Command), a noteworthy rival organised crime group, emerged from the prison system and favelas of Rio de Janeiro in the 1980s and is also involved in substantial drug smuggling and related crimes, albeit seemingly on a smaller scale than the PCC.

Several smaller criminal groups, often specialised in maritime transport and logistics, also operate in international drug trafficking either independently or in collaboration with other gangs.

⁶ In October 2021, the First Capital Command (PCC) entered the Specially Designated Nationals and Blocked Persons list (SDN list), administered by the US Department of the Treasury's Office of Foreign Assets Control (OFAC). As of April 2024, the entity remained on the SDN list

2. Legal framework

2.1. International treaties

Brazil has ratified and is bound by all three key conventions on drug regulation adopted by the United Nations. The conventions seek to codify international control measures to ban the production, transport and supply of narcotics and psychotropic substances other than for medical or scientific purposes. They also aim to prevent unlawful diversion and impose administrative and criminal sanctions for drug-related offences⁷.

The principles outlined in the UN conventions are enshrined in the Brazilian Federal Constitution and the domestic regulatory framework for controlling narcotic drugs, psychotropics, and chemical precursors, as well as enforcing laws and public policies on preventing drug abuse and trafficking and rehabilitating drug dependents.



Brazil maintains bilateral drug control and law enforcement agreements with the United States and all South American countries. It has established partnerships and cooperates with several international organisations, including the UN Office on Drugs and Crimes (UNODC), the Organization of American States Inter-American Drug Abuse Control Commission (OAS-CICAD), and the International Criminal Police Organisation (Interpol). The country participates in the CRIMJUST program, which aims to disrupt organised crime networks along drug smuggling routes in Latin America.

As a member state of the International Maritime Organisation (IMO), Brazil adopts various conventions, codes, and regulations from the specialised UN agency, including those addressing port and ship security. **Section 3.5**

2.2. National drug policy

The earliest national statutes on illicit drugs were introduced in the first half of the last century, following the Opium Conventions⁸, the first international treaty on drug control. Since then, domestic policies on controlled drugs have evolved into a complex and intricate set of laws and policies.

2.2.1. Federal Constitution

Brazil's supreme law⁹ establishes that the trafficking of illicit drugs is a heinous crime, not subject to bail, grace or amnesty. It empowers public security forces at the federal and state levels to prevent and repress drug trafficking and smuggling, ensuring due legal process and full defence in the adversarial system for those accused of crimes.

The Constitution allows various forms of penalties for drug-related offences, such as deprivation or restriction of freedom or rights, loss of assets, fines, and social service. However, it does not permit the extradition of native Brazilian citizens¹⁰. **Section 2.4**

⁷ The 1961 UN Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, the 1971 UN Convention on Psychotropic Substances, and the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

⁸ The first International Opium Convention was signed in 1912, and the second International Opium Convention (the International Convention Relating to Dangerous Drugs), signed in 1925

⁹ The Constitution of the Federative Republic of Brazil was promulgated in 1988 and has been regularly amended since then

¹⁰ Art. 5, XLIII & LI, art. 243, sole paragraph of the Federal Constitution exceptionally allows the government to extradite naturalised Brazilians who have committed common crimes before completing the naturalisation process or have been found guilty of illicit drug trafficking at any time

2.2.2. Anti-Drug Law

Prior to 2006, drug smuggling was prosecuted under the Brazilian Criminal Code¹¹, which outlawed the possession, use and trade of illicit drugs. However, the enactment of Law 11,343/2006 marked a significant change. For the first time in federal legislation, the so-called “Anti-Drug Law” distinguished between drug users and drug dealers, offering a specific set of measures to deal with each group. Under the law, drug addicts are provided with therapeutic assistance and rehabilitation, while drug traffickers face criminal sanctions. **Section 2.4.3**

2.2.3. Drug policymaking

Brazil’s National Drug Policy¹² establishes the underlying guidelines and objectives for implementing drug-related legislation based on the principles outlined in the three UN Conventions, the Federal Constitution and the Anti-Drug Law.

In 2023, the federal government restructured the National Council for Drugs Policies (CONAD)¹³ and placed it as the highest body of the National System for Public Policy on Drugs (SISNAD). CONAD is responsible for formulating and enforcing Brazil’s National Drug Policy. The Minister of Justice and Public Security (MJSP) chairs CONAD, which comprises representatives from cabinet-level ministries, federal agencies, and civil society sectors.

The National Secretariat for Drug Policies and Asset Management (SENAD), within the structure of the MJSP, coordinates drug policies within the SISNAD and administers the Anti-Drug Fund (FUNAD)¹⁴. SENAD operates under the guidance and direction of the CONAD.

2.3. Law enforcement agencies

Drug-related crimes at the federal and interstate levels fall under the concurrent jurisdiction of the Federal Police (maritime police), Federal Highway Police, and Federal Railway Police. At the state level, it is up to the Civil Police (judiciary police), the Military Police (law enforcement police) and the Military Fire Department to prevent and repress the use and trafficking of illicit or controlled drugs within the limits of their respective jurisdictions, seeking to maintain public order and security¹⁵. **Chapter 3**

2.4. Drug crimes

2.4.1. Definition of drug

The Anti-Drug Law (Law 11,343/2006) defines a “drug” as a substance capable of causing dependence, as specified by law or listed in the inventory of forbidden substances drawn up and regularly updated by the Ministry of Health through the National Health Surveillance Agency (ANVISA)¹⁶. In simpler terms, a substance is only considered a prohibited or controlled drug if it is explicitly restricted by federal law or listed by ANVISA as such.

Currently, cocaine, its chemical precursors and by-products are forbidden, while ANVISA regulates cannabis products, allowing their use for medical and therapeutic purposes under control¹⁷.

¹¹ Law-Decree 2,848 of 1940, as amended

¹² Decree 9,761 of April 2019

¹³ Decree 11,480 of April 2023 regulates the National Council for Drugs Policies

¹⁴ The Anti-Drug Fund (FUNAD) is a fund made up of proceeds from assets forfeited from drug crimes and other sources regulated by Law 7,560/1986, as amended

¹⁵ Art. 144 of the Federal Constitution

¹⁶ Art. 1, sole paragraph, of Law 11,343/2006, as amended

¹⁷ ANVISA Ordinance 344 of May 1998 is the technical regulation on substances and medicines subject to special control. ANVISA RDC 835 of December 2023 updated the Lists of Narcotic, Psychotropic, Precursor and other Substances under Special Control

2.4.2. Punishment

According to the Anti-Drug Law, it is illegal to import, export, send, produce, manufacture, acquire, sell, offer for sale, transport, bring in, store, prescribe, administer, supply, or deliver illicit drugs, as listed by ANVISA, even if they are free of charge. Additionally, planting, cultivating, harvesting, and exploiting plants and substrates from which drugs can be extracted or produced is prohibited in the country, except when legal permission is obtained from the health or judiciary authorities.

The criminal penalties for drug trafficking range from five to fifteen years in prison, plus a fine, and can be aggravated depending on the circumstances of the offence. In the case of interstate or transnational drug trafficking, the penalty is increased by one-third to two-thirds¹⁸.

2.4.3. Drug abuse and trafficking

In practice, Law 11,343/2006 has decriminalised the possession of illicit drugs for personal use¹⁹. However, it left a grey area when it comes to distinguishing between drug use and drug-related criminal activity under the law, which does not set objective parameters for determining whether a particular amount of drug is for personal use or not. Broad discretion is given to police authorities and prosecution, who would qualify the nature of the accused's conduct based on their interpretation of the circumstances surrounding the drug discovery and other subjective factors.

Critics argue that the statutory gap regarding drug possession violates fundamental rights and can lead to biased interpretations by law enforcement, potentially resulting in discrimination based on race or socioeconomic status and, ultimately, corruption and extortion. The discretion afforded under the law is identified as a factor contributing to an increase in the proportion of prisoners charged with drug-related offences among the already overcrowded Brazilian prison population²⁰. Indeed, a significant number of small-time drug traffickers who are arrested and cannot afford proper defence end up being recruited by organised crime groups while they are still in prison.

2.4.4. Legislative developments

Given the loophole in Law 11,343/2006, the Federal Supreme Court (STF) is currently assessing the compatibility of the drug law, which imposes administrative sanctions for possessing drugs for personal consumption, with the constitutional principles of intimacy and private life²¹. Eventually, STF's upcoming ruling can effectively decriminalise drug possession (in principle, for marijuana only) under certain conditions.

However, the Federal Senate has taken issue with the involvement of the STF in this matter, arguing that it is an attribution of the National Congress to legislate on drug policies. As such, the senators have proposed a constitutional amendment to make the possession of illicit or controlled drugs without authorisation a criminal offence, regardless of the amount possessed. One added-on version of the proposal distinguishes between drug dealers and users, but it does not provide specific criteria to differentiate between the two. This legal gap would, therefore, remain unbridged if the proposed amendment were to pass in its current form²².

¹⁸ Art. 33 & 40 of Law 11,343/2006, as amended. Combined penalties of drug trafficking, trafficking association and criminal organization can lead to 33 years in prison, in addition to payment of a fine

¹⁹ Art. 28 of Law 11,343,2006 provides that anyone who acquires, keeps, stores, transports or brings with them illicit drugs for personal consumption is subject to i) warning about the effects of drugs, ii) provision of services to the community, and iii) attendance to an education program or course

²⁰ According to the statistical data from the Information System of the National Penitentiary Department (SISDEPEN) of the Ministry of Justice and Public Security (MJSP), in 2023, there were 644,316 persons incarcerated, of which 168,021 (26% of all prisoners) convicted of drug trafficking, 25,529 (4%) of association for drug trafficking and 6,181 (1%) of international drug trafficking

²¹ Extraordinary Appeal RE 635659/SP running before the Federal Supreme Court since February 2011

²² Proposal of Constitutional Amendment (PEC) 45 of September 2023. PEC 45/2023 was approved in the first and second rounds by the Senate and will now be considered by the Chamber of Deputies

3. Port security arrangements

3.1. Maritime safety authority

The Navy Commander acts as maritime authority through the Directorate of Ports and Coasts (DPC), headquartered in Rio de Janeiro.

Among other duties, DPC, via port captaincies and agencies throughout Brazilian ports, guides and controls commercial shipping, navigation safety, compliance with international conventions and national standards on ship safety, prevention and control of marine pollution and investigation of maritime casualties. DPC is the national maritime safety authority under the IMO International Ship and Port Facility Security (ISPS) Code²³. **Section 3.5**

3.2. Maritime security authority

Brazil does not have a coast guard, unlike other continental coastal countries. Instead, the Federal Constitution empowers the Department of Federal Police (DPF) of the Ministry of Justice and Public Security (MJSP) with the duties of immigration authority and maritime, airport, and border police. The Federal Police are also tasked with combating illegal drug trafficking at interstate and federal levels, working alongside and without prejudice to the actions of other law enforcement agencies.

To carry out their maritime police duties, the Federal Police have established Special Maritime Police Units (NEPOM, in the Portuguese acronym) in the main Brazilian ports²⁴.



Picture 5: logos of federal port security law enforcement (from left to right): Brazilian Navy (maritime authority), Federal Police (maritime police), Federal Revenue Service (customs authority), and Port Guard (ostensive port security guard)

3.3. Customs authority

The Ministry of Economy’s Special Department of Federal Revenue of Brazil (RFB) is the federal revenue service agency. It oversees federal tax collection and serves as Brazil’s customs authority. Along with other federal law enforcement agencies, it controls contraband, embezzlement, counterfeiting of goods and illicit drug trafficking in ports, airports, borders and customs-bonded spaces.

3.4. Port security guard

The Port Guard (GPort) is a federal civil guard body subordinate to the Ministry of Ports and Airports. It is a security force responsible for patrolling and supervising public ports, including anchorages and berthing areas. GPort is administered by public port authorities and controls access to people, vehicles, and goods in and out of port facilities.

²³ The IMO International Ship and Port Facility Security Code (ISPS Code), 2004, is regulated in Brazil through Federal Decree 6,869 of June 2009

²⁴ The duties of the Federal Police are outlined in Art. 144 of the Federal Constitution and regulated through Federal Police Normative Instruction IN N° 2 of August 1999

3.5. ISPS Code enforcement

As a contracting party to the IMO SOLAS Convention, Brazil is bound to comply with the ship and port security requirements and guidelines under the ISPS Code²⁵.

3.5.1. National Port Security Commission (Conportos)



The National Commission for Public Security in Ports, Terminals, and Waterways (Conportos) manages public security systems and policies in national ports, port facilities and territorial waters. It is Brazil’s port facility security authority under the ISPS Code, comprising representatives from different federal agencies and ministries, including the superintendence of the Federal Police in Brasilia, Customs and the National Waterway Transport Agency (ANTAQ).

Among its functions, Conportos manages and enforces ISPS statutory requirements in Brazil, including inspecting port facilities, approving and revising port facility security plans, issuing statements of compliance, and keeping the ISPS Code database, the Global Integrated Shipping Information System (GISIS), updated²⁶.

Operating under the MJSP structure, this collegiate body monitors security threats and breaches within its domains to report incidents to other authorities concerned with port security. It works in cooperation with state port security commissions.

3.5.2. State Port Security Commission (Cesportos)

At the state level, port security is overseen by the State Commission for Public Security at Ports, Terminals and Waterways (Cesportos), made up of representatives from the Federal Police, customs, port captaincies, ANTAQ, port authorities, and state secretariats of public security. Cesportos is responsible for defining port security levels within its jurisdiction, in coordination with Conportos and the maritime and port authorities, following the instructions and guidelines of the ISPS Code.



3.6. Port security deficiencies

3.6.1. Breach of regulation

Although the ISPS Code has been regulated in Brazil since 2009, many port facilities have not yet had an approved port facility security plan, or the existing plan has not been reviewed or tested after many years since its first approval. This non-compliance is partly due to the poor maintenance and updating of information on ports and port facilities in the ISPS Code database (GISIS). The responsibility for maintaining and updating this information lies with Conportos, which has consistently failed to do so.

3.6.2. Poor performance

In 2020, the Federal Court of Accounts (TCU) initiated an audit to scrutinise the performance of the Federal Police and Conportos. The audit was launched in response to allegations that these federal agencies did not effectively fulfil their duties and functional responsibilities in combating maritime drug trafficking and enhancing public security in Brazilian ports and waterways²⁷.

²⁵ IMO International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

²⁶ The ISPS Code Database is part of the IMO Global Integrated Shipping Information System (GISIS). It contains security information required under SOLAS Regulation XI-2/13 and includes a section that lists ports and port facilities and whether they have approved port facility security plans

²⁷ Proceeding TC 040.799/2020-4 by the *Tribunal de Contas da União* – TCU (Federal Court of Accounts)

The conclusion drawn by TCU was that the maritime police function of the Federal Police's NEPOMs was only partially fulfilled due to the lack of basic infrastructure and resources. They do not have sufficient workforce, equipment, and vehicles to patrol national ports and anchorages effectively. When available, their small fleet of boats (many confiscated from drug traffickers and not designed for maritime patrol) is often ageing, inadequate, and poorly maintained. Most Brazilian ports are not yet equipped with vessel traffic monitoring systems, and integrated CCTV systems are insufficient or non-existent.

The audit court noted that port facilities generally do not fully comply with port security regulations. It found that minimum standards were unmet, including missing risk assessments and port facility security plans, failure to designate security officers, and failure to control unauthorised access to port areas. TCU also pointed out that Conportos has not adequately collected security data on port facilities from state port security commissions (Cesportos) to feed the GISIS database.

In 2021, TCU ordered the Federal Police to draw up an action plan with measures to be adopted to restructure the functioning of the NEPOMs and Conportos to establish a scheduled timeline for all ports and port facilities to comply with the ISPS Code regulations. Despite the ruling, the national port security system has seen no noticeable improvements. Brazil remains a major cocaine transit country, with a rising number of drug smuggling incidents and seizures.

3.6.3. Unbalance of resources

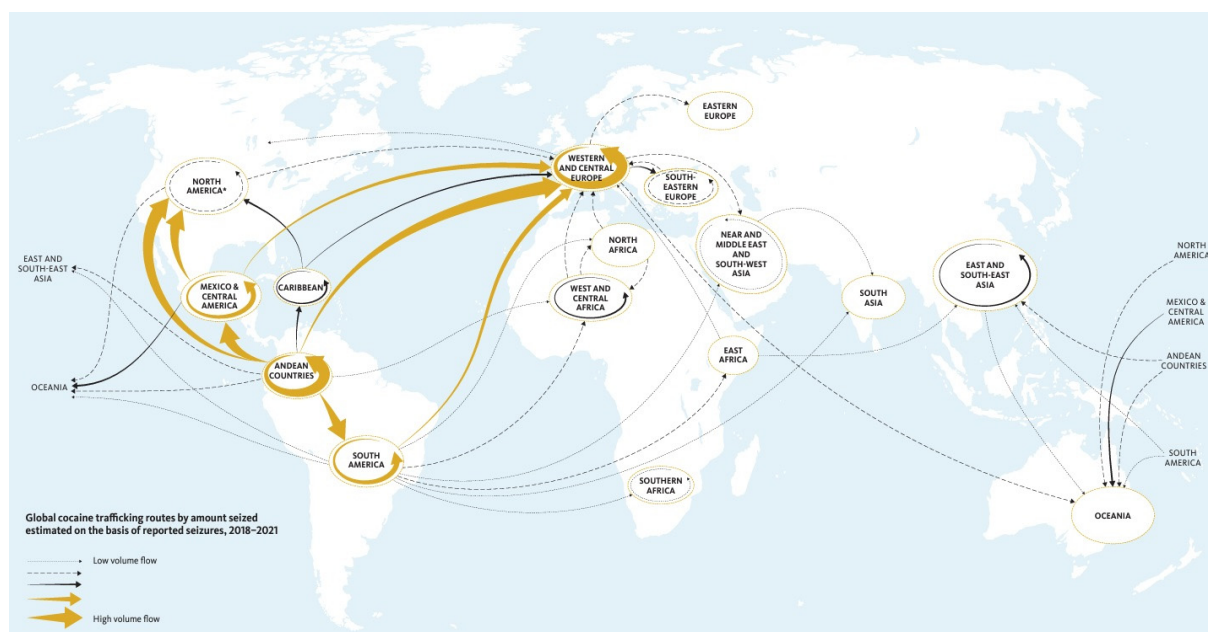
Apart from the struggle of the Federal Police to perform their duty as national maritime police, there is a significant disparity in the budget and financial resources available to public security forces among Brazilian states. For instance, the southern and southeastern states, including the wealthy São Paulo, have far more resources to combat crime than the underdeveloped northern states of Amazonas and Pará combined. These two states in the Amazon are the largest federative units, covering a third of the entire national territory. Yet, they are primary points of entry and transit of illicit drugs in the country and are short-staffed and underfunded to deal with the various security threats and harms posed by drug trafficking across that vast region.

4. Shipborne drug trafficking

4.1. Relevance of maritime transport

Over 90% of all goods traded globally are transported by sea. To reach eager cocaine-consuming markets outside the Americas, drug traffickers must inevitably resort to maritime transport if they want to ship significant quantities of the drug abroad.

According to estimates, anywhere from 70% to 90% of the cocaine exported from South America is carried across the ocean at some point before reaching the wholesale buyer at its destination. It is, therefore, not surprising that in most historic drug seizures around the world, maritime transport has been the preferred mode of transportation²⁸.



Picture 6: main cocaine trafficking flows as described by reported seizures, 2018-2021. Source: UN/UNODC

4.2. Ships as drug conveyances

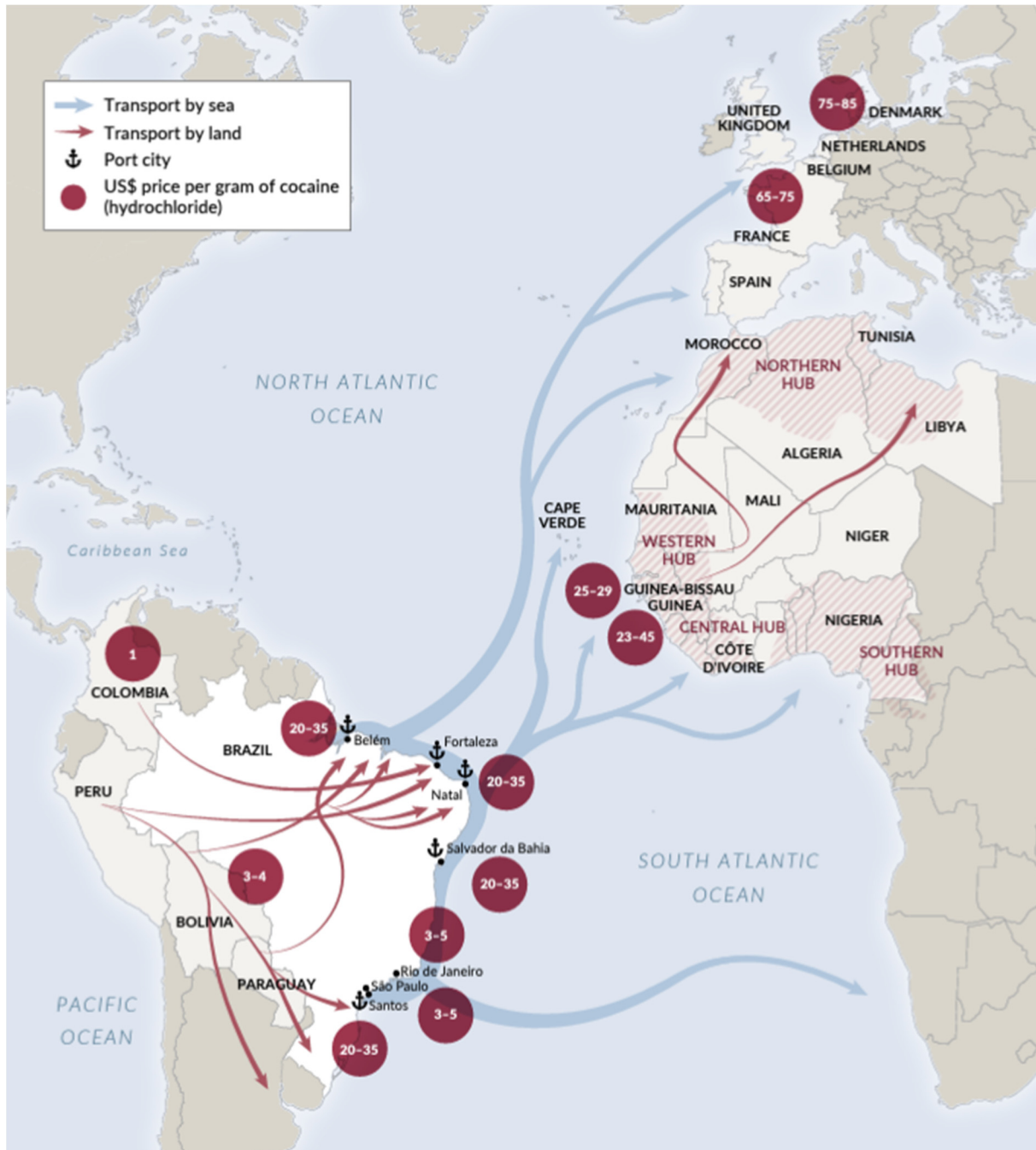
Commercial vessels of all sizes and types have become major conduits for the international drug trade, unwittingly carrying large volumes of illegal substances overseas at relatively low costs and risks for drug traffickers. Although all types of illicit drugs can be smuggled inside shipping containers or directly onto cargo ships in varying shapes, sizes and weights, the most common drug shipped from Brazilian ports is cocaine, typically in its purest form to optimise portability and profitability per shipment.

The global expansion of cocaine demand and supply poses a hazard to public security and health and a challenge to law enforcement. It is a significant threat to international maritime trade, the safe operation of ships, and the safety and well-being of seafarers, who may face criminal prosecution and imprisonment in foreign jurisdictions, some of which punish drug offences with castigation and even the death penalty. Sections 2.4 & 6.3

²⁸ "Drug Trafficking and Drug Abuse on Board Ship – Guidelines for Owners and Masters on Preparation, Prevention, Protection and Response, 2023-2024 Edition" (International Chamber of Shipping publication, 2023); "World Drug Report 2023" (United Nations Office on Drugs and Crime publication, 2023)

4.3. Maritime trafficking routes

Reports from the International Chamber of Shipping (ICS) and statistics from the United Nations Office on Drug and Crime (UNODC) show that the primary flow of cocaine trafficking in the Americas is from Colombia to the United States. The drug is usually transported up the Pacific Coast or via the Panama Canal or overland, through Central America, and then from Mexico to the United States over the southwest border. The second busiest drug traffic flow originates from ports in Colombia, Peru and Ecuador across the Atlantic to various ports in Southern and Western Europe and beyond. Picture 6



Picture 7: cocaine shipment routes and prices in USD (2020-2023). Source: UN/UNODC

Brazil has become an increasingly relevant player in maritime cocaine trafficking to Europe, either directly or through transit sub-regions such as West, Central, and Southern Africa. Cocaine shipped from Brazilian ports usually enters Europe via Belgium, the Netherlands, Spain, and France, although all EU ports are potential drug entry points. Picture 7

4.4. Maritime trafficking trends

Besides collaborating with other federal law enforcement agencies to gather and share risk assessment and management information, the Federal Revenue of Brazil (RFB) participate in international initiatives to tackle maritime trafficking, including the Container Control Programme (CCP)²⁹ for detecting emerging drug trafficking patterns and sharing information globally.

In the aftermath of the COVID-19 pandemic, relevant changes in maritime drug trafficking tendencies have been identified by the customs authorities and remain³⁰, namely:

- Growth in the proportion of shipborne drug smuggling compared to other modalities due to pandemic-related travel restrictions;
- Migration of organised crime groups to less busy ports in the North and Northeast regions where security is weaker;
- Increased use of smaller ships and boats outside customs-bonded commercial ports and traditional commercial shipping lanes; and
- Changes in the *modus operandi* of drug concealment, with large volumes of cocaine smuggled in the underwater structures of cargo ships, especially in sea chests out of crew's reach. **Section 5.1**

²⁹ The Container Control Programme (CCP) was launched by the UNODC and the World Customs Organization (WCO) to address the exploitation of international maritime container traffic by drug traffickers and other smugglers and assist governments in establishing effective container sections and controls to prevent drug smuggling and other cross-border crimes

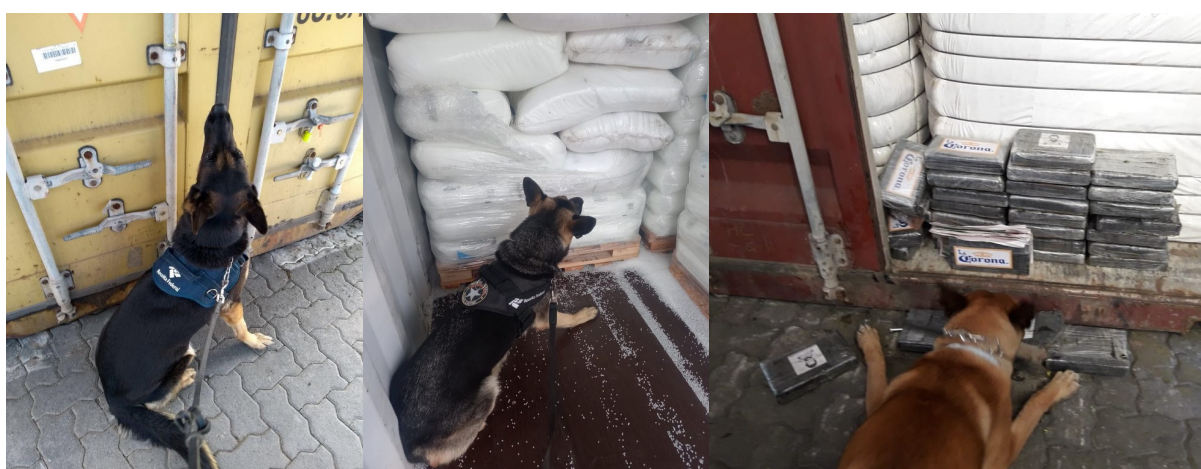
³⁰ "Drug Trafficking and Drug Abuse on Board Ship – Guidelines for Owners and Masters on Preparation, Prevention, Protection and Response, 2023-2024 Edition" (International Chamber of Shipping publication, 2023); "World Drug Report 2023" (United Nations Office on Drugs and Crime publication, 2023); "Balanço Aduaneiro 2023 – Janeiro a Dezembro" (Customs Balance Report 2023 – January to December) (Special Department of Federal Revenue of Brazil publication, 2024)

5. Drug smuggling methods

5.1. Change of *modus operandi*

The coronavirus pandemic has triggered changes in maritime cocaine trafficking patterns, such as larger drug shipments and greater use of inland waterways in the Amazon and the Southern Cone, along with a shift in smuggling techniques.

Containers remain the preferred method for transporting large amounts of cocaine from Brazil due to their versatility, interchangeability and traceability. Nevertheless, the COVID-19 outbreak has led to travel bans, lockdowns, and other complications, such as global unavailability of containers, disruption of supply chains, and heightened security measures at container terminals. As a result, resilient drug traffickers have become more resourceful, developing inventive concealment methods and circuitous and unusual routes to evade law enforcement and keep their illegal activities going.



Picture 8: Customs sniffer dogs detect drug shipments. Source: DPF/RFB

Drug smugglers have come up with alternative and clever ways to adjust the flow and distribution of illicit drugs to meet the growing demand. While containers are still a popular choice for smuggling drugs, criminal groups went on to systematically smuggle drugs directly onto ships.

Indeed, even though seizures of cocaine shipments in containers are still rife in European ports, drugs are being discovered in increasing volumes inside ships. They are found in cargo compartments, deck spaces, or attached to hulls and structures below the waterline. This trend emerged during the pandemic and remains intense.

5.2. Transfer of risk

It is uncommon for shipowners, masters or crews to face legal consequences when illicit drugs are discovered in containers that were not packed or sealed by the carrier (FCL shipments³¹). The only inconvenience they may face is the extra expenses associated with delays in official investigations if the contaminated container was already stowed on board the vessel. However, should the illegal narcotic be found in an LCL container³² or a container manifested as empty, the master and crew could eventually be accused and prosecuted for cooperation with drug trafficking.

³¹ A 'full container load' (FCL) is a shipping term meaning an ISO container that is packed and sealed by the consignee and unsealed and unpacked by the consignee without interference from the carrier

³² A 'less-than-container load' (LCL) is a shipping term meaning a shipment not large enough to fill an entire ISO container and carrier (or an NVOCC or freight forwarder) picks up, coordinates, consolidates, packs, seals, transports and delivers the cargo parcels to respective consignees at the agreed port of discharge or place of delivery

On the other hand, the concealment of drugs directly onto a vessel, even in places below the waterline and physically inaccessible from inside the ship, puts the risk of detection on innocent third parties, invariably the shipmaster and crew. They may face criminal persecution for drug trafficking or drug-related crimes. Depending on the jurisdiction where the drugs are discovered, there may be severe punishment, even in the absence of evidence of participation or collusion of the crew in the crime. Sections 2.4 & 6.3

5.3. Drugs inside containers

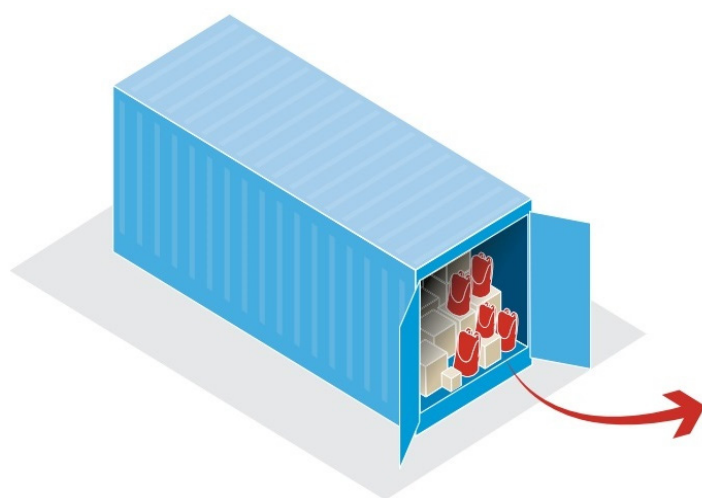
Approximately three million laden TEUs³³ are exported annually from Brazilian ports, primarily from Santos, Navegantes/Itajaí, and Paranaguá. Despite the implementation of advanced security technology, controls and detection tools, such as high-end scanners, sniffer dogs, and risk assessment systems, cocaine is still smuggled in growing quantities in innovative ways within intermodal shipping containers departing from Brazil. Pictures 9 & 10



Picture 9: Cocaine retrieved from the interior and structures of general cargo and reefers. Source: DPF/RFB

Given the high degree of sophistication and economic power of large criminal organisations, cocaine traffickers flexibly rely on a wide range of inventive smuggling methods, which constantly evolve in response to invariably lagging law enforcement efforts and other factors.

5.3.1. Rip-on/rip-off method



This method involves interfering with the original security seal, either by tampering with it and re-glueing it back on or replacing it with a forged seal after concealing the drug package inside a legitimately stuffed and sealed container, typically without the knowledge of the shipper, consignee or carrier.

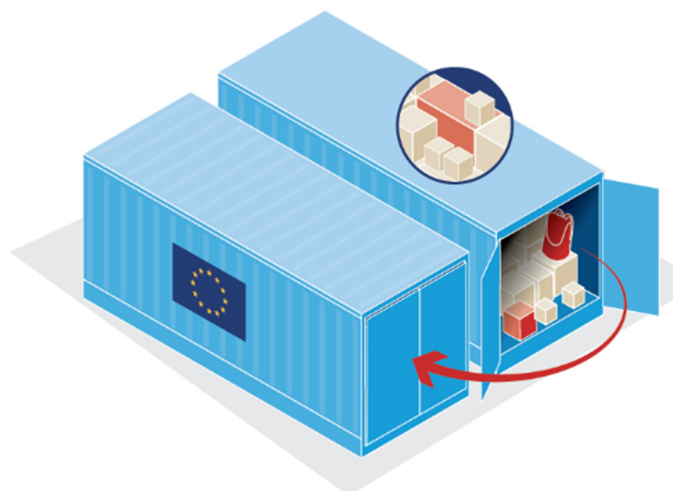
Before cargo delivery, criminal networks at destination retrieve the drugs from within the cargo unit and affix another seal, sometimes left inside near the door end.

³³ Twenty-foot equivalent unit (20' ISO container)

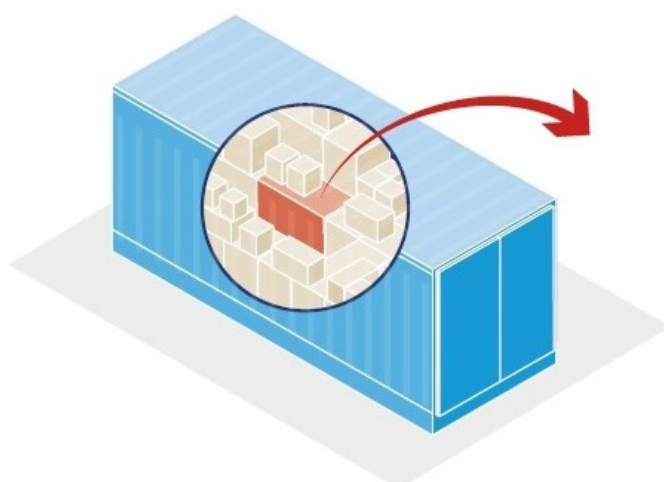
The “rip-on/rip-off” method is frequently used by Brazilian smugglers to secret illicit substances, typically cocaine, in shipping containers. This technique often involves corrupt individuals at different points along the supply chain, usually truck drivers and port terminal workers.

5.3.2. Switch

A variation of the rip-on/rip-off method, adopted mainly in EU ports but also seen in Brazil, whereby the drugs are stashed in an accessible place within the container before it is inspected at destination; thereafter, corrupt port workers retrieve the drugs and switch them over to another cargo unit that has either already been customs-cleared or does not require inspection, such as in-transit or empty containers.



5.3.3. Within legitimate goods



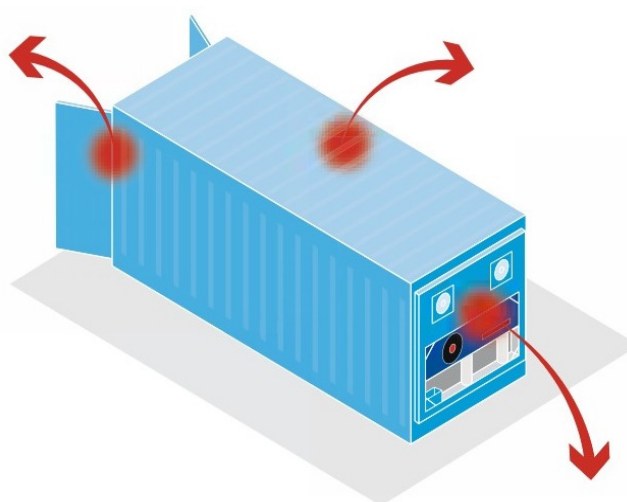
The drug can also be ingeniously incorporated within legitimate goods of different types and packaging, rendering non-intrusive detection much harder.

This method gives criminals more control over the shipment until final delivery.

When drugs are incorporated into lawful goods, corrupt shipper officials, packers, and cargo owners can also be involved in the crime.

5.3.4. In container structure

illicit drugs can be concealed in the structure of refrigerated containers, hidden beneath the floor, or embedded in rails, corner posts and insulating material behind the lining of inner walls and doors. They are occasionally planted outside reefer containers, behind the evaporator, or in the space to stow the power cord without interfering with the original seal. While this makes recovery more accessible, there is a higher probability of detection by the crew during lashing checking and temperature monitoring routines.





Picture 10: customs monitoring of container arrival at bonded terminal. Source: RFB

5.4. Drugs on board ships

Although drug shipments from Brazil are increasingly transported in containers, there is a notable rise in the number of cases involving ships other than container carriers. These include bulk carriers loaded with agricultural products, where the cocaine has been buried in the bulk cargo or concealed somewhere on deck, as well as ro-ro ships, where the narcotics are hidden inside vehicles and on multiple decks.

Small items can be brought on board by corrupt shore workers, officers, and contractors, strapped to their bodies or in bags, backpacks and briefcases, usually in the dead of night or before dawn, with or without crew collaboration. For larger volumes of drugs, port workers standing on the ship's deck hoist drug packages up from the quayside or a boat drifting on the seaward side of the vessel. The drugs are then hidden in little-used compartments or difficult-to-access places, such as crane housings, stores, and deck spaces.

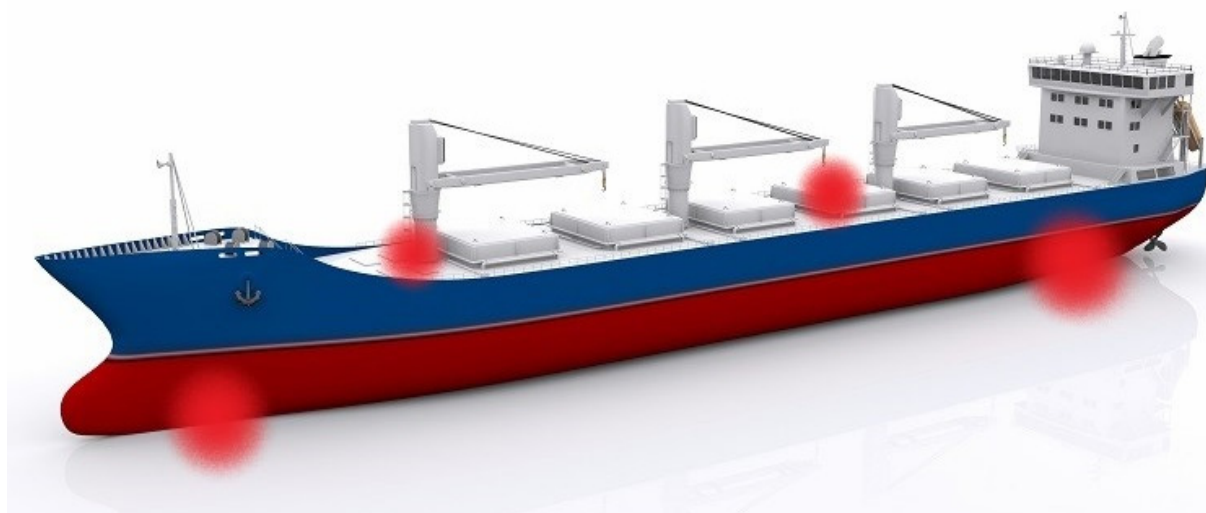
Traffickers take photographs of the drug cache with their smartphones to make it easier for their associates to locate and collect it at the destination port.

Once the ship reaches its destination, a port worker linked to the smugglers or a corrupt crewmember takes the drugs off the ship down the gangway ladder and leaves the port. They often have the assistance of bribed port workers and officials. Alternatively, in the “drop-off method”, smugglers throw waterproof drug packages overboard at a specific location where boats are waiting to retrieve them. GPS trackers are sometimes placed in the drug packages to help locate them.



Picture 11: cocaine smuggled within breakbulk and solid bulk cargoes. Source: DPF/RFB

Illicit drugs can be introduced onto all types of merchant ships in a variety of ways. The ingenuity of criminal networks should never be underestimated.



Picture 12: a cargo ship can be contaminated with varying amounts of illicit drugs in multiple locations. Source: UNODC/DPF/EMCDDA

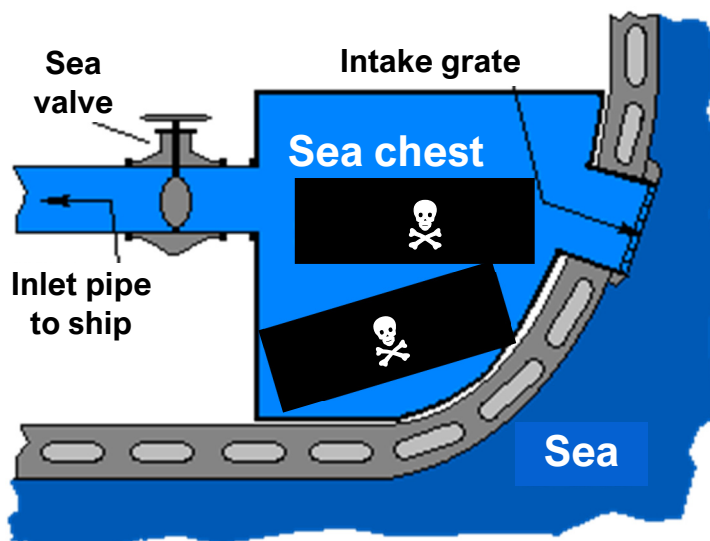
5.5. Drugs under the vessel

In recent years, a significant amount of cocaine has been found inside cargo ships leaving Brazil. Often, the narcotic is stashed in the hull, inside underwater compartments, particularly sea chests, accessible only from the outside of the vessel with diving gear, in the so-called “parasite method”.

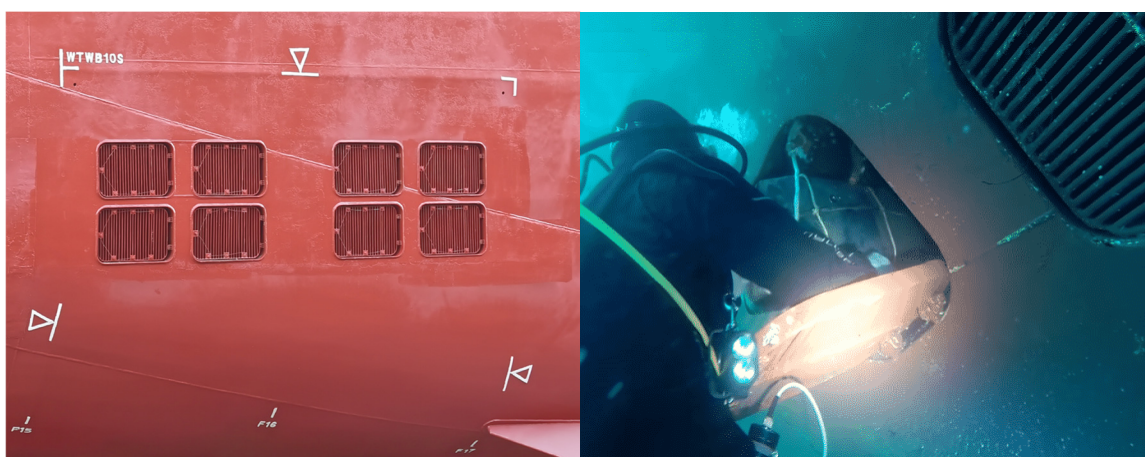
An advantage of this approach is that drugs can be cached in remote spaces without the knowledge or participation of the crew and with fewer partners in crime involved in the operation. Pictures 12 & 13

5.5.1. Sea chest as a drug cache

This secluded space is a cavity on a ship's hull below the waterline. It can be found either under or on the turn of the bilge (low sea chest) or on the side of the ship hull (high sea chest). This reservoir is typically fitted with an inlet to draw seawater through the ballast pumps for ballasting, engine cooling, firefighting, washing cargo holds, and other purposes, as well as a strainer. Sea chests usually feature removable intake gratings for inspection and periodic maintenance.



Depending on the size and design of the ship, sea chests can provide plenty of room for smuggling large illicit items undetected. Objects lodged within this compartment can only be detected through an underwater inspection by scuba divers or remotely operated vehicles (ROV), the latter only recently available to a few law enforcement agencies in Brazilian ports. Sections 6.2 & 7.3



Picture 13: (left) view of a sea chest grate. Cocaine package retrieved from sea chest. Source: Shutterstock/Hellenic Coast Guard

5.5.2. Underwater drug packaging

Cocaine tablets are typically packed in brick-shaped one-kilo packs containing high-purity cocaine. These packages come in different shapes, sizes and materials, depending on the amount of drug to be smuggled and where it will be hidden. Popular varieties include sports bags, duffel bags (seabags), and sometimes small suitcases.

Watertight packaging made of plastic, rubber, or other water-repellent material is used for smuggling cocaine below the hull's load line. Drug packages are often ballasted with weight plates or similar objects for buoyancy control. They are lashed with ropes or straps to prevent them from bursting open during the voyage, which could cause the inner cocaine packs to be sucked into the sea chest strainer or washed away. Narco-divers also attach carabiners and shackles to drug packages for towing and driving underwater and, together with the ropes, securing or anchoring the drug stash within the sea chest.

Most of the cocaine shipments recovered from sea chests by Brazilian authorities were packed in rectangular cuboid sports bags weighing anywhere between 20 and 60 kg gross, excluding ballast.

Pictures 13 & 14



Picture 14: cocaine packages retrieved from sea chests of cargo ships. Source: DPF/RFB

5.5.3. Narco-divers

Organised crime groups often resort to the parasite smuggling method, which involves hiring professional scuba divers with shipbuilding knowledge to stash cocaine in the hulls of cargo ships.

These narco-divers are very well-trained. They dive from the nearest shore or a small boat near the vessel, towing waterproof drug packages towards the bottom of cargo ships, lodging them into underwater spaces such as sea chests, propeller shaft brackets, rudder trunking, and bow thruster tunnels. In Brazil, the favourite place for drug divers to cache cocaine using the parasitic method is the sea chest.

An associated dive team at the other end, or even the same divers who cached the drugs in Brazil, would come to the port of destination to recover the items after receiving pictures or a sketch of the drug stash. This method of concealment is undertaken at anchorage areas or alongside a berth during cargo operations, ideally at night or in tranquil waters just before dawn.

Due to the high profitability of shipborne drug trafficking, many covert divers carry state-of-the-art underwater gear, such as “rebreathers” (breathing apparatuses that eliminate telltale bubbles, further hindering detection), diver propulsion vehicles (DPV) and high-definition underwater cameras.

In recent years, the Federal Police have arrested dozens of narco-divers, some of whom were foreigners employed by Brazilian drug trafficking gangs. **Section 7.3.4**

6. Drug seizures in Brazil

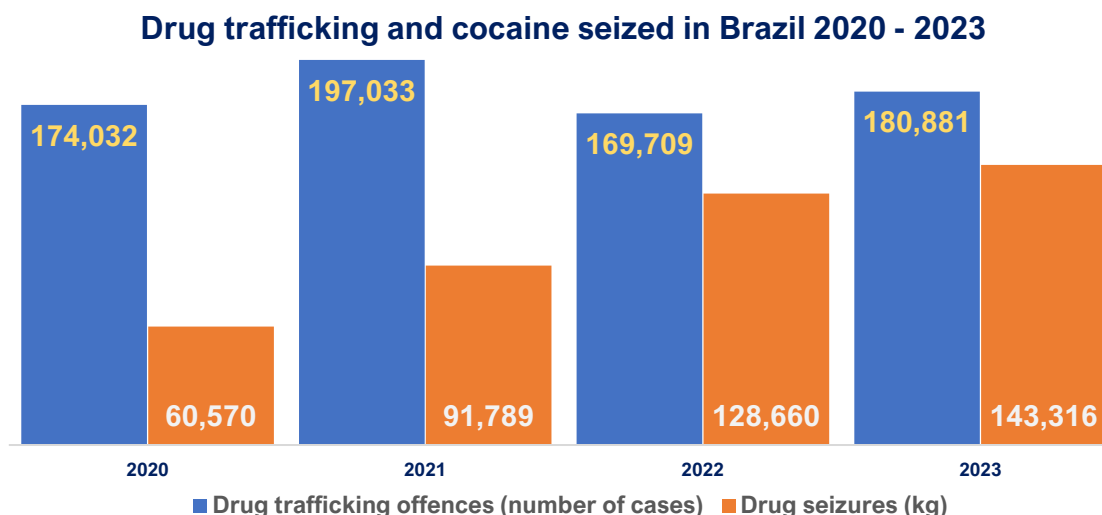
6.1. Official statistics

In Brazil, each state organises and funds its law enforcement agencies and legislates on drug-related matters within the limits imposed by federal laws and international conventions. However, due to significant variations in drug policymaking and incident reporting mechanisms among states, official statistics on drugs may not accurately reflect the actual quantity of illegal substances forfeited or the circumstances of seizures. As a result, federal or state government official statistics may eventually be incomplete or discrepant to varying degrees.

To try to address this issue, the Ministry of Justice and Public Security (MJSP), through the National Secretariat of Public Security (SENASP), maintains the National Public Security Information System (SINESP). This platform allows Brazil’s 27 states and the Federal District to share public security data, including information about drug busts. SINESP is supported by members of the Unified Public Security System (SUSP), which includes federal and state police forces, municipal civil guards, port guards, and other law enforcement bodies.

6.1.1. Drug trafficking offences

Based on the latest reports from SINESP³⁴, there have been significant fluctuations in reported drug trafficking offences since the outset of the COVID-19 pandemic in 2020, when the system began gathering data across the country. In 2021, 197,033 events were recorded, which fell to 169,709 cases in 2022 and then picked up again to 180,881 cases the following year.



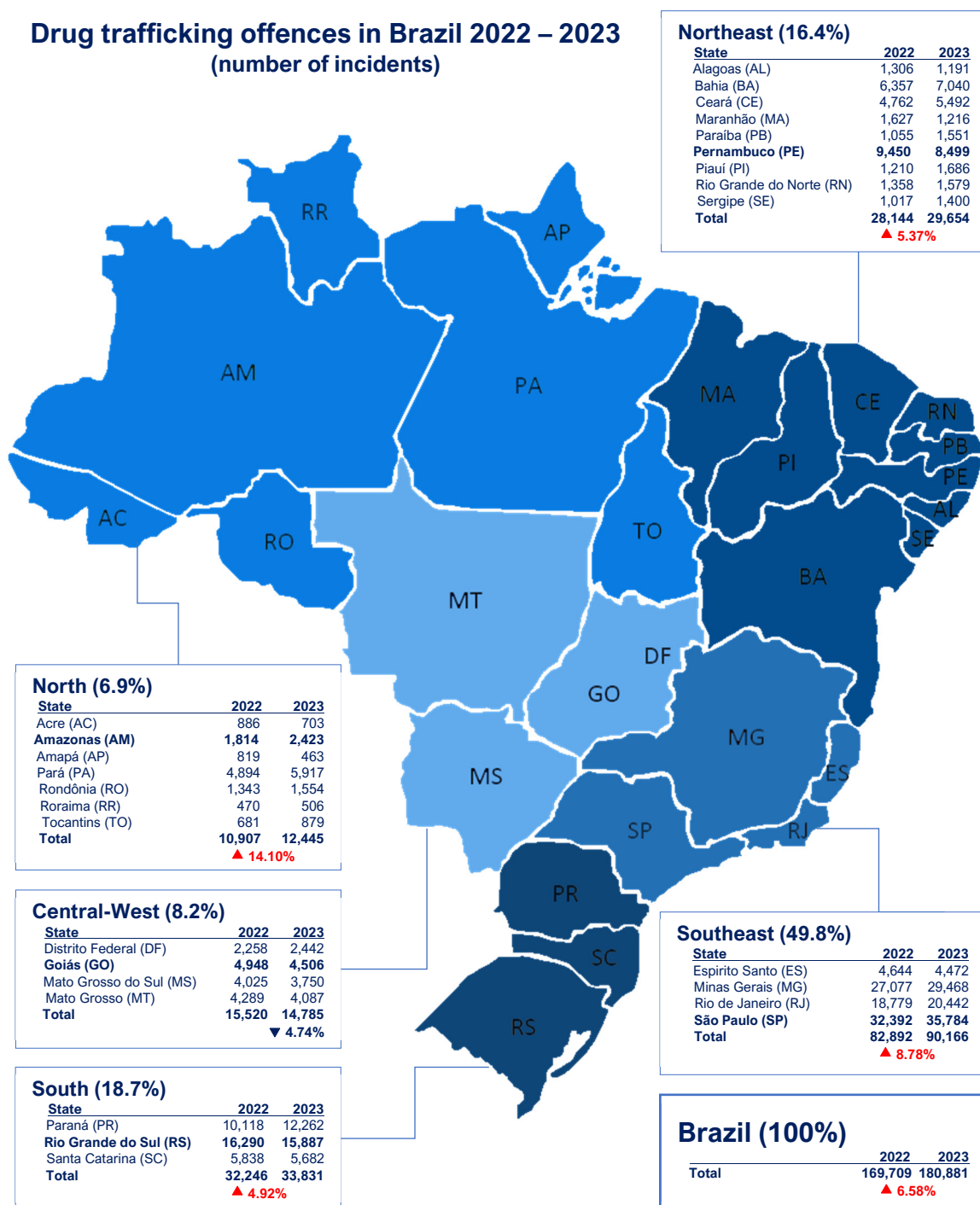
Picture 15: illicit drug trafficking cases (number of cases) and quantity of cocaine seized (kg). Source: MJSP/SINESP

Last year, notifications of drug-trafficking incidents increased by 6.6% compared to 2022, reaching 180,881 cases, meaning no less than 496 daily offences, almost 20 cases per hour. **Picture 15**

The country's most densely populated and developed area, the Southeast region, home to the states of São Paulo, Minas Gerais, Rio de Janeiro and Espírito Santo, recorded almost half of all drug smuggling offences last year. The South region, which comprises Paraná, Santa Catarina, and Rio Grande do Sul, came in second place with 19%, followed by the Northeast (16%), North (7%) and Central-West (6.9%) regions. **Picture 16**

³⁴ "Mapa da Segurança Pública 2024, Ano-base 2023 – SINESP" (Public Security Map 2024, Base Year 2023 - SINESP) (Brazilian Ministry of Justice and Public Security publication, 2024)

Drug trafficking offences in Brazil 2022 – 2023 (number of incidents)



Picture 16: illicit drug trafficking offences in Brazil in 2022 & 2023 (variation and state share in %). Source: MJSP/SINESP

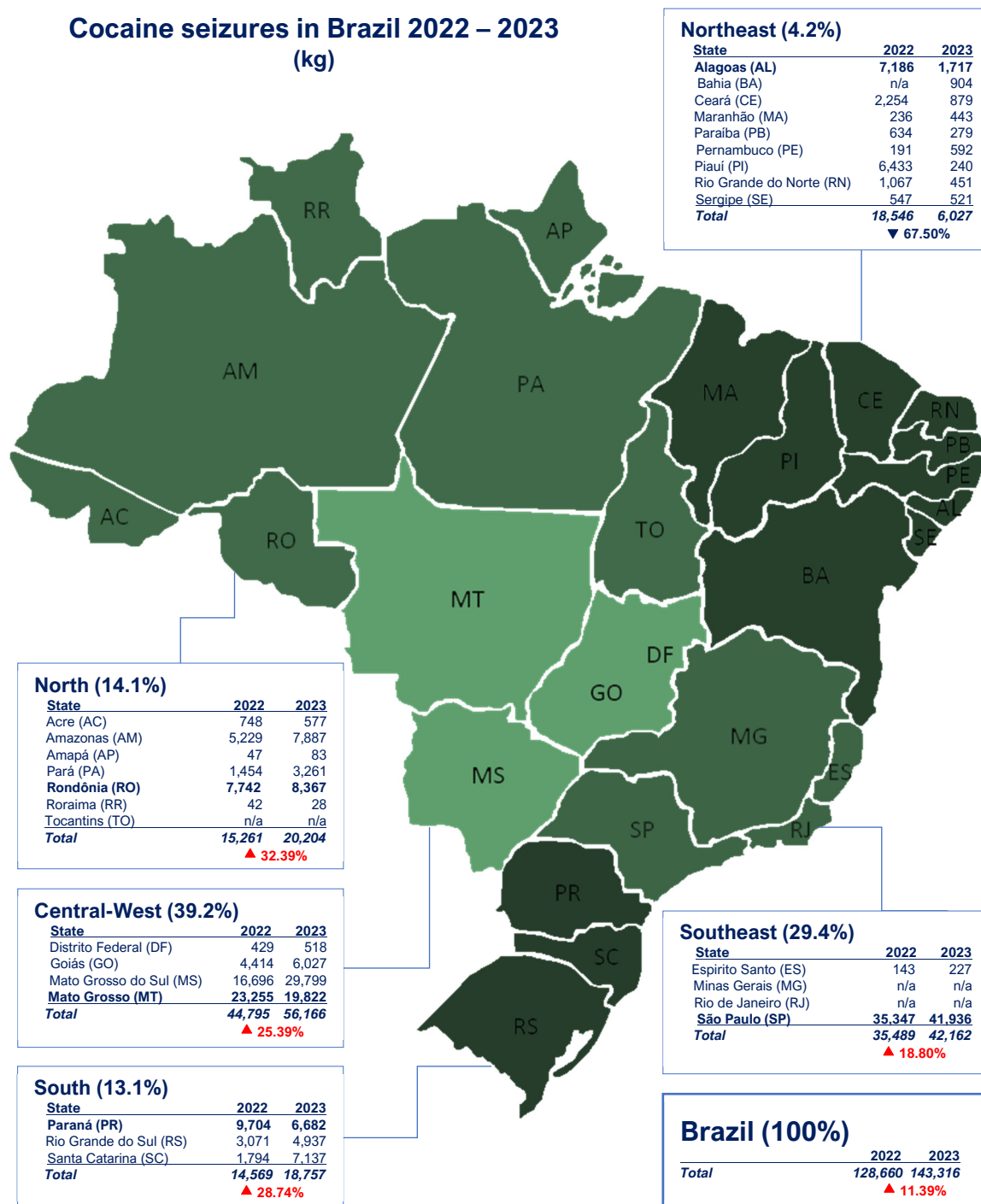
In 2023, there was a noticeable rise in the number of reported drug offences in the North, Southeast and Northeast regions. The Central-West region saw 4.7% fewer cases than in 2022.

The most significant increases were seen in the states of Paraíba (with a rise of 47%), Piauí (39%) and Sergipe (37%). On the other hand, Amapá (- 43%), Maranhão (- 25%) and Acre (- 21%) experienced the most significant reductions in the number of reported drug-related offences.

Picture 17

6.1.2. Drug seizure cases

Law enforcement forces across Brazil seized a record-high volume of cocaine products in 2023 due to the rise in drug trafficking cases³⁵.



Picture 17: illicit drug seizures in Brazil in 2022 & 2023 in kilograms (variation and state share in %). Source: MJSP/SINESP

In 2020, Brazilian federal and state authorities confiscated 60.5 tonnes of cocaine in the country. The following year, the quantity increased by an astounding 52%, reaching 92 tonnes. In 2022, 129 tonnes of cocaine were seized, 40% more than in 2021. Picture 15

³⁵ Quantity may also comprise the sum of cocaine hydrochloride, raw base paste and crack cocaine

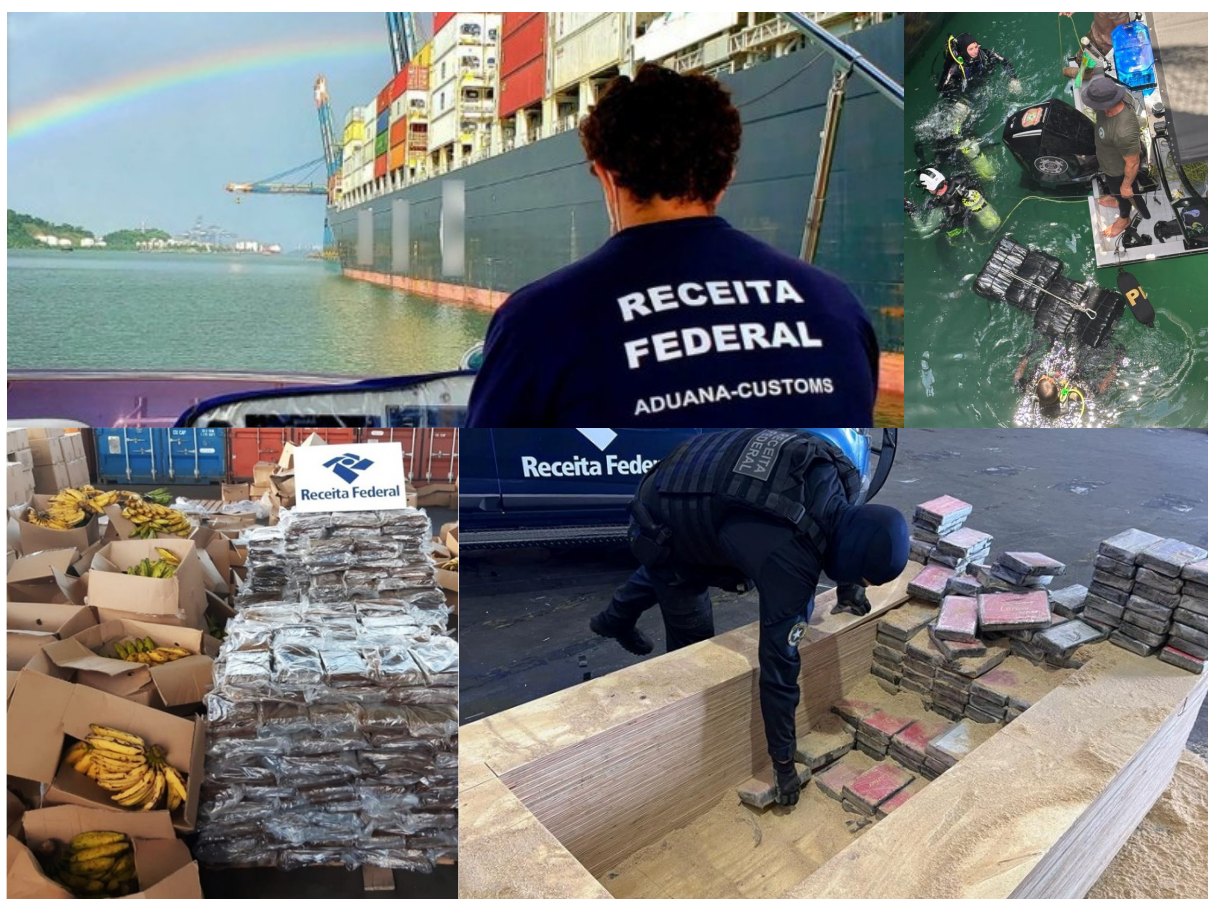
According to the SINESP database, cocaine seizures in 2023 increased by 11% compared to the previous year, with a record 143 tonnes of illegal narcotics seized by federal and state law enforcement. This equates to 393 kg seized per day or 16.4 kg every hour.

The Central-West region, where the states of Mato Grosso and Mato Grosso do Sul share extensive land borders with Bolivia and Paraguay, accounted for 56 tonnes of the cocaine confiscated in 2023, representing 39% of all seizures reported last year. The North (32%) and South (29%) regions also saw significant increases. The only reduction in the amount of cocaine seized was in the Northeast region (down 68%), possibly due to underreporting. **Figure 17**

Notably, by the first quarter of 2024, relevant states had not reported their drug bust cases to the SINESP database for one or more calendar years³⁶. Therefore, it is highly likely that the actual figures relating to drug trafficking offences and the amount of cocaine seized are considerably higher than those officially published.

6.2. Seizures in ports and ships

Although the Federal Revenue Service (customs authority) and the Federal Police (maritime police authority) have concurrent jurisdiction to tackle international drug trafficking and have been cooperating in shared intelligence and joint repression actions in recent years, they do not have a common database to share information on drug busts in Brazilian anchorages, ports and port facilities.



Picture 18: Customs and Federal Police officers and divers seize cocaine from within cargo units and ships. Source: RFB/PFB

³⁶ According to the Ministry of Justice and Public Security (MJSP), until February 2024, The states of Rio de Janeiro, Minas Gerais, Maranhão, Roraima, Santa Catarina and Tocantins have reportedly not provided data on drug seizures for one or more calendar years

6.2.1. Customs statistics

Last year, the Federal Revenue Service (RFB) intercepted nearly 16 tonnes of cocaine, with nine out of every ten customs seizures taking place in Brazilian ports and port facilities³⁷.

As usual, the largest port complex in Latin America, Santos, located on the coast of São Paulo, and the small neighbouring port of São Sebastião, recorded 7.1 tonnes of cocaine seized from within cargo units and ships in 2023.

In the southern ports of Paraná (Paranaguá and Antonina) and Santa Catarina (Navegantes, Itajaí, São Francisco do Sul, Imbituba and Itapoá), customs officials retrieved a total of 3.5 tonnes of cocaine. Meanwhile, in the southeastern states of Rio de Janeiro (Rio de Janeiro, Itaguaí (Sepetiba Bay), Niterói and Angra dos Reis) and Espírito Santo (Vitória, Tubarão, Praia Mole, Ponta do Ubu and Barra do Riacho (Portocel)), 3.3 tonnes of the drug were seized.

The Federal Police and the Federal Revenue Service do not disclose stratified statistics on where precisely the drugs were found and how they were detected. For strategic reasons, the authorities do not publicly provide information on profiling and objective criteria to assess and manage risks or how they select ships or cargo units for inspection or monitoring.

6.2.2. Seizures from sea chests

The trafficking of cocaine in ports and terminals in Brazil is still mostly done inside shipping containers. Nevertheless, due to the high risk of detection through scanning or inspection following security risk assessment criteria (considering the type of cargo, shipper, destination, etc.) and the need for a large number of associates and accomplices throughout the transport chain for the drugs to be collected safely at the other end, organised crime groups are increasingly smuggling cocaine directly onto ships, most often in the hull below the waterline, inside sea chests.

Following the upward trend arising during the COVID-19 pandemic, an increasing number of cargo ships, primarily bulk carriers and containerships, are still leaving Brazilian ports with their sea chests contaminated with cocaine, unknowingly to the crews.

Type of cargo ships with sea chests contaminated with drugs in Brazil

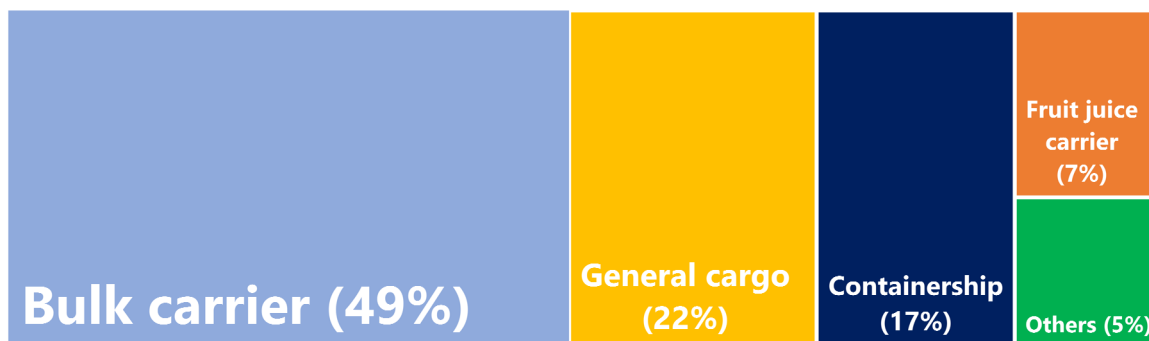


Figure 19: Types of cargo ships with sea chests contaminated with cocaine in Brazil Jan 2020-December 2023 (in %).
Source: UNODC/Federal Police/CoE Brazil/independent consulting

Between January 2020 and December 2023, law enforcement agencies seized approximately 12 tonnes of cocaine from sea chests of 70 cargo vessels of various types, sizes, and flags, both in the country and abroad. Nearly half of those ships were bulk carriers loading solid bulk commodities in Brazilian ports. Other targeted vessels included general cargo ships and containerships. Figure 19

³⁷ "Balço Aduaneiro 2023 – Janeiro a Dezembro" (Customs Balance Report 2023 – January to December) (Special Department of Federal Revenue of Brazil publication, 2024)

Last year in Brazil, at least 22 ships had their sea chests contaminated with cocaine, fifteen of them being bulkers and seven being general cargo ships. The drugs were concealed in that underwater compartment either while the vessel was lying at anchor or moored alongside a berth. **Figure 20**

Year	Number of incidents	Quantity seized (Kg)	Yearly variation
2020	9	893	-
2021	13	1,798	▲ 101 %
2022	26	4,269	▲ 137 %
2023	22	4,819	▲ 9.1 %
Total:	70	11,779	-

Figure 20: Number of incidents of cargo ships with sea chests contaminated with cocaine in Brazil and quantity seized 2020-2023.
Source: UNODC/Federal Police/CoE Brazil/independent consultancy

More than half of the vessels with cocaine packages in their sea chests were caught in foreign ports. Santos accounts for nearly one-third of all seizures in the country; however, even small and remotely located ports can be targeted by maritime drug traffickers. **Figure 21**

Port of seizure of cocaine cached in sea chests in Brazil (%)

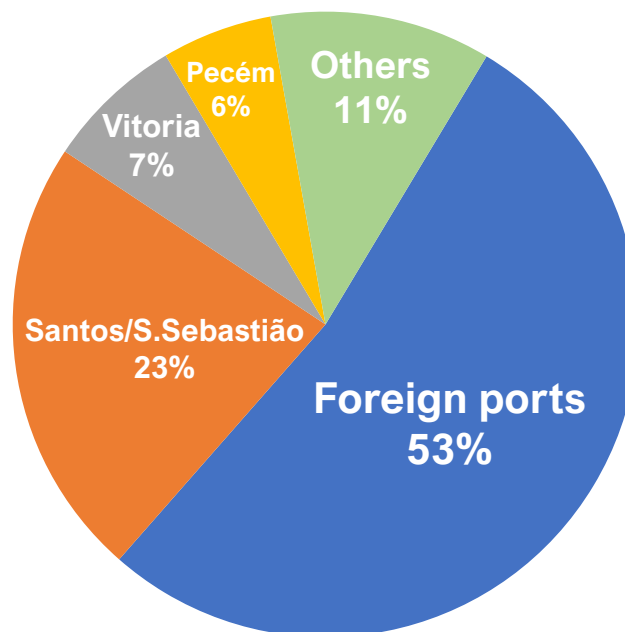


Figure 21: Ports where cocaine shipments from Brazil were seized, 2022- 2023.
Source: Federal Police/Customs/CoE Brazil/independent consulting

While it is impossible to accurately quantify the amount of drugs that were hidden in sea chests and successfully retrieved by criminals at the other end, it is undoubtedly much larger than the quantity seized by law enforcement authorities. **Section 5.5**

6.3. Consequences to the crew

None of the seizures of cocaine cached in sea chests in Brazil resulted in crew arrest or vessel detention; the loss was limited to time lost in decontaminating the ship and eventual official inquiries. Brazilian authorities tend to consider that, in this smuggling method, where the drug is stashed under the vessel by covert divers, there is often no knowledge or connivance of the crew. Unfortunately, in some cases where underwater drug packages were intercepted abroad, crew members were prosecuted, and ships suffered extensive delays. Some seafarers who were victims of shipborne drug trafficking remain in prison or face criminal prosecution far from their homes and families. **Section 2.4**

7. Prevention and response

7.1. Basic preventive measures

Responsibility for the security of national ports, anchorages, and port facilities lies with port security authorities, including the Federal Police and Port Guards. However, masters and crews should be aware that all Brazilian ports are vulnerable to drug smuggling threats to varying degrees. They should implement preventive measures based on the ship security plan (SSP), assuming low port security standards and considering information provided by port authorities, shipping agents and P&I correspondents on prevailing local risks and trends.

7.1.1. Before arrival

Before arriving at a Brazilian port to load cargo for overseas ports, it is essential to take specific safety measures:

- Contact local agents, port authorities, port facility security officer (PFSO) and P&I correspondents at the intended port of loading to inquiry about any security concerns
- Follow the SSP and ensure that security risks have been assessed and implement appropriate mitigating measures
- Establish and regularly test communication methods for external and in-vessel support to ensure reliable communication channels in case of an emergency or security threat
- Ensure crew are familiar with the company's standards and procedures regarding alcohol and drug abuse (A&D policy). They must be aware of the risks and consequences associated with drug trafficking and other drug-related crimes and receive regular safety training
- Consider installing security equipment and systems, such as intrusion alarms and video surveillance (CCTV), for monitoring high-risk areas within and around the ship
- Keep sea chests and other underwater compartments accessible from the outside of the hull with tamper-evident security seals.

7.1.2. At anchorage

Numerous vessels, especially bulk carriers, had cocaine stashed into their sea chests while waiting at anchor to come alongside the berth.

Narco-divers exploit extensive, poorly patrolled anchorage areas, like those in Santos, Rio de Janeiro, and Paranagua, where shipboard security tends to be lax, and good visibility and under keel clearance provide ideal conditions for scuba diving.



Therefore, staying alert and taking certain safety precautions while anchored in Brazilian anchorage areas is important. These measures include:

- Secure and lock portholes and accesses to the living quarters, engine room, and bridge
- Maintain a permanent watch on the VHF channel 16
- Keep the vessel's deck, access points, and outer side well-lit, and ensure gangway ladders are raised and latched in place
- Conduct regular rounds on deck, watch the anchor chain, monitor the approach of any suspicious boats or underwater activities and alert other vessels in the vicinity
- Look out for bubbles around the ship near the hull, indicating possible underwater activity
- Illuminate approaching suspicious crafts and underwater activities around the ship with floodlights.

7.1.3. Alongside

Although ships are generally more secure when moored alongside a port facility, they are still susceptible to drug contamination, especially during cargo operations. Therefore, the crew should remain vigilant and take basic safety precautions, including:

- Secure and lock portholes and accesses to the living quarters, engine room, and bridge
- Keep shoreside access ladder guarded at all times and seaside ladder stowed and latched
- Learn from the PFSO about the level of security in place, video surveillance (CCTV) available, local risks, and communication channels in case of emergency or security threats
- Consider posting warning notices, ideally in Portuguese, on deck and at the foot of the gangway ladder regarding strict enforcement of anti-drug policy on board
- Demand good service from compulsory local watchmen and assign them to identify all personnel entering and leaving the ship, regardless of access controls performed by the crew
- Assign a crewmember to guard the gangway to control shore visitors' access to the vessel and enforce safety rules and practices by:
 - checking the identity of all persons seeking to board the ship and confirming their legitimate reason for boarding
 - keeping a detailed visitor logbook
 - conducting random bag checks in a sensitive and considerate manner at entry and whenever there is a suspicion about the behaviour or items carried by visitors
 - denying access onboard for anyone unwilling to cooperate or to provide proof of identity and reason for boarding
 - ensuring visitors to the vessel wear suitable PPE while on board.

7.1.4. During cargo operations



While ships are docked, security measures to prevent drug trafficking tend to be increased. Even so, they remain vulnerable. Criminals exploit the distraction caused by the crew's focus on cargo matters and other operational aspects of the vessel to bring illicit drugs on board. They may also stand on the deck and hoist drug packages from the quayside or a boat on the seaside or stash drugs into hull compartments with the help of divers.

The crew need to remain vigilant during cargo loading routines and take precautions, such as:

- Keep non-crew members away from accommodations, non-working holds, deck spaces, etc.
- Keep hatch covers of non-working holds closed and seal or padlock associated manholes
- Conduct thorough searches of breakbulk volumes, the interior of ro/ro cargoes and unsealed empty containers, seal integrity of laden containers and structure of reefer units, including accessible machinery spaces
- Ensure that the duty officer and deck crew regularly:
 - check the mooring ropes, anchors and the outboard side of the ship, particularly at night and dawn, and keep watch for any suspected activity around the vessel, including bubbles on the surface near the hull, which could indicate covert divers below
 - keep a lookout on the working hold to ensure no objects are secretly loaded with the cargo, hidden in cargo spaces, or hoisted by shore workers from the quayside or shipside. If this happens, the duty crew must immediately suspend the loading operation and inform the SSO
 - record the activities of ship chandlers, service boats and cargo barges moored alongside to supply bunkers, water, stores, or tranship cargo.

In some situations, the security level of a ship may be higher than that of the port or port facility. In such cases, the SSO should seek advice from the CSO, who may eventually decide to lower the ship's security level without compromising any additional security measures already in place.

7.1.5. Before departure

Before departing from a port where solid bulks and general cargo have been loaded, the crew can take some precautionary steps to mitigate the risk of drug contamination.

- Take photos of the top of the stow of bulk cargo after loading and before closing the hold
- Arrange the sealing of the holds and associated manholes certified by a reliable local surveyor after loading of solid bulks (ideally in the presence of representatives of the shipper or the charterer) and arrange the unsealing of these compartments by a reliable local surveyor at the port of discharge (ideally in the presence of representatives of the consignee or the charterer)
- Before leaving a berth or anchorage, conduct a shipboard drug only if the master believes the ship could have been contaminated with drugs or based on risk. **Section 7.3.3**

7.2. Basic responsive measures

7.2.1. Drug discovery

Following the emergency contingency plan or the SSP is crucial if a suspicious package or object is found onboard the vessel. If the plan does not provide specific guidelines, the crew should take the following steps:

- If the person who discovered the suspicious package is alone, he should call the nearest crewmember to witness the location where the package was found and inform the SSO or the master immediately
- Take pictures or videos showing where precisely the suspected packages were found and any visible signs of breached entry
- Notify local authorities (either directly or through the local agents), the company security officer (CSO), PFSO, flag State and P&I correspondent as soon as possible. The discovery and response should be thoroughly documented and entered in the vessel's logbook
- Keep the suspicious package where it was found under the watch of at least two crewmembers until police arrive onboard the vessel
 - ▣ do not rub, touch or handle the package without wearing a glove and a face mask
 - ▣ do not pierce or open the package
 - ▣ under no circumstance should anyone smell, inhale, taste or ingest the contents of the package to identify what substance it is
 - ▣ if the package needs to be moved before the arrival of local authorities, wear gloves and handle it with care, mindful that it may contain fingerprint evidence on it
 - ▣ if the package is discovered at sea, keep it locked in a bonded store or inside the master's safe until arrival at the next port of call for handover to local authorities
- Conduct a thorough shipboard search to verify if more suspicious items have been secreted elsewhere and document it according to the SSP guidelines
- If not required or undertaken by the local authority, arrange a thorough underwater search, including videos and photographs, and invite the local authorities to attend
- Cooperate fully with the local authorities in the relevant safety inquiries and investigations.



7.2.2. Threat or actual assault

In case of a potential threat or actual attack on the ship, the crew must strictly adhere to the ship's contingency and security plans. Crew safety must never be compromised.

Some countermeasures that can help ward off or control the attackers until the local authorities arrive include:

- Sound the vessel's general alarm to scare off the hostiles and muster the crew following the ship security plan
- Reach out to the local authorities and nearby ships via VHF channel 16 and emergency phone numbers, including the CSO, PFSO, local agent, the flag State and P&I correspondent
- If the master's judgement, under guidance from the SSO, deems it safe, take measures to repel or deter intruders, such as:
 - illuminating approaching or threatening boats with floodlights
 - blowing the ship's horn intermittently
 - in extreme situations, directing water jets or nautical flares against boarding areas



7.3. Counter-drug measures

Although they address port and ship security issues, neither the ISPS Code nor the ILO/IMO Code of Practice on Security in Ports³⁸ provides specific guidance on preventing and suppressing the threat of maritime drug smuggling. Instead, the IMO Revised Guidelines³⁹ establish basic procedures for deterring drug trafficking and identifying drug abuse by the crew.

In Brazilian ports, private security guards, drug-detection dogs and underwater inspections are not compulsory as additional counter-drug preventive measures. However, depending on the trade and ports involved, or whenever there is a well-founded suspicion or a piece of intelligence indicating that drugs may have been smuggled onto the vessel unknowingly to the crew, one or more of these measures may be advisable and, at times, necessary.

Shipowners must exercise due diligence in selecting ship security contractors and ensure they are vetted and reliable. Ideally, approved alternative contractors should be available at each port of call so they can be randomly assigned, preferably as close as possible to the deadline for procuring the appropriate permits from the authorities to perform their tasks.

7.3.1. Confidentiality

When shipowners consider arranging counter-drug measures at a given port, they must bear in mind that criminals interested in their ship may eventually become aware of these arrangements. This prior knowledge can lead them to change their tactics and timings or even abort the attempt.

Drug traffickers seem to have little trouble gaining illegal access to ports to stash drugs on ships. In contrast, legitimate visitors have to go through bureaucratic accreditation and clearance processes to access customs-bonded areas and vessels in the port. Unfortunately, these processes usually do not have effective mechanisms for protecting personal data and other sensitive information, making it easy to leak such information.

³⁸ The ILO/IMO Code of Practice on Security in Ports, 2004, was developed jointly by the International Labour Organization (ILO) and the International Maritime Organization (IMO). It provides guidelines on the reduction of the risk to ports from threats posed by unlawful acts

³⁹ IMO Revised Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic, 2006, as amended. IMO Revised Guidelines were adopted through Resolution MSC.228(82) of 2006 to enhance safety and security measures and establish a comprehensive counter-drug approach balancing drug control and trade facilitation. Its last version was issued in 2007 through resolution FAL.9(34), which is being revised by the IMO Maritime Safety Committee (MSC)

Along with the multiple intervening authorities (Federal Police, Federal Revenue, and Port Guard), other private entities, such as local agents and port operators, can legally access information about expected visitors to the ship, including sniffer dogs and handlers, private security guards, equipment and video surveillance crew, as well as planned underwater inspections. As a result, several dozen people may know about the contracted security arrangements. Among them, there may be insiders who inform drug traffickers about the heightening of shipboard security and specific counter-drug measures implemented on board.

Therefore, procuring additional security measures and vetting security contractors should be done with the utmost discretion and confidentiality. It should be restricted to the fewest individuals in the private sector and, whenever possible, in the various public departments concerned.

7.3.2. Effective access control

Drug traffickers generally carry out a reconnaissance in the surroundings of the vessel or even on board through associates and insiders. First, they would assess potential smuggling opportunities, weaknesses, threat awareness, and physical security deterrents in place. Of course, ostensibly more vigilant ships that effectively enforce access control and shipboard surveillance procedures are less likely to be targeted for drug smuggling.



Therefore, effective enforcement of tested drug prevention measures would, in most cases, afford reasonable protection to security-conscious ships without escalating security measures, which could be costly to the vessel's safe operation.

While the crew cannot physically control the outboard area of the ship, they can control access and prevent unauthorised entry. Effective access control can also help inhibit illicit drug introduction by genuine visitors and port workers.

Many of the vessels that left Brazil with deck and cargo spaces contaminated with cocaine did not have effective gangway access control, an elementary measure preconised by the ISPS Code. In such cases, visitor logs were incomplete or missing, or the visitor's actual identity was not verified.

As a primary security measure, the gangway and all access points to the ship must be manned at all times when the vessel is alongside, even when there are no cargo operations and regardless of additional security measures implemented onboard.

The gangway duty crew must maintain a detailed visitor logbook, including, as a minimum:

- Date and time of arrival on board and departure
- Full name and ID number
- Company name
- Reason for boarding
- Visitor control badge or card number (to be returned upon departure from the ship)
- Whether bags were checked or ID photographed
- Signature of the visitor at check-in (frequent visitors must be logged every time they check in and out of the vessel, regardless of any inconvenience this may cause)
- Signature of the duty crew and verification by the SSO at the end of each shift

Therefore, shipowners and masters wishing to hire diving contractors for underwater inspections must ensure that the relevant authorities recognise them as professional divers and certify that they meet the legal requirements for such activity. At the very least, the diving company should provide evidence of statutory compliance, including:

- Diving Company Registration Form (FCEM) and diving System Safety Certificate (CSSM)⁴³
- Work permit or similar clearance from local authorities, where required
- Evidence of contract of employment between the attending dive team and the diving company
- Proof of attending divers' professional qualification and license

Vessels that undergo underwater inspections at anchorages should be aware of local restrictions and consult with the authorities and pilot station to avoid fines for anchoring outside designated areas.

There are concerns among some security experts that professional divers legally employed by approved diving companies to perform legitimate ship services, such as hull cleaning, repairs, and other underwater activities, may also be providing freelance services to drug trafficking organisations for a handsome fee or through coercion or threats. Consequently, shipowners who rely on long-term contracts with diving service providers must require them to enforce strict supervision and screening policies for their diving teams. It is also advisable to randomly rotate job appointments between approved security service contractors to avoid the same group of professionals working continuously for the same vessel or fleet.

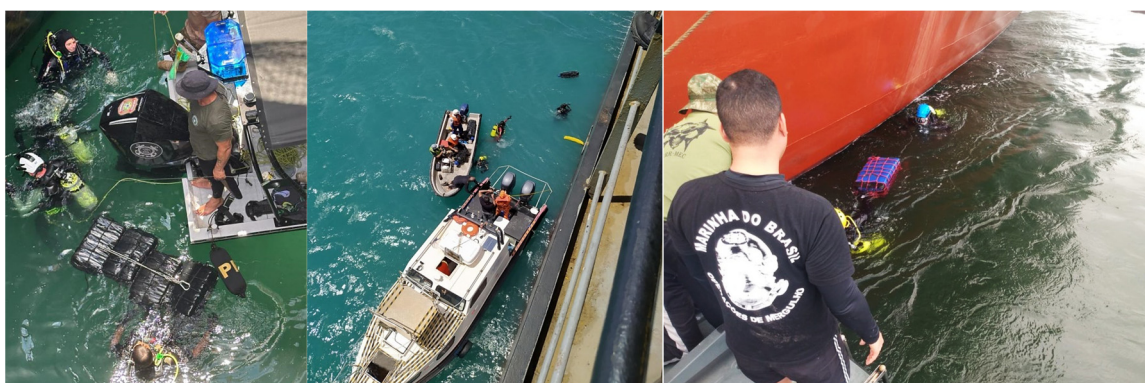


Figure 21: Law enforcement divers retrieve drug packages concealed in ship hulls below the waterline. Source: DPF/MB/RFB

It is important to note that underwater searches – and any other additional security measures – do not guarantee that the ship will sail free of illicit drugs. In fact, there have been instances where owners have organised thorough drug prevention measures, including underwater inspections and sniffer dogs, yet drugs were still found onboard and inside the sea chests of the ships.

7.3.5. Canine inspections

Customs authorities have used drug detection dogs for many years, particularly in busy container terminals. This has led to significant seizures of cocaine. However, it is rare for port security authorities to carry out preventive or surprise canine inspections aboard cargo ships.

⁴³ *Ficha de Cadastro de Empresa de Mergulho-FCEM* (Diving Company Registration Form) is a document issued by an organisation recognised by the local port captaincy or agency certifying the registration of professional diving companies with the maritime authority. *Certificado de Segurança de Sistema de Mergulho-CSSM* (Diving System Safety Certificate) is a document issued by an organisation accredited to the DPC certifying that the diving systems safety management, installations and other components, as well as their maintenance conditions, comply with the provisions of NORMAM-222/DPC or the IMO Safety Code for Diving Systems. The CSSM establishes the operational limit of the certified diving system and is valid for five years, with annual endorsements

There are no official canine drug detection training and certification standards in Brazil. Still, shipowners can contract these services directly from the dog handlers or through third-party service providers.

Deploying drug-sniffing dogs can be an effective additional security measure alongside efficient gangway access controls, video surveillance systems, and underwater searches. Nonetheless, this exercise can be utterly expensive due to the high degree of specialisation required. It often needs to be arranged well in advance, especially in remote ports, which involve long mobilisation times and exceptionally high travel costs.

Since the onset of the COVID-19 pandemic, many cargo ships have been contaminated with cocaine in Brazil. This has led to significant demand for canine drug detection services in ports known to be at risk of drug smuggling. Despite this increased demand, major canine drug detection providers are only available in ports near metropolitan areas. Only a few providers have narcotic detection dogs with training and practical experience in shipboard environments.



Canine inspections are not failproof. They alone cannot guarantee that the vessel is free of illegal narcotics or that the sniffer dogs have successfully detected all drugs placed onboard. The effectiveness of such inspections depends on several factors, including how well and where the drug has been concealed and whether it has been impregnated or mixed with substances to disguise the distinctive odour of cocaine. However, the mere presence of drug-detecting dogs on board could be a sufficient deterrent for drug traffickers attempting to smuggle drugs onto the vessel.

A bill aiming to make it mandatory for public security forces to employ drug-sniffing dogs in Brazilian ports, airports, and border crossings has been slowly being processed in the National Congress since 2018 ⁴⁴.

7.3.6. Private security guards

Under the so-called Law of the Ports⁴⁵, basic port work, such as ship watchkeeping, is carried out by port workers with an employment contract with the port operators or casual port workers. In most public ports, hiring shore watchmen is mandatory when the ship is alongside, but it is optional when it is in inner anchorages.

Regardless of the compulsory employment of shore watchkeepers, shipowners can contract private security guards to assist the crew in controlling access and searching the ship.

Private security companies must be registered with the Federal Police and the State Secretariat of Public Security to render private security services, even if the security guards do not carry lethal weapons⁴⁶. These companies can also arrange to deploy shipboard video surveillance and monitoring systems to cover access points and sensitive areas within the vessel.

⁴⁴ Draft Bill 10,742 of August 2018 establishes the mandatory use of sniffer dogs to combat the illicit entry of narcotics, related drugs and weapons into national territory via airports, ports and land borders and provides other measures

⁴⁵ Law 12,815 of June 2023, as amended, regulates the direct and indirect exploitation by the Federal Union of ports and port facilities and the activities performed by port operators

⁴⁶ Law 7,102 of June 1983, as regulated by Decree 89,056/1983 and Federal Police Ordinance 18,045 of April 2023, regulates private security activities in Brazil

7.4. Source of information

7.4.1. International Organisations

The United Nations (UN)

- 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol
- 1971 Convention on Psychotropic Substances
- 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

International Maritime Organization (IMO)

- The International Convention for the Safety of Life at Sea (SOLAS), 1974
- The International Ship and Port Facility Security (ISPS) Code, 2004
- The ILO/IMO Code of Practice on Security in Ports, 2004
- IMO Revised Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic, 2006
- IMO International Code of Safety for Diving Operations 2023 (2023 IMO Diving Code), 2023

UN Office on Drugs and Crime (UNODC)

- World Drug Report 2023, 2023
- World Drug Report 2023 Supplement: the Nexus Between Drugs and Crimes that Affect the Environment and Convergent Crimes in the Amazon Basin, 2023
- Global Report on Cocaine: Local Dynamics, Global Challenges, 2023
- The Global Study on Homicide 2023

International Chamber of Shipping (ICS)

- Drug Trafficking and Drug Abuse on Board Ship – Guidelines for Owners and Masters on Preparation, Prevention, Protection and Response, 2023-2024 Edition, 2024

Global Initiative Against Transnational Organized Crime

- Global Organized Crime Index: Brazil, 2023
- Atlantic Connections: the PCC and the Brazil-West Africa Cocaine Trade, 2023

7.4.2. Brazilian legislation

Federal laws and regulations

- 1988 Constitution of the Federative Republic of Brazil
- Law-Decree 2,848/1940 (Brazilian Criminal Code)
- Law 7,102/1983 (private security law)
- Law 11,343/2006 (Anti-Drug Law)
- Law 12,815/2013 (Law of the Ports)
- Decree 9,761/2019 (Brazil National Drug Policy)
- Decree 11,480/2023 (National Council of Drug Policies – CONAD)
- ANVISA Ordinance 344/1998 (technical regulation on substances and medicines subject to special control)
- Directorate of Ports and Coasts' *Normas da Autoridade Marítima para Atividades Subaquáticas – NORMAM-222/DPC* (Maritime Authority Standards for Underwater Activities – NORMAM- 222/DPC), 2023
- Federal Police Ordinance 18,045/2023 (private security services regulation)
- Federal Revenue Service's *Balanço Aduaneiro 2024 – Janeiro a Dezembro* (Customs Balance Report 2023, January to December 2023, 2024)
- Ministry of Justice and Public Security's *Mapa da Segurança Pública 2024, Ano Base 2023* (Public Security Map 2024), SINESP, 2024

8. Conclusion

The widespread availability and increasing consumption of illicit drugs, especially cocaine, pose a formidable threat to public health and security around the world. Brazil is a key cocaine transshipment hub and has played an instrumental role in the growth of this illicit market in recent decades, even though it does not produce the stimulant drug itself. Robust criminal networks have taken control of the highly profitable international drug trade and have infiltrated all walks of society, fostering alliances with organised crime groups worldwide.

Shipborne drug trafficking has intensified in recent years, with growing amounts of cocaine seized from within ships and their hulls, in addition to shipping containers. New smuggling methods developed in recent years not only defy law enforcement on both sides of the ocean but also expose innocent seafarers to the risk of being criminally implicated and facing punishment, sometimes with their own life, in jurisdictions far from their homes and loved ones.

When drugs are found inside sealed containers, it is generally assumed that the crew did not participate in the smuggling attempt. However, if drugs are discovered inside a ship or its underwater compartments, even in locations where the crew cannot physically reach, some law enforcement around the world tend to assume there was crew conspiracy in some way, even without concrete evidence.

This publication aimed to provide practical insight based on firsthand experience as P&I correspondents, claims and loss prevention advisors. It compiles recommendations from international and local authorities to prevent and respond to drug trafficking, ultimately seeking to prevent innocent crews from being criminally prosecuted and shipowners from suffering financial, commercial, and reputational damage. We hope you find this practical guide useful and welcome any feedback for future updates.

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