

LONGFORM

Cause at Rina, the turning point The tragedy of the ferry to Egypt: "Give us the black box tapes"

A super expert report, the request to the Egyptian authorities for the black box transcripts, and the controversial position of an engineer from Cairo: three elements that could decide, in the coming weeks, the outcome of a civil lawsuit on one of the greatest tragedies in shipping. The case involves the Rina group, a company with half a billion in turnover, 4,600 employees and one of the world's leading companies in the certification sector, as well as in its original field of naval classification and, more recently, in the fields of engineering and infrastructure.

The case concerns the compensation lawsuit that has been ongoing for 12 years at the Court of Genoa. The claimants are a group of relatives of the 1,097 victims of the sinking of the ferry 'Al Salam Boccaccio 98' in the Red Sea on 2 February 2006. The argument, supported by lawyers Stefano Bertone and Marco Bona of the Turin law firms Ambrosio Commodo and Bona-Oliva, is that Rina bears specific responsibility for the disaster.

Modifications and reversal The Boccaccio is a Tirrenia ferry built in 1968 with three other sister ships called "I poeti" (The Poets). In July 1990, faced with increasingly aggressive private competition for the islands, Tirrenia sent the five "sisters" to Fincantieri. The Boccaccio was expanded with four additional decks, allowing it to accommodate a much larger number of passengers. In 1999, "I poeti" were sold en bloc to the Egyptian company El Salam Shipping & Trading, owned by Mamduh Ismail, a senator very close to then-President Mubarak. In June 2002, while sailing in the Red Sea, a fire broke out on board the Petrarca. In this case too, the ferry, which had been expanded with two additional decks, capsized. The occupants were rescued, but there was one fatality.

Wiretaps: a manager reduced the requirements for the Jolly Nero one month after the Torre Piloti

Four years later, in the same stretch of sea, the Boccaccio is passing through. There are about 1,400 people on board. Mostly workers who have emigrated to Saudi Arabia and pilgrims also returning after visiting Mecca. A fire breaks out, the ferry takes on water and capsizes. Immediately, fingers are pointed at the manoeuvres decided by Captain Omar Sayed, who is missing.

Two years later, the court in Safaga acquitted the shipowner (there had always been rumours that the company had interests linked to Mubarak's family), who was then sentenced to seven years in prison on appeal in Hurghada in 2009. However, Mamduh Ismail had already fled to England.

Authorisations

But the case currently being heard in Genoa before Judge Daniele Bianchi, after Rina's attempt to move it to Panama, must decide on Rina's alleged responsibilities. The lawyers representing the victims' families write that Rina: "Has



approved modifications to the ferries based on technical assumptions that were inadmissible for passenger transport, thereby allowing captains to receive technically incorrect and misleading information about the ship's behaviour, which in turn led to decisions that would otherwise never have been taken. In a nutshell, the parties accuse Rina of having granted the Boccaccio, since its departure from the shipyard in 1990 and then in Egypt in 2003, 2004 and 2005, authorisation to sail, certifying its stability, whereas, in the opinion of lawyers Bertone and Bona and their consultants, the enlargement of the ship should have entailed a series of obligations with regard to safety equipment, the functioning of the 'bilge pumps', i.e. the water drains, and the rules of navigation with regard to winds and speed.

And here, the cause of one of the greatest maritime tragedies ever intersects with the investigation into alleged false certifications arising from

the greatest Italian port tragedy.

The role of Rina managers

On the night of 7 May 2013, the Jolly Nero ship owned by the Messina company, due to a series of malfunctions of the on-board instruments and the fault of the captain - as established by the final judgement - knocked down the Pilots' Tower of the port of Genoa, killing nine people. That initial investigation led to two others. One concerns the location of the tower, which is already in its second stage of proceedings, and the other, opened in 2016 and now concluded, hypothesises disturbing falsifications of safety certifications for ships belonging to many Italian and foreign companies. There are over 40 suspects, mostly managers and inspectors from Rina, but also officials from the Port Authority and executives from shipping companies. According to public prosecutor Walter Cotugno, wiretaps and emails show frequent recourse to the adjustment of certifications, even

In 2006, the Boccaccio disaster, 1,097 dead The Genoa court orders an expert report on the transformations of the former Tirrenia unit raised with 4 decks by Fincantieri



K La Boccaccio Before and after the elevation; a frame from the video shot before the tragedy ON THE WEBSITE GENOVA.REPUBBLICA.IT

with the creation of fake documents from scratch, there are hundreds. But here we are interested in one series in particular.

Meanwhile, it should be remembered that four days after the collapse of the Tower, inspector Giovanni Debernardis of Rina imposed on the Jolly Nero, which had been seized by the public prosecutor's office, the obligation to always use tugboats when entering and leaving ports and 'in areas with restricted manoeuvrability'. But on 14 June - and the financial police highlight this episode as emblematic - Messina manager Roberto Boero wrote an email to the head of Rina classifications, Marco Benzi. The Jolly Nero was about to cross the Suez Canal, and Messina wanted to ease the restrictions on the Jolly to 'avoid bottlenecks in the Canal... I would suggest modifying the restriction', essentially maintaining the obligation to use tugboats when entering and leaving ports but 'leaving the captain discretion in areas of restricted manoeuvrability'. An exchange of emails follows in which Benzi politely asks...

He tells Boero to be patient and offers him a possible "meeting with engineer Messina". At that point, Benzi wrote to the head of Rina in Egypt, Engineer Shebab El Matbouly, and on 15 June, the latter replied that everything had been resolved. Benzi then specified, "I believe that Messina will ensure that Suez officials do not visit the ship at the same time as Rina." Benzi - who refers to Messina as clients, a definition that lends itself to multiple considerations regarding the fact that the certifier is also a supplier - wrote to Paolo Salza, director of RINA Services, on 18 June to inform him: 'Jolly Nero has left Suez'.

Rina speaks

Benzi and Salza are both under investigation for alleged false certification, but in the civil case they are named as individuals who, by approving inspections, signing related documentation and failing to issue requirements to Salam Boccaccio, contributed to Rina's liability. The relatives' lawyers also highlight the awkward position of engineer Matbouly, Rina's witness in the Boccaccio case. However, Rina, through its press office, retorts: 'Engineer El Matbouly is not involved in any way in the investigation into naval certifications and there is no reason why he should not testify'.

As regards the episode reported in the criminal investigation files: "With regard to the Jolly Nero transiting the Suez Canal, no prescription was withdrawn. Following a completely transparent technical comparison, the prescription was suspended only for the duration of the transit through the canal. Rina inspected the ship before and after its passage through the canal to ensure its transit in complete safety."

The Naval Register: "We are transparent, no cases of favouritism, regular inspections"

The judge's moves

To decide on the request for compensation - at least one hundred million euros - Judge Daniele Bianchi has decided on a series of steps. First, he appointed three technical consultants (engineers Alessio Gnecco and Massimo De Vincenzo and naval officer Alfredo Cuccinotta) to carry out a technical assessment consisting of seven questions ranging from the analysis of RINA's actions to the behaviour of the Boccaccio's captain. He then ordered RINA to hand over all documentation relating to the ship, from the original plans to the modifications to the logbooks. Finally, a letter rogatory was sent to the Egyptian authorities requesting that the Hurghada Court of Appeal and the Egyptian Parliament provide copies of all the investigations carried out and, above all, hand over the transcripts and tapes from the black box. It remains to be seen, after the disagreements over the Regeni and Zaki cases, what degree of cooperation the Cairo government will offer.