



# Sticking to Your GUNS?

The controversy of carrying lethal weapons on board

BY LISA KNAPP

**M**ALACCA STRAITS. 3AM. A tense, gruff Russian voice violates an eerily quiet channel 16 as M/Y *Fiffanella* cruises in pitch-dark blackness from Thailand to Singapore.

“We’ve shot your pirates and dumped their bodies overboard,” the Russian said.

Then radio silence returned as the muscles contracted in Curtis Stokes’ gut. He was first officer on watch and had no time to ponder if the announcement was genuine. Given that they were cruising Southeast Asia’s pirate-saturated waters, Stokes’ instincts said the communication was the real deal. He immediately woke the captain, processing the potential situation in an instant adrenaline rush.

*Fiffanella’s* crew were used to little fishing boats and other smaller craft approaching their leadship in the area. Now, they scanned the seas in the wee hours, looking for bodies of dead, floating pirates shot by the Russian in what might have been a fight for his life. They looked for the pirates’ rescue vessel and more pirates lurking and continued their vigilant watch. Stokes recalls the chilling radio transmission a decade later, while speaking about the controversy of carrying lethal weapons on board.

*Fiffanella* did not carry guns, but Stokes later ran *Renegade*, a 143-foot Lloyds, for five years, which did. He circumnavigated on *Renegade* several times, cruising in very remote areas. “This [carrying firearms] is a decision that truly cannot be taken lightly,” Stokes says, now a broker with The Sacks Group. “I am only in favor of carrying weapons on board a yacht if the captain and crew understand and accept this tremendous responsibility, as well as do the owner and any management involved.”

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## Captain's Log: Sticking to Your GUNS?



Carrying firearms is pretty much a black and white issue. You're either for or against it. The gray area is where a captain has a gun on board – just in case – a great mariner, maybe, but a novice with lethal weapons. While guns may provide protection in grave situations, they can also be pure folly in the hands of the untrained.

There are many issues surrounding firearms. Having them on board requires a commitment to extensive and continuing training. Crew must accept the responsibility of knowing when and how to use weapons in an emergency and most importantly, the legal, moral and psychological ramifications of doing so. Weapons stowage and security should be the best possible. And there has to be an obligation to know all international and local laws governing weapons on board.

### PACKING HEAT - THE DEBATE

Sir Peter Blake, Kiwi America's Cup champion and tireless campaigner for green seas, tried to defend his crew with a pistol against unfriendlies who stormed his yacht, *Seamaster*, in the Amazon in 2001. The pirates shot Blake dead and injured two crewmembers with knives; seven crew were unharmed.

"Pirates are often intent on stealing or kidnapping crew for ransom and not simply killing. Therefore any use of force must be carefully considered because you might make the situation worse," says Phillip Cable, director of MAST, a private security company in Britain. "It's up to the individual captain, but we advise against carrying guns unless you are properly trained in their use. Most of the time it is not necessary."

A gun can definitely complicate a situation, and maritime attorney and lethal weapons author Kenneth Gale Hawkes says hesitation to use his pistol may have contributed to Sir Blake's tragic fate. Waving a gun while saying, "Stop, or I'll shoot," is just enough time to have the bad guy shoot you between the eyes.

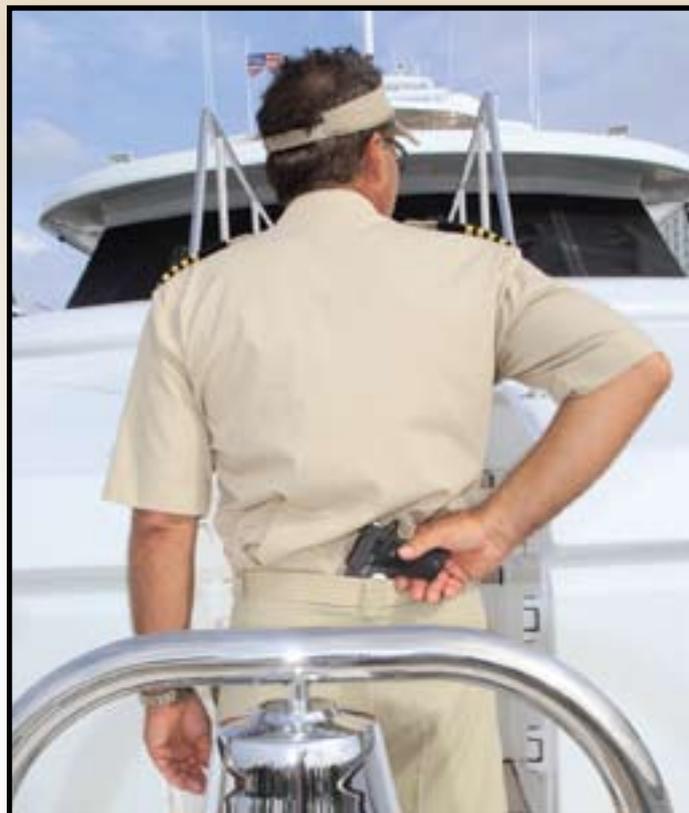
"Never draw your weapon unless you intend and are willing to use it," Hawkes says. "Never point the weapon unless you intend to kill."

Captains' opinions vary as packing heat is also a cultural issue. A gun in an English home is taboo, but bearing arms becomes more accepted the farther one voyages west.

Capt. X isn't used to carrying a gun, but she's considering it. "I think having a gun on board is a helluva great idea, especially in light of recent events," she says, referring to the crew of four that was murdered on *M/V Joe Cool*, a 47-foot sportfishing vessel enroute from Miami to Bimini. "The thought

of their bodies, dumped out there in the middle of the ocean, is just deeply disturbing."

But Capt. Brian Pridgeon says, "I just don't see what difference a gun would have made in this case." Hailing from South Africa, Pridgeon has military training, but doesn't carry firearms on board vessels he runs. He thinks



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it's unnecessary in the Caribbean, Bahamas and the Mediterranean.

Stanley Hoogerwerf, a retired New Orleans police detective lieutenant, weighs in on what role a gun on board might have played, hypothetically, in the fate of *Joe Cool's* crew. Hoogerwerf has a master's degree in criminal justice and is a PhD candidate in sociology at Tulane University. "With four crew on board, if one could have gotten to a weapon, one or two of them might have survived," he says. "They [the attackers] would have had a fight on their hands. Had the crew been trained with shooting a gun from the three- to twenty-foot range, they might have had a chance had a concealed, but accessible weapon been available."

Capt. Tim Forderer has circumnavigated the globe in *S/Y Vivid*. He has hired professional security in areas requiring special security. He tries to avoid "hot spots" and doesn't carry weapons on board.

"If I were military trained in weapons, I would have a different position," Forderer says, somewhere near New Zealand at press time. "But, I am not. I see weapons on board as a huge liability. I have also had long conversations about the issue of security with the owners and the management company. We feel that security is better left to the professionals."

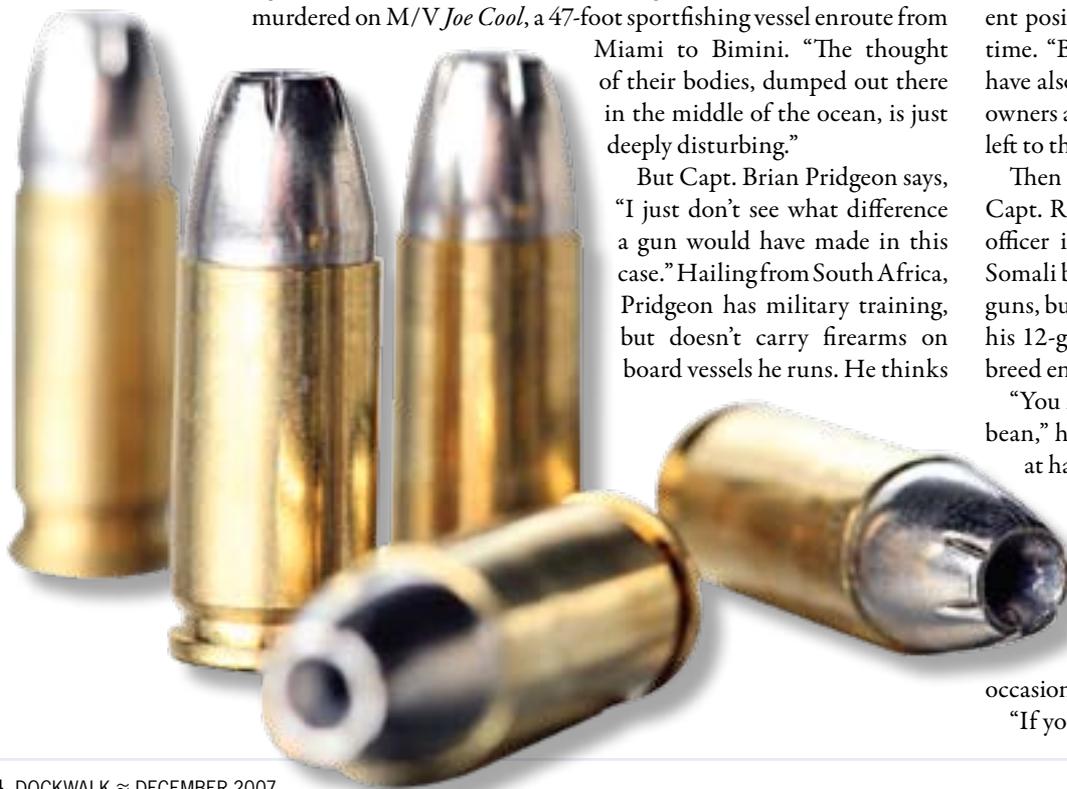
Then there's the question of the effectiveness of weapons carried. Capt. Robert Albright (a weapons expert, having also been a police officer in New Hampshire years ago) recalls running up against Somali boats that shot at him. He was massively outgunned. "We had guns, but what we had on board wasn't worth a shit," Albright says of his 12-gauge shotgun and pistol. "The Somali pirates are a different breed entirely."

"You might need a pistol, at most, in the Bahamas and the Caribbean," he says, "but what we had was not adequate [for the situation at hand]."

### TRAINING

The concept of self-protection starts in the mind. It's a "him or me" situation, says Hoogerwerf. He cites studies that noted policemen, experts with firearms who can reload their guns blindfolded in mere seconds, are occasionally disarmed and killed with their own guns.

"If you take time to weigh the consequences, you won't have time



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to make a decision and you'll be shot," Hoogerwerf says. "Or in other words, use it or lose it. If you surrender your gun, it will be used against you and you will likely be killed...with your own weapon. If you are in the wilderness, the inner city or the open ocean, you cannot rely on anyone else to protect you, so you need to be as well versed in the use of a gun, if you have one, as you are in protecting your ship from forces of nature."

Trembling and an adrenaline rush will affect one's aim. That's why training is so important, as handling the gun becomes instinct, part of muscle memory, Hoogerwerf says.

"On the yacht with weapons, we initially hired anti-piracy/self-defense/weapons handling experts for our training," Stokes says of his time running *Renegade*, "and then continued onboard training and drills with follow-up expert training over the years. Most trainers will tell you that proper situational awareness and having an anti-piracy and security plan in place with constant training is more important and effective than just having weapons stowed in a locker." Stokes used his lights, course alterations and VHF to demonstrate to one and all that his yacht was aware of its surroundings and not an easy mark. He ran 24-hour piracy watches throughout his passages in Southeast Asia, the Gulf of Aden and the Red Sea.

Carrying a weapon is a "damned if you do, damned if you don't" topic for Capt. Albright, who leans slightly toward the no guns on board philosophy. "If you don't train [with firearms] and do the mental conditioning, the element of deadly force would be as ineffective as if you weren't armed at all," he says.

### CREW ACCESS

Robert Gaylord, president of Stratigent, a company offering maritime security services, is in favor of guns on board when balanced with the consequences. "It is a risk reduction technique. If no weapon was there, you might all be dead," he says. But when guns are on board, Gaylord (as well as Hawkes and Hoogerwerf) advocates firearms training for the entire crew.

"A weapon is useless if the guy with the only key to the ammo is a hostage," Gaylord says. "Two people usually have access to all the weapons."

Hawkes advises thorough and continued training for the captain, officers, deckhands and mates – basically anyone



who would be on watch. Training chefs and stewards is a command decision. "The crew could be slaughtered like lambs if the captain is killed and they can't get to the gun," Hawkes says.

Crew access to guns is not always a good idea. It took a SWAT team to disarm a hysterical crewmember with a gun pointed to her temple on *M/Y Lucky 7*. The incident occurred aboard the 115-foot yacht at Isle de Sol Marina in Simpson Bay. Mario Biabiany, security officer for the marina, was called to intervene as other crew locked themselves in their cabins. Biabiany is a former Navy Seal and a reservist of St. Maarten's SWAT Team.

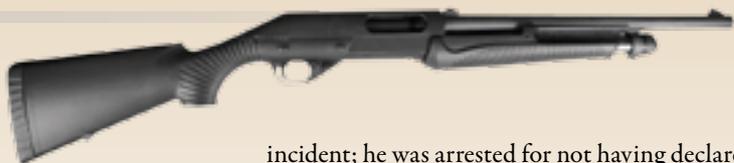
"She was on the aft deck and we talked off and on for three hours," Biabiany said. "She went in and out of the salon many times. She was very upset with the gun pointed to her head after some misunderstanding with the captain."

The suicidal stewardess only occasionally pointed the gun at him and the seven other SWAT officers. "She cranked the gun and engaged the chamber when it was pointed at us, then put it to her head." When the woman remained in the salon for an inordinately long time and didn't reappear, the SWAT team quickly subdued her.

The captain was in trouble as well after the



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incident; he was arrested for not having declared the gun upon entering St. Maarten, where guns are legally allowed. He was fined and released two days later.

"In my honest opinion," Biabiany said, "Don't trust anyone on board the boat if you are the one with the gun unless a bodyguard is on board. Crew doesn't need to know it's on board and it should be locked up with only one person having the key."

### STOWAGE AND SECRET STASHES

Storing and concealing weapons properly, under lock and key, is a subject unto itself. Jon Overing, a naval architect, says many superyachts are designed with full ammunition lockers concealed in designated areas, usually in close proximity to the bridge to maintain protection. "We don't call it that [a secret gun storage compartment] on plans, but sometimes they're in there," he says.

Cable of MAST advocates weapons and ammunition being stored separately, requiring two crewmembers to be in agreement and meet in order for firearms to be used.

Weapons are often confiscated by customs, and if that happens, Hawkes recommends having more available. Giving up your gun is the stupidest thing you could ever do, should you need said gun in a life or death situation, he says. "You are breaking the law, having a secret set of undeclared guns," Hawkes says, "and if guests are aboard during a robbery and are killed [because you couldn't defend them], the yacht owner may be liable for negligent security. Customs probably won't look beyond the obvious...you can always claim you simply forgot they were stashed if you are later caught. Keeping a pistol and ammunition in your abandon ship kit, for instance, is a perfectly logical thing to do [and also forget about]. So long as what you carry in your secret compartments is legal, you are perfectly within the law. These hiding places should be true secret compartments, carefully constructed and hidden." In other words, if given a choice, Hawkes, a former competitive shooter in the U.S. Marine Corp., would rather be "tried by twelve than carried by six."

Michael Moore, a maritime and aviation law attorney, thinks lying to customs in any country about secret weapons on board is a bad idea. "That is horrible advice," he says. "It is completely wrong. Never lie to the authorities. It is illegal to lie and not declare weapons in customs. It is a major problem; the moment you break the law, you probably broke your insurance contract, too. It's best to be fully licensed and permitted and declare them prior to entry."

### LOCAL LAWS

The legal issues involved with having weapons on board are complex and require the captain to do his homework. Your yacht's flag state or current port state may or may not allow firearms on board.



Moore recalls two captains who declared weapons, one in Greece and one in Tunisia, where guns are illegal. The captains were arrested anyway. Neither captain intended to bring the weapons ashore, yet they were jailed for several days until Moore intervened, oceans away. The guns were legally on the vessel, but the captains were scared and the crews were upset and their families worried, not knowing what would happen.

Guns will often be temporarily confiscated, rather than permanently seized. In countries where firearms are not allowed, some customs' authorities will take the weapons upon entry and return them, as a courtesy, to the captain upon departure.

"Yachts sailing into UK territorial waters and yachts flying a UK ensign may keep guns on board," says Benjamin Maltby, an English barrister with Palma-based yacht consultants MatrixLloyd SL. "But not all types of guns. A police permit is still needed to bring the firearm to and from the yacht. A license is required to purchase the firearm in the first place. UK ports and harbors may still ban the keeping of firearms on board by local bylaw. Foreign ports will have their own laws relating to possession and disclosure."

Researching and complying with each country's law can be difficult, and expert advice is recommended in advance. Stokes spent a great deal of time studying international and local laws concerning onboard weapons and spent even more time dealing with local authorities at each port.

"What peace of mind I had as captain knowing we had weapons on board and an extensively trained crew came with a lot of hassle in managing the responsibility of the weapons," Stokes says.

"Generally speaking, you can get into a lot of trouble with [guns] and a lot more trouble without them," Moore says. ★

## Leave it to the professionals?

Superyachts with security concerns due to their itinerary or high-profile guests can hire a professional security firm. The specialist may be armed with lethal weapons or employ non-lethal security programs.

"The operation of a superyacht is a complex and time-consuming activity and on board there is limited manpower. Engaging a security specialist will augment the services of a management company and provide support to the captain," says Phillip Cable of MAST.

"It is a small part of the operation of a yacht, but a critical one."

### Typical services include:

- ISPS compliance service
- Design, commissioning and installation of security technology
- Physical security (including armed) for yachts during transits through areas of concern
- SSO and CSO training courses
- SSAS competent authority service
- Close protection and chaperone

services for guests

- Provision of intelligence reports
- Advice and assistance with legal and operational issues surrounding firearms

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