

## Seafarers jailed for 30 years ‘guilty until proven innocent’ says ITF

Two senior crew of the bulker *Phoenician-M* languish in a Turkish jail sentenced to 30 years on drugs charges even after prosecutors offered little evidence connecting them to the narcotics, their High Court appeal could take up to two years to be heard.

[Nick Savvides](#), Europe correspondent

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Ali Albokhari chief mate of the *Phoenician-M* in a Turkish prisonCredit: Via Defence lawyer

Officials from the International Transport Workers Federation (ITF) slammed the Turkish authorities following the conviction of two officers for drug offences last year, claiming that “maritime is the only industry where people are guilty until proven innocent”.

Captain Marko Bekavac and chief mate Ali Albokhari were employed by Iskenderun Shipmanagement on board its vessel, the *Phoenician-M* in 2023, when the vessel docked in the Turkish port of Eregli, where the authorities said they had found cocaine in the vessel’s cargo hold.

The case of the *Phoenician-M* crew and the seafarers aboard another vessel, *Berge Torre*, highlight the dangers that crew face and the differences between their treatment even in the same jurisdiction.

Seafarer representatives are working to increase the safety of those working to keep trade flowing. ITF officials are working with the ILO and IMO to formalise guidelines for the fair treatment of crew accused of crimes while working on board international shipping.

Steve Yandell, the ITF’s assistant co-ordinator for seafarers, told *Seatrade Maritime News*, that a conference on the criminalisation of crew is expected to be held in the summer following the arrest of a number of crew and detention of seafarers for long periods as witnesses to alleged crimes.

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New guidelines have been agreed after a raft of cases that have seen crew criminalised and, in some cases, imprisoned following the discovery of criminal activity on the vessel that they are serving on without evidence that the crew was involved.

In the case of the senior officers on the 34,400 dwt bulk carrier *Phoenician-M* the guidelines may have come too late, after the bulker sailed from [Columbia's](#) Caribbean port of Barranquilla to Turkey's Black Sea terminal at Ereğli where it docked on October 2023.

Nevertheless, the situation that Captain Bekavac and Ali Albokhari are in, is considered to be unacceptable, with two hearings in court and an appeal now pending at Turkey's highest court, with the possibility of that appeal taking up to two years to be heard.

Defence lawyer for Albokhari, Rifat Sari, told *Seatrade Maritime News*: "The only reason these two people are being punished is because they are the captain and the captain's assistant. This is an unlawful punishment." He added: "The real drug owners were not investigated. Only two innocent people were sentenced to 30 years in prison."

Without revealing who the "real drug owners" are, Sari said that no connection between the drugs, Bekavac and Albokhari was made by the prosecution, the court merely decided that they were guilty on the basis that they were in charge of the vessel at the time.

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The story of the *Phoenician-M* began in September 2023 when the vessel was approaching the Colombian port for loading. Captain Bekavac, concerned about the prevalence of drugs in the region, requested extra security to be paid for by the operator, Iskenderun Shipmanagement.

#### **Request for additional security**

No response was made by the ship manager to the captain's request, and the vessel was found to have 137kg of cocaine hidden in the peak tank of the vessel.

"Before loading and unloading at the port of Barranquilla on 23.08.2023, I communicated with the head of security there and specifically requested improved lighting and night-time security. Three days before loading, I also received security instructions from the port of Barranquilla. On September 6th, the Colombian police discovered narcotics in the aft peak tank of the ship." Bekavac told the Turkish court at his trial in September 2024.

However, an investigation by Colombian authorities cleared the crew of any involvement with the drugs and issued a document, which *Seatrade Maritime News* has seen, releasing the vessel.

Colombian police filmed the search and discovery of the drugs found, which according to Capt Bekavac's testimony, were shown to him, and the packaging "had a logo of a Turkish football team and a mountain emblem, with the word 'Kayserispor' written on them."

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Following the vessel's departure from Columbia the captain informed Iskenderun and all cargo owners and parties involved with the ship.

"I informed them again that drugs had been found. When we anchored in Ereğli, the police came on board. I wanted to know if the Iskenderun ship management company had informed them. I showed the police the photos of the drugs seized in Colombia. I did everything within my power to address the situation. The police quickly located the drugs in Ereğli, almost as if they already knew where to look," said Capt Bekavac at his trial.

## **Failure to follow protocol**

According to Bekavac in Columbia he saw the drugs that were found in the peak tank, but in Eregli he was only shown photographs.

In Turkey the authorities did not follow the protocol, he said: “This procedure was not followed correctly—normally, the drugs should have been shown to me, and a report should have been prepared, but this was not done.”

Ahmet Caglar Coskunsu, Bekavac’s lawyer was excoriating in his condemnation of the Turkish investigation, he said there was no investigation into how the drugs came to be in hold two, no contact was made with Columbian authorities, no investigation into dockers who loaded the vessel.

“There was no search conducted on the ship, and the tip-off from Kayseri was not investigated. All personal belongings of the defendants were seized, but no evidence of any crime was found,” said Coskunsu.

He went on to tell the court: “Volkan Üzmez, who reported the drugs, have [*sic*] not been investigated. It is evident that the indictment holds my client responsible solely because he is the ship's captain. However, the crime in question is one that must be committed intentionally. Although we do not accept this, the indictment attributes responsibility based on negligence.”

Chief Mate Ali Albokhari, who, like Capt Bekavac, is also appealing his 30-year sentence, told the court that he was supervising the unloading process in Eregli, at night from the bridge, with his main responsibility to make certain that ship remains balanced while taking cargo was off loaded.

“From the bridge, only warehouse [hold] number 5 is visible; the other warehouses are not. Therefore, I believe that the drugs were likely placed during the coal delivery and loading process [in Columbia].”

## **Interrogation**

Mr Albokhari’s wife Elena, who spoke with her husband and is campaigning for both his and Capt Bekavac’s release, said that the crew had been locked in the kitchen for two days in Turkey, and when the captain was taken away he was beaten.

“Everyone’s phones and computers were taken away. After two days they reported that they were taking away several more crew members for interrogation. My husband continued unloading the ship also without communication and under the supervision of armed people,” explained Mrs Albokhari.

Initial efforts to contact her husband were stonewalled by the crewing agent, Kristina Cröger from Teamship, based in Hamburg, with Mrs Albokhari discovering her husband’s arrest via a chance communication with another crew member’s wife.

*Seatrade Maritime News* contacted Kristina Cröger, but she said she would not speak about the Phoenician-M and hung up. Emails to Iskenderun Shipmanagement, including the owner Ibrahim Mazman and crew contact Evren Alemdar have not been answered.

Information about the whereabouts and the situation of Capt Bekavac and Ali Albokhari was unavailable, and Mrs Albokhari said that she was unable to speak to him until 26 October, enduring 20 days without contact.

Eventually Mrs Albokhari requested proof from his defence lawyer that he was alive, and he sent a photo of him behind bars.

Reasoning for the conviction of Bekavac and Albokhari was reportedly due one month after the case was heard, Mrs Albokhari and the ITF have both reported that they have not seen this document.

### **Berge Torre case**

A similar case has been taking place in Turkey, the 2011 built, 176,000 dwt, Berge Torre sailed from Puerto Bolivar, Columbia, and arrived in Turkey in October 2023. Twelve crew were indicted for cocaine smuggling by the prosecutor in August 2024.

Initially, the criminal court rejected the indictment on the grounds that there was insufficient evidence demonstrating the involvement of crew members, and the suspects not been properly linked to alleged crime.

However, the ITF understands that the prosecutor will submit a new indictment for the Berge Torre crew.

According to the ITF's Yandell no new date for a hearing has been set and meetings with Turkish officials have not yielded any change in the crew's situation.

He said: "It is an unduly long process in Turkey," and added, "The concern is that the seafarers of Berge Torre will be given similar harsh prison sentence [30 years] as Captain and Chief Officer onboard Phoenician-M."

The ITF's inspector in Turkey, Kenan Dinc, has attended all the hearings with the crew of the Phoenician M, and he said that the prosecution presented no evidence that the crew were in any way connected with the drugs.

Dinc said the crew had joined the vessel only two-to-three months before the incident in Columbia, they did not know each other before joining the ship. The authorities in Turkey had checked their personal phones and computers and found no messages or communications between the crew leading up to the time they were employed on the Phoenician-M.

"The captain and chief mate were found guilty only because they were in charge of the ship. The captain acted prudently and responsibly when the vessel arrived in Turkey," said Dinc.

However, he added it remains unclear what tip off the police received, defence lawyers asked for clarity on this, but the court rejected the request.

Meanwhile, Iskenderun Shipmanagement was never called as a witness at the crew trial, "the court always focused on the vessel and the crew and not the company."

Iskenderun effectively disowned the crew after their arrest, and only "met their needs in prison after representations by the ITF". According to Dinc, the company paid the crew's basic wages up to the end of the first hearing, in September 2024, "After that there has been no response from the company."

The crew of the Berge Torre have had representations on their behalf from the ITF and ship manager and crewing agent Anglo Eastern, who appear to be continuing to support the 12 Berge Torre crew under suspicion.

The ITF are now calling for new guidelines to prevent the arbitrary criminalisation of seafarers and the union's campaign is receiving backing from the International Labour Organisation and [IMO](#).

"The Guidelines acknowledge the unique role of seafarers and that, due to the global operations of the shipping industry which means seafarers traverse different jurisdictions, they need special protection when it comes to contact with public authorities," said ITF's Yandell.

Meanwhile, Capt Bekavac and Ali Albokhari remain behind bars.