

# “Negligence by Rina”. The expert report implicates the multinational certification company in the deaths of a thousand people on the Al Sa...

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"Negligent and incorrect checks and improperly issued navigation certificates".

**Rina**, the Italian Naval Register, a multinational certification and engineering consultancy (Ponte San Giorgio and new dam), risks losing a civil case that would expose it to huge compensation payments to the victims of one of the greatest maritime tragedies.

## The tragedy

On 2 February 2006, **1,097 people died** in the Red Sea when the ferry [Al Salam Boccaccio 98](#) sank. Eighteen years later, in the civil case pending before the Court of Genoa, the expert report that Judge **Daniele Bianchi** had entrusted to three experts at the end of 2022 was filed: Navy Captain **Alfredo Cucinotta** and engineers **Giovanni Fantoni and Alessio Gnecco**. The case has dragged on for so long partly due to a lengthy suspension caused by Rina's request, which was subsequently rejected, to move the trial to Panama.

Their technical report is 687 pages long and will help the judge decide a case that has been dragging on for 14 years. A large group of victims' families is represented by lawyers **Stefano Bertone and Marco Bona** from the Turin law firms Ambrosio Commodo and Bona-Oliva. Today, the two lawyers will be in Cairo, where they will meet with the families of the victims to take stock of the situation.



*The lawyers representing the victims' relatives at today's meeting*

Rina's lawyers are **Giuseppe Giacomini and Francesco Siccardi**, both from Genoa. The report addresses

numerous issues and is clearly a technical document. However, the judge had asked the consultants to conclude it with seven concise answers to seven questions.

## The most important passage

And it is answer number 6 that provides perhaps the most important indication: 'Certainly, Rina did not cause the ship to capsize or prevent the people on board from being rescued, but with its negligent, incompetent and imprudent behaviour, it allowed the dangerous establishment of a management culture with little regard for safety. This not only prevented the detection of existing anomalies/defects, but also effectively reduced the effectiveness of the entire certification and control process.' Of course, the judge will not decide the case solely on the basis of this passage, but these lines, while not establishing Rina's sole responsibility, could certainly convince the court that the Genoa-based multinational is partly responsible.

## The captain

This helps to better understand a subsequent passage, when the consultants state that 'in no way was the captain of the Al Salam Boccaccio 98 solely responsible for the events that led to the shipwreck and the loss of over a thousand lives. He was in fact only one of the individuals involved in the event, which had numerous contributing factors'.

## Compensation

However, it should be noted that, in civil proceedings, the recognition of even a minimal percentage of liability may result in the payment of the entire amount of compensation set by the court, given that 'all parties are jointly and severally liable for compensation for damages'.

## The cause of the sinking

The consultants believe they have identified the primary cause of the sinking: 'The ship actually sank due to a loss of stability caused not so much by the water used to extinguish the fire, but rather by the ballast water used in an attempt to recover the starboard list that the ship had assumed during the emergency and which escaped from the air vents inside the garage, causing unexpected and therefore uncontrollable flooding'.

Egypt, the last moments aboard the Boccaccio ferry before it sank, causing a thousand deaths.



According to the three experts, if "Rina's certification and verification activities had been carried out more effectively, this would most likely have resulted in better ship management, with lower risk factors. However, these would not have been eliminated, and it is therefore impossible to prove that the accident would not have occurred."

## The history of the Fincantieri ferry

The Boccaccio is a **Tirrenia** ferry built in 1968 along with four other sister ships known as "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. Again, the ferry, which had been expanded with two additional decks, capsized. The occupants were rescued, but there was one fatality. Four years later, the Boccaccio was travelling in the same stretch of sea. There were about 1,400 people on board.

Most of them were workers who had emigrated to Saudi Arabia and pilgrims returning from a visit to Mecca. A fire broke out and the ferry capsized.



From the outset, fingers were pointed at the manoeuvres decided upon by Captain Omar Sayed, who was, however, missing. Two years later, the Safaga court 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. In the meantime, however, Mamduh Ismail had already fled to England. The lawyers representing the victims' relatives accuse Rina of granting the Boccaccio authorisation to sail since it left the shipyard in 1990 and then in Egypt in 2003, 2004 and 2005, certifying its stability, while, in the opinion of lawyers Bertone and Bona and their consultants, the enlargement of the ship should have entailed a whole series of obligations with regard to safety equipment, the functioning of the 'ombrinali' (water drains), and navigation rules with regard to winds and speed.

## Improper certificates

The judge's three advisors 'analysed, as far as possible, the verification processes that were implemented at the time, in order to try to reconstruct how they were carried out. Following this activity, it was concluded that in some cases these verifications were performed incorrectly or incompletely. Specifically, there are

reasons to believe that at least part of the certification that the ship had was issued improperly'. Now the parties will submit their observations and then the judge will make his decision.