

# The Gozo diving fatality was related to dry suit

The initial verdict over Christine Gauci's death in Gozo in 2020 raises important questions about the competence of court experts

## TALKING POINT



LINO VELLA BRINCAT

**G**iven the confusion there might be about the roles of the different court appointed experts in the Arthur Castillo case, I would like to shed some light on my area of expertise and the contribution I was asked to make by the first court.

Magistrates appoint various experts when an inquiry is initiated. These are typically asked to produce an extensive report and/or provide verbal testimony, which in court proceedings act as expert evidence. The court usually appoints experts who are known to be competent in their field.

For many years, I have served the law courts as an expert on diving matters. I am a certified and qualified diving instructor (BSAC Advanced Instructor and CMAS 3-Star Instructor), have many years' experience as an instructor and am well versed in diving procedures.

Besides, I am considered by foreign and local stakeholders in the industry as being highly knowledgeable with respect to the function and use of diving equipment and its manufacture. This goes back to the 1970s when I set up a factory producing diving equipment for the international and local markets.

Over the years, I have also advised and helped found a number of well-established dive centres on the Maltese islands.

In the case of the fatal diving accident involving Christine Gauci, who was with her dive buddy Castillo, I was appointed by the magistrate as the court expert on diving-related matters. Besides offering



Christine Gauci, 35, died during a dive in an incident for which her diving buddy Arthur Castillo was first convicted of negligence and then cleared by an appeal court.

verbal testimony when I was called to the stand as an expert witness, I also produced a detailed report.

My work as a court expert entailed testing the functionality (or otherwise) of the deceased's diving equipment, examining Castillo and Gauci's dive computers to interpret their dive profiles and questioning Castillo and the other divers who were in the area at the time of the accident.

My report examined the diving procedures followed by both divers during the fatal dive and reached a conclusion as to what could have caused Gauci's death.

Namely, this was mainly related to her dry suit's malfunctioning inflation valve and the fact that it was a large size man's dry suit. Without proper training in dry suit diving, even using the correct and fitting size could be the cause of a serious or, worse still, fatal accident.

There were other experts appointed by the court, including Charles Azzopardi, who was appointed as the 'diving fatalities' expert. Azzopardi's background is that of a medi-

cal doctor specialising in hyperbaric medicine. His report reached different conclusions with respect to Gauci's cause of death.

It is important to clarify that the guilty verdict issued by the first court was heavily influenced by the conclusions drawn by Azzopardi. For some reason or another, my report and verbal testimony were not given their due consideration and failed to have any bearing on the court's decision.

In his report, Azzopardi expressed his opinion on Castillo's behaviour as Gauci's

dive buddy and concluded that there was negligence and omission. These were the two main issues on which the judge in the court of appeal decided to base her decision to overturn the first court's conviction.

Rightly so, the court of appeal quashed the original verdict and exonerated Castillo, who had done his best to be 'a buddy diver' throughout the dive and was in no way responsible for its tragic outcome. My report for the court confirmed as much.

The judgment of the appeals court raises important questions about the competence of court-appointed experts and the conclusions they reach in their verbal and written testimony.

Experts should be appointed on the basis of specialised knowledge and extensive experience and their testimony should only contain conclusions that are relevant to their specialisation and the remit given to them by the court.

Lino Vella Brincat, a diving industry consultant, has worked as a court appointed expert on diving-related matters for many years.



**For some reason, my report and verbal testimony failed to have any bearing on the court's decision**

## WHAT'S ON



Wayne Marshall

## Marshall Arts

Voluntary organisation Blue Door Education is today holding a fundraising event featuring world-renowned musician Wayne Marshall at St Andrew's Scots church, in Valletta.

Marshall will be performing on the organ and piano in a programme that includes improvising on Gershwin's *Rhapsody in Blue* and *Toccata and Fugue* by Bach. He will also improvise on themes requested by audience members.

The concert, which kicks off at 8pm, will also feature Marshall's children, Martina and James.

Tickets are available from [www.eventbrite.com](http://www.eventbrite.com).

## APS Bank Easter Concert

MPO resident conductor Michael Laus will conduct the orchestra in a concert of choral and instrumental music at St John's Co-Cathedral tomorrow at 7.30pm.

The orchestra will perform Bach's *Toccata and Fugue* and Puccini's *Messa di Gloria*, which will feature tenor Cliff Zammit Stevens, baritone James Agius, bass Noel Galea and the Goldberg Ensemble.

For tickets, visit [showshaping.com](http://showshaping.com).

## Cuatro

Alegria Flamenco Malta is presenting a flamenco dance performance inspired by Antonio Vivaldi's classic *The Four Seasons*, at Theatre Next Door, in Magħtab on Saturday and Sunday at 7.30pm.

Produced and directed by Ingrid Sciberras, *Cuatro* features original choreographies by Sciberras, Estelle Bonello Sant and Ema Marie Attard.

The evening will include live music by the string quartet The ProMuzika Ensemble, directed by Sarah Spiteri.

For tickets, visit [tnd.com.mt](http://tnd.com.mt).

For more events and updates, look up the What's On guide on [timesofmalta.com](http://timesofmalta.com).