

PRESS RELEASE – FOR IMMEDIATE RELEASE

AL SALAM BOCCACCIO 98 2006 SINKING: COURT APPOINTED EXPERTS FIND CONTRIBUTORY NEGLIGENCE FROM ITALIAN CLASSIFICATION SOCIETY RINA OVER 1,000 DEATHS AND HUNDREDS INJURED.

THE LANDMARK LEGAL CASE IN MARITIME LAW INVOLVING THE SAFETY OF SHIPS AND SHIPPING IS ABOUT TO BE DECIDED BY A COURT IN GENOA ITALY.

FAMILIES GATHER IN CAIRO TO RECEIVE UPDATES ON THEIR CLAIMS.

Cairo, 15 May, 2024.

Family members of the victims of the *'Al Salam Boccaccio 98'* tragedy and survivors gather today in Cairo to receive updates on the status of legal proceedings and the release of the long-awaited Technical Expertise on the causes of the shipwreck.

In the late afternoon of 2nd February, 2006, the Ro-Ro Passenger vessel *'Al Salam Boccaccio 98'* sailed from the Saudi Arabian port of Duba bound for Safaga, Egypt. On board were a total of about 1,418 passengers and crew members – many of the passengers having been on Pilgrimage to Mecca. Some hours after leaving port, *Al Salam Boccaccio 98* suffered a fire on board and capsized with the loss of over 1,000 lives and hundreds of survivors suffering extensive injuries and trauma. The ship lies in the middle of the Red Sea at a depth of about 900 meters.

A criminal court in Egypt found the ship owner guilty of manslaughter.

It became quite apparent that this was a sub-standard ship operator who was operating substandard ship.

But the ship, and the ship operating company held all the necessary certificates and pieces of paper which allowed the ship and the Company to continue its operation. Those Certificates having been issued predominantly by RINA who were the Classification Society as well as the Recognised Organisation acting on behalf of the Flag Administration – Panama.

RINA is a full member of the highly respected International Association of Classification Societies (IACS) and has its headquarters in Genoa, Italy.

Many of the families of those killed as well as many of the injured survivors appointed a Consortium of lawyers (Yasser Fathy Mahmoud, Egypt; Robert Lieff, U.S.A., Marco Bona, Bona Oliva & Associati, Italy; Stefano Bertone, Ambrosio & Commodo, Italy; Carlos Villacorta and Jean Pierre Bellecave, BCV Lex, Spain and France) to try and pursue a legal action in Italy against the Classification Society holding them accountable and responsible for possible failings and gross negligence which contributed to the casualty.

The claims against RINA include multiple counts of alleged failings and gross negligence involving issues as diverse as the supervision of major structural changes to the vessel, incorrect and inadequate stability manuals and stability calculations, inadequate fire-fighting and monitoring equipment, monitoring and approval of an ISM Code compliant Safety Management System and the issuing of numerous 'inappropriate' certificates; all of which allowed the ship to sail and the Company to continue operating.

All of these failures, it is alleged, contributed significantly to the horrendous casualty and the loss of over 1,000 lives and injuries to hundreds of others.

RINA argued that it was immune from prosecution under the principle of jurisdictional immunity.

Denied their claim to such immunity by the Court of Justice of the European Union (case C-641/18), the legal case against RINA was referred back to the Court in Genoa, Italy for consideration of the merits.

The Judge there appointed a panel of technical Experts (1 naval engineer; 1 class surveyor; 1 master mariner) commissioning them to review the voluminous evidence and prepare a Report into the possible failings of the Classification Society.

More than 18 years after the casualty, and after more than 2 years of analysis of the evidence, the Court Experts have completed their investigations and have now submitted their findings and conclusions to the Judge, including the following remarks:

- over the years, RINA played a fundamental role in standardisation and certification of Al Salam Boccaccio 98, both as a technical body of the Italian Flag Authority and as a Recognised Organisation of the Panamanian Flag Authority, and it must be considered the entity with the best and broadest historical memory of the ship's overall characteristics;
- the ship sank due to the loss of stability caused by the ballast water used in the attempt to recover the heel to starboard that the ship had assumed during the emergency and which leaked from the air vents inside the garage, causing unexpected and uncontrollable flooding;
- at the time of the tragedy Al Salam Boccaccio '98 was unseaworthy;
- in the performance of its various roles RINA acted negligently, carelessly and imprudently also by omitting to point out circumstances that were an impediment to the issue of the certificates or that would have required the indication of recommendations and/or precautions;
- the deviations and omissions by RINA contributed to the capsizing of the ship and the loss of lives; in particular, RINA carried on releasing certifications notwithstanding the unseaworthiness of the ship and because of its negligent, careless and imprudent conducts it allowed the dangerous establishment of a management with a poor safety culture; this not only prevented existing anomalies/defects from being detected, but actually diminished the effectiveness of the entire certification and control process;
- whilst the conduct of the Master was highly objectionable, it was not wholly atypical, unforeseeable and unforeseeable, especially taking into account the environment in which he operated and the circumstances in which he found himself; in no way the Master was the sole responsible for the events that led to the shipwreck and to the loss of more than one thousand lives; he was, in fact, only one of the parties who were involved in the event, which had numerous contributory causes;
- RINA did not provide the court and experts with all the documents about the ship and previous accidents occurred to Al Salam Boccaccio 98 and her sister vessels that one could reasonably expect that a classification society would have kept.

According to Stefano Bertone, one of the leading lawyers for plaintiffs *“it is now clear why the industry did not want to get to the merits of the case and fought so hard to keep our clients away from it. But they failed”*.

According to Marco Bona, one of the leading lawyers for plaintiffs *“The Al Salam Boccaccio 98 litigation is considered a land-mark case because it can possibly lead for the first time in the history of the Maritime Law to a ruling on the extent to which a Classification Society can be held accountable for its failings and gross negligence resulting in a sizeable tragedy”*.

According to Dr Phil Anderson (a Master Mariner and considered one of the World’s leading experts in Maritime Safety) this *“would have the potential to significantly reduce the possibility for sub-standard ship operators continuing to operate sub-standard ships and, consequently, make a significant contribution to improving safety across the shipping industry”*.

The significance will be enormous not only for the role of Classification Societies but also for maritime safety generally.

Classification Societies may face potentially serious consequences if they act negligently – for example failing to perform their jobs efficiently and issuing certificates inappropriately.

On the ground of Italian average awards for bereavement damages the present overall value of the case may be in the region of 200 million Euros.

Tens of families of the deceased passengers and survivors are attending today in Cairo a public meeting to receive updates by their lawyers on the status of legal proceedings and the impact of the Court’s Experts’ report on the case.

Yasser Fathy, the Egyptian lawyer of the Consortium, said *“we are proud of the work done so far and to have represented these families. The emotions of the persons for losing their beloved ones are still intact as they were 18 years ago. We have all means to bring this case to the conclusion, including patience and trust in the Italian legal system”*.

Further information about this case can be obtained from the families’ website about the tragedy: <http://www.elsalam98.net>.