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**COMMISSION OF ENQUIRY**  
**TO EXAMINE AND ENQUIRE INTO ALL OF THE**  
**CIRCUMSTANCES WHICH LED TO THE TRAGIC**  
**INCIDENTS WHICH OCCURRED ON FRIDAY FEBRUARY**  
**25<sup>TH</sup> 2022 AT FACILITIES OWNED BY PARIA FUEL**  
**TRADING CO. LTD LOCATED AT NO. 36 SEALINE RISER**  
**ON BERTH NO. 6, WHICH LED TO THE DEATHS OF THE**  
**FOUR (4) EMPLOYEES OF LMCS LIMITED**

International Waterfront Centre  
Level 11 Tower D  
One Wrightson Road  
Port of Spain

WEDNESDAY, SEPTEMBER 07, 2022

**Commissioners:**  
The Hon. Jerome Lynch QC  
Mr. Gregory Wilson

**Commission Counsel:**  
Mr. Ramesh Lawrence Maharaj SC  
Mr. Ronnie Bissessar  
Ms. Vijaya Maharaj

**Secretary:**  
Ms. Sarah Sinanan

**PROCEDURAL HEARING**

1           **10.36. a.m.:** *Procedural Hearing commenced.*

2           **Mr. Chairman:** Well, good morning, everyone. Can I say  
3 something first of all about masks? The protocol, as you know, in and  
4 out of this building still is that there should be masks to be worn by all  
5 those who come and leave. In this room, I shall not wear a mask and I  
6 do not require anyone to wear a mask. Of course, it is a matter  
7 entirely for anyone to wear it if they choose. If you feel more  
8 comfortable then you should, but if you wish to take it off please feel  
9 free to do so. Anybody who has a difficulty with that, probably now  
10 is a good time to leave, otherwise, as I say, that is going to be the  
11 protocol that we will adopt for now. Please, turn off your telephones.  
12 I've left mine in my chambers so I would ask you all to at least put it  
13 on silent.

14           I wonder if, Mr. Maharaj, you'd be kind enough to make some  
15 introductions of those that are sitting in the counsel's rows so that I  
16 might know who everyone is.

17           **Mr. Maharaj SC:** Much obliged, Chairman [*Inaudible*]—

18           **Mr. Chairman:** You need to put the microphone on, I think, Mr.  
19 Maharaj.

20           **Mr. Maharaj SC:** Sorry. The attorneys-at-law who are present and  
21 the parties they represent, I would kindly ask the attorneys-at-law to  
22 stand when their names are called. Paria Fuel Trading Company  
23 Limited and Heritage Petroleum Company Limited represented by  
24 Mr. Gilbert Peterson Senior Counsel, leading Mr. Jason Mootoo,  
25 instructed by Gretel Baird.

26           **Mr. Chairman:** Good morning.

27           **Mr. Maharaj SC:** Ministry of Energy and Energy Industries,

1 represented by Mr. Colin Kangaloo as counsel instructed by Ms.  
2 Danielle Inglefield.

3 **Mr. Chairman:** Good morning.

4 **Mr. Kangaloo:** Good morning.

5 **Ms. Inglefield:** Good morning.

6 **Mr. Chairman:** I see there's a lady with you.

7 **Mr. Maharaj SC:** Estate of Fyzal Kurban, Aliyah Henry, a child of  
8 Yusuf Henry, represented by Mr. Prakash Ramadhar, assisted by Mr.  
9 Ted Roopnarine and also appearing with them Kiel Taklalsingh,  
10 Stefan Ramkissoo, Ved Trebouhansingh, but those last three are not  
11 present today but they have asked me to apologize on their behalf,  
12 instructed by Niara Boodan.

13 **Mr. Chairman:** Good morning.

14 **Mr. Maharaj SC:** Thank you.

15 **Mr. Chairman:** I believe, um—Mr. Maharaj, I believe that we do  
16 not have any application for standing from the gentlemen from  
17 Freedom Chambers, is it, and Ramadhar's chambers. Is that correct?

18 **Mr. Maharaj SC:** Yes. Yes, yes, yes Commissioner.

19 **Mr. Chairman:** Well in the absence of having any application for  
20 standing I won't ordinarily hear anything from anybody who has not  
21 been—either applied or been granted. I think the others have and I'm  
22 certainly content that they should address us at the appropriate time  
23 this morning. But let me just please deal with the opening session.

24 Today is our first day of this Enquiry and, um, it is a  
25 Commission of Enquiry into all of the circumstances which led to the  
26 tragic incidents which occurred on Friday the 25th of February of this  
27 year at the facilities owned by Paria Fuel Trading Company Limited,

1 located at 36 sealine riser on berth number six at Pointe-a-Pierre  
2 which led to the deaths of four employees of LMCS Limited. As I  
3 say, this is the formal opening by me, the Chairman, on behalf of the  
4 commission. So welcome.

5 Today is the 7th of September. It is the first day and I am its  
6 Chairman, Jerome Lynch Queen's Counsel. This is the formal  
7 opening into the death of those four divers and such an incident in a  
8 modern country, used to dealing with the extraction of oil and gas and  
9 the maintenance of machinery necessary to effect such extraction is  
10 both surprising and tragic in the 21st Century.

11 A hundred and ninety-four days ago, four men died when  
12 something happened that caused them to be sucked into a 30-inch  
13 pipe, stretching across the sea bed from berth six to berth five. It is  
14 right that we should remember them with sorrow and compassion, not  
15 just them but their families and friends who grieve for them. I would  
16 ask you please to join with me and observe a minute's silence as a  
17 mark of our respect for those men who have died and for those whose  
18 lives have been changed forever.

19 [*The Commission sat in silence*]

20 **Mr. Chairman:** Thank you. It is right that at the very outset of this  
21 Enquiry that I should express on my own behalf and on behalf of all,  
22 my fellow Commissioner, Mr. Gregory Wilson who sits to my left,  
23 Counsel to the Commission of Enquiry who are sitting to my right and  
24 the members of the Enquiry team our heartfelt sadness at the suffering  
25 and despair caused by this loss of life. We are acutely aware that  
26 these men were fathers and sons, brothers and cousins, friends and  
27 colleagues. They were breadwinners and confidants who provided joy

1 and succour to many. This Enquiry cannot bring them back but it can  
2 and it will provide answers to the inevitable questions of how a  
3 tragedy of this kind could occur in today's society. In that, I hope that  
4 we will be able to provide some small measure of solace to all.

5 The facts are undoubtedly tragic and there are bound to be  
6 moments when emotion will get the better of some. Let us be  
7 understanding and caring. Similarly, there are about to be lighter  
8 moments of levity and humour which creeps into everyone's daily  
9 routine. That does not mean that we do not take it very seriously  
10 indeed or that we lack empathy. Nothing could be further from the  
11 truth.

12 It is also right to observe that a disaster of this kind provided a  
13 unique challenge to the emergency services as well as to those  
14 charged with direct responsibility for those divers. There are many  
15 aspects of the response to the tragedy that the Commission of Enquiry  
16 will wish to examine but it is right that we should pay tribute to those  
17 people who were ready to risk their lives to attempt a rescue of these  
18 men. As you know, a fifth diver did manage to escape with the help  
19 of at least one other on the site.

20 In response to that terrible event on the 25th of February, the  
21 President of Trinidad and Tobago, at the behest of the government and  
22 with no small contribution from members of the public, called for a  
23 Commission of Enquiry. Initially the Chairman of the Commission  
24 was to be the very experienced retired judge Dennis Morrison  
25 Queen's Counsel but he had to withdraw creating something of a  
26 hiatus and consequent delay in getting the Enquiry up and running.  
27 We've lost four months. I regret to say that delay has been

1 compounded. I was appointed by the President to take over on the 6th  
2 of July of this year. Mr. Wilson is still here with me, thankfully. Let  
3 us be—let me say something please about the timing of this Enquiry.

4 This Commission of Enquiry, as with all such Commissions,  
5 requires staff and facilities to carry out its work. I made clear at a  
6 short press conference on the 7th of July that I, nay we, would do all  
7 we could to expedite the matter with—whilst at the same time  
8 ensuring—thoroughness. Sadly, apart from the stalwart Secretary,  
9 Ms. Sarah Sinanan who sits in front of us, we had no administrative  
10 support until Monday of this week, the 5th of September when we  
11 were joined by our new manager, a Mr. Russell Seebaran together  
12 with some IT and technical support. The office structure at SAPA  
13 which was determined to be the place where we would have our  
14 offices, was only completed on Friday the 26th of August, who, but  
15 for the considerable efforts of Mr. Noel Garcia and his staff at  
16 UDeCott we would still have an empty shell.

17 It's no part of my responsibility or any of us here to blame  
18 anyone for this rather slow provision of the basics to carry out our  
19 work. And I know that the honourable Minister Stuart Young MP has  
20 been doing all he can to push this along. Happily, as a consequence, I  
21 understand he plundered the offices of the Prime Minister in order to  
22 provide us with some chairs and desks and the basics of office  
23 furniture over the last weekend. He's apparently gone abroad with the  
24 Prime Minister—the President.

25 I do not know if the honourable Keith Rowley is now sitting on  
26 the floor as a result of having his offices plundered but the fact is we  
27 got somewhere to sit which makes up for it in some way. I await with

1 some considerable concern for pens to write with, paper to write on,  
2 printers to print on, scanners to scan with, the Internet to connect to.  
3 The upshot is, is that we are falling behind and I wish to emphasize  
4 that it is not the responsibility of any of those who are sitting here on  
5 this side that we have had this slip in timing. I want to assure  
6 everyone that we will do everything we can to make up that time.

7 To date we have received something in the order of 40 separate  
8 statements from witnesses, over 30 separate documents resulting in a  
9 total of some four and a half thousand pages of material, videos,  
10 photographs and a plethora of correspondence. We have no one to  
11 process it. There's a limit to what one lady can do. I hope that we  
12 will be able to hear early legal submissions, either at this particular  
13 hearing or at some future stage which might have affected the  
14 witnesses, directions and all of the other things that you would have  
15 expected of us, that that might have been achieved today, but it can't  
16 be.

17 And so, it falls for me to tell you that whilst we stand ready to  
18 do that which we are charged to do we cannot do so without the basic  
19 tools to carry it out. To those whose responsibility it is to equip, I ask  
20 publicly, please, help us do our job. Go the extra mile to provide us  
21 with the necessary tools to carry out this Enquiry without further  
22 delay. With your help, we can get to the bottom of this tragedy in  
23 timely order. To those who had complied with our request to provide  
24 evidence and documents in support in timely fashion, you have our  
25 thanks and I regret that we've been unable to progress the matter  
26 beyond reading and collating.

27 To those who await answers as to how and why their loved

1 ones died, and to the general public, you have our unreserved apology  
2 that this Commission of Enquiry has been delayed yet again. It's not  
3 fair, it's not right. However, as I say, I want to ensure, and I know  
4 that I have the support of those around me, that we will make up that  
5 lost time. Anyway, enough of my complaints because you'll  
6 understand the sense of frustration that we have felt over here.

7 You'll appreciate that as the Chairman of this Enquiry the  
8 responsibility is mine and you can find out about me on the website.  
9 And I don't want to blush by telling you about my achievements. I'd  
10 simply want to point out that you could find out who I am and what  
11 I've done by going on the website. But I do want to say something  
12 about the others.

13 Mr. Gregory Wilson, who sits to my left, has spent 25 years in  
14 the subsea and construction industry at sea. His considerable  
15 experience in crisis management and safety in the oil industry, and his  
16 knowledge of processes, procedures and compliance within the energy  
17 sector has already proved to be extremely valuable to all of us. He is  
18 a great asset to this Commission of Enquiry and I'm very pleased to  
19 have him as my co-Commissioner. Whilst I am a recreational diver,  
20 that is a far cry from understanding some of the specialist work that  
21 those engaged in the oil industry are required to undertake. It is his  
22 expertise that I rely upon and that which no doubt will be provided to  
23 us in the course of evidence.

24 We are assisted by a legal team headed by Mr. Ramesh Maharaj  
25 who probably takes little introduction. He's Senior Counsel but we  
26 are fortunate to have him, such an experienced practitioner, a veteran  
27 of a number of other public enquiries around the Caribbean. He was

1 called to the Bar by the Inner Temple in 1966. Makes me feel very  
2 old indeed. Since then, he's been in legal practice, served as a  
3 Member of Parliament, Minister for Legal Affairs and as the Attorney  
4 General. He has been more important—more importantly I should  
5 say that he used to be associated with my chambers in London in  
6 Cloisters. When I was still a pupil and had a full head of hair he was  
7 known to associate our corridors.

8 He is in—I should say he's in turn assisted by Mr. Ronnie  
9 Bissessar, also a very experienced lawyer and a member of my Inn in  
10 the United Kingdom, Lincoln's Inn, the best Inn I should say. He is  
11 head of his own chambers here in the Trinidad and Tobago and he  
12 practices in the field of commercial law, both in litigation and  
13 advisory. He also sits as an arbitrator. His charitable work covers a  
14 wide cross-section involving not just the promotion of law and  
15 training but also in the medical field.

16 Mrs. Vijaya Maharaj, unrelated to Mr. Ramesh, she is a highly  
17 qualified lawyer, with over 18 years' experience in civil and public  
18 law. They are an extremely good team. Anybody who needs their  
19 assistance in the course of this Enquiry need but ask.

20 Our administrative staff is headed by the Secretary to the  
21 Commission, Ms. Sarah Sinanan, who seems to have choked herself  
22 drinking a glass of water a few moments ago, at least I hope that's all  
23 it was, she has taken up her appointment to this Commission. She  
24 was senior legal counsel to the Attorney General's chambers and had  
25 advised various government departments. She has been the one sole  
26 constant ensuring that such work as could be done has been done. As  
27 I say, I'm so grateful to have such a competent team working with me

1 and Mr. Wilson on this very serious Enquiry.

2 The Commission of Enquiry's Terms of Reference have been  
3 widely published and can be found on its website but it may be useful  
4 if I just read them out for the benefit of everyone or anyone who has  
5 not seen them. They are as follows so forgive me, it takes a moment  
6 or two to read them.

7 One, to enquire into the circumstances which led to the tragic  
8 incidents which occurred on Friday February the 25th, 2022 at  
9 facilities owned by Paria Fuel Trading Company Limited.  
10 Paria, located at the address I've already given and which led to  
11 the deaths of four employees of the company, LMCS Limited.

12 The scope of works issued by Paria for the underwater  
13 maintenance exercise on a 30-inch pipeline in which LMCS  
14 divers were carrying out works on Friday the 25th within a  
15 hyperbaric chamber on the said number 36 Sealine Riser at  
16 berth number six;

17 And to ascertain the proposals and plans submitted by LMCS to  
18 conduct the works at the said number 36 Sealine Riser;

19 And to examine generally the policies, procedures, practices  
20 and conduct relating to Paria and LMCS' employees, organized  
21 and contracted labour for those types of maintenance exercises;

22 And to identify the precise facts and circumstances which led  
23 up to and resulted in the loss of life and whether that was  
24 reasonable and justifiable in the circumstances appertaining;

25 And to examine all of the decisions and actions taken after it  
26 became clear that the five LMCS divers went missing;

27 And to investigate the nature, extent and application of any

1 Standing Orders, policy considerations, legislation or other  
2 instructions in dealing with the situation which gave rise to  
3 these incidents;

4 And to identify whether Paria/LMCS had in place any life-  
5 saving contingency plans in the event that life threatening  
6 incidents occurred and, if so, whether such or any plans were  
7 employed in response to those incidents.

8 Further, whether they employed sufficient safeguards and  
9 measures to ensure the safety of their contracted employees  
10 properly and to prevent—the prevention of those incidents and  
11 to rescue the five LMCS divers;

12 And to determine adequacy and mechanical integrity of  
13 equipment utilized by LMCS;

14 And to determine the adequacy of LMCS plans utilized for the  
15 operation of the maintenance exercise;

16 And to identify whether by act or omission any identified or  
17 unidentified person or entity directly or indirectly caused the  
18 loss of life;

19 And to examine the role played by Paria/LMCS through their  
20 respective units individually and collectively in dealing with  
21 those incidents and to examine all other material circumstances  
22 leading up to and surrounding the incidents which took place on  
23 February the 25th led to the tragic deaths of the four LMCS  
24 divers and continuing up to the recovery of their bodies.

25 Two, to make such findings, observations and  
26 recommendations arising out of its deliberations as may be  
27 deemed appropriate in relation to:

1 Whether there has been any breach of duty by any persons or  
2 entities;

3 Whether there are any grounds for criminal proceedings to be  
4 initiated against any persons or entities;

5 Whether criminal proceedings should be recommended to the  
6 Director of Public Prosecutions for his consideration and the  
7 appropriate and best practices and/or policies and/or procedures  
8 to be utilized by companies such as Paria and LMCS for the  
9 conduct of these types of maintenance exercises and in response  
10 to these types of incidents;

11 The policies, measures, mechanisms and systems that should be  
12 implemented to prevent the recurrence of the tragic incidents  
13 which occurred on Friday, February the 25th this year and  
14 continuing up to the recovery of the four bodies;

15 And, making any other recommendations that may be deemed  
16 necessary in the circumstances in accordance with the  
17 provisions of section 6 of the Commissions of Enquiry.  
18 Forgive me, that was quite a mouthful.

19 The Terms of Reference are deliberately cast in very broad  
20 terms in order for us to have the scope to pursue whatever lines of  
21 enquiry seem likely to be fruitful to us. It is I think worth  
22 emphasizing that the specific areas of investigation to which they refer  
23 are intended to identify the main subjects of this Commission of  
24 Enquiry, and whilst it might appear that they're fairly exhaustive, it's  
25 not necessarily intended to be so nor constricted. It is for us to  
26 determine and interpret what those Terms of Reference refer to. We  
27 shall not be deflected from pursuing lines of enquiry which may lead

1 to information of value.

2 It is important to understand the nature of the task ahead. It  
3 will require hard work, especially given the short timeline in obtaining  
4 and analyzing thousands of documents and in the preparation of  
5 statements from those who may be able to give valuable evidence. It  
6 is not simply a case of Mr. Smith providing a statement and we  
7 proceed on that basis. No, it is the task of my team, where necessary,  
8 to take statements or augment them and ask appropriate questions so  
9 that we have a complete picture. With the help of my team, I intend  
10 to make sure, with Mr. Wilson, that the work proceeds as speedily as  
11 possible, as I say, without foregoing thoroughness.

12 Let me say something briefly about legal representation. We  
13 have received some correspondence from a number of different  
14 lawyers asking for financial assistance to represent the families in  
15 particular of the deceased and the sole survivor. I have made it clear  
16 that I support counsel being instructed on their behalf and this  
17 Commission of Enquiry has conveyed that much to them and the  
18 Attorney General and the Minister, the honourable Stuart Young, and  
19 just about anybody else who would listen.

20 We are governed by the Commission of Enquiry Act. It does  
21 not empower us to grant any kind of legal aid or legal assistance or to  
22 quantify any legal aid or assistance that may be given. That is the  
23 responsibility of others. It is not a question of us abrogating any  
24 responsibility. I've made it clear that as far as we're concerned, those  
25 who represent the families of the deceased and the sole survivor could  
26 and should be represented but I do not have in our power the  
27 wherewithal to provide it. Seek it elsewhere, please?

1           But I want to be quite clear. Those who are directly involved  
2 with the issues that concern this Enquiry cannot and will not be  
3 permitted to thwart the Enquiry by making their cooperation with it  
4 contingent upon receiving the legal assistance. It is important to  
5 understand that the Commission of Enquiry process is not an  
6 adversarial trial. Our task is to decide which—is not, forgive me, our  
7 task is not to decide which or two or more competing parties has the  
8 better case nor is it to punish anyone or to award anyone with  
9 compensation. It is simply to get to the truth with the help of all those  
10 who have relevant evidence to supply.

11           The process should be seen as essentially one of cooperation.  
12 Accordingly, the role of counsel to the Commission of Enquiry is not  
13 to promote any particular conclusion or result, still less to favour any  
14 particular witness or class of witnesses, rather, it is to place before us,  
15 that is Mr. Wilson and myself, and the public at large, evidence that  
16 will enable us to make findings about what occurred and put forward  
17 recommendations for the future in the hope that such  
18 recommendations will meet with the approval of the President and her  
19 government and be implemented and thereby prevent such a tragedy  
20 from ever happening again.

21           Counsel to the Commission of Enquiry will do that by  
22 presenting the evidence at this public hearing and others that will  
23 follow, and I'll give you the dates in due course, by questioning those  
24 witnesses whom we decide should be called to give oral evidence.  
25 We have the power, where necessary, to subpoena witnesses to give  
26 evidence, irrespective of whether they have legal counsel, and we  
27 shall not hesitate to use that power in the event that there are any

1 recalitrant witnesses whom we believe have valuable evidence to  
2 provide.

3 All hearings will be conducted in public unless the particular  
4 nature of the evidence or arguments require otherwise, and I make it  
5 clear now that we will need some considerable persuading to agree to  
6 hear any evidence in camera or privately. Moreover, notwithstanding  
7 rule 26 as to confidentiality of the documents, that's the rule that are  
8 part of the rules of this Commission. As to confidentiality of those  
9 documents, this Commission will place every document we receive on  
10 our website before the hearings of that evidence is heard, so that  
11 everyone would have access to all of the material.

12 I make it clear now that if any party wishes to have any  
13 document withheld from the public domain, they will need to  
14 persuade us of the need for that to happen, and it better be a  
15 substantial reason. Embarrassment will not count. It goes on the  
16 website unless we say otherwise.

17 I'm well aware that the past months has seen a considerable  
18 amount of press attention and speculation, over the weekend, in the  
19 months that have gone by. Theories have been postulated as to the  
20 lack of preparedness, who is or is not responsible., why more was not  
21 done to rescue those men and many have expressed a great sense of  
22 anger and betrayal, outrage, but this is—and that this is entirely  
23 natural and understandable. Of course it is.

24 This Commission of Enquiry is here to get to the truth of what  
25 actually happened. It must seek out all the relevant evidence and  
26 examine it, calmly, dispassionately and rationally. Counsel acting for  
27 the Commission of Enquiry will approach their task in that way, as I

1 hope would all the legal representatives of the various principal  
2 participants. This will help us to discover where the truth really lies.

3 I should also remind everyone that it is no part of our duty on  
4 this Commission of Enquiry to rule on or determine anyone's civil or  
5 criminal liability. However, we're not to be inhibited by the  
6 likelihood of liability being inferred from any findings or  
7 recommendations that we may make. We shall therefore not shrink or  
8 hesitate in making any findings or recommendations that are justified  
9 by the evidence, simply because someone else may say at a later stage  
10 that that forms the basis for civil or criminal liability. The police and  
11 other agencies are of course conducting their own enquiries and  
12 investigations into possible criminal offences or civil liability. It's no  
13 part of our job.

14 This room was chosen for today's formal opening and  
15 procedural hearing because it was necessary to find a space large  
16 enough to accommodate all the various people that we thought might  
17 wish to attend, and in that I wish to express my thanks to Judith  
18 Gonzalez for making that possible. At present I am unclear as to  
19 whether the entirety of the proceedings will be conducted here or  
20 whether it may be conducted in some other place but certainly  
21 interviews can and will be conducted at SAPA, the offices that are just  
22 about being prepared, unless there's good reason to do otherwise.

23 A time and place of future hearings will be posted on the  
24 Commission of Enquiry's website but I can provide you with the dates  
25 that we have hitherto identified for the live hearings of this  
26 Commission of Enquiry and they are:

27 The 21st to the 24th of November, four days inclusive.

1 The 5th to the 8th of December, four days inclusive.

2 The 12th to the 15th of December, four days inclusive.

3 And then, as a contingent, the 9th to the 13th of January of next  
4 year.

5 I am hopeful that that will not be necessary but I put it in as a  
6 contingent so that everyone keeps those dates free.

7 Any application not to sit on any particular day must be made  
8 in writing in advance and I would expect any problems with the  
9 witness orders that will be passed down in due course as to which  
10 witnesses we want on which particular days, we must be notified if  
11 there is a difficulty with that well in advance so that we can make  
12 appropriate adjustments. I don't want days lost unnecessarily, please?

13 We will ordinarily sit from about 10.00 in the morning to about  
14 3.30 each day with a short break in the morning around 11.30 for a  
15 coffee or stretch your legs and a lunch break at around one o'clock for  
16 an hour or so. I do expect flexibility to conclude witnesses to  
17 minimize inconvenience to them. As I've said previously and  
18 indicated previously, if necessary we'll sit one evening to  
19 accommodate family members of the deceased who may wish to give  
20 evidence and if that means sitting one evening, well, that's what we'll  
21 have to do.

22 Can I say this, that, um, I don't want any witness to have to  
23 come back the following day if it's unnecessary and if that means  
24 sitting a little longer that's what I intend to do. At the conclusion of  
25 each week, I may permit the press to ask a few questions of clarity,  
26 not every day but at the end of each four-day session that I've  
27 identified. Providing it's not abused, I see no reason why they should

1 not seek clarification of anything that's been dealt with in the course  
2 of that week.

3 Information about how to make contact with the Commission of  
4 Enquiry team could be obtained from those who are here. Come and  
5 speak to us afterwards, masked or otherwise, and in due course you'll  
6 be able to, of course, access any information and contact through the  
7 Commission of Enquiry's website, [www.coe2022.com](http://www.coe2022.com). In due  
8 course, as I say, a transcript of the proceedings, today's and at each  
9 hearing, will be put on the website. Any rulings or directions that we  
10 give will be put on the website. If there's anything anyone needs to  
11 know it is on the website. If there's something that's not there and  
12 you would need to know, then there is a contact through that website.

13 Now, unless there's a good reason not to do so in any particular  
14 case, the hearings themselves will be streamed live through the  
15 Commission of Enquiry's website and live on TTT so that the public  
16 as a whole can follow the proceedings and, as I said, transcripts of  
17 those hearings will be posted I think within about 24 hours or so.

18 The evidence given by witnesses at the hearings will, however,  
19 be only part of the material which the Commission of Enquiry will  
20 have to consider. Much of that material will be in the form of  
21 documents and statements where we have determined that it is not  
22 necessary for a witness to give live evidence. We therefore intend to  
23 ensure that all the relevant documents can properly be made public are  
24 scanned and on to an electronic database which will allow them to be  
25 called up and displayed on a screen in this, whether it's in this  
26 building or some other place, but everyone will see the document  
27 that's being referred to.

1           Now, whether hearings will be streamed contemporaneously I  
2 think it important that members of the public should be able to attend,  
3 and if they wish to do so we need to be able to make sure that there is  
4 sufficient place for them to do so. I shall therefore take steps to  
5 ensure that there—our hearings of the evidence are held in rooms  
6 large enough to accommodate at least some members of the public as  
7 well as obviously members of the press and the media.

8           We propose to conduct giving evidence insofar as we're able in  
9 four separate parts as follows. Firstly, what was done in preparation  
10 of the work commencing. This will include industry standards,  
11 government protocols, emergency procedures, contingency plans,  
12 contracts, briefings, experience, all of those things will be dealt with  
13 as the first part of our Enquiry.

14           I anticipate we would have a site visit. At this time both the  
15 hyperbaric chamber itself and, I'm not sure where that is, no doubt  
16 someone will tell me in the course of this morning, but we would like  
17 to see, if at all possible, that hyperbaric chamber, and also to go to the  
18 berths five and six. I would like to do that on day two of our sitting so  
19 that, somebody remind me what date that is, um, that would be the  
20 22nd of November. If that's at all possible.

21 **Mr. Maharaj SC:** The 22nd.

22 **Mr. Chairman:** Thank you. Yes, the 22nd of November, if at all  
23 possible so that we have a picture in our minds of what we're dealing  
24 with, before we start to hear the actual evidence. I anticipate that on  
25 the first day we will have Mr. Maharaj open the case on behalf of the  
26 Commission of Enquiry and then anyone else who applies and is  
27 granted leave to say something at the outset will also make their

1 opening statements on that day. So, first day opening statements,  
2 second day we sit, site visit, third day witnesses.

3 The second part of the evidence is really what happened during  
4 the work itself. This will include what the work entailed, monitoring  
5 of the men whilst they were working, what caused the men to be  
6 sucked into the pipe and what the conditions were and what  
7 precautions were taken and put in place to avoid any such incident.

8 The third part of the evidence will be what happened when it  
9 was clear that there'd been a major incident. This will include how  
10 one man escaped, the actions of the emergency services, the reaction  
11 of the owners of the plant, the actions of the various contractors and  
12 the others involved, family, friends and those at the scene, and then  
13 the last part of the testimony will be what we characterize as any  
14 expert evidence. At this time it is unclear whether there will be any  
15 conflicting expert testimony but we will see what the evidence  
16 produces, if predicated at the moment on a root cause analysis from at  
17 least one expert in the field which we already have.

18 And, it's our intention that we should obtain written and oral  
19 evidence from those who can give direct accounts of what occurred  
20 before, during and after these tragic events. There will inevitably be  
21 some overlap between those particular categories. They would  
22 include employees of LMCS Limited who were contracted to carry  
23 out the work, in particular Mr. Boodram the sole survivor, the rescue  
24 divers who attempted a rescue, in particular, Ronald Ramoutar and  
25 Cory Crawford who helped Mr. Boodram, Paria Fuel Trading  
26 Company Limited whose people on the ground were coordinating  
27 their response to the incident, and the families who attended at the site

1 when advised that their loved ones were trapped in a pipeline. All of  
2 this evidence is likely to be of great value.

3 We shall also have access to photographs, video footage, the  
4 various autopsy reports and other sensitive evidence. I know that  
5 giving evidence, whether in the form of a statement or in person, can  
6 be a stressful experience for anyone. So, I intend to ensure, so far as  
7 possible, that those most closely associated with those who died are  
8 treated sensitively and will be asked, where necessary, to give  
9 evidence once and once only, coordinated to be convenient to them as  
10 I said, if necessary, by sitting in the evening. But we are mindful that  
11 for some the stress of giving evidence is likely to be magnified by the  
12 continuing effects of what can only have been a most traumatic  
13 experience. We are acutely aware of the challenge that presents itself.  
14 I intend to do everything possible in our power to ensure that the  
15 process of assessing and assisting the Commission of Enquiry does  
16 not result in further unnecessary suffering.

17 To that end, I shall be looking for the help from all of those  
18 who seek to represent the families and others directly involved in this  
19 tragedy. I'm open to suggestions as to how that might best be  
20 achieved in the most sensitive and appropriate way, and I'll be slow to  
21 permit any cross-examination or undue unnecessary questions of any  
22 of these witnesses.

23 The work of the Commission of Enquiry is urgent and there is  
24 an obvious need to begin hearings as soon as possible and I recognize  
25 that it is necessary to act with sensitivity and compassion and I shall  
26 take whatever steps, as I say, are appropriate in line with current  
27 practice to ensure witnesses give the best possible evidence. As I've

1 already said we're charged to seek answers to the very comprehensive  
2 questions posed by those Terms of Reference I read at some length,  
3 but it is the very nature of the process of this kind and I shall want to  
4 follow up leads and any new lines of enquiry as they arise.

5 I wish to emphasize, it is for us to interpret the Terms of  
6 Reference and the Commission of Enquiry is not limited to factual  
7 questions surrounding the incident itself as I've already said and made  
8 clear. It's my intention to look closely at best practices, procedures,  
9 legislative provision, the emergency services, the decision-making  
10 and to what extent these were taken into account and acted upon by  
11 those responsible for the safety and welfare of workers in these sorts  
12 of environments. This would entail considering what considerations  
13 motivated them such as timing, pollution risk, cost, chain of command  
14 and the like. That will be an integral part of understanding how and  
15 why this incident occurred and what could or might have been done in  
16 the immediate aftermath. It is only by that that we will learn the  
17 lessons for the future.

18 This Commission of Enquiry has its rules. It has been  
19 published on our website. We place certain duties upon those who are  
20 engaged in this enterprise and upon us, in particular in relation to core  
21 participants, lawyers having standing as recognized by the legal  
22 representatives. I said at the outset that we have had two applications,  
23 both of which have been granted. Anybody who wants standing must  
24 ask for it. We will consider it. Procedures for applying for standing  
25 were published on our website in mid-July in the *Trinidad and Tobago*  
26 *Gazette* on the 15th of July and those who wish, as I say, to be part of  
27 these proceedings need to apply—or paragraph 18 of the rules if

1 anybody hasn't seen them.

2           Anyway, witnesses who are to give evidence do not need to  
3 apply for standing if they are—if they have counsel representing their  
4 interest, just while they give evidence. If it's just to look after a  
5 witness, we have no difficulty with that. You do not need to apply for  
6 standing. If you want to be part of the overall proceedings, you do.  
7 So far as possible we intend to seek voluntary cooperation in the  
8 production of documents and other evidence such as witness  
9 statements and the Commission of Enquiry will carry out that work.

10           I expect everyone to whom a request of that kind is made to  
11 provide all the relevant material without the need for us to exercise  
12 our statutory powers. And I wish to take this opportunity to ask you  
13 all and the media present, today, now, if anyone is or thinks he has  
14 information of any kind, evidence, documents, relevant matters that  
15 pertain to this Enquiry, please come forward, preserve that material  
16 and let us take a statement. Details of the way in which the  
17 Commission of Enquiry proposes to deal with documents again can be  
18 found within the rules for the receipt and handling of such documents.

19           I just pause there for a moment. These rules are not written for  
20 fun. They're there for a purpose, and, if we're to conduct this Enquiry  
21 in any semblance of order, those rules need to be followed. I should  
22 like at this stage to say a little more about the procedure I intend to  
23 adopt in carrying out our Terms of Reference. It is unlikely that it  
24 will be necessary to hold more than any more procedural hearings. I  
25 cannot for my part see the need to do that.

26           When this Commission of Enquiry resumes on the 21st of  
27 November, as I said, we will be hearing the Commission of Enquiry's

1 counsel open the case. Mr. Maharaj will do that, and anyone else  
2 who's applied will be permitted, where so permitted, to make their  
3 opening. If there are some other applications, they can be  
4 foreshadowed with skeleton arguments and put in writing so that we  
5 can consider them in advance and I suspect that nearly everything of  
6 that kind, provided it's compliant with the rules as set out, would be  
7 able to be dealt with administratively in writing in advance so that we  
8 do not lose time at the actual hearing of the evidence.

9 And frankly, nobody wants to hear all of that. What the public  
10 want to hear is what the evidence is. They want to hear what the  
11 witnesses have to say. And I suspect they will be not particularly  
12 impressed in having to hear any legal arguments when that can be  
13 dealt with by us, the lawyers, in advance. So please, if you have any  
14 application, send them in advance to Ms. Sinanan and she will make  
15 sure that we have them for our consideration.

16 At the beginning of the hearing at which the Commission of  
17 Enquiry intends to take evidence counsel will be making, as I say,  
18 their opening statement and that will set out in outline the nature of  
19 the evidence that it is intended to be called, when it's going to be  
20 called, and the order in which it's going to be called. All witnesses  
21 who are called to give oral evidence will be the Commission of  
22 Enquiry's witnesses. I repeat that. All witnesses who are required to  
23 give oral evidence before this Commission of Enquiry are the  
24 Commission of Enquiry's witnesses. They will therefore be called,  
25 and, where necessary, examined by my legal team, Mr. Maharaj and  
26 his associates.

27 The Commission of Enquiry will seek the assistance of

1 attorneys given standing in the preparation of witness statements. We  
2 shall decide which statements are to form part of the record of  
3 documentary evidence, which witnesses are to be called to give oral  
4 evidence in addition to any written statements that they've already  
5 provided. Our team will be closely involved in the process of  
6 obtaining statements from potential witnesses. Where appropriate, the  
7 secretary or counsel to the Commission of enquiry would explain the  
8 topics which should be covered in a witness' statement.

9 As I said earlier, it's not simply a question of Mr. Smith writing  
10 a statement and saying, "There you go", and then washing his hands  
11 of it. That's not how it works. Mr. Smith will give us his statement,  
12 we've had many as I've indicated, but if we think it's appropriate to  
13 further interview them to augment what they say or to add anything to  
14 a statement, we will do so but it is not our intention to catch anyone  
15 out. We're not going to ambush anybody. Any documents we need  
16 you to refer to we'll provide them in advance so that everyone will  
17 have as much notice as is necessary for them to be able to provide the  
18 best possible evidence to this Commission of Enquiry.

19 Whether I will permit, or Mr. Wilson will permit any  
20 questioning of other witnesses by other parties and to what extent they  
21 will be provided, um, allowed to do so, will be a matter of our  
22 discretion. We will of course entertain anything that is, er, seems to  
23 us sensible and will advance the purposes of this Enquiry.

24 I'm currently minded to invite final submissions in writing after  
25 the conclusion of all of the evidence, and to give those with standing  
26 and who have been permitted to do—to write such submissions, to  
27 make an—give them an opportunity to make a brief oral summary or

1        précis, if you like, of what it is that they've set out in writing.  
2        Whatever they do set out in writing will be on the website and, um—  
3        but I would hear any argument as to whether or not that's appropriate  
4        course once we've heard the evidence.

5                The process of gathering evidence has begun in earnest but  
6        there is much more to do. Taking a statement from those important  
7        witnesses will require care, but none of that can properly start until we  
8        have the right equipment. Thus, I ask you all once again please to  
9        exercise a degree of patience with us. We're doing everything we can  
10       to move it forward but in order to ensure there's no further slippage, I  
11       have insisted that this hearing should start, these hearings should start  
12       no later than the 23rd of November for the hearing of evidence.

13                And when I was sworn in as the Commission of Enquiry—as  
14       the Chair to this Commission of Enquiry, I hoped to have a draft  
15       report available before Easter. That presents a challenging goal but  
16       one which with everyone's goodwill we can still achieve. To achieve  
17       it will require much hard work as well as the active cooperation of all  
18       of those concerned, but I hope that we can count on the continuing  
19       cooperation of the Minister and his staff to ensure that this  
20       Commission of Enquiry has all that it needs to proceed as quickly and  
21       as smoothly as possible.

22                It is in the interest of the families whose loved ones have died  
23       that we do all that we can to give them the facts and bring such solace  
24       as the truth can provide. It is in the public interest that our findings  
25       which may affect the safety of the people who are still and necessarily  
26       must work in this industry that our findings are published sooner  
27       rather than later. We all share a common goal. We are all searching

1 after truth about what happened, the tragic loss of life that caused it  
2 and what we can do to prevent it from ever happening again. We owe  
3 it to those who died and to those whose lives have been turned upside  
4 down to work together to achieve that goal.

5 Thank you very much indeed for coming. I look forward to  
6 seeing many of you again at subsequent hearings. That is the opening  
7 statement by me, the Chairman, on behalf of us, Mr. Wilson and  
8 myself. Mr. Maharaj, is there anything else I need to deal with this  
9 morning?

10 **Mr. Maharaj SC:** No, no, no Chairman. Unless I think, um, one or  
11 two of the legal representatives—

12 **Mr. Chairman:** Certainly.

13 **Mr. Peterson SC:** Morning, Mr. Chairman. Gilbert Peterson on  
14 behalf of Paria and Heritage. I want to thank you and your fellow  
15 Commissioner for hearing us, and formally welcome you to the shores  
16 of Trinidad and Tobago, Sir.

17 **Mr. Chairman:** Thank you.

18 **Mr. Peterson SC:** On behalf of Heritage and Paria, you can be  
19 assured of our cooperation and assistance. We extend of course  
20 sympathies to the families who have lost loved ones and we commit to  
21 assisting you in arriving at possibly what could have caused this  
22 unfortunate tragic event, so we stand ready to assist, Sir.

23 In light of that, we were advised—first of all let me thank you  
24 for granting standing to both Heritage Petroleum and to Paria. We  
25 have been lodging statements with the Commission, but  
26 notwithstanding our efforts, we would need to seek your leave and  
27 extension of time with respect to three items, Sir. We propose to

1 submit a further five or six statements. We were hoping to do so by  
2 yesterday, but we seek your leave and extension to do so on the 30th  
3 of September, 2022.

4 We also seek additionally an extension of time to submit the  
5 statement of Mr. Mushtaq Mohammed, the General Manager of Paria  
6 who unfortunately lost a close family member just about two or three  
7 days ago, and, because of that we are unable to incorporate him into  
8 the deadline of the 30th of September so we seek your leave to extend  
9 the time for Mr. Mohammed's statement to the 14th of October.

10 We also seek an extension of time to submit a substantial  
11 bundle of documents to the Commission which we anticipate we will  
12 be able to do so by the 3rd of—Monday the 3rd of September, so  
13 that's the third extension of time which we seek, Sir. And we pray  
14 that you grant us those because we are very minded to put all the  
15 material that we considered at this stage to be relevant to assist you  
16 before your Commission, Sir.

17 But in your opening, Mr. Chairman, you did enquire and  
18 sought, well if someone could assist you as to the location of the  
19 hyperbaric chamber and we are able to say now, that chamber was  
20 being removed after the incident on the 22nd of March by LMCS,  
21 and, I want to use a neutral term, it ended up on the sea bed. It is still  
22 there, I'm advised. Paria has taken no steps to interfere with it since  
23 they're mindful that there is an ongoing police investigation and they  
24 did not want to attempt to interfere with that chamber. So to answer  
25 your question, Sir, that chamber is located on the sea bed.

26 **Mr. Chairman:** How deep?

27 **Mr. Peterson SC:** We can get instructions, Sir. My co-counsel is

1 unable to tell me the depth although he's a recreational diver, I think.

2 **Mr. Chairman:** Or he can come with me, then.

3 **Mr. Peterson SC:** I would not advise it until we can determine the  
4 cause of this [*Inaudible*].

5 [*Commissioners and Commission Secretary confer*]

6 **Mr. Peterson SC:** I'm advised it's approximately 60 feet, Sir.

7 **Mr. Chairman:** Forgive me for one moment, please?

8 **Mr. Peterson SC:** Yes.

9 [*Commissioner Lynch confers with Commission Secretary*]

10 **Mr. Chairman:** Mr. Peterson, I have to say we're a little troubled by  
11 the time that's being sought. As you know, we originally asked for all  
12 material to be supplied by the 16th of August. I think you were given  
13 an extension to the 1st or 2nd of September in the first instance when  
14 you applied, or someone from your office applied, for an extension,  
15 and I'm simply concerned that you're talking about a substantial body  
16 of documents being supplied to us by the 3rd of October which is the  
17 best part of four weeks away.

18 First of all, I'm bound to observe that there is a bundle of  
19 documents. One assumes they exist somewhere already, these are not  
20 documents where you're dependent upon taking a statement, and I'm  
21 concerned that you see if we don't get them until the 3rd of October,  
22 and we've conducted or my legal team have conducted a number of  
23 interviews of potential witnesses only to find that in this bundle of  
24 documents there is a document that we would wish that witness to  
25 have a look at before he concludes his statement, we'll have to get  
26 him back again and I want to avoid that process.

27 I wonder if I could invite you to consider whether it is not

1 achievable to have the bundle of documents in half of that time simply  
2 because what we're talking about is, as I say, somebody presumably  
3 going through all various files and papers putting them together in a  
4 bundle and letting us have them, even if at that stage you can't  
5 provide a witness statement necessarily dealing with each of them, at  
6 least we have them, we can read them.

7 **Mr. Peterson SC:** That is, in fact, so, Mr. Chairman. I can assure  
8 you that what is taking the time, we were going to put them in  
9 categories and seek to do indices with respect to—but as far as the  
10 existence of the documents, you are correct, but we were going to  
11 grant further assistance by putting them in a particular order  
12 categorizing them in particular order and putting indices with respect  
13 to the documents, but that is what is taking the time, otherwise the  
14 documents are available to ones submitted earlier.

15 **Mr. Chairman:** I mean, I assuming they've been available since this  
16 or shortly after this incident and, and, you know, we were rather  
17 hoping to have all of this by the 16th of August. That was then  
18 delayed by a further two weeks and now you're asking for a further  
19 four weeks, and really, I'm bound to say with your best efforts to  
20 collate them in the way you've described, surely, we can have them in  
21 the next two weeks.

22 **Mr. Peterson SC:** Well Sir, we'll do our best to do it within two  
23 weeks or our best to where we are is two weeks we will make them  
24 available.

25 **Mr. Chairman:** Mr. Peterson, your reputation precedes you. I'm  
26 sure that with your persuasion you'll be able to ensure that we can  
27 have all these documents in two weeks.

1 **Mr. Peterson SC:** We will be able to do that, Sir.

2 **Mr. Chairman:** I'm gratified to hear it.

3 **Mr. Peterson SC:** Yes.

4 **Mr. Chairman:** Thank you for that. So that, that, that's takes a—so  
5 what—let's identify a date, shall we? Instead of the 3rd of October,  
6 shall we say the, um, Monday the 19th of September? That gives you  
7 one week—just a little—a day or two less, well I'm happy to say the  
8 21st of September.

9 **Mr. Peterson SC:** I'm happy to say that too, Sir.

10 **Mr. Chairman:** Right. Shall we say then the 21st of September for  
11 the supply of those documents? Now can we turn next to, um, the—  
12 you say there are five or six statements yet to be taken and you've  
13 asked for the 30th of September for those.

14 **Mr. Peterson SC:** Yes, Sir.

15 **Mr. Chairman:** All right. Can I, first of all, approach it this way?  
16 Rather than waiting for you to have a bundle of five or six statements  
17 and serving them all on one go on the 30th of September, could I not  
18 inveigle you to take the statements, as you will no doubt do, one at a  
19 time and as soon as you've got it send it to us?

20 **Mr. Peterson SC:** Sure. Yes, Sir, we'll do that.

21 **Mr. Chairman:** So, um, can we therefore have your assurance that  
22 we're not going to get five or six statements served on us on the 30th  
23 of September but, as each and every one is taken between now and  
24 that date, that we will have them as soon as they are ready?

25 **Mr. Peterson SC:** You will have them that way, Sir. The 30th of  
26 September was aimed on or before. That should have been my  
27 application, not the 30th, on or before the 30th.

1 **Mr. Chairman:** When I'm emphasizing the word, "before".

2 **Mr. Peterson SC:** Yes, Sir.

3 **Mr. Chairman:** And I'd be grateful if you could do that, because, for  
4 the same reasons that we've identified, and particularly with a witness  
5 fare they may say something that we will want to put to other  
6 witnesses, what I don't want to do is to be in a situation where our  
7 legal team have been working with witnesses and taking statements  
8 only to find they have to get them back again, so please, do all you  
9 can and I'm reassured in your response that we will have them as and  
10 when they arise.

11 **Mr. Peterson SC:** You have that undertaking.

12 **Mr. Chairman:** Thank you very much. As for Mr. Mohammed  
13 who's the General Manager, I understand he's had a death in the  
14 family and that is obviously tragic news for him and his family.  
15 Nonetheless, you are asking for six weeks.

16 **Mr. Peterson SC:** That is because he is—well, he's out of the  
17 jurisdiction, he was out of the jurisdiction with that family member  
18 and the family member passed away two days ago, so there are a lot  
19 of arrangements to get back into the jurisdiction, to get the body of the  
20 person back into the jurisdiction, and it's not a near location, Sir, so  
21 that—

22 **Mr. Chairman:** I can understand, yes. I wonder if we could more at  
23 this stage have it at the same time as the others and in the event that it  
24 just proves impossible, you write to us and let us know why that is so?

25 **Mr. Peterson SC:** We will do that, Sir.

26 **Mr. Chairman:** Could you—so can we say all witness statements to  
27 be provided by the 30th of September, not necessarily on that day—

1 **Mr. Peterson SC:** Yes, Sir.

2 **Mr. Chairman:**—as many as possible before that day with a view to,  
3 um, I have it in mind that you may apply for that particular witness to  
4 provide his statement a couple of weeks later.

5 **Mr. Peterson SC:** That is fine.

6 **Mr. Chairman:** You'll set out why it's been necessary.

7 **Mr. Peterson SC:** Yes, Sir.

8 **Mr. Chairman:** Just a moment.

9 *[Mr. Chairman confers with Mr. Wilson]*

10 **Mr. Chairman:** Can I just ask Mr. Maharaj if he's content with that?  
11 He's the one going to be doing all the work.

12 **Mr. Maharaj SC:** I'm much obliged. I'm okay with that.

13 **Mr. Chairman:** Thank you very much. All right, so the Order will  
14 then be, just so that we're clear, the bundle of documents that we've  
15 referred to will be supplied by the 21st of September. All witness  
16 statements to be supplied by the 30th of September but as many as  
17 possible before that date, and I look forward to receiving them before  
18 that date.

19 **Mr. Peterson SC:** Yes, Sir.

20 **Mr. Chairman:** Thank you very much.

21 **Mr. Peterson SC:** Thank you for the indulgence, Sir. That's all I  
22 wish—

23 **Mr. Chairman:** Not at all.

24 **Mr. Peterson SC:**—that's all I wish to say at this stage.

25 **Mr. Chairman:** Thank you very much. Anyone else?

26 **Mr. Kangaloo:** Mr. Chairman—

27 **Mr. Chairman:** Yes.

1 **Mr. Kangaloo:**—Colin Kangaloo from the Ministry of Energy and  
2 Energy Industries. Mr. Chairman, Commissioner Wilson, we are in a  
3 similar type position with respect to witness statements. I'm grateful  
4 to learned Senior, Mr. Peterson, for cutting the track for me to run on  
5 because I originally—

6 **Mr. Chairman:** Well be assured it's the same track.

7 **Mr. Kangaloo:** I think it might be the same track, Mr. Chairman.  
8 Originally I had—I was going to ask for September 30th as well. I  
9 think the Ministry—um, I have just been retained. We sent a letter  
10 yesterday—

11 **Mr. Chairman:** I see.

12 **Mr. Kangaloo:**—to the Secretariat and we indicated that we had just  
13 been retained. We are in the process of taking instructions. I believe  
14 we did send a bundle of documents to the Commission before. I think  
15 we have one or two that we got after that we would need to send. We  
16 haven't sent it.

17 **Mr. Chairman:** I haven't seen any particular bundles from you. In  
18 fact, the first I've heard from you was the letter yesterday.

19 **Mr. Kangaloo:** I see. Well I will check. My understanding was—  
20 well, I will check with my client. I believe an email was sent on April  
21 7th, I believe, I'm not sure but I will take instructions and I will  
22 confirm.

23 **Mr. Chairman:** Well, let me be clear. I don't want to receive a large  
24 pile of material on the 30th of September. I shall—

25 **Mr. Kangaloo:** No.

26 **Mr. Chairman:** I shall regard it as a discourtesy—

27 **Mr. Kangaloo:** Yes.

1 **Mr. Chairman:**—to this Commission of Enquiry.

2 **Mr. Kangaloo:** And I can understand that.

3 **Mr. Chairman:** If we receive large bundles of material on that day—  
4 I will give you till the 30th September, but I expect as and when it  
5 arises to let us have it. I don't want it to all arrive on one day.

6 **Mr. Kangaloo:** Well, Mr. Chairman if—I was actually going to say  
7 because of the track that Mr. Peterson cut that I would be able to give  
8 you the documents before. I was actually thinking of the 16th of  
9 September but you had indicated to Mr. Peterson the 19th. I can do  
10 on either day.

11 **Mr. Chairman:** Sixteenth please?

12 **Mr. Kangaloo:** Yes. Certainly, Mr. Chairman.

13 **Mr. Chairman:** Thank you.

14 **Mr. Kangaloo:** And with respect to statements, if any, if I could get  
15 the 30th, I would be very grateful. Of course, I will try to do it before.

16 **Mr. Chairman:** Yes. I, I, mean, I—you know, I don't know how  
17 many witness statements you're looking to provide but the fact is,  
18 today is the 7th of September. Tomorrow and Friday are working  
19 days and I hesitate to use the expression but, you know, let's get on  
20 with it, shall we? I mean, start taking the statements and as you've  
21 finished taking one, provide it us to, and then if you need to then  
22 move on to the next one and provide that a few days later, I  
23 understand, that but I am anxious that it is absolutely clear to  
24 everybody who is—I address not just you but everybody—that might  
25 be supplying information to this Commission of Enquiry that it  
26 doesn't all arrive on the 30th of September because that is neither fair  
27 nor reasonable to those who are working in preparing that material for

1 us as the Commissioners to then have to assimilate. So please, do all  
2 you can and I do expect lawyers of your experience to be able to do  
3 just that. Thank you very much.

4 **Mr. Kangaloo:** Certainly, Mr. Chairman.

5 **Mr. Chairman:** Um, can I, though, please return to one other matter?  
6 I indicated—Mr. Peterson, I indicated that we would like to have a  
7 view on the second day that this Enquiry sits, of the site, that is the  
8 risers five and six and wherever the work took place that we can view  
9 so we have a sense of what can be seen, can be seen, if you  
10 understand what I mean. We're going to see what can be done about  
11 the hyperbaric chamber. I appreciate that, you know, it's not in your  
12 hands but if we can't see the original one I'm going to see if there is  
13 one available somewhere so that we can have a look at what looks like  
14 it. Thank you. Forgive me for one moment? Thank you.

15 *[Mr. Maharaj SC passed note to Mr. Chairman]*

16 **Mr. Chairman:** You know, Mr. Maharaj, I can't read your  
17 handwriting at all.

18 **Mr. Maharaj SC:** I wonder, Chairman, whether you'd want to ask if  
19 anyone is unrepresented, and they want to—

20 **Mr. Chairman:** Thank you for that, no, and I will. Thank you so  
21 much, yes. Yes, I don't know if you're able to assist us with the  
22 viewing the locus in quo, if I could put it like that, forgive me for  
23 using Latin, but, um, you know, the site where this took place?

24 **Mr. Peterson SC:** Yes, Mr. Chairman. We were quite heartened that  
25 you did say that because we discussed it in our team that we think it  
26 would have been advisable and it's a course that we were proposing to  
27 suggest to—

1 **Mr. Chairman:** Right.

2 **Mr. Peterson SC:**—the honourable Commission. We will make the  
3 arrangements. I will get on that immediately—

4 **Mr. Chairman:** Sure.

5 **Mr. Peterson SC:**—with the clients to make, to make the second day,  
6 which is supposed to be the 22nd of November—

7 **Mr. Chairman:** Yes; if you can liaise with Ms. Sinanan—

8 **Mr. Peterson SC:** Yes, we will do so—

9 **Mr. Chairman:**—and she will get that—

10 **Mr. Peterson SC:**—put all arrangements in place.

11 **Mr. Chairman:** Marvelous. Thank you very much. And I'm timely  
12 reminded by Mr. Maharaj, orally if not in writing, that I should ask if  
13 there is anybody here who is unrepresented and wanted to say  
14 anything, um, who is an interested party in these proceedings. Please  
15 don't be shy. Is there anyone who wishes to say anything? No? All  
16 right. Well, if anybody thinks of anything you know who to contact  
17 and how to do it. Thank you very much. Is there anything else from  
18 anyone else?

19 **Mr. Ramadhar:** Chairman, I do not know if that's an invitation to us  
20 having regard to what is—what you had indicated earlier that those  
21 who have not applied for standing will not be heard.

22 **Mr. Chairman:** So can I ask you this? Is it your intention to apply  
23 for standing?

24 **Mr. Ramadhar:** Yes it is.

25 **Mr. Chairman:** And without being too hard about it, why haven't  
26 you?

27 **Mr. Ramadhar:** Well there is a very, very relevant reason in that we

1 are in the final stages of filing an action in the High Court and there is  
2 a concern that matters may be put before the court that my friends  
3 who may very well be the defendants in the matter, you know, we do  
4 not know what they may make use of it and whether, in fact—

5 **Mr. Chairman:** Oh.

6 **Mr. Ramadhar:** Yes. So there is that dichotomy of interests here.

7 **Mr. Chairman:** Well that's going to be a matter for you not me.

8 **Mr. Ramadhar:** And there you go.

9 **Mr. Chairman:** If you're going to file for standing, please do so.  
10 We will consider it. If you're not and are here as an observer, then, so  
11 be it.

12 **Mr. Ramadhar:** I'm very grateful to the opportunity to have spoken  
13 a bit and I will indicate Mr. Michael Kurban is present and in relation  
14 to the other people we look after, Aliyah is only 11 years old but we  
15 look after the interest of the estate in relation to her.

16 **Mr. Chairman:** All right. Thank you very much.

17 **Mr. Ramadhar:** May I also say this, Commissioner? We are  
18 concerned somewhat in the Terms of Reference that there is literally  
19 no reference to the actions or inactivity of the Coast Guard of Trinidad  
20 and Tobago.

21 **Mr. Chairman:** Well, as I said to you in my opening, I take the view  
22 that those Terms of Reference are a guide to the way in which we  
23 should be approaching this matter. I do not regard them as the sole  
24 basis upon which we shall be investigating the matter and I have well  
25 in mind that there are areas, just as you have identified, which will  
26 call for investigation and indeed we've already had some evidence  
27 from them, so, fear not.

1 **Mr. Ramadhar:** I'm deeply heart—

2 **Mr. Chairman:** There will be no stone left unturned, probably more  
3 than once.

4 **Mr. Ramadhar:** I am deeply heartened to hear that, Commissioner.  
5 Thank you so much.

6 **Mr. Chairman:** All right. Anything else that we need to deal with?  
7 No? That's very good. Thank you very much indeed, for everyone  
8 who's come. I do—as I indicated at the outset, if there was a question  
9 or two from the press or media I'm prepared to hear that. Whether I'll  
10 answer it or not will depend on what the question is. No? I see one  
11 hand going up. Yes, Sir.

12 **Mr. Daniel George:** Good morning, everyone. Daniel George from  
13 SAWIC Media Mode and I am looking at the fact that 194 days ago  
14 four men died, approximately 62 days ago the Commission of Enquiry  
15 was formed, you were at SAPA and now we are hearing that because  
16 of the death of a relative of someone whose death was only three to  
17 four days ago, less than a week ago, we are hearing excuses why  
18 information or data that should have been submitted already, we are  
19 hearing excuse why it cannot be submitted on time and we are hearing  
20 a request for a lengthy extension.

21 Sir, I am concerned about what was happening within that  
22 space of time, that 194 days, and, you know, it makes me wonder  
23 were these people totally unaware and they only found out last week  
24 that they are supposed to face the Commission of Enquiry into the  
25 deaths of the four divers who passed away at Paria? Thank you very  
26 much.

27 **Mr. Chairman:** Well, as I've indicated, there are many, many

1 witness statements to be considered. I have a team at the moment of  
2 four, three lawyers on that side, one in front of me over here and one  
3 or two others. We have plenty of work to be doing and if there is a  
4 difficulty with a particular witness I will allow them a degree of  
5 latitude. We've done that. I expect to have their statement by the  
6 30th of September unless there is any good reason for why it  
7 shouldn't be. That's where we are. Thank you very much. One  
8 more.

9 **Mr. Prior Beharry:** Good morning, Prior Beharry AZP News.  
10 Chairman, I just wanted to get your sense. Do you think that there's  
11 been a deliberate attempt to put delay into this Enquiry given the fact,  
12 one, that you were starved for resources and now the—some of the  
13 state organizations they still want time to file submissions?

14 **Mr. Chairman:** Right. Look, I don't know why it has taken little  
15 time to get some of the facilities that we've asked for. It's, as I made  
16 clear, not part of my responsibility or indeed Mr. Wilson's to  
17 apportion blame on anyone. What I do know is that the Minister has  
18 done all he can and has pushed as hard as he can to ensure that we  
19 have those facilities. We've had a number of members of the civil  
20 service trying to help us to have what we need.

21 I am clear that this Enquiry will proceed at a pace. It will not  
22 be thwarted by delays, whichever way they may come, whether it is  
23 by a witness being in some difficulty or whether it is by the lack of  
24 provision of materials. We will ensure this proceeds at a proper pace  
25 with a view to providing a draft report before Easter of next year,  
26 before then, so that you, the public, and the families will have a report  
27 in the hands of this Government in short order. Nothing is going to

1 deflect us from that happening. So, rest assured, whatever obstacles  
2 are placed in our way, we will circumvent them, we'll go over them,  
3 around them, whatever. Thank you very much indeed for coming  
4 today. I will see you all in November.

5 **11.56 a.m.:** *Procedural Hearing adjourned.*

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