

# **MEMBER ALERT**



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## **ENHANCED RISK OF CUSTOMS-RELATED PENALTIES AT LOMÉ, TOGO**

Members whose vessels are calling at Lomé, Togo should be aware that fines of up to US\$ 141 million (€130 million), in addition to prison sentences of between three months and one year, may be imposed on persons found to have exchanged items with local people, notably fishermen.

In recent cases, personnel on board vessels at anchorage at Lomé have been found to have given local fishermen items of low value (such as barrels of sludge, bottles of water, or scrap) in exchange for seafood or sim cards. In each instance, the vessels in question were detained following the arrest of the fishermen upon their return to the port of Lomé, and their admission that such exchanges had taken place.

In conjunction with the detention of vessels, customs authorities have imposed fines of between US\$ 65 and 141 million (€60-130 million) on the grounds that the informal transactions described above constituted smuggling. In all cases to date, customs authorities have also refused to:

- discuss the fines unless the fine demand documents ("Procès Verbal de Constat" or "PV") are signed by a party with a formal mandate to speak on behalf of the vessel interests; or
- allow the signatory to add standard disclaimers such as "Without Prejudice" or "For Receipt Only".

On one occasion, a vessel remained under detention while its owners were denied any opportunity to negotiate the fine amount to allow its release.

In view of these circumstances, Members are recommended to issue strict instructions to their crew to avoid bartering for any items whatsoever at anchorage at Lomé.

Your Managers recommend that Members take note of this information and be guided accordingly. They also thank Club correspondent, Budd Togo, for providing the information upon which this Alert has been based.