

Al Salam legal fight targets Rina

By Rainbow Nelson - Tuesday 5 June 2007

A CONSORTIUM of international lawyers has dragged Italian classification society Rina into a battle for compensation for the families of more than 1,000 people killed when the Al Salam Boccaccio 98 ferry sank in the Red Sea last year.

Papers filed with a court in Genoa are demanding Rina release documents relating to the Egyptian-owned ferry, in particular those relating to classification after it was transferred from the Italian to Panamanian flag in 1999.

The consortium, which includes lawyers from Cairo, Bordeaux, Madrid, Italy and San Francisco, is focusing on the failure of the crew to return to shore after discovering a fire and failings in the evacuation of the vessel, the primary causes of the massive loss of life, according to a criminal investigation in Egypt.

The group is also keen to establish why the ferry's sisterships: Al Salam Manzoni 94, Al Salam Pascoli 96 and Al Salam Carducci 92, were sent for scrapping between August and December last year.

"The aim of the consortium is to obtain full compensation for the bereaved and the survivors of this maritime disaster, a tragedy that would not have occurred but for gross negligence on the part of the shipowner-operator and other companies involved," said Stefano Bertone partner of the Turin law firm, Ambrosio & Commodo who is acting for Abdel Naby Hussein Mabrouk Aly, husband of one victim.

"Investigations have led us to the conclusion that a number of parties are legally liable and we intend to pursue them in any available forum," he said. The group met in Rome last month to discuss the best way to proceed with the claim.

The vessel's Egyptian owner, El Salam Maritime Co, has already allocated \$57m for compensation to the victims of the tragedy, a step taken after the Egyptian government froze the assets of the company and its president, Mamdouh Ismail Mohamed.

Mr Bertone told Lloyd's List that he felt the payments should be "at least five times more".

Egypt is a signatory of the Athens Conventions of 1974 and 1990 but the scale of the disaster means that shipowner's compensation is limited by the London Convention of 1976 to SDR\$25m (\$35m).

Lawyers are seeking to widen the case to include Rina, which issued key documents for the vessel including the ISM Code certificate that covers safety aspects including the crew's response to a fire.

"In the case that liability lies with Rina it is clear that the limitation does not apply to them," said Mr Bertone.

It is the second highprofile case in which claimants have turned to Rina for substantial damages. It is already at the heart of a compensation fight related to the sinking of the Erika tanker in 1999.

In the immediate aftermath of the Red Sea tragedy Rina handed over all the documents outlining the entire history of the vessel to flag state Panama and Egypt, which carried out a joint investigation into the accident. It has also given copies documents to the European Commission and the International Maritime Organization.

The legal consortium has received class paperwork dating from construction in 1969 to 1999 but the ship's owner has instructed Rina not to release paperwork relating to the period after 1999.

Mr Ismail wrote to Rina to make it clear that the owner "does not authorise the exhibition of any of the documents required by Mr Abd Alhabi Houssin Mabrok (sic) as they contain reserved information." Releasing the documents, wrote Mr Ismail, "may heavily affect our rights and interests".

Rina refused to comment. Attempts to contact the owner met no response.

www.loydslist.com/art/1180774586799

Published: 5/06/2007 GMT

© 2007 Informa plc. All rights Reserved. Lloyd's is the registered trademark of the Society incorporated by the Lloyd's Act 1871 by the name of Lloyd's

This article is copyright Informa UK Limited and is reproduced with permission. Reproduction, retrieval, copying or transmission of this article is not permitted without the publisher's prior consent. Informa UK Ltd does not guarantee the accuracy of the information contained in this article nor does it accept responsibility for errors or omissions or their consequences.