

Venepandi´s Circular - 037 – Criminal investigations opened against crews and ships due bribery

We´ve learned recently that a number of crew members, especially Masters and ships have been subject to criminal investigations locally due alleged bribery committed with local officers inside terminals during attempts to cover up incidents.

Considering the heavy penalties, either civil, administrative, disciplinary and criminal that ships and crew members, specially Masters may be subject to criminal prosecution if the authorities determine that they were part of a bribery according to local rules, all interested parties should be aware that recently local authorities are increasing their efforts to prosecute these crimes by opening up investigations against ships and crews locally. Although we´re not in the liberty to disclose the details of the investigations on going, we consider important to remark that according to local rules, the penalties against a crew member may go up to 20 years in prison plus ship´s confiscation.

Despite it may be attractive to “escape” from an incident/liability by paying a relative low amount in cash to an officer, it´s highly preferable to endure an administrative investigation and/or a claim against the ship than to be subject to criminal prosecution also with the consequences that a bribery may carry out against a ship. We refer all the publications made by the P&I clubs regarding the European bribery acts currently enforced. In addition, we´ve found that the efforts made by local authorities to enforce anti-bribery rules may´ve lead them to set up entrapments in order to catch and detain persons willing to pay to cover up incidents involving the vessels.

Our recommendation is to instruct the Masters to say always **no** to any offer made by a person or officer presenting the possibility to “let go” the investigation of a situation or an incident in exchange of money in cash. As said above, the associated risks both in Venezuela and overseas are too high to consider incur in such behaviors. Furthermore we strongly advise all ship-owners and their Masters to notify and/or consult their local P&I correspondent should they receive such offer on board in order to ensure that all proper measures are taken timely to avoid the risk of criminal prosecution against the vessel.

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The P&I Correspondent in Venezuela

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Please let us know should you have any further specific question about any local topic. Additionally, please remember to credit our company in case you chose to share this information.

**Loss Prevention Team
Venepandi, C.A.**

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