APPOINTED TO ENQUIRE INTO THE TRAGIC INCIDENTS WHICH OCCURRED ON 25TH FEBRUARY 2022 AT FACILITIES OWNED BY PARIA FUEL TRADING CO. LTD LOCATED AT NO. 36 SEALINE RISER ON BERTH NO. 6, POINTE-À-PIERRE

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CORRESPONDENCE BUNDLE

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^{*}Documents have not been disclosed on the ground of confidentiality and/or sensitive information.



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: 1(868) 709-5477

18th July 2022

Inspector Morales
Trinidad and Tobago Police Service
Southern Division
Divisional Headquarters
#3 Knox Street
Harris Promenade South
San Fernando

Dear Inspector Morales,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that:

- (a) you may have been present at and/or involved in events surrounding the incidents which took place on 25th February 2022 that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies;
- (b) you headed a team of investigators from the Southern Division of the Trinidad and Tobago Police Service ("TTPS") to investigate the aforementioned tragic incidents; and
- (c) an interim and/or final reports of the investigations was prepared and submitted by the TTPS team of investigators.

In the circumstances, you and other members of the TTPS' team of investigators may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite you and other members of the TTPS team of investigators to assist the Commission by providing me with written statements together with all relevant documents including statements taken by the TTPS and all reports of investigations completed by the TTPS (both interim and final); I will also be grateful for copies of all reports that may have been received by the TTPS from other agencies which relate to the subject matter of the Commission. All submissions should include the name, address and contact information (cell phone number and email address) of the officer submitting the information.

In the event that you (or any other member of the investigation team) have any original documents in your (or their) possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission *in person* or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan

Secretary to the Commission

Southern Academy of the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely.

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: 1(868) 709-5477

18th July 2022

Dr. Brian Armour Chief Executive Officer South-West Regional Health Authority Paradise Pasture Independence Avenue San Fernando

Dear Dr. Armour

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that:-

- in a Media Statement issued on 9th March 2022, the Paria Fuel Trading Co. Ltd ("Paria") stated that it contacted inter alia the South-West Regional Health Authority ("SWRHA") and other emergency response organisations in response to incidents occurring on 25th February 2022 No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre. In that Media Statement, Paria also stated that service providers arrived at various times on that day to assist with the rescue efforts; and
- (b) Officials from the SWRHA may have been present at and/ or involved in events surrounding the incidents that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, SWRHA may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite the SWRHA (including officials of SWRHA who may have been present or involved) to assist the Commission by providing written statements together with any relevant documents including reports prepared by SWRHA; I will also be grateful for copies of all reports that may have been received by SWRHA from other agencies which relate to the subject matter of the Commission. Submissions should include the name, address and contact information (cell phone number and email address) of person submitting the information.

In the event that the SWRHA has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: 1(868) 709-5477

18th July 2022

Dr. Victor Coombs
Chairman
The Occupational Safety and Health
Authority Agency
No. 9 Alexandra Street
St. Clair
Port of Spain

Dear Dr. Coombs

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that:

- (a) In a Media Statement issued on 9th March 2022, the Paria Fuel Trading Co. Ltd ("Paria") stated that it contacted inter alia the Occupational Safety and Health Authority Agency ("OSHA") and other emergency response organisations in response to incidents occurring on 25th February 2022 at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre. In that Media Statement, Paria also stated that service providers arrived at various times on that day to assist with the rescue efforts;
- (a) Officials of OSHA may have been present at and/or involved in events surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies; and
- (b) OSHA conducted an investigation into tragic incidents which led to the deaths of four (4) divers.

In the circumstances, OSHA will have information, documents (in electronic and paper format) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite you (and officials of OSHA who were present and involved in the investigation) to assist the Commission by providing written statements and the report(s) produced by OSHA into this incident together with any relevant documents prepared by OSHA including any Root Cause Analyses; I will also be grateful for copies of all reports that may have been received by OSHA from other agencies which relate to the subject matter of the Commission as well as copies of any prohibition notices issued by OSHA to Paria or any related company or agency.

Your submissions should include the name, address and contact information (cell phone number and email address) of the member of OSHA submitting the information.

In the event that you or any official of OSHA have any original documents in your/their possession, please retain and preserve the originals and send me true copies.

Please deliver the requested statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan

Secretary to the Commission

Southern Academy of the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

I have copied this letter to Ms. Roshini Aguilar, Secretary to the OSHA Board for her information.

Yours sincerely.

SARAH SINANAN

Secretary to the Commission

cc. Ms. Roshini Aguilar, Secretary to the OSHA Board



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

E-mail: commissionsecretariat@coe2022.com

Southern Academy for the Performing Arts (SAPA)

Tel: 1(868) 709-5477

Todd Street, San Fernando

18th July 2022

Mr. Rodney Ramnath
Executive Director (Ag.)
Trinidad and Tobago Bureau of Standards
1-2 Century Drive
Trincity Industrial Estate
Macoya

<u>Tunapuna</u>

Dear Mr. Ramnath

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Trinidad and Tobago Bureau of Standards ("TTBS") in accordance with its mandate under section 15 of the Standards Act Chapter 82:03 is required to promote and encourage the development and maintenance of standards and shall establish standards to inter alia promote public and industrial welfare, health and safety.

In the circumstances, I have been instructed by the Commission to invite the TTBS to assist the Commission by providing me with written statements together with copies of standards or draft standards and any other relevant documents and information with respect to:

- (a) what standards (whether voluntary or compulsory), if any, has been developed by the TTBS and issued for the commercial diving industry;
- (b) if the TTBS has issued standards (whether voluntary or compulsory), what steps are taken by it to keep those standards under review;

- (c) if the TTBS has issued standards (whether voluntary or compulsory) for the diving industry, are those standards monitored by the TTBS;
- (d) any relevant information which the TTBS may have in relation to the aforementioned incidents; and
- (e) any relevant views which the TTBS may have in relation to the aforementioned incidents.

I will also be grateful for copies of all reports that may have been received by the TTBS from other agencies or persons which relate to the subject matter of the Commission.

Your submissions should include the name, address and contact information (cell phone number and email address) of the official of TTBS submitting the information.

In the event that you have any original documents in your possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan

Secretary to the Commission

Southern Academy of the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

I have copied this letter to Mrs. Sydelle Marchan-Jairam, Legal Officer of the TTBS.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: 1(868) 709-5477

18th July 2022

Lieutenant Commander Aldon Jasper Executive Officer The Trinidad and Tobago Coast Guard Staubles Bay Chaguaramas

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that:

- in a Media Statement issued on 9th March 2022, the Paria Fuel Trading Co. Ltd ("Paria") stated that it contacted inter alia the Trinidad and Tobago Coast Guard ("TTCG") and other emergency response organisations in response to incidents occurring on 25th February 2022 No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre. In that Media Statement, Paria also stated that service providers arrived at various times on that day to assist with the rescue efforts; and
- (b) Officers from the TTCG may have been present at and/or involved in events surrounding the incidents on 25th February 2022 that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, the TTCG may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite the TTGC (and Officers of the TTCG who were present and involved) to assist the Commission by providing written statements together with all relevant documents including reports prepared by the TTGC including any Root Cause Analyses; I will also be grateful for copies of all reports that may have been received by the TTGC from other agencies which relate to the subject matter of the Commission. Submissions should include the name, address and contact information (cell phone number and email address) of the Officer submitting the information.

In the event that the TTCG has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan

Secretary to the Commission

Southern Academy of the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely.

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: 1(868) 709-5477

18th July 2022

Mr. Arnold Bristo Chief Fire Officer Trinidad and Tobago Fire Service Wrightson Rd Port of Spain

Dear Mr. Bristo

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that:

- in a Media Statement issued on 9th March 2022, the Paria Fuel Trading Co. Ltd ("Paria") stated that it contacted inter alia the Trinidad and Tobago Fire Service ("TTFS") and other emergency response organisations in response to incidents occurring on 25th February 2022 at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre. In that Media Statement, Paria also stated that service providers arrived at various times on that day to assist with the rescue efforts; and
- (b) Officers from the TTFS may have been present at and/or involved in events surrounding the incidents on 25 February 2022 that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, TTFS may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite the TTFS (and its officers who were present or involved) to assist the Commission by providing me with written statements together with any relevant documents including any reports prepared by the TTFS; I will also be grateful for copies of all reports that may have been received by the TTFS from other agencies which relate to the subject matter of the Commission. Submissions should include the name, address and contact information (cell phone number and email address) of each officer submitting the information.

In the event that the TTFS has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver the TTFS' statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: 1(868) 709-5477

18th July 2022

Mr. McDonald Jacob Commissioner of Police (Ag.) The Trinidad and Tobago Police Service Police Administration Building Corner Edward and Sackville Streets Port of Spain

Dear Commissioner,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that:

- (a) Officers of the Trinidad and Tobago Police Service ("TTPS") may have been present at and/or involved in events surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.
- (b) Officers of the TTPS carried out investigations and took preliminary statements from Paria Fuel Trading Co. Ltd, LMCS Limited and other relevant persons; and
- (c) The TTPS completed an interim and/or final report into the aforementioned incidents.

In the circumstances, the TTPS may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite the TTPS (and its officers who were present or involved) to assist the Commission by providing me with written statements together with all relevant documents including statements taken by the TTPS and reports of investigations (both interim and final) completed by the TTPS into the incidents; I will also be grateful for copies of all reports that may have been received by the TTPS from other persons and agencies which relate to the subject matter of the Commission. All submissions should include the name, address and contact information (cell phone number and email address) of the officer submitting the information.

In the event that the TTPS has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 15th August 2022 by sending it to:-

Ms. Sarah Sinanan

Secretary to the Commission

Southern Academy of the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit the requested statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

19th July 2022

Mr. Mushtaq Mohammed General Manager Paria Fuel Trading Company Limited No. 9 Queen's Park West Port of Spain

Dear Mr. Mohammed,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that Paria's employees and/or representatives and/or agents were present at and/or were involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, Paria may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Paria (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Paria has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Tuesday 16th August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN

Secretary to the Commission

c.c. Mr. Newman K. George, Chairman of Paria Fuel Trading Co. Ltd Ms. Chandrakali Maharaj, Corporate Secretary of Paria Fuel Trading Co. Ltd.



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Mr. Christopher Boodram c/o Dr. Che Dindial Freedom Chambers Attorneys at Law No. 3 Harris Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from Christopher Boodram

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

Based on media reports you were the sole survivor of the tragic incident which commenced on 25th February 2022, which led to the deaths of four (4) of your colleagues who, with you, were divers employed by LMCS Ltd.

I believe that you may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its function.

I have therefore taken the liberty of writing to you through the Attorneys-at-Law which media report suggests were/are acting for you.

I will be obliged, on behalf of the Commission, if you assist the Commission by providing written statements together with any relevant documents. All documents submitted by you or your Attorney-at-Law should expressly identify you by name and your contact information is also requested.

In the event that you have any original documents in your possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Borth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Mr. Kazim Ali Snr. Managing Director LMCS Limited ("LMCS") 27 Gulf View Villas La Romaine

Dear Mr. Ali,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that LMCS' employees and/or representatives and/or agents were present at and/or were involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS' divers and/or continuing up to the recovery of their bodies.

In the circumstances, LMCS may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite LMCS (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should

include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that LMCS has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Mr. Michael Kurban c/o Mr. Prakash Ramadhar Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from Michael Kurban

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

On behalf of the Commission, and on my own behalf, I wish to express condolences on the death of your father (Fyzal Kurban) following the tragic events which commenced on 25th February 2022 and which also led to the deaths of three (3) other LMCS Limited's divers who were his colleagues.

I have taken the liberty of writing to you through, based on media reports, Attorneys at Law for the Estate of Fyzal Kurban.

It has come to the Commission's attention that you may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022 and continuing up to the recovery of their bodies.

You may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions and, accordingly, I have been instructed by the Commission to invite you to assist the Commission by providing written statements together with any relevant documents. Please include your name, address and contact information (cell phone number and email address) with any information submitted.

In the event that you have any original documents in your possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

25th July 2022

Mr. Nicholas Kurban c/o Mr. Prakash Ramadhar Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from Nicholas Kurban

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

On behalf of the Commission, and on my own behalf, I wish to express condolences on the death of your father (Fyzal Kurban) following the tragic events which commenced on 25th February 2022 and which also led to the deaths of three (3) other LMCS Limited's divers who were his colleagues.

I have taken the liberty of writing to you through, based on media reports, Attorneys at Law for the Estate of Fyzal Kurban.

It has come to the Commission's attention that you may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022 and continuing up to the recovery of their bodies.

You may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions and, accordingly, I have been instructed by the Commission to invite you to assist the Commission by providing written statements together with any relevant documents. Please include your name, address and contact information (cell phone number and email address) with any information submitted.

In the event that you have any original documents in your possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission *in person* or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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25th July 2022

The Estate of Fyzal Kurban c/o Mr. Prakash Ramadhar Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from the Estate of Fyzal Kurban

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

On behalf of the Commission, and on my own behalf, I wish to express condolences on the death of Fyzal Kurban following the tragic events which commenced on 25th February 2022 and which also led to the deaths of three (3) other LMCS Limited's divers who were his colleagues.

I have taken the liberty of writing to Fyzal Kurban's Estate through the Estate's Attorneys-at-Law as reported in the media. I believe that Fyzal Kurban's Estate may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its Terms of Reference.

I will therefore be obliged, on behalf of the Commission, if the Estate of Fyzal Kurban assists the Commission by providing written statements together with any relevant documents. All documents submitted by the Estate of Fyzal Kurban or its Attorneys-at-Law should expressly identify the Estate by name and the Estate's contact information is also requested.

In the event that the Estate has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver the Estate's statements and documents (if any) to the Commission *in person* or as an attachment to an email <u>on or before 4.00 p.m. on Monday 22nd August 2022</u> by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if the Estate is unable to submit its statements and/or documents by the due date, the Estate is required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

25th July 2022

The Estate of Kazim Ali Jr. c/o Gerald Ramdeen Attorney at Law No. 7 Cornelio Street Woodbrook

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from the Estate of Kazim Ali Jr.

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

On behalf of the Commission, and on my own behalf, I wish to express condolences on the death of Kazim Ali Jr. following the tragic events which commenced on 25th February 2022 and which also led to the deaths of three (3) other LMCS Limited's divers who were his colleagues.

I have taken the liberty of writing to Kazim Ali Jr's Estate through the Estate's Attorneys-at-Law as reported in the media.

I believe that Kazim Ali Jr's Estate may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its Terms of Reference.

I will therefore be obliged, on behalf of the Commission, if the Estate of Kazim Ali Jr. assists the Commission by providing written statements together with any relevant documents. All documents submitted by the Estate of Kazim Ali Jr. or its Attorneys-at-Law should expressly identify the Estate by name and the Estate's contact information is also requested.

In the event that the Estate has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver the Estate's statements and documents (if any) to the Commission *in person* or as an attachment to an email <u>on or before 4.00 p.m. on Monday 22nd August 2022</u> by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if the Estate is unable to submit its statements and/or documents by the due date, the Estate is required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecrctariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

The Estate of Rishi Nagessar Mrs. Vanessa Kussie c/o Dr. Che Dindial Freedom Chambers Attorneys at Law No. 3 Harris Street San Fernando

Dear Sir.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from the Estate of Rishi Nagessar

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

On behalf of the Commission, and on my own behalf, I wish to express condolences on the death of Rishi Nagessar following the tragic events which commenced on 25th February 2022 and which also led to the deaths of three (3) other LMCS Limited's divers who were his colleagues.

I have taken the liberty of writing to you as Rishi Nagessar's widow and a representative of his Estate.

I believe that Rishi Nagessar's Estate may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its Terms of Reference.

I will therefore be obliged, on behalf of the Commission, if the Estate of Rishi Nagessar assists the Commission by providing written statements together with any relevant documents. All documents submitted by the Estate of Rishi Nagessar or its Attorneys-at-Law should expressly identify the Estate by name and the Estate's contact information is also requested.

In the event that the Estate has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver the Estate's statements and documents (if any) to the Commission *in person* or as an attachment to an email **on or before 4.00 p.m. on Monday 22**nd **August 2022** by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if the Estate is unable to submit its statements and/or documents by the due date, the Estate is required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tcl: +1 (868) 709-5477 Website: www.coc2022.com

25th July 2022

The Estate of Yusuf Henry c/o Mr. Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from the Estate of Yusuf Henry

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

On behalf of the Commission, and on my own behalf, I wish to express condolences on the death of Yusuf Henry following the tragic events which commenced on 25th February 2022 and which also led to the deaths of three (3) other LMCS Limited's divers who were his colleagues.

I have taken the liberty of writing to Yusuf Henry's Estate through the Estate's Attorneys-at-Law as reported in the media.

I believe that Yusuf Henry's Estate may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its Terms of Reference.

I will therefore be obliged, on behalf of the Commission, if the Estate of Yusuf Henry assists the Commission by providing written statements together with any relevant documents. All documents submitted by the Estate of Yusuf Henry or its Attorneys-at-Law should expressly identify the Estate by name and the Estate's contact information is also requested.

In the event that the Estate has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver the Estate's statements and documents (if any) to the Commission *in person* or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if the Estate is unable to submit its statements and/or documents by the due date, the Estate is required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

25th July 2022

Eastern Divers Company Limited 1098 Newlands Village Guayaguayare

Dear Sir/ Madam,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that employees and/or representatives and/or agents of Eastern Divers Company Ltd may have been present at and/or were involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, your company may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Eastern Divers Company Limited (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Eastern Divers Company Limited has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Ms. Lydia Gabriel General Manager Hull Support Services Limited 18B-1 Labidco Industrial Estate La Brea

Dear Sir/ Madam,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that employees and/or representatives and/or agents of Hull Support Services Ltd may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, your company may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Hull Support Services Limited (including its employees and/or representatives and/or agents who were present and/or involved)

to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Hull Support Services Limited has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street, San Fernando

Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Mitchell's Professional Diving Services Company Limited 13A North Guapo Cap de Ville Road Point Fortin

Dear Sir/ Madam,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that employees and/or representatives and/or agents of Mitchell's Professional Diving Services Company Limited may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, your company may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Mitchell's Professional Diving Services Company Limited (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together

with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Mitchell's Professional Diving Services Company Limited has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission *in person* or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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25th July 2022

Mr. Wouter Sanders General Manager Subsea Global Solutions LLC (SGS Trinidad) Point Lisas Industrial Estate Couva

Dear Sir/ Madam,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that employees and/or representatives and/or agents of Subsea Global Solutions LLC may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, your company may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Subsea Global Solutions LLC (SGS Trinidad) (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Subsea Global Solutions LLC (SGS Trinidad) has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Mr. Rolph Hive
Director- Operations
Offshore Technology Solutions Limited
Lot 6 Milling Avenue
Sea Lots
Port of Spain

Dear Mr. Hive,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that employees and/or representatives and/or agents of Offshore Technology Solutions Limited may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, your company may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Offshore Technology Solutions Limited (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Offshore Technology Solutions has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

25th July 2022

Ms. Sandra Fraser
Permanent Secretary (Ag.)
Ministry of Energy and Energy Industries
Levels 15 & 22-26, Tower C
International Waterfront Centre
#1 Wrightson Road
Port of Spain

Dear Ms. Fraser,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that representatives and/or agents of the Ministry of Energy and Energy Industries ("MEEI") may have been present at and/or were involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, MEEI may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite MEEI (including its representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that MEEI has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Monday 22nd August 2022 by sending it to:-

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street, San Fernando Telephone: 1(868)709-5477

Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

28th July 2022

Mr. Ronald Ramoutar c/o Dr. Che Dindial Freedom Chambers Attorneys at Law No. 3 Harris Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements from Ronald Ramoutar

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that you may have been present at and/or involved in the events leading up to and/or surrounding the incidents (including the rescue of Christopher Boodram) which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, you may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite you to assist the Commission by providing written statements together with any relevant documents. Please include your name,

address and contact information (cell phone number and email address) together with the information submitted.

In the event that you have any original documents in your possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Thursday 25th August 2022 by sending it to:-

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street, San Fernando
Telephone: 1(868)709-5477
Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the

application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

29th July 2022

Prof. Hubert Daisley Pathologist No. 93 Cascade Road Port of Spain

Dear Sir.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that you may have conducted a second autopsy on the bodies of four (4) deceased divers who tragically lost their lives following the incidents which took placed on 25th February 2022 at facilities owned by Paria located at No. 36 Sealine Riser on Berth No. 6, Point-at-Pierre.

In the circumstances, you may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite you to assist the Commission by providing written statements together with any relevant documents including relevant autopsy reports. Please include your name, address and contact information (cell phone number and email address) together with any information you may submit.

In the event that you have any original documents in your possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Friday 26th August 2022 by sending it to:-

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street, San Fernando
Telephone: 1(868)709-5477
Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

29th July 2022

Mr. Derrick Sankar
Director
Trinidad and Tobago Forensic Science Centre
17 Barbados Road
Federation Park
Long Circular
Port of Spain

Dear Mr. Sankar

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that autopsies were performed at the Forensic Science Centre on the bodies of the four (4) deceased divers who tragically lost their lives following the incidents which took placed on 25th February 2022 at facilities owned by Paria located at No. 36 Sealine Riser on Berth No. 6, Point-at-Pierre.

In the circumstances, the Trinidad and Tobago Forensic Science Centre may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite you to assist the Commission by providing written statements together with any relevant documents including relevant autopsy reports. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that the Trinidad and Tobago Forensic Science Centre has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Friday 26th August 2022 by sending it to:-

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street, San Fernando
Telephone: 1(868)709-5477
Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the application for an extension of time.

Yours sincerely,

SARAH SINANAN



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:
Southern Academy for the Performing Arts (SAPA)
Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

29th July 2022

Ms. Arlene Chow Chief Executive Officer Heritage Petroleum Company Ltd 9 Queens Park West Port of Spain

Dear Ms. Chow

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for written statements

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

It has come to the Commission's attention that employees and/or representatives and/or agents of the Heritage Petroleum Company Ltd ("Heritage") may have been present at and/or involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's divers and/or continuing up to the recovery of their bodies.

In the circumstances, your company may have information, documents (in whatever format including digital) and/or views which would assist the Commission in the discharge of its functions.

Accordingly, I have been instructed by the Commission to invite Heritage (including its employees and/or representatives and/or agents who were present and/or involved) to assist the Commission by providing written statements together with any relevant documents. All submissions should include the name, address and contact information (cell phone number and email address) of the person submitting the information.

In the event that Heritage has any original documents in its possession, please retain and preserve the originals and send me true copies.

Please deliver your statements and documents (if any) to the Commission in person or as an attachment to an email on or before 4.00 p.m. on Friday 26th August 2022 by sending it to:-

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street, San Fernando
Telephone: 1(868)709-5477
Email: commissionsecretariat@coe2022.com

Please note that if you are unable to submit your statements and/or documents by the due date, you are required to make a formal application to the Commission in writing requesting an extension of time, identifying the period of extension required and setting out the grounds for the

application for an extension of time.

Yours sincerely,

SARAH SINANAN

Secretary to the Commission

cc. Ms. Chandrakali Maharaj, Corporate Secretary



SOUTH-WEST REGIONAL HEALTH AUTHORITY

Independence Avenue, Paradise Pastures, San Fernando, Trinidad & Tobago, West Indies Telephone: (868) 225-HEAL (4325) • Fax: (868) 225-5533 • Website: www.swrha.co.tt

11th August, 2022

Ms. Sarah Sinanan
Secretary to the Commission
Commission of Enquiry
Southern Academy for the Performing Arts
Todd Street
San Fernando

"By email: commissionsecretariat@coe2022.com"

Dear Madam,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd. located at No. 36 Sealine Riser on Berth No. 6 Pointe-á-Pierre

Reference is made to the above captioned and to your letter of the 18th July, 2022 in relation to same.

In response to your enquiries I am instructed as follows:

- a. The South-West Regional Health Authority (SWRHA) was alerted to the incident and expected to receive five (5) patients.
- b. No SWRHA officers were dispatched to the scene of the incident.
- c. One (1) diver was received and treated at the Accident and Emergency Department of the San Fernando General Hospital on or around the 25th February, 2022.

Yours faithfully,

'Care, Compassion and Competence'

Dr. Brian Armour Chief Executive Officer

c.c. Senior Legal Officer, SWRHA

OFFICE OF THE DEPUTY COMMISSIONER OF POLICE INTELLIGENCE AND INVESTIGATIONS

Police Administration Building, 5th Floor, Corner Edward & Sackville Streets P.O. Box 387, Port of Spain, Trinidad, Republic of Trinidad & Tobago Telephone: 1 (868) 623-8440 Facsimile: 1 (868) 624-0551 Email: DCPCrime@ttps.gov.tt

Friday 19th August, 2022

Ms Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts
Todd Street,
San Fernando

Dear Ms Sinanan,

Re Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre – request for written statements

I refer to your letter dated 18th July, 2022 in regards to your request for written statements into the tragic incident which occurred on 25th February, 2022 at Berth 6, Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre, involving Mr. Christopher Boodram, Mr Kazim Jerimiah Ali, Mr Rishi Nagassar, Yusuf Henry and Mr. Fyzal Kurban.

Enclosed is a file containing most of the relevant information/ documents requested. Please note that the investigator in the matter, No. 14600 Inspector Kerry Morales, has indicated that he is still awaiting the six (6) undermentioned documents, all of which he is working assiduously to obtain.

No.	Outstanding Documents	
1	Report from Coast Guard	
2	Report from Fire Services	
3	Copy of Contract Between Paria Ltd and L.M.C.S Ltd	
4	Permit to work on 25.02.2022	



No.	Outstanding Documents	
5	Rescue Plan of L.M.C.S Ltd	
6	Toxicology Report from Forensic	

In the event you require any additional information or clarity on the above, please feel free to contact the undersigned via the number or email address provided.

Yours respectfully,

Mr. Wendell S. Williams

Deputy Commissioner of Police

'Intelligence and Investigations' (Ag.)

Trinidad and Tobasso Pelice Service

of Police

Intelligence and Investigations

2



Our Ref.:

Your Ref.:

ISO 9001:2015 Certified

MEMBER OF:

Address reply to the Executive Director for the attention of the undersigned

ISO • International Organization for Standardization
COPANT • Pan American Standards Commission

BSB 8.1.1

2022-08-15

Ms Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) **Todd Street** SAN FERNANDO

Dear Ms Sinanan

COMMISSION OF ENQUIRY INTO THE TRAGIC INCIDENTS WHICH OCCURRED ON 25TH FEBRUARY 2022 AT FACILITIES OWNED BY PARIA FUEL TRADING CO LTD LOCATED AT NO. 36 SEALINE RISER ON BERTH NO. 6, POINTE-A-PIERRE - REQUEST FOR WRITTEN STATEMENTS

In response to your correspondence dated 2022-07-18, please see attached:

- 1. Our written statements;
- The standards:
 - TTS 539:1997, Code of practice for safety in commercial diving operations;
 - TTS/CSA Z275.5:2010, Occupational Diver Training Specification; and
- 3. The draft standard PCTTS 539:20XX which was issued for second round of Public Comment for the period 2015-03-15 to 2015-05-11.

The Public Comment Ads appeared in the daily newspapers as follows:

- 2015-03-15 Daily Express
- 2015-03-18 Trinidad and Tobago Newsday
- 2015-03-21 Trinidad Guardian

Sincerely

Rodney Ramnath

Executive Director (Ag)

Attached.

c.c Mr Lawford Dupres

- Chairman, TTBS

Ms Sydelle Marchan-Jairam - Legal Officer, TTBS

Ms Ayleen Alleyne-Ovid - Permanent Secretary, Ministry of Trade and Industry

FS: 3/1/11 - F/No: 074

In replying the above number and date of this letter shall be quoted.

Email: cfo.ttfs@gov.tt cc: ttfslegal@gov.tt

Tel No. 226-8837 ext. 32002/32082



FIRE SERVICE HEADQUARTERS
WRIGHTSON ROAD
PORT OF SPAIN
P.O. Box 669
TRINIDAD, W.I.

10th August 2022

Your Ref: Our Ref: FS:3/1/11 - F/No. 074

Sarah Sinanan
Secretary to the Commission
Secretariat Office
Southern Academy for the Performing Arts (ASPA)
Todd Street
San Fernando



Re: Commission of Enquiry into the tragic incidents which occurred on 25th
February 2022 as facilities owned bu Paria Fuel Trading Co. Ltd located at No. 36
Sealine Riser on Berth No. 6 Pointe – à – Pierre – Request for written statements

Dear Ms Sinanan,

Reference is made to the above caption dated 18th July, 2022 i.e. Commission of Enquiry. The following documents are hereby submitted as they relate to the subject matter of the commission.

- Written statement from Mr. Ansar Ali dated 29/07/22 App I - Written statement from Mr. Robert Dookie dated 02/08/22 App II - Written statement from Mr. Ramdeo Samaroo dated 02/08/22 App III - Written statement from Mr. Stephen Sylvan dated 3/8/22 App IV - Written statement from Mr. Russel Sookman dated 4/8/22 App V - Written statement from Mr. Rishi Bhowansingh dated 4/8/22 App VI - Written statement from Mr Sterling Deo dated 3/8/22 App VII - Fire Report Form No 119 of 2022 dated 1/30/22 App VIII - Fire Report Form No 01/2022 dated 25/02/22 App IX - Extract from Station Diary Duty dated 01st March, 2022 App X - Extract from Station Diary Duty dated 25th Feb, 2022 App XI (a) - Extract from Station Diary Duty dated 25th Feb, 2022 App XI (b) - Extract from Station Diary Duty dated 25th Feb, 2022 App XI (c) - Extract from Station Diary Duty dated 26 Feb, 2022 App XII (a) - Extract from Station Diary Duty dated 26 Feb, 2022 App XII (b)

App XII (c)	- Extract from Station Diary Duty dated 26 Feb, 2022
App XIII (a)	- Extract from Station Diary Duty dated 27 Feb, 2022
App XIII (b)	- Extract from Station Diary Duty dated 27 Feb, 2022
App XIII (c)	- Extract from Station Diary Duty dated 27 Feb, 2022
App XIII (d)	- Extract from Station Diary Duty dated 27 Feb, 2022
App XIII (e)	- Extract from Station Diary Duty dated 27 Feb, 2022
App XIII (c) App XIII (f)	- Extract from Station Diary Duty dated 27 Feb, 2022
77.70	- Extract from Station Diary Duty dated 28 Feb, 2022
App XIV (a)	- Extract from Station Diary Duty dated 28 Feb, 2022
App XIV (b)	- Extract from Station Diary Duty dated 20 1 co, 2022

Kind Regards,

Arnold Bristo

Chief Fire Officer



HEADQUARTERS TRINIDAD AND TOBAGO DEFENCE FORCE

AIRWAYS ROAD, CHAGUARAMAS TRINIDAD, W.I. TELEPHONE NO.: 634-4532 FAX NO.: 634-1574

TTDF: 2/4/22

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy for the Performing Arts
Todd Street
SAN FERNANDO

15 August 2022

RE:COMMISSION OF ENQUIRY REQUEST FOR STATEMENTS

Reference:

TTDF:2/4/22 dated 09th August 2022.

Enclosed is the statement of the officer-in-charge of the Trinidad and Tobago Coast Guard personnel Lieutenant Edric Hargreaves, Diving Officer, Trinidad and Tobago Coast Guard.

Zin-Mark King pcsc

Commander

Director Staff Judge Advocate (Acting)

Enclosure:

Statement: Lieutenant Edric Hargreaves dated 15th August 2022.



Sarah Sinanan <commissionsecretariat@coe2022.com>

Re: Response on Commission of request for Statements

1 message

Sarah Sinanan <commissionsecretariat@coe2022.com>
To: SJA DFHQ <sja.ttdf@yahoo.com>

Thu, Aug 25, 2022 at 3:15 PM

Good afternoon,

I refer to the matter at caption and to your email dated 15th August 2022, with the attached statement of Lieutenant Edric Hargreaves.

I received with hard copy of the statement today, however I wish to draw to your attention the fact that both the hard copy and the soft copy appear to be missing a page. The statement goes from paragraph 18 which ends"with the first of' and the next page starts "the TTDF, either physically or through coercion" and the next paragraph is number 20.

Can a complete statement with all of paragraph 18 and 19 be re-sent electronically, as soon as possible?

Kindly acknowledge receipt of this email.

Best Regards,

Sarah Sinanan

Secretary to the Commission

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

Telephone: 1(868)709-5477

Website: www.coe2022.com

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On Mon, Aug 15, 2022 at 3:36 PM SJA DFHQ <sja.ttdf@yahoo.com> wrote:

Pleasant Good Afternoon,

Attention: Ms. Sarah Sinanan

Please see attached response on the 'Statements on the Commission of enquiry into the Tragic incidents which occurred on 25 February 2022 at facilities owned by Paria Fuel Trading Company Limited' from Commander Zin-Mark King, Director Staff Judge Advocate of the TTDF. Please note that the hardcopy has been dispatched to you and should be received within this week.

Kindly acknowledge receipt of this email.

Thank You.

Regards,

Staff Judge Advocate Department
Trinidad and Tobago Defence Force Headquarters
Airways Road
Chaguaramas

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Sarah Sinanan < commissionsecretariat@coe2022.com>

Fwd: Response on Commission of request for Statements

1 message

Sarah Sinanan <commissionsecretariat@coe2022.com>
To: info.sja@ttdf.mil.tt

Tue, Sep 20, 2022 at 5:28 PM

Good afternoon,

I refer to the matter at caption and to the statement of Lieutenant Hargreaves submitted under cover letter dated 15th August 2022 signed by Commander Zin-Mark King, Director Staff Judge Advocate (Acting). Please note the statement of Lieutenant Hargreaves that was submitted both electronically and hard copy appears to be incomplete as it goes from paragraph 18 to paragraph 20.

In the circumstances we kindly request a complete copy of the statement.

Additionally, Counsel to the Commission in anticipation of the evidential hearings scheduled to begin on 21st November 2022 is in the process of conducting interviews with several persons. I am instructed by the Commission to invite your Lieutenant Hargreaves and Leading sea man Leidgewood to an interview with Counsel to the Commission on Tuesday 27th September 2022 at 10am, at the Secretariat's office at the Southern Academy of the Performing Arts (SAPA).

Please confirm if the suggested date and time is convenient.

We look forward to hearing from you.

Best Regards,

Sarah Sinanan

Secretary to the Commission

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

Telephone: 1(868)709-5477

Website: www.coe2022.com

This information contained in this message is sent in the strictest confidence for the addressee only. It is intended only for the use of the addressee and may contain legally privileged information. If you have received this email in error you are requested to preserve its confidentiality and advise the sender of the error in transmission. It is the responsibility of the addresses to scan this e-mail and any attachments for computer viruses and other defects. The sender does not accept liability for any loss or damage of any nature, however caused, which may result directly or indirectly from this email or any file attached.

----- Forwarded message -----

From: Sarah Sinanan < commissionsecretariat@coe2022.com>

Date: Tue, Sep 13, 2022 at 11:37 AM



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

28th September 2022

Lieutenant Commander Aldon Jasper Executive Officer The Trinidad and Tobago Coast Guard Staubles Bay

URGENT

Chaguaramas

Dear Sir.

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for interviews

I refer to the matter at caption.

On or about 25th August 2022 the Commission's Secretariat received a letter dated 15th August 2022 from one Zin-Mark King pcsc, Commander, Director Staff Judge Advocate (Acting) enclosing a statement of Edric Hargreaves also dated 15th August 2022. This 15th August 2022 letter was in response to the Commission's letter dated 18th July 2022, and we thank you for same.

However, it was subsequently discovered that Lieutenant Edric Hargreaves' statement was incomplete as there appears to be no paragraph 19 as the statement goes from paragraph 18 to paragraph 20. The Secretariat has made several attempts via e-mail to get in contact with Zin-Mark King, the latest attempt being on 20th September 2022. A copy of the said email is attached for ease of reference. The Secretariat has utilised the following email addresses, sja.ttdf@yahoo.com and info.sja@ttdf.mil.tt but to date there has been no response.

Having regard to the foregoing, I repeat the Commission's request for a complete version of Lieutenant Edric Hargreaves' statement dated 15th August 2022.

Additionally, the Secretariat placed several calls in the last two (2) weeks to the following numbers, 634-4532 and 271-3372 in an attempt to make contact with Zin-Mark King, Commander

Director, Staff Judge, in an attempt to schedule interviews with certain officer, however we have been unsuccessful in establishing contact.

We wish to inform, that at the Commission's Procedural Hearing on 7th September 2022 it was announced that the Evidential Hearings will commence on 21st November 2022. In the circumstances, I have been instructed by the Commission to invite Lieutenant Edric Hargreaves and Leading Sea Man Leidgewood to an interview with Counsel to the Commission on <u>Monday</u> 3rd October 2022 at 10:00 am and 12:00pm respectively at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

It is hoped that the Coast Guard of Trinidad and Tobago including Lieutenant Edric Hargreaves and/or Leading Sea Man Leidgewood would cooperate with the Commission to provide the relevant material required so that the Commission can determine if it is necessary for them to give evidence at the Commission.

Please be informed that should Lieutenant Edric Hargreaves and/or Leading Sea Man Leidgewood fail to cooperate and attend the scheduled interview or to contact the Secretariat before that date to arrange a mutually convenient time for the interview, the Commission will issue subpoenas under Section 11 of the Commissions of Enquiry Act for Lieutenant Edric Hargreaves and/or Leading Sea Man Leidgewood to give evidence at the Evidentiary Hearing.

We therefore look forward to your kind cooperation and assistance

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

13A North Guapo Cap-de-ville Road, Point Fortin, Trinidad, West Indies Ph.: (868) 648 - 4972 Fax: (868) 648-6736

E-mail: milchdive1@yahoo.com

August 10th, 2022

Ms Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Madam,

I hereby confirm receipt of your email on July 25th 2022 and also receipt of hard copy of letter of the same date.

We are pleased to be contacted by your Office and we stand willing and ready to assist the Commission in every way we could in its investigation of the tragic event of February 25th 2022. We wish you full success concerning this matter.

However, we are advised that such a request to us from your Office must be first directed to the Management at Heritage Petroleum Company Limited (HPCL) as we are a Service Provider contracted with them, and we were present at that date at the request of HPCL.

All forthcoming responses from this Company will also be channeled to your Office under first supervision of the Management at HPCL.

Please be guided accordingly.

Respectfully,

Rhonda Pantin-Mitchell

Managing Director

MITCHELL'S PROFESSIONAL DIVING SERVICES COMPANY LIMITED



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

12th August 2022

Ms. Rhonda Pantin-Mitchell
Managing Director
Mitchell's Professional Diving Services Company Limited
13A North Guapo
Cap de Ville Road
Point Fortin

Dear Madam,

STIE

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre ("the Commission") – Request for written statements

I refer to the matter at caption and to your letter dated 10th August 2022 which was received via e-mail today.

The contents of your letter are duly noted. However, I wish to draw to your attention the Commission's Terms of Reference, a copy of which was enclosed in our original letter to you. In particular, I wish to draw to your attention l(v) of the said Terms of Reference. This Commission was appointed and mandated to enquire into *inter alia* "and identify the precise facts and circumstances which led up to and resulted in the loss of life and whether this was reasonable and justifiable in the particular circumstances."

Further, I wish to reference clauses 15 and 16 of the Commission's Procedural Rules, which state as follows:

"15. The investigative phase will consist primarily of the collection and review of documents from persons with information, inspection of physical evidence (including plant and equipment), consultations and interviews of persons with information.

16. All persons are required to preserve originals of all documents relevant to the Commission's Terms of Reference that are in their possession, power or control and any relevant physical evidence in their possession, power or control until such time as the Commissioners have ordered otherwise."

In light of the above, the Commission deemed it necessary to write to you given your involvement in the incidents that occurred on 25th February 2022.

I wish to also draw to your attention clause 32 of the said Procedural Rules which states:

"32. A subpoena or summons may be issued if the person to be interviewed requests one or if the Commissioners or Commission Counsel deems it prudent to compel the attendance of the person or the production of relevant documents."

A full copy of the Commission's Procedural Rules is enclosed for your ease of reference and can also be found on the Commission's website www.coe2022.com.

In light of the above, should you wish to change your position on this matter the Commission will consider granting to you a seven (7) day extension of time to provide the requested statements and/or documents, thereby allowing you until 29th August 2022 to produce same.

Please note that if you do require the seven (7) day extension, you are required to make a formal application to the Commission in writing.

Should you fail to assist the Commission by providing the said statements and/or documents, the Commission may consider exercising its powers under clause 32 of the Procedural Rule at the Procedural Hearing on 07th September 2022.

Yours sincerely,

SARAH SINANAN

Secretary to the Commission

Encl:

2

Ph.: (868) 648 - 4972 Fax: (868) 648-6736

August 22nd 2022

Ms Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street San Fernando

Telephone: 1(868) 709-5477

Email: commissionsecretariat@coe2022.com

Dear Madam,

In response to your correspondence of dates 25th July 2022 and 11th August 2022, and also in subjection to your instructions contained in those correspondences, I hereby submit the attached documents to account for the presence and/or involvement of personnel from Mitchell's Professional Diving Services Co. Limited (MPDS) at Paria Fuel Trading Co. Ltd. (Paria) on Friday 25th February 2022.

Documents attached are:

- 1. Letter of account for MPDS presence and involvement at Paria on 25th February 2022.
- 2. List of MPDS employees present at Paria on 25th February 2022.
- 3. MPDS Operations Log of Friday 25th February 2022 into Saturday 26th February 2022.

MPDS is pleased to assist the Commission to fulfill its mandate and we wish you full success concerning this matter.

Respectfully,

RVICES COMPANY LIMITED

Rhonda Pantin-Mitchell Managing Director

Cell: 1 (868) 683-3422



HULL SUPPORT SERVICES LTD.



Office Address: Lot# 18B-1, LABIDCO Industrial Estate, La Brea, Trinidad W.I.
Office Telephone: (868) 298-2260, 298-2274, 298-2266
Email: dive@hullsupport.com Website: www.hullsupport.co

Our ref.: 4077/2022

18th August 2022

Ms. Sarah Sinanan Secretary to the Commission Southern Academy for the Performing Arts (SAPA) Todd Street San Fernando

Dear Madam,

Re: - Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre – Request for written statements

In reference to the above caption, this letter serves to confirm that Hull Support Services Limited was not involved in the events of the above captioned continuing up to the recovery of the bodies.

As a result of this fact, our company would not be in possession of any information, documents or views that pertained to/or leading up to the recovery of the bodies, which would be able to assist the Commission in their discharge of its functions.

Should you require any further information please feel free to contact the undersigned.

Regards

Lydia Gabriel Director-CEO

Hull Support Services Ltd

(868) 310-3554









----- Forwarded message -----

From: Wouter Sanders < wouter.sanders@sgsdiving.com >

Date: Tue, Jul 26, 2022 at 7:51 PM

Subject: Re: Paria Commission of Enquiry- request for written submissions To: Sarah Sinanan <<u>commissionsecretariat@coe2022.com</u>>, Trinidad Office

<trinidad@sgsdiving.com>, Rick Shilling <rick@sgsdiving.com>

Dear Sarah,

I hereby confirm receipt and will revert with the required documents soonest.

Wouter Sanders Vice President/General Manager SGS US Gulf Coast Diving LLC ----- Forwarded message ------

From: Sarah Sinanan < commissionsecretariat@coe2022.com >

Date: Thu, Aug 18, 2022 at 7:53 PM

Subject: Re: Paria Commission of Enquiry- request for written submissions

To: Wouter Sanders < wouter.sanders@sgsdiving.com>

Cc: Trinidad Office < trinidad@sgsdiving.com>, Rick Shilling < trinidad@sgsdiving.com>

Dear Mr. Sanders,

I refer to the matter and our previous correspondence.

We wish to remind you that the deadline for submission of any documents/ statements is **Monday 22nd August 2022**.

Further we wish to advise that the Commission will be holding its first Procedural Hearing on Wednesday 7th September 2022 at 10:30 am at Level 11, Tower D, International Waterfront Centre, 1A Wrightson Road, Port of Spain.

Kindly acknowledge receipt of this email.

Best Regards, Sarah Sinanan Secretary to the Commission ----- Forwarded message ------

From: Wouter Sanders < wouter.sanders@sqsdiving.com >

Date: Fri, Aug 26, 2022 at 11:45 AM

Subject: Re: Paria Commission of Enquiry- request for written submissions

To: Sarah Sinanan < commissionsecretariat@coe2022.com >

Cc: Trinidad Office < trinidad@sgsdiving.com>, Rick Shilling < trinidad@sgsdiving.com>

Dear Sarah,

Please find attached the statements of our crew. Let me know if you any questions.

Wouter Sanders

Vice President/General Manager

SGS US Gulf Coast Diving LLC

Office: +1-832-240-4234 Mobile: +1-305-510-4145

Email:wouter.sanders@sgsdiving.com

Office Email: houston@sgsdiving.com

www.subseaglobalsolutions.com

----- Forwarded message -----

From: Sarah Sinanan < commissionsecretariat@coe2022.com >

Date: Mon, Sep 19, 2022 at 9:47 AM

Subject: Re: Paria Commission of Enquiry- request for written submissions

To: Wouter Sanders < wouter.sanders@sgsdiving.com >

Cc: Trinidad Office <trinidad@sgsdiving.com>, Rick Shilling <rick@sgsdiving.com>,

<crahaman@coe2022.com>, <schase@coe2022.com>

Dear Wouter,

With regards to the caption matter and to the statements provided, one of my staff members would have reached out to your office to arrange an interview with Alvin Seetaram.

You may be aware the Commission had its first procedural hearing on 7th September 2022 and is set to commence evidential hearings on 21st November 2022. In anticipation of this Counsel to the Commission is interviewing several persons and are interested in interviewing Mr. Seetaram. Counsel had indicated an interest in seeing Mr. Seetaram tomorrow at the Secretariat's office in the Southern Academy of the Performing Arts (SAPA). Would this be at all possible?

Please feel free to contact me on if you need to discuss further.

I look forward to your usual prompt response.

Best Regards, Sarah Sinanan Secretary to the Commission ----- Forwarded message -----

From: **Rick Shilling** <<u>rick@sgsdiving.com</u>>

Date: Thu, Sep 29, 2022 at 2:29 PM

Subject: RE: Paria Commission of Enquiry- request for written submissions To: Wouter Sanders < wouter.sanders@sgsdiving.com >, Sarah Sinanan

<commissionsecretariat@coe2022.com>

Cc: Trinidad Office

<trinidad@sgsdiving.com>, crahaman@coe2022.com <crahaman@coe2022.com>, schase@coe2022.com>

Wouter and Sarah

Thank you both for your communications on this matter. I do believe if the conversations remain inquisitorial Subsea Global Solutions does not have any problem verbalizing our involvement (be it very limited) in the attempted recovery efforts. As Wouter has stated, our teams are actively engaged in billable work offshore, but we can attempt to arrange a time for a teleconference with our captain if this is helpful. We cannot, however, have this impact our current work as our team is focused on time sensitive projects.

Wouter, can you provide some windows that we may be available for a teleconference?

Regards

Rick Shilling
Chief Operating Officer
SUBSEA GLOBAL SOLUTIONS LLC

Office: +1-305-571-9700 Direct: +1-786-439-2875 Mobile: +1-914-826-0045 Email: rick@sgsdiving.com www.subseaglobalsolutions.com



Eastern Divers

Company limited

MARINE & GENERAL CONTRACTORS

#1098 Newlands Village, Guayaguayare, Trinidad, West Indies. Phone: (868) 630-8572 (868) 630-6974

Fax: (868) 630-2378 E-mail: edcol@tstt.net.tt

22nd August 2022

Attention: Secretary to the Commission

Dear Sarah Sinanan,

Re: Commission of Enquiry Appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located At No. 36 Sealine Riser on Berth No. 6 Point-a-Pierre – Request for written statements

Reference is made to your letter dated July 25th 2022 where you requested a written statement from Eastern Divers Company Limited related to the subject incident.

Please be advised that Eastern Divers Company Limited, its employees, representatives or agents was not engaged by Paria Fuel Trading Co. Ltd or involved in any aspect of the operation/s which resulted in the subject incident.

As such, please be minded that Eastern Divers Company Limited would not be able to provide any written statement or offer any further useful assistance other than a statement reaffirming this statement.

Kindly be guided however that Eastern Emergency Response Services Limited, a related Company, was hired to provide support rescue services pertaining to the subject matter.

You will find attached their response and statement to fulfil your request.

Sincerely:

Eastern Divers Company Limited

Mitchell Whittle
Chief Operating Officer

#1098 Newlands Village, Guayaguayare.

Tel: 868 630 8572/6974

Fax: 868-630-2378 Email:edcol@tstt.net.tt Website: www.egctt.com

22nd August 2022

Attention: Secretary to the Commission

Dear Sarah Sinanan,

Re: Commission of Enquiry Appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located At No. 36 Sealine Riser on Berth No. 6 Point-a-Pierre Request for written statements

Reference is made to your letter dated July 25th 2022 where you requested a written statement from our sister company Eastern Divers Company Limited related to the above captioned subject incident.

Please note that Eastern Divers Company Limited has contacted us, a sister Company for further and/or related information on the above caption.

Kindly be advised that Paria Fuel Trading Co. Ltd Eastern Emergency Response Services Limited was hired by Paria Fuel Trading Co. Ltd to provide standby rescue services.

Attached you shall find a "Statement" from our Chief of Operations Andy Johnson for your record.

Should this esteem Commission require any further assistance we would be happy to oblige.

Sincerely:

Eastern Emergency Response Services Limited

Mitchell Whittle

Chief Operating Officer

----- Forwarded message -----

From: **Crystal Rahaman** < <u>crahaman@coe2022.com</u>>

Date: Mon, Sep 19, 2022 at 1:19 PM Subject: Paria Commission of Enquiry

To: <andy.johnson@easterndivers.com>, <edcol@tstt.net.tt> Cc: Sarah Sinanan <commissionsecretariat@coe2022.com>

Dear Mr. Johnson,

With regards to the caption matter, the secretariat would have reached out to your office to arrange an interview with you.

You may be aware the Commission had its first procedural hearing on 7th September 2022 and is set to commence evidential hearings on 21st November 2022.

In anticipation of this Counsel to the Commission is interviewing several persons and are interested in interviewing you. Kindly find the attached letter of request.

I look forward to your usual prompt response.

Regards,

Crystal A. Rahaman Legal Support Specialist to The Secretariat Commission of Enquiry Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando Telephone: 1(868)709-5477 Website: www.coe2022.com

Chief of Operation

Eastern Group of Companies

Eastern Emergency Response Services Ltd

Eastern Divers Co. Ltd

Office: 226-4432 868-630-8913 / 868-630-8572 Ext 206

Cell: 715-3409

e-mail:andy.johnson@easterndivers.com

www.egctt.com

----- Forwarded message -----

From: <andy.johnson@easterndivers.com>
Date: Mon, Sep 19, 2022 at 2:19 PM
Subject: RE: Paria Commission of Enquiry

To: Crystal Rahaman < com>, < edcol@tstt.net.tt>,

<mitchell.whittle@easterndivers.com>, Zita Phriday Lewis <<u>zita.phriday.lewis@gmail.com</u>>

Cc: Sarah Sinanan < commissionsecretariat@coe2022.com >, Aklemia Campbell <aklemia.campbell@easterndivers.com >, <dwight.lewis@easterndivers.com >

Good day, Sarah

This email serves to confirm my attendance on Thursday 22nd September 2022 at 1130hrs.

Regards,

Andy Johnson
Chief of Operation
Eastern Group of Companies
Eastern Emergency Response Services Ltd
Eastern Divers Co. Ltd

Office: 226-4432 868-630-8913 / 868-630-8572 Ext 206

Cell: 715-3409

e-mail:andy.johnson@easterndivers.com

www.egctt.com



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

E-mail: commissionsecretariat@coe2022.com

Southern Academy for the Performing Arts (SAPA)

Tel: +1 (868) 709-5477 Website: www.coe2022.com

Todd Street, San Fernando

5th October 2022

Mr. Rolph Hive Director- Operations Offshore Technology Solutions Limited Lot 6 Milling Avenue Sea Lots Port of Spain

URGENT

Dear Mr. Hive,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the matter at caption.

I write further to our letter dated 25th July 2022, which remains unanswered. A copy is attached for your ease of reference.

The Commission has received information which suggests that your company and/or employees were directly involved in the incidents at caption.

In the circumstances, I have been instructed by the Commission to invite persons from your company who interacted with personnel from Paria Fuel Trading Company on 25th February 2022 and the days following, to an interview with Counsel to the Commission on <u>Thursday 13th October 2022</u> at 10:00am at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive the witnesses' full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under Section 11 of the Commissions of Enquiry Act Chapter 19:01 for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

----- Forwarded message -----

From: **Adam Hive** ahive@otsl.biz>
Date: Mon, Oct 10, 2022 at 9:51 AM

Subject: Otsl re: Paria incident

To: Sinanan Sarah < commissionsecretariat@coe2022.com>

Good day

I'm writing on behalf of my father Mr Rolph Hive as he would have been the person you'll were addressing your request for assistance of looking into the tragic incident that took place in Paria.

Mr Rolph Hive has been retired for the past 2 years. He hasn't been involved in the day to day operations of OTSL and was not present when this incident occurred.

I (Mr Adam Hive) have taken over responsibilities for the day today operation of the business.

OTSL's involvement regarding the incident on 25 February 2022 at the facilities of Paria Trading company Limited was almost nonexistent. We were asked to standby by the jetty (approximately 1.2 miles away from the incident) in the event a hyperbaric chamber was needed. We were told that we would be notified when it was needed. We never received any such notification.

After 72 hrs we were told our services were no longer needed.

Unfortunately that is all the assistance OTAL can relay regarding this tragedy.

Thank you Adam Hive



Sarah Sinanan <commissionsecretariat@coe2022.com>

RE: Paria Commission of Enquiry- request for written submissions

1 message

iang.bertrand@gmail.com <iang.bertrand@gmail.com>

Mon, Oct 10, 2022 at 9:58 AM

To: Sarah Sinanan <commissionsecretariat@coe2022.com>, rhive@otsl.biz, ibertrand@otsl.biz, antonio@otsl.biz

Cc: Crystal Rahaman <crahaman@coe2022.com>, Samantha Chase <schase@coe2022.com>

Dear Ms. Sinanan

Please see attached the statements of OTSL personnel outlining the involvement of the company and company personnel in the days following the unfortunate diving incident at Paria.

At that time OTSL was involved in the installation of pipelines for Heritage in its South West Soldado field. The Heritage project manager was/is Ms. Gwenneth Graham.

As the statements of Mario Dyer (Captain of the OTSL dive vessel, Gulf Stream Eagle) and Rupert Paul (OTSL Dive Supervisor) show, on the afternoon of the incident February 25, 2022, OTSL was requested to send the Gulf Stream Eagle to Pointe-a-Pierre and await further instructions. I received that request from Gwenneth and we immediately complied.

OTSL received an indemnity from Paria that night should we be requested to provide any assistance.

We were told the next morning February 26, 2022, to stand down and we complied. The dive vessel returned to the Heritage base.

The Statement from Antonio Donawa (OTSL Director for Subsea Operations) shows advice given in his capacity as a subsea professional with detailed knowledge of OTSL's subsea assets.

I attended the telecon to which he refers. The Heritage person was Osei Flemming-Holder, Heritage Operational HSSE Manager. There was one other person associated with Heritage on the call.

I too do not recall the date of the telecon but I believe that it was on February 27, 2022.

I hope that this information is of some use.

Please confirm receipt of this email.



ATTORNEYS-AT-LAW · PATENT AND TRADEMARK AGENTS · NOTARIES PUBLIC

Mark J. Morgan, LL.B. Jeffrey J. Herrera, LL.B. Mark R. Ramkerrysingh, LL.M. (Columbia) Colin B. Kangaloo, LL.B. Tara M. Allum, B.Sc. Vishma Jaisingh, B.Sc., LL.B. Cynetta M. Lai Leung, B.Sc., LL.B. Mandisa A. Regrello, LL.M. (Cantab.)

Jon Paul D. Mouttet, LL.M. (Lond.) Kaveeta Persad, B.A., LL.B. Danielle R. Inglefield, LL.B. S. Suella Racai, LL.B.

Managing Partner

Kurt A.A. Miller, LL.B., Notary Public

Simonne T. Jaggernauth, LL.B. Lesley-Ann R. Marsang, LL.B. Stephanie K. Moe, LL.B. John J. Lee, LL.B. Aaron K. Bethel, LL.B. Jon-Ross Dookie, LL.B. Brendon R. Simon, LL.B.

YOUR REF:

OUR REF:

48-50 Sackville Street Port of Spain Trinidad and Tobago

Mail: P.O. Box 75 Tels: (868) 623-1618/9/0 Fax: (868) 623-0605

e-mail: fitzstone@fitzwilliamstone.com website: fitzwilliamstone.com

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commissionsecretariat@coe2022.com

Unit 22, Centre City Mall Main Road Chaquanas

Tels: (868) 672-1678 Fax: (868) 672-5331

Trinidad and Tobago

By Email:

fitzstone2@fitzwilliamstone.com

September 6, 2022

Ms. Sarah Sinanan

Secretary to the Commission Southern Academy of the Performing Arts (SAPA)

Todd Street

San Fernando

Dear Madam,

Re: Commission of Enquiry Into All of the Circumstances Which Led to the Tragic Incidents Which Occurred on Friday February 25, 2022, at Facilities Owned by Paria Fuel Trading Company Limited, Located at No. 36 Sealine Riser on Berth No. 6, Point-á-Pierre, Which Led to the Deaths of Four (4) Employees of LMCS Limited ("the CoE")")

We refer to the matter at caption in which we act for the Ministry of Energy and Energy Industries ("MEEI" or "our Client").

Application for Standing

We refer to the Procedural Rules issued on July 13, 2022 by the Chairman of the Commission "Procedural Rules".

In accordance with Part 4, Section 18 of the Procedural Rules, we hereby apply for standing on behalf of the MEEI, on the basis that the MEEI:

1 | Page

01318284-1

i. should participate in the Enquiry as its participation may be helpful to the Commission in fulfilling the Terms of Reference (Procedural Rule 18(d)).

In this regard, the MEEI wishes to assist the Commission in its enquiry as fully as possible, and respectfully, can most effectively do so if it is granted *standing*.

In this regard, the legal representatives of the MEEI are as follows:

- 1. Mr. Colin Kangaloo, Counsel (Messrs. Fitzwilliam, Stone, Furness-Smith & Morgan); and
- 2. Mrs. Danielle Inglefield, Instructing Attorney-at-Law (Messrs. Fitzwilliam, Stone, Furness-Smith & Morgan).

Mr. Kangaloo's contact information:

E-mail: <u>ckangaloo@fitzwilliamstone.com</u>

Tel: 623-1618 Ext 269

Mrs. Inglefield's contact information:

E-mail: <u>dinglefield@fitzwilliamstone.com</u>

Tel: 623-1618 Ext 269

Request for Statements / Documents

We refer also to your letter dated July 25, 2022, whereby the MEEI was invited to provide to the COE written statements together with any relevant documents, pertaining to the COE's Terms of Reference, by August 22, 2022.

We were only formally retained by the MEEI on August 26, 2022 and have since that date been in the process of receiving instructions from our Client. Our Client, not yet having retained legal counsel, was therefore regretfully not in a position to comply with your request to provide written statements and documentation by August 22, 2022. Any inconvenience occasioned to the Commission by this is sincerely regretted.

We are still in the process of reviewing the instructions provided, and therefore respectfully seeks the indulgence of the Commission in having some further time to complete this process.

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If, based on our review of those instructions, it is determined that a statement from the MEEI would assist the Commission in its enquiry, we respectfully seek an extension of time to provide same, and/or any further relevant documents in the MEEI's possession, by **September 30, 2022.**

Attendance at Procedural Hearing

We also wish to advise, that with the leave of the Commission, we will be in attendance on behalf of the MEEI at the First Procedural Hearing scheduled for September 7 and 8, 2022.

We again wish to convey on behalf of our Client and ourselves sincere regret for any inconvenience occasioned to the Commission.

We look forward to hearing from you at your earliest convenience.

Yours faithfully,

Fitzwilliam, Stone, Furness-Smith & Morgan

Daniel Bjrglefuld

By Danielle R. Inglefield

Attorney-at-Law

----- Forwarded message -----

From: Sarah Sinanan < commissionsecretariat@coe2022.com>

Date: Wed, Sep 7, 2022 at 6:53 AM

Subject: Re: Submission to the Commission: Letter on behalf of the Ministry of Energy and

Energy Industries

To: Danielle Inglefield < dinglefield@fitzwilliamstone.com CC: Colin Kangaloo@fitzwilliamstone.com

Dear Ms. Inglefield,

I refer to the matter at caption and to your letter dated 6th September 2022, and in particular I refer to your application for standing pursuant to Part 4, Rule 18 of the Commission's Procedural Rules.

I wish to inform that the Commissioners have granted the said application for standing.

Kindly acknowledge receipt of this email.

FITZWILLIAM Stone Furness-Smith

ATTORNEYS-AT-LAW · PATENT AND TRADEMARK AGENTS · NOTARIES PUBLIC

Mark J. Morgan, LL.B. Jeffrey J. Herrera, LL.B. Mark R. Ramkerrysingh, LL.M. (Columbia) Colin B. Kangaloo, LL.B. Tara M. Allum, B.Sc. Vishma Jaisingh, B.Sc., LL.B. Cynetta M. Lai Leung, B.Sc., LL.B. Mandisa A. Regrello, LL.M. (Cantab.) Jon Paul D. Mouttet, LL.M. (Lond.) Kaveeta Persad, B.A., LL.B. Danielle R. Inglefield, LL.B.

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48-50 Sackville Street Port of Spain Trinidad and Tobago

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fitzstone2@fitzwilliamstone.com

S. Suella Racai, LL.B. **Managing Partner**

Kurt A.A. Miller, LL.B., Notary Public

YOUR REF: OUR REF:

September 16, 2022

Ms. Sarah Sinanan

Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street

San Fernando

Dear Madam,

By Email: commissionsecretariat@coe2022.com

Re:

Commission of Enquiry Into All of the Circumstances Which Led to the Tragic Incidents Which Occurred on Friday February 25, 2022, at Facilities Owned by Paria Fuel Trading Company Limited, Located at No. 36 Sealine Riser on Berth No. 6, Point-á-Pierre, Which Led to the Deaths of Four (4) Employees of LMCS Limited ("the CoE")

We refer to the matter at caption in which we act for the Ministry of Energy and Energy Industries ("MEEI" or "our Client"). We refer also the Order #2022/004 whereby MEEI was granted an extension of time to Friday 16th 2022 to submit its bundle of documents.

In compliance with that Order and in accordance with Rule 3(c) of the Procedural Rules, we hereby submit via e-mail the MEEI's Bundle of Documents. The said Bundle is indexed, paginated, bookmarked and OCR searchable. As a courtesy to the Commission, we also intend to submit a physical copy of the Bundle to the Secretariat, and to do so by September 20, 2022.

We trust that the above and attached are in order and we would be grateful if you would confirm receipt of the MEEI Bundle.

Yours faithfully,

Fitzwilliam, Stone, Furness-Smith & Morgan

By Danielle R. Inglefield

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Attorney-at-Law

Fitzwilliam Furness-Smith

ATTORNEYS-AT-LAW · PATENT AND TRADEMARK AGENTS · NOTARIES PUBLIC

П

Mark J. Morgan, LL.B. Jeffrey J. Herrera, LL.B. Mark R. Ramkerrysingh, LL.M. (Columbia) Colin B. Kangaloo, LL.B. Tara M. Allum, B.Sc. Vishma Jaisingh, B.Sc., LL.B. Cynetta M. Lai Leung, B.Sc., LL.B. Mandisa A. Regrello, LL.M. (Cantab.) Jon Paul D. Mouttet, LL.M. (Lond.) Kaveeta Persad, B.A., LL.B. Danielle R. Inglefield, LL.B. S. Suella Raçai, LL.B.

Simonne T. Jaggernauth, LL.B. Lesley-Ann R. Marsang, LL.B. Stephanie K. Moe, LL,B. John J. Lee, LL.B. Aaron K. Bethel, LL.B. Jon-Ross Dookie, LL.B. Brendon R. Simon, LL,B,

48-50 Sackville Street Port of Spain Trinidad and Tobago

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e-mail: fitzstone@fitzwilliamstone.com website: fitzwilliamstone.com

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Tels: (868) 672-1678 Fax: (868) 672-5331 fitzstone2@fitzwilliamstone.com

Managing Partner Kurt A.A. Miller, LL.B., Notary Public

YOUR REF: OUR REF:

September 30, 2022

Ms. Sarah Sinanan

Secretary to the Commission Southern Academy of the Performing Arts (SAPA) **Todd Street** San Fernando

By Email: commissionsecretariat@coe2022.com

Dear Madam.

Commission of Enquiry Into All of the Circumstances Which Led to the Tragic Incidents Re: Which Occurred on Friday February 25, 2022, at Facilities Owned by Paria Fuel Trading Company Limited, Located at No. 36 Sealine Riser on Berth No. 6, Point-á-Pierre, Which Led to the Deaths of Four (4) Employees of LMCS Limited ("the CoE")

We refer to the matter at caption in which we act for the Ministry of Energy and Energy Industries ("MEEI" or "our Client"). We refer also to the Order #2022/004 whereby MEEI was granted an extension of time to Friday 30th September, 2022 to submit Witness Statements.

In compliance with that Order and in accordance with Rule 3(c) of the Procedural Rules, we hereby submit via e-mail the Witness Statement of Marc Rudder, together with a Bundle of 29 attachments thereto. The said Bundle is indexed, paginated and bookmarked. As a courtesy to the Commission, we also intend to submit a physical copy of the Statement and Bundle of attachments to the Secretariat, and to do so by October 3, 2022.

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We trust that the above and attached are in order and we would be grateful if you would confirm receipt of the Statement of Marc Rudder & Bundle of attachments.

Yours faithfully,

Fitzwilliam, Stone, Furness-Smith & Morgan

By Danielle R. Inglefield

Danieli & Jogenned

Attorney-at-Law

2



Head Office: #9 Alexandra Street, St. Clair, Port Of Spain

Telephone No.1 (868) 225 4300 Fax: 1(868) 225 5314 - website: www.osha.gov.tt

July 20th, 2022

Ms. Sarah Sinanan Secretary to the Commission Commission of Enquiry Southern Academy of Planning Arts (SAPA) Todd Street, San Fernando

Dear Ms. Sinanan,

RE: Commission of Enquiry into the tragic incidents which occurred on 25th February, 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6 – Pointe-a-Pierre – Request for written statements.

I wish to acknowledge receipt of your letter dated July 18th, 2022 in relation to the captioned matter. Please be advised that the Occupational Safety and Health Agency and Authority has been working assiduously to complete the investigation of this matter and is willing to provide any assistance that is required.

OSHA is committed to assisting the Commission in the discharge of its functions and will make every effort to deliver the requested statements/documents and any other information required by the August 15th 2022 stipulated deadline date.

Please be guided accordingly.

Yours respectfully,

Dr. Victor Coombs

Chairman

Occupational Safety and Health Authority



Head Office: #9 Alexandra Street, St. Clair, Port Of Spain

Telephone No.1 (868) 225 4300 Fax: 1(868) 225 5314 - website: www.osha.gov.tt

15th August 2022

Ms. Sarah Sinanan
Secretary to the Commission
Commission of Enquiry
Southern Academy of Planning Arts (SAPA)
Todd Street, San Fernando

Dear Ms. Sinanan,

RE: Commission of Enquiry into the tragic incidents which occurred on 25th February, 2022 at facilities owned by Paria Fuel Trading Co. Ltd. – Request for written Statements.

Reference is made to the above captioned matter and to your request for information. Please be advised that OSHA has conducted an investigation into the tragic incidents that led to the deaths of the four LMCS divers.

OSHA is hereby submitting the following documents as requested:

nun

- (i) OSHA Preliminary Investigative Report
- (ii) Written statements
- (iii) Additional Reports
- (iv) Copies of Reports from other Agencies that relate to the subject matter.

Please also be advised that officials of OSHA who were present and/or involved in events surrounding the incident will be available upon request. OSHA remains committed to assisting the Commission in the discharge of its functions.

Yours respectfully

Dr. Victor Coombs

Chairman

Occupational Safety and Health Authority

OCCUPATIONAL SAFETY AND HEALTH AGENCY

OSHA is hereby submitting the following documents as requested:	
(i) Co	over Letter from OSHA
(ii) OS	SHA Preliminary Investigative Report
(iii) W	ritten statements (Witness Statements)
1. 2.	Iditional Reports LMCS Submissions - Volumes 1, 2 & 3 Paria Fuel Trading Company Submissions - Volumes 1, 2, 3, & 4 OSHA Investigation File
(v) Co	pies of Reports from other Agencies that relate to the subject matter
3. 4. 5.	Trinidad and Tobago Fire Services Report CARIRI Trinidad and Tobago Forensic Centre In-Corr-Tech Ltd Association of Diving Contractors International Inc.
(vi) OS	SHA Flash Drive (Containing Electronic Copies of all Documents)
Received By: Name in Block Letters	
	Signature
Date Received:	



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com Tel: +1 (868) 709-5477

Website: www.coe2022.com

26th September 2022

Ms. Crystal Brizan Attorney-at-Law Occupational Safety and Health Agency (OSHA) No. 9 Alexandra Street St. Clair PORT OF SPAIN

Dear Ms. Brizan,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for Documents

I refer to the above-captioned and to the interview with Mr. Dion Lawrence, Acting Senior Inspector, OSHA on Tuesday 20th September 2022 conducted by Mr. Ronnie Bissessar and Ms. Vijaya Maharaj as Assistants to the Counsel for the Commission.

You were in attendance at the interview in your capacity as Legal Representative for Mr. Dion Lawrence.

In the course of the interview, Mr. Lawrence advised that as part of his duties he prepared on 27th February 2022 a document styled *Incident Brief Report* ("*IBF*") which he sent in *draft* to Mr. Shevon Ali who was the Chief Inspector at OSHA and Mr. Ali re-sent it to him (Mr. Lawrence) with minor tracked changes which Mr. Lawrence accepted before he perfected and issued the IBF under cover of an internal memo dated 27th February 2022.

Counsel to the Commission will be grateful if you/Mr. Lawrence can send me a copy of the unedited IBF with tracked changes and the email thread and attachments including the changes proposed by Mr. Ali.

The Commission hopes he receives the requested information as soon as possible and, hopefully, by Thursday 29th September 2022.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

cc. Mr. Dion Lawrence

cc. Counsel to the Commission



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

L-1

E-mail: commissionsecretariat@coe2022.com

Southern Academy for the Performing Arts (SAPA)

Tel: +1 (868) 709-5477 Website: www.coe2022.com

Todd Street, San Fernando

27th September 2022

Ms. Crystal Brizan Attorney-at-Law Occupational Safety and Health Agency (OSHA) No. 9 Alexandra Street St. Clair PORT OF SPAIN

Dear Ms. Brizan,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for Documents

I refer to the above-captioned and to the interview with Mr. Jason Loorkhor, Acting Senior Investigator, OSHA on 20th September 2022 conducted by Mr. Ronnie Bissessar and Ms. Vijaya Maharaj as Assistants to the Counsel for the Commission.

You were in attendance at the interview in your capacity as Legal Representative for Mr. Jason Loorkhor.

In the course of the interview, Mr. Loorkhor advised that an audit was conducted by OSHA into LMCS' operations prompted by an incident on 02nd July 2021 when one of LMCS' employees Mr. Sunil Soodhan, a fabricator, was injured in the course of his duties.

Mr. Loorkhor explained that the audit (involving, firstly, a desktop exercise and, secondly, a physical inspection) was conducted after the incident on 25th February 2022 involving the Paria Divers.

Mr. Loorkhor said that the audit report was submitted to OSHA and is available for inspection.

Having regard to the evidence, the Commission is desirous of receiving a copy of LMCS' audit referred to by Mr. Loorkhor and we will be grateful for it as soon as possible and, hopefully, by **Friday 30th September 2022**.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

cc. Mr. Jason Loorkhor

----- Forwarded message -----

From: **Crystal Brizan** < <u>Crystal.Brizan@osha.gov.tt</u>>

Date: Wed, Sep 28, 2022 at 1:12 PM

Subject: RE: Paria Commission of Enquiry - Request for Information

To: Crystal Rahaman

<<u>crahaman@coe2022.com</u>>, jasonloorkhoor@osha.gov.tt <jasonloorkhoor@osha.gov.tt>,

Sarah Sinanan < commissionsecretariat@coe2022.com>

Good day,

Hereby confirming receipt of your email.

Insofar as it relates to the submission of the LMCS audit, kindly allow us an additional two (2) weeks to furnish same to the Commission.

----- Forwarded message -----

From: Sarah Sinanan < commissionsecretariat@coe2022.com>

Date: Mon, Oct 3, 2022 at 12:28 PM

Subject: Re: Paria Commission of Enquiry - Request for Information

To: Crystal Brizan < Crystal.Brizan@osha.gov.tt>

Cc: Crystal Rahaman < <u>crahaman@coe2022.com</u>>, Jason Loorkhoor

<Jason.Loorkhoor@osha.gov.tt>, Pettal John-Beerens < Pettal.John-Beerens@osha.gov.tt>,

Jannika Clarke < jannika.clarke@osha.gov.tt>

Dear Ms. Brizan,

Our apologies, we acknowledge receipt and look forward to receiving the audit on or before 12th October 2022.

On Mon, Oct 3, 2022 at 12:22 PM Crystal Brizan < <u>Crystal.Brizan@osha.gov.tt</u>> wrote: Good day Ms. Rahaman,

Kindly indicate whether you received my email of September 28.



#9 Alexandra Street, St. Clair.

Telephone No.1 (868) 225-4300 Ext. 214 Fax: 1(868)225-5314- website: http:// www.osha.gov.tt

11th October, 2022

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy for the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February, 2022 at facilities owned by Paria Fuel Trading Co. Ltd. Located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre- Request for Documents

Reference is made to the above captioned matter and to your letter dated 26th September, 2022. Further reference is made to email of even date, which was sent by our Mrs. Crystal Brizan, wherein an extension was requested for an additional two week period, for the submission of the requested documents.

The Occupational Safety and Health Agency (hereinafter referred to as "the OSH Agency") is in the process of retaining a Senior Counsel, the selection of which will be done at the OSH Authority's meeting which is scheduled to be conducted on October 26th. Proposed Counsel have indicated that they wish to review the statement and requested documents. Careful consideration must be given by the Agency in the context of prosecution for offences under the OSH Act. As such, we crave the Commission's indulgence in granting a short, further extension of time to 4th November, 2022.

As a courtesy, we wish to notify you of our intention to make applications for standing for Senior Counsel (name to be submitted upon retention), Mrs. Pettal John Beerens, Deputy Director, Legal for the OSH Agency, Mrs. Crystal Brizan, Legal Counsel and Mrs. Adanna Walker-Ramsaran, Legal Research Officer at the next hearing.

Additionally, an application for all parts of the investigative report which speak to intended prosecution to be redacted would also be made.

We kindly ask that you bring the content of this letter to the Commission and confirm our intention to fully assist the Commission.

Yours respectfully,

Deputy Director Legal Mrs Pettal John-Beerens



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: <u>www.coe2022.com</u>

18th October 2022

Mrs. Pettal John- Beerens Deputy Director- Legal Occupational Safety and Health Agency (OSHA) No. 9 Alexandra Street St. Clair Port of Spain

Dear Mrs. John-Beerens.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for Documents

I refer to the above-captioned and to your letter dated 11th October 2022.

The Commission wishes to inform that your request for a further extension of time to 4th November 2022 to provide the requested documents, namely, the LMCS audit report and the unedited Incident Brief Report with track changes and the email thread and attachments including changes proposed by Mr. Ali, is unreasonably excessive. Accordingly, the Commission is not minded to grant the requested extension of time.

While the Commission appreciates that OSHA wishes to retain Senior Counsel, we must remind you that our initial correspondence was sent to you some three (3) months ago on 18th July 2022. Further, the Commission at its Procedural Hearing on 7th September 2022 indicated that the Evidentiary Hearings would commence on 21st November 2022. The expectation, therefore, is that any party desirous of participating in the Commission in a meaningful way, would put their affairs in order shortly after the hearing.

In the circumstances, the Commission is prepared to and has granted an extension to <u>Tuesday 25th</u> <u>October 2022 by 4:00 pm</u>. for the delivery of the documents.

In relation to your intention to make an application for standing on 21st November 2022, the Commission invites you to make this application for standing in writing as soon as possible and before the commencement of the Evidentiary Hearings on 21st November 2022 on the basis that the Commission will advise you of its ruling shortly after the written application is received

The Commission suggests that any other applications you wish to make, be sent to us in writing well before the commencement of the Evidentiary Hearings.

Please be guided accordingly.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



#9 Alexandra Street, St. Clair.

Telephone No.1 (868) 225-4300 Ext. 214 Fax: 1(868)225-5314- website: http://www.osha.gov.tt

25th October, 2022

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy for the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February, 2022 at facilities owned by Paria Fuel Trading Co. Ltd. Located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre- Request for Documents

Reference is made to the above captioned matter and to your letter dated October 18th, 2022. For the sake of clarity we just wish to confirm the following:

- (i) The Commission of Enquiry ("COE") wrote to the chairman of the OSH Authority on July 18th, 2022 inviting OSHA "to assist" in the provision of substantial documentation relevant to its investigation into the accident pursuant to which I'm informed that a comprehensive package of information was sent;
- (ii) The COE made requests via the Office of the Chairman/Secretary of the OSH Authority for interviews of key Inspectors which took place on September 20th, 2022;
- (iii) The COE sent correspondence to Counsel at the OSH Agency requesting statements and information stemming from those September 20th interviews and the OSH Agency's requests for extensions of time were relative thereto;

- (iv) The decision to retain Counsel was based inter alia on the further involvement of the Agency's Inspectors in the scheduled hearings and proposed prosecution under the OSH Act currently under consideration; and
- (v) The process for obtaining the requisite approval for retention of Senior Counsel was also explained.

Please be advised that Senior Counsel who is to be momentarily retained on OSHA's behalf has not had sight of any of the following documents hereby submitted today:

- 1. Witness statement of Mr. Jason Lookhoor with the following attachments:
 - Report from Ministry of Energy;
 - Letter from Ministry of Energy dated 4th September, 2014;
 - Letter from Dion Lawrence enclosing Inspection report of Berths 1-6 dated 21st
 March, 2022;
 - Letter from Dion Lawrence dated 21st March, 2022 enclosing Inspection report and document review conducted on 7th, 8th and 9th March, 2022;
 - Paria Inspection report dated 14th March, 2022; and
 - Paria inspection report dated 15th March, 2022.
- 2. Witness statement of Mr. Dion Lawrence with the following attachments:
 - LMCS crane documents;
 - LMCS Docks regulation certification;
 - LMCS Job Safety Analysis for Berth 6;
 - LMCS Method Statement;
 - LMCS Pre-Dive Checklist;
 - LMCS Pre-work Checklist;
 - LMCS Toolbox meeting form;
 - PARIA Hot work certificate #2619;
 - PARIA Hot work certificate #2634;
 - PARIA Work permit #9370;
 - PARIA Work permit #9322;

- PARIA Work permit #9324;
- Accident Brief with tracked changes and email attached; and
- Accident Brief with changes accepted and email attached.

The undersigned wishes to reiterate that the OSH Authority and Agency remain fully committed to assisting the Commission of Enquiry.

Yours respectfully,

Adanna Walker-Ramsaran

(f) Mrs. Pettal John-Beerens Deputy Director Legal



FREEDOM LAW CHAMBERS

ATTORNEYS-AT-LAW

No. 3 Harris Street, San Fernando, Trinidad, W.I. Tel.: (868) 657-2620/652-7052, Fax: (868) 652-9616, Email: freedomlawchambers@outlook.com

HEAD OF CHAMBERS: ANAND RAMLOGAN S.C. ASSOCIATES:

Alana Rambaran LL.B (Hons) (1st class), Robert Abdool-Mitchell, LL.B (Hons), Jared Jagroo LL.B (Hons), Dr. Ché N. Dindial DVM (Dist) LL.B (Hons), Vishaal Siewsaran LL.B (Hons), Cheyenne Lugo LL.B (Hons)

Commissioner of Affidavits - Radha Persad

July 27, 2022

By Email

Sarah Sinanan

Secretary to the Commission Southern Academy for the Performing Arts Todd Street, San Fernando

Dear Ms Sinanan,

Re: COMMISSION OF ENQUIRY appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealiue Riser on Berth No. 6, Pointe-a-Pierre

- 1. Thank you for your letters dated July 25, 2022. We wish to advise that we have been assisting the following persons in connection with this matter whose interest we seek:
 - Mr Christopher Boodram, the lone survivor
 - The estate of Rishi Nagessar (deceased) through his common law wife Vanessa Kussie
 - The family of the late Yusef Henry (deceased) we have been instructed by the late Yusef Henry's parents (NAMES) and lone sibling, his sister (NAME), with whom he shared a very close relationship
 - Mr Ronald Ramoutar who rescued Mr Boodram from the chamber
- 2. Mr Boodram is the lone survivor, of the pipeline tragedy. He has undergone a traumatic ordeal and has been slowly recuperating from the impact of the accident that took the lives of his colleagues. He has been unable to work and has had to meet his medical expenses whilst his family survives on his wife's income. She is a registered nurse at the San Fernando General Hospital and they have 3 young children together.

3. As you are aware, Ms Kussie's husband died in this tragic accident. The have been in a

relationship for the last 13 years and they had a son together. Their son is now 3 years old.

Ms Kussie had two minor children from her previous marriage but Rishi Nagessar

maintained all of them, including Ms Kussie. Her late husband Mr Nagessar was the sole

breadwinner for the family and she is now struggling to take care of their 3 children. She

has no source of income presently and is in grave financial and emotional distress.

4. Our clients' (Boodram, Nagessar and Henry) willingness to assist the Commission is

conditional upon the ability to secure independent representation from this firm and the

services of an independent expert whose evidence can assist the Commission from the

perspective of the survivor and the bereaved families. Unfortunately, they have been

financially struggling to make ends meet and have instructed us to apply for financial

assistance from the Commission of Enquiry and/or the State so that they can meaningfully

participate in this process. Obviously, they are the central figures in this enquiry and they

have suffered the most and the worst. It is our understanding that the major players in this

enquiry will all be represented by independent Counsel. It would therefore be patently

unfair for our clients to be asked to participate without the benefit of independent legal

advice and representation.

5. The Honourable Minister of Energy has confirmed on the public record that the

government will make financial provision to assist the aggrieved families. In the

circumstances, I take this opportunity to submit for your urgent consideration the attached

invoice. We thank you for your prompt attention and look forward to hearing from you so

that we can assist by providing the relevant statements and evidence.

Yours faithfully,

FREEDOM LAW CHAMBERS

Ché N. Dindial DVM LLB LPC

Attorney at Law

Freedom Law Chambers



Address: 3 Harris Street, San Fernando

Phone: 657-2620/652-9616

Email: freedomlawchambers@outlook.com

Invoice

Bill To:

The Commission of

Enquiry

Date: 27/07/2022 VAT No:

128253

Invoice No: 001

RE: COMMISSION OF ENQUIRY appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealiue Riser on Berth No. 6, Pointe-a-Pierre

Item	Description	Legal Fees	Disbursements	Total
1	То:	\$500,000.00		
	To conference and taking instructions,			
	reviewing of instructions and legal			
	research and advice, and representation			
	at the Commission of Enquiry			
	Senior Counsel: \$250,000.00 Junior Counsel: \$150,000.00 Instructing Attorney: \$100,000.00			
	Sub Total			\$500,000.00
	VAT 12.5 %			\$ 62,500.00
See	Total			\$562,500.00

Issued By:

Freedom Law Chambers

Payment Information:

Please make cheques payable to **Freedom Law Chambers** or Direct Deposit – JMMB Bank, Account No. 466748-0302. For information on payment options please contact Mr. Varma Ramdhan 761-5528.

Thank you for your business!



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:
Southern Academy for the Performing Arts (SAPA)
Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

2nd August 2022

Dr. Che Dindial Freedom Chambers Attorneys at Law No. 3 Harris Street San Fernando

Dear Sir,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Reference is made to your letter dated 27th July 2022 and attached requisition, a copy of which is attached for ease of reference.

The Commissioners and Counsel to the Commission support the desire of your clients to be represented before the Commission and support any application which may be made by your clients Christopher Boodram, the Estate of Rishi Nagessar and the family of the late Yusef Henry for legal aid from the State.

In respect of the quantum of the requisition, that is not a matter under the purview or jurisdiction of the Commissioners or Counsel to the Commission.

In respect of Mr. Ronald Ramoutar, the person who rescued Mr. Boodram from the Chamber, you would appreciate that the Commissioners and Counsel to the Commission would not like to set a precedent, although we well understand Mr. Ramoutar's desire to be represented.

We are sending a copy of this letter and your letter dated 27th July 2022 (containing the application for legal aid from the State) to the Honourable Mr. Stuart Young, Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister.

Yours Sincerely,

Jerome Lynch Q.C.

Chairman of the Commission

Encls:

c.c. The Honourable Mr. Stuart Young, MP Minister of Energy and Energy Industries



FREEDOM LAW CHAMBERS

ATTORNEYS-AT-LAW

No. 3 Harris Street, San Fernando, Trinidad, W.I. Tel.: (868) 657-2620/652-7052, Fax: (868) 652-9616, Email: freedomlawchambers@outlook.com

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Commissioner of Affidavits - Radha Persad

August 24, 2022

By Email

Sarah Sinanan

Secretary to the Commission Southern Academy for the Performing Arts Todd Street, San Fernando

Dear Ms Sinanan,

Re: COMMISSION OF ENQUIRY appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealiue Riser on Berth No. 6, Pointe-a-Pierre

Reference is made to the letter of August 2, 2022 on behalf of the Commission signed by Mr Jerome Lynch Q.C., Chairman of the Commission. We have not had any response or update as to the position of the Honourable Minister of Energy and Energy Industries, and The Minister in the Officer of the Prime Minister regarding legal aid for our clients' representation. As you would appreciate, your previous letters stipulated first a deadline of August 22, 4pm to provide all information and documentation our clients have, and later your letter to Ronald Ramoutar stipulated a new deadline of August 25, 4pm. While our clients are willing to assist, they are concerned about their participation with this Commission without representation, and the cost required for said representation. May we have any update or feedback by noon tomorrow, August 25, or sooner, so that we may advise our clients accordingly.

Yours faithfully,

FREEDOM LAW CHAMBERS

Ché N. Dindial DVM LLB LPC

Attorney at Law



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

E-mail: commissionsecretariat@coe2022.com

Southern Academy for the Performing Arts (SAPA)

Tel: +1 (868) 709-5477 Website: www.coe2022.com

Todd Street, San Fernando

25th August 2022

Dr. Che N Dindial Attorney-at-Law Freedom Law Chambers No. 3 Harris Street San Fernando

Dear Dr. Dindial,

Re: Commission of Enquiry appointed to enquire into the tragic incidents which occurred on 25 February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre

Reference is made to your letter dated 24 August 2022.

The Commissioners and Counsel to the Commission wish to express the need for your clients (in particular Mr. Christopher Boodram) to participate in Commission of Enquiry having regard to their substantial and direct interest in the subject matter of the Enquiry.

As indicated in our letter dated 2 August 2022, the Commissioners and Counsel to the Commissioners support the willingness of your clients to be represented before the Commission and support any application which may be made by Christopher Boodram, the estate of Rishi Nagessar and the family of the late Yusef Henry for legal aid from the State. However, neither the grant nor the quantum of legal aid is within the purview or jurisdiction of the Commissioners or the Counsel to the Commission.

The Commissioners and Counsel to the Commission therefore suggest that you repeat the application for legal aid to the Minister of Energy and Energy Industries.

Please be reminded that the first procedural hearing of the Commission of Enquiry is scheduled for 10.30 a.m. on 7 September 2022, at Level 11, Tower D, and International Waterfront Centre.

Yours sincerely,

Jerome Lynch Q.C.

Chairman to the Commission

c.c. The Honourable Mr. Stuart Young M.P Minister of Energy and Energy Industries.



FREEDOM LAW CHAMBERS

ATTORNEYS-AT-LAW

No. 3 Harris Street, San Fernando, Trinidad, W.I. Tel.: (868) 657-2620/652-7052, Fax: (868) 652-9616, Email: freedomlawchambers@outlook.com

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Commissioner of Affidavits - Radha Persad

September 14, 2022

By Email

Sarah Sinanan

Secretary to the Commission Southern Academy for the Performing Arts Todd Street, San Fernando

CC:

Crystal Rahaman (crahaman@coe2022.com)

Dear Ms Sinanan,

Re: COMMISSION OF ENQUIRY appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealiue Riser on Berth No. 6, Pointe-a-Pierre

- 1. Reference is made to your letter of August 25, 2022. We are able to provide the following information far:
 - i. Response from Paria Fuel Trading Limited to Freedom of Information Act
 - ii. Christopher Boodram's statutory declaration dated March 28, 2022

Access link: https://drive.google.com/drive/folders/1Cb-zVT74yag-caL89kTFeTgqXSWupzhr?usp=sharing

2. As you are aware our clients are in the process of trying to secure legal representation so that they may be of assistance to the Commission. It would be of immense assistance to this process if you can disclose to us the documents that have been disclosed to the Commission in this matter to date by the relevant parties and stakeholders. This would obviously determine the

scope of work that is required on behalf of Mr Boodram and the others. In any event our client

is entitled to have such disclosure if they are to meaningfully participate to assist the

Commission in its work.

3. With respect to a telephone call received on September 9, 2022 from one Ms Rahaman on behalf

of the Commission, requesting the attendance of Christopher Boodram and the representative

of the Estate of Rishi Nagassar for interview on September 23, 2022, please note that our clients

request that they be provided with a list of the interview questions before participating. With

respect to another call placed by Ms Rahaman on September 14, 2022 for the attendance of Mr

Ronald Ramoutar's for interviewing on September 16, 2022 at 1230pm, our instructions are the

same.

Yours faithfully,

FREEDOM LAW CHAMBERS

Ché N. Dindial DVM LLB LPC

Attorney at Law



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

15th September 2022

Mr. Che N Dindial Attorney-at-Law Freedom Law Chambers No. 3 Harris Street San Fernando

Dear Mr. Dindial,

Re: Commission of Enquiry appointed to enquire into the tragic incidents which occurred on 25 February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre

I refer to your letter dated 14th September, 2022.

In respect of your request for disclosure of the documents which have been disclosed to the Commission to date. I wish to indicate that all the relevant material disclosed to the Commission will be published on the Commission's website before the Enquiry opens. The date of publication of the material is yet to be determined. However, it is unlikely to be published before potential witnesses are interviewed and statements taken from them. Once that material is published on the website, it is open to any witness to add to his or her statement.

Further, as you would be aware from the Opening Statement of the Chairman at the Procedural Hearing on 7 September 2021 and also from applications made at that hearing, the Commission is not yet in receipt of all of the relevant material.

In respect of your request, for a list of interview questions to be provided to your clients before participating, please be informed that the Commission will not be providing such lists to any potential witness prior to interviews. The subject or topic for the interviews is clear given the Commission's Terms of Reference and the respective roles of the witnesses.

The Commission wishes to remind your clients that the process for the taking of witness statements will be done with sensitivity and in a gentle inquisitorial fashion rather than an accusatorial approach.

Please also be informed, that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion depending on the facts and circumstances of the case for the witness to be issued with subpoenas under Section 11 of the Commissions of Enquiry Act for them to be examined on oath.

Yours sincerely.

Sarah Sinanan

Secretary to the Commission.

Affiliated to: International Transport Workers Federation London

(I.C.F.T.U) Brussels

International Metal Workers'
Federation

Caribbean Congress of Labour Congress



Your Ref Our REF

> Registered No. 8 Under the Trade Union Ordinance, 1932

Cable Address
AQUA TRINIDAD

SEAMEN & WATERFRONT WORKERS TRADE UNION

1 D WRIGHTSON ROAD PORT OF SPAIN TRINIDAD AND TOBAGO WEST INDIES PHONES (868) 625-1351/2 FAX (868) 625-1182

EMAIL swwtunion@gmail.com

7th September, 2022.

Ms. Sarah Sinanan

Secretary to the Commission of Enquiry

Southern Academy for the Performing Arts (SAPA)

Todd Street

San Fernando

BY HAND & ELECTRONIC MAIL

Dear Madam,

Re: Request of the Seamen and Waterfront Workers Trade Union to be joined as an Interested Party to the Commission of Enquiry into all of the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited, located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre, which led to the deaths of four employees of LMCS Limited.

As President-General of the Seamen and Waterfront Workers Trade Union ("SWWTU") and General Secretary of the National Trade Union Centre of Trinidad and Tobago ("NATUC"), I write to you requesting that the SWWTU, in partnership with NATUC, be joined as an Interested Party and granted standing to the Commission of Enquiry into the incident referred to at caption ("COE").

On the 13th July, 2022, the Chairman of the Commission issued the Procedural Rules ("COEPR") relative to the conduct of the COE. In so far as relevant to our request for standing, by <u>Rule 4(a)</u> <u>COEPR</u>, the Commission is tasked with enquiring into; (i) the circumstances which led to the tragic incidents resulting in the death of Mr. Kazim Ali Jr, Mr. Yusuf Henry, Mr. Fyzal Kurban and Mr. Rishi Nagassar, employees of LMCS Limited ("LMCS"), (ii) the scope of works issued by Paria Fuel Trading Company Limited ("Paria"), (iii) the proposal and plans submitted by

LMCS, (iv) the policies, procedures, practices and conduct relating to Paria and LMCS, (v) whether the facts and circumstances leading up to and resulting in the loss of life were reasonable and justifiable in the particular circumstances, (vi) the decisions and actions taken after the divers went missing, (vii) the nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation giving rise to these incidents, (viii) whether Paria employed sufficient safeguards and measures to ensure the safety of their contracted employees, property and the prevention of these incidents and to rescue EMCS' divers, (ix) the adequacy of LMCS' plans utilised for the maintenance exercise, (x) the role played by Paria and EMCS through their respective units, individually and collectively in dealing with these incidents and (xi) all other material circumstances leading up to and surrounding the incidents that led to the tragic deaths and continuing up to the recovery of their bodies.

Further, by **Rule 4(b) COEPR**, the Commission is tasked with making observations and recommendations in relation to; (i) whether there has been any breach of duty by any persons or entities, (ii) the appropriate and best practices and/or policies and/or procedures to be utilised by companies for the conduct of these types of maintenance exercises and in response to these types of incidents, (iii) the policies, measures mechanisms and systems that should be implemented to prevent the recurrence of the tragic incidents and continuing up to the recovery of the divers' bodies and (iv) making any other recommendation that may be deemed necessary in the circumstances.

The proposed scope of the Commission as set out above are all relevant matters which directly affect our membership which includes various seafarers, offshore workers and marine professionals who undertake commercial operations in many capacities and circumstances in both the private and public sector in Trinidad and Tobago and within our local waters. At present, the SWWTU represents a membership of approximately one thousand (1,000) persons who operate within this and other related industries. We are also of the respectful view that the SWWTU can and ought to be given the opportunity to contribute and assist the Commission in its enquiry and to examine, as a neutral party, the material which will come before the Commission.

The intervention of the SWWTU is firmly supported by the International Transport Workers'

Federation ("ITF") which has also taken a keen interest in the proposed Commission of Enquiry

and the potential benefit which will enure to its work amongst seafaring interests in Trinidad and

Tobago and the wider Caribbean over the past several decades. The ITF is the largest global

independent international union of transport workers in the world and operates through nearly

seven hundred (700) affiliate trade unions (including the SWWTU) in one hundred and fifty (150)

countries. The ITF connects over twenty million workers who operate in various transportation

industries and is allied with the International Trade Union Confederation ("ITUC"). The primary

missions of both the ITF and the ITUC are the promotion and defence of workers' rights and

interests including advocating for safe work environments and systems. The ITUC represents over

two hundred million workers in one hundred and sixty-three (163) countries. The SWWTU,

supported by and in conjunction with the ITF, will thereby provide invaluable assistance to the

Commission in their determination of the various, and likely contentious, issues which are more

likely than not to arise during the course of the intended hearings. By our letter dated the 6th April,

2022, issued to Her Excellency Paula-Mae Weekes O.R.T.T., President of the Republic of Trinidad

and Tobago, the ITF endorsed our request to be joined to the COE and confirmed its support at the

enquiry. A copy of the said is enclosed herewith for ease of reference.

Section 10 Commissions of Enquiry Act Chap 19:01 provides that any entity who is concerned

in the matter under enquiry is entitled to be represented at the enquiry. We are of the respectful

view that the SWWTU is such an entity, but in any event, it is also an entity which has a substantial

and direct interest in the subject-matter of the enquiry (Rule 18(b) COEPR) and should participate

in the enquiry, such participating being helpful to the Commission in fulfilling the Terms of

Reference (Rule 18(d) COEPR).

With respect to the requirements of Rules 19(a) and (b) COEPR, our relevant contact information

and that of our legal representatives are as follows:

Party: Seamen and Waterfront Workers Trade Union

c/o Michael Annisette, President-General

1 D Wrightson Road,

Port of Spain.

Tel: (868) 625-1351 Email: swwtunion@gmail.com

3 of 4

000134

Legal Representatives: Nyree D. Alfonso, Attorney-at-Law (Bar No. ALN 1989002)

Asif A. Hosein-Shah, Attorney-at-Law (Bar No. HOA 2016133)

N.D. Alfonso & Co., Attorneys-at-Law and Notary Public

Suite 5, Chancery Courtyard

13-15 St. Vincent Street,

Port of Spain.

Tel: (868) 623-4980, (868) 625-9497

Email: ndalfonso@ttattorneys.com, aahshah@ttattorneys.com

In the circumstances, we respectfully request that the SWWTU, in partnership with NATUC, be joined as an Interested Party to the COE and be permitted to participate at the enquiry. We look forward to your kind and favourable consideration.

Michael Annisette (Mr.)

President-General of the Seamen and Waterfront Workers Trade Union

Encl.



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coc2022.com

14th September 2022

Mr. Michael Annisette President-General Seamen & Waterfront Workers Trade Union 1D Wrightson Road Port of Spain

Dear Mr. Annisette,

Re: Application for standing under Part 4 of the Procedural Rules of the Commission of Enquiry appointed to enquire into the tragic incidents which occurred on 25 February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-a-Pierre

I refer to your letter dated 7th September, 2022, the contents of which are duly noted.

I wish to inform that the application for standing under Part 4 of the Commission's Procedural Rules made by the Seamen & Waterfront Workers Trade Union has been granted by the Commission

Please be guided accordingly.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

----- Forwarded message ------

From: **Hubert Daisley** profhdjr@gmail.com>

Date: Thu, Aug 25, 2022 at 10:26 PM

Subject: Re: Enquiry into the tragic incidents which occurred on 25th February 2022

at Paria.

To: commissionsecretariat@coe2022.com < commissionsecretariat@coe2022.com >

Professor Hubert Daisley jr. CMT. BSC. BSC. MB BS. DM. FRCPE. MFFLM.

Clinical and Forensic Pathology.

93 Cascade Road. Cascade. Trinidad W.I

1868-3990188.

email-profhdjr@gmail.com

Thursday 25th August 2022

Ms Sarah Sinanan

Secretary to the Commission

SAPA

Todd Street, San Fernando

Dear Ms Sarah Sinanan

I did perform a second autopsy on the victims of this tragedy. I am sending you a copy of their Post Mortem examination reports.

Please let me know if I can be of further assistance in this matter.

Respectfully

Professor Hubert Daisley

RAMADHAR & COMPANY



LORD STREET CHAMBERS

Attorneys-at-Law No. 9A Lord Street, San Fernando, Trinidad, W.I.

Tel: (868) 653-4075/610-5297 Mobile: (868) 680-5297/335-3456

Email: ramadhar.colaws@outlook.com

August 22, 2022

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy for the Performing Arts (SAPA)
Todd Street
SAN FERNANDO

BY EMAIL ONLY

Dear Madam,

Re: Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser Berth No. 6, Pointe-à-Pierre

Reference is made to the subject at caption and to your letter dated 25th July, 2022. Our Mr. Prakash Ramadhar, along with Mr. Ted Roopnarine, Ms. Niara Boodan and Mr. Ved Trebouhansingh, Attorneys-at-law, act for and on behalf of the estate of the late Fyzal Kurban and on behalf of Ms. Aliyah Henry, the daughter of the late Yusuf Henry (by her next friend and mother Tia Mary Gopaul).

We wish to express our clients' willingness to participate in the said Commission of Enquiry in relation to the above-captioned matter. However our clients do not have the financial means to afford the legal representation they require in this matter. In those circumstances we ask that your office indemnify our clients' legal costs involved in participating in this enquiry.

RAMADHAR & COMPANY



LORD STREET CHAMBERS

Attorneys-at-Law

No. 9A Lord Street, San Fernando, Trinidad, W.I. Tel: (868) 653-4075/610-5297 Mobile: (868) 680-5297/335-3456

Email: ramadhar.colaws@outlook.com

Kindly confirm your office's position on the above request at soonest as we are eager to have this matter progressed for our clients.

Yours respectfully,

MESSRS. RAMADHAR & CO. ATTORNEYS-AT-LAW



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

E-mail: commissionsecretariat@coe2022.com

Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando

Tel: +1 (868) 709-5477 Website: www.coe2022.com

22 August 2022

Ms. Niara Boodan Attorney-at-Law Lord Street Chambers No. 9A Lord Street SAN FERNANDO

Dear Ms. Boodan,

Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at Re: facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre.

Reference is made to your letter dated 22 August 2022, a copy of which is attached for ease of reference.

The Commissioners and Counsel to the Commission support the desire of the estate of the late Fyzal Kurban and the family of the late Yusuf Henry to be represented before the Commission and support any application which may be made by them for legal aid from the State. Neither the question of the grant nor the quantum of legal aid is a matter under the purview or jurisdiction of the Commissioners or Counsel to the Commission.

We are sending a copy of this letter and your letter dated 22 August 2022 to the Honourable Mr. Stuart Young, Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister.

Yours sincerely,

Jerome Lynch Q.C.

Chairman of the Commission

Encls:

cc. The Honourable Mr. Stuart Young, MP

Minister of Energy and Energy Industries.

RAMADHAR & COMPANY



LORD STREET CHAMBERS
Attorneys-at-Law
No. 9A Lord Street, San Fernando, Trinidad, W.I.
Tel: (868) 653-4075/ Mobile: (868) 680-5297
Email: ramadhar.colaws@outlook.com

1st September, 2022

Mr. Jerome Lynch Q.C Chairman of the Commission Southern Academy of the Performing Arts Todd Street SAN FERNANDO

BY EMAIL ONLY

Dear Sir,

Re: Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre

- 1. Reference is made to the subject at caption and to your letter dated 22nd August 2022.
- 2. We recognise and are grateful for your support regarding the indemnification of our clients' legal costs involved in participating in the enquiry.
- 3. However, we believe that there has been a misunderstanding by the Office of the Honourable Mr. Stuart Young, Ministry of Energy and Energy Industries and Minister in the Office of the Prime Minister, by use of the term "legal aid".
- 4. A true copy of the response of the Director of Legal Services at the Office of Attorney General and Ministry of Legal Affairs is hereto attached for your reference.
- 5. The Office of the Attorney General apparently considers our request for indemnification of our clients' legal costs as a request to be made to the Legal Aid & Advisory Authority for "legal

RAMADHAR & COMPANY



LORD STREET CHAMBERS Attorneys-at-Law

No. 9A Lord Street, San Fernando, Trinidad, W.I. Tel: (868) 653-4075/ Mobile: (868) 680-5297

Email: ramadhar.colaws@outlook.com

aid" under the Legal Aid and Advice Act, Chap 7:07. However, the Legal Aid and Advisory Authority is not the fit and proper entity for indemnification of costs before the Commission. In this regard, we again ask that the Commission puts into place a mechanism for which our clients' legal costs can be indemnified by the State or any of its relevant entities.

- 6. Furthermore, so as not to take the Commission by surprise, please note that we have instructions to initiate legal proceedings in the High Court of Justice in relation to the incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre and are currently in the process of finalising same, which is likely to be filed prior to or shortly after the Commission's first sitting.
- 7. We thank you for your time and look forward to your response.

Yours respectfully,

MESSRS. RAMADHAR & CO.

Nigra Bordan

ATTORNEYS-AT-LAW



Government of the Republic of Trinidad and Tobago

Office of the Attorney General and Ministry of Legal Affairs

ATTORNEY GENERAL'S SECRETARIAT

August 27, 2022

Ms. Niara Boodan

Attorney-at-law Lord Street Chambers No. 9A Lord Street SAN FERNANDO

Dear Ms. Boodhan,

Re: Commission of Enquiry appointed to enquire into the tragic incidents which occurred on 25th February, 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Point-a-Pierre

I refer to the matter at caption, your letter to the Secretary to the said Commission of Enquiry dated August 22, 2022 and the letter from the Chairman to the said Commission of Enquiry dated August 22, 2022, in response to same.

I acknowledge receipt of your letter wherein you sought legal aid to represent your client's interest at the said Commission of Enquiry. Please note that you may make an application to the Legal Aid and Advisory Authority, directly, for legal representation. Kindly note that I have also taken the liberty to bring same to their office's attention.

Should you require any clarification, please do not hesitate the undersigned at 223-2452 ext. 3793 or tramkissoon@ag.gov.tt.

Yours respectfully,

Tenille Ramkissoon Director, Legal



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

2nd September 2022

Ms. Niara Boodan Attorney-at-Law Lord Street Chambers No. 9A Lord Street SAN FERNANDO

Dear Ms. Boodan,

Re: Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre.

Reference is made to your letter dated 1 September 2022.

As indicated in my letter of 22 August 2022, neither the question of the grant nor the quantum of legal aid or funding is a matter under the purview or jurisdiction of the Commissioners or Counsel to the Commission.

All applications and/or representations in relation to legal aid and/or funding ought to be made directly to the Attorney General of Trinidad and Tobago. That is an issue between your clients and the State. As I have said you have our support in that counsel for your clients would undoubtedly provide assistance to them and this Enquiry.

However, I wish to point out that your clients as persons, who have a direct and substantial interest in the subject matter of the Enquiry, are required to cooperate with the Commission to submit evidence and relevant documents regardless of whether or not they are represented by Attorneys-at-Law. The Commissioners have the power under Section 11 of the Commission of Enquiry Act

Chapter 19:01 to summons your clients to give evidence and provide documents at any sitting of

the Commission. Witnesses summoned under Section12 of the Act are entitled to like expenses as

if they had been summoned to attend a criminal trial at the High Court. This is all that the

Commission is empowered to provide and contrary to your assertion it is neither incumbent nor

within our remit to provide a mechanism for you to claim financial assistance for your clients.

I also wish to remind you that the Commissions proceedings are not adversarial: it is an

inquisitorial and collaborative process. The Commission has very experienced counsel on hand to

guide your clients through the witness taking procedure to provide us with a statement and if

needed through the giving of evidence. They have my assurance that they will be treated fairly and

sympathetically throughout the process especially if they give evidence viva voce.

Please also be reminded that first Procedural hearing is scheduled for Wednesday 7 September

2022 at 10.30 a.m. at Level 11, Tower D, International Waterfront Centre. If you wish to make

any further representations, then that is the place to do it.

Yours sincerely,

Jerome Lynch Q.C.

Chairman of the Commission

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RAMADHAR & COMPANY



LORD STREET CHAMBERS

Attorneys-at-Law No. 9A Lord Street, San Fernando, Trinidad, W.I.

Tel: (868) 653-4075/610-5297 Mobile: (868) 680-5297/335-3456

Email: ramadhar.colaws@outlook.com

13th September, 2022

Ms. Samantha Chase

Commission of Enquiry

BY EMAIL ONLY

Southern Academy of the Performing Arts

Todd Street

SAN FERNANDO

Dear Madam,

Re: Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre

- Reference is made to the subject at caption and to Ms. Chase's telephone calls to our Mr. Ramadhar and Ms. Boodan on 13th September 2022.
- 2. Kindly be advised that all relevant statements would be made available to you on or before 23rd September, 2022.
- 3. Please be so guided.

Yours respectfully,

MESSRS. RAMADHAR & CO.

ATTORNEYS-AT-LAW

Nigra Boodan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

28th September 2022

Ms. Niara Boodan Attorney-at-Law Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

URGENT

Dear Madam,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for interviews

I refer to the matter at caption and the numerous phone calls from the Secretariat to your office as well as the email exchanges ending with ours of 20th September 2022.

On 13th September 2022, the Commission's Secretariat contacted your office to schedule interviews with the family of Yusuf Henry (and others). On the same date the Secretariat received a letter from your office signed by Ms. Niara Boodan advising that your clients' statements will be made available to us on or before 23rd September 2022.

Following a further exchange of emails between this writer and your Ms. Boodan between 14th September 2022 and 20th September 2022, requests were made to have your clients interviewed by Counsel to the Commission. By email dated 19th September 2022, Ms. Boodan indicated that a response would be provided by 20th September 2022 but to date we have received no response.

The Commission once again wishes to provide your clients with an opportunity to contribute and we therefore repeat our invitation to your clients to meet with Counsel to the Commission on **Monday 3rd October 2022** at 2:00 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

The Commission wishes to indicate, that the request for the family of Yusuf Henry to be interviewed for a witness statement to be prepared is an opportunity for the family to contribute to

the Commission as persons who have a direct and substantial interest in the subject matter of the Enquiry.

The Commission recognises however, that the family members of Yusuf Henry were not present at and/or were not involved in the events leading up to and/or surrounding the incidents which took place on 25th February 2022, that led to the tragic deaths of the four (4) LMCS Limited's employees and/or continuing up to the recovery of their bodies. The Commission therefore also recognises, that the family members of Yusuf Henry may not be able to give direct evidence as to these matters.

In the circumstances, should family members of Yusuf Henry decline to participate at the Enquiry, the Commission will not take steps to seek to enforce their attendance as witnesses at the hearings of the Enquiry.

Accordingly, unless the Commission hears from you otherwise, the Commission shall assume that the family of Yusuf Henry have declined the Commission's invitation to attend an interview and participate at the Enquiry.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

Brah Granan.

RAMADHAR & COMPANY



LORD STREET CHAMBERS Attorneys-at-Law

No. 9A Lord Street, San Fernando, Trinidad, W.I. Tel: (868) 653-4075/610-5297 Mobile: (868) 680-5297/335-3456

Email: ramadhar.colaws@outlook.com

30th September, 2022

Ms. Sarah Sinanan Secretary to the Commission of Enquiry Southern Academy of the Performing Arts Todd Street SAN FERNANDO

BY EMAIL ONLY

Dear Madam,

Re: Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre

- 1. Reference is made to the subject at caption and to your letter dated 28th September 2022.
- 2. We apologise for the delay in providing a response as per our email of 20th September 2022.
- 3. We wish to draw to your attention letter dated 2nd September 2022 from the Office of the Attorney General and Ministry of Legal Affairs in response to our pre-action protocol letter, a copy of which is attached for your reference. In the said letter, at paragraph four (4) it is stated, *inter alia*:
 - "Insofar as, there is an active Commission of Enquiry (CoE), established to enquire into the tragic incidents which occurred at facilities owned by Paria Fuel Trading Company, we are concerned to know whether the said pre-action correspondence ought not to be directed to the Secretary to the Commission of Enquiry, for the very progression of the said CoE".
- 4. It is indeed interesting that the Attorney General has referred us to the Commission of Enquiry in this regard, and it is in these circumstances that we ask for the Commission's opinion on same.

RAMADHAR & COMPANY

Attorneys-at-Law

LORD STREET CHAMBERS

No. 9A Lord Street, San Fernando, Trinidad, W.I.

Tel: (868) 653-4075/610-5297 Mobile: (868) 680-5297/335-3456

Email: ramadhar.colaws@outlook.com

5. Notwithstanding the aforementioned, we wish to formally inform the Commission that we are

instructed to commence legal proceedings in the High Court of Justice against Paria Fuel

Trading Company Ltd, LMCS Ltd, and the Attorney General of Trinidad and Tobago, on

behalf of the Estate of the late Fyzal Kurban and the family of the late Yusuf Henry in respect

of the incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading

Company Ltd. located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

6. In the said legal proceedings, we intend to rely on the evidence of certain witnesses, who we

understand are also persons called upon by the Commission to assist in its enquiry.

7. We also note that by letters dated 2nd September 2022 and 28th September 2022, you have

repeatedly informed us of the powers of the Commission to issue summonses to our clients to

give evidence and provide documents at any sitting of the Commission.

8. In light of the aforementioned and our clients' intended legal proceedings before the High

Court of Justice, we would be grateful for the Commission's consideration on same and seek

your opinion on whether there may be any potential for conflict of the rights of the Court and

the rights of the Commission.

9. We look forward to your response hereto.

Yours respectfully,

MESSRS. RAMADHAR & CO.

ATTORNEYS-AT-LAW

Niera Bordan

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Government of the Republic of Trinidad and Tobago

Office of the Attorney General and Ministry of Legal Affairs

ATTORNEY GENERAL'S SECRETARIAT

September 2nd, 2022

Ms. Niara Boodan Attorney-at-law Ramadhar & Company Lord Street Chambers No. 9A Lord Street SAN FERNANDO

Dear Ms. Boodan,

Re: Tragic Accident- The Estate of Fyzal Kurban & Ors- No. 36 Sealine Riser on Berth No. 6, Point-a-Pierre

We refer to the matter at caption, and to your letter dated August 23, 2022 addressed to the Attorney General.

We hereby acknowledge receipt of the said letter which was received by the Solicitor General's Department and thereafter transmitted for the attention of the Attorney General, which was received at the Attorney General's Chambers on September 1st, 2022.

The Attorney General is in the process of considering the merits of your client's case and, if it is found to have merit, what if any, is the proper course of action. We nevertheless reserve all our rights and make no admissions with respect to anything stated or implied in your letter.

In the process of deliberations, your letter has been referred to Counsel for consideration and advice. Upon our preliminary review of the said letter, we specifically require clarification as to whether the Attorney General is the proper party to whom you have issued this pre-action correspondence. Insofar as, there is an active Commission of Enquiry (CoE), established to enquire into the tragic incidents which occurred at facilities owned by Paria Fuel Trading Company, we are concerned to know whether the said pre-action correspondence ought not to be directed to the Secretary to the Commission of Enquiry, for the very progression of the said CoE.

AGLA Tower, Government Plaza
Corner of London and Richmond Streets, Port of Spain
Tel: 223-AGLA (2452)

We note your deadline to respond of one (1) day within receipt of your letter which is untenable and accordingly unreasonable. In effect, this leaves the Office of the Attorney General one (1) working day to obtain instructions, brief Counsel and obtain advice, which is manifestly unfair and imposes an irrational, forced and peremptory deadline which does not allow us a proper and fair opportunity to defend the allegations therein raised in your letter.

In all these respects, while the Attorney General is considering your client's claim, and is awaiting Counsel's advice, we request that you indicate by urgent reply, your clients (i) preparedness to provide a reasonable time period to respond to your letter and the contents traversed therein, and (ii) the requested clarification as stated above.

Should you refuse to provide the requested clarification and grant the extension, and instead proceed to commence legal proceedings notwithstanding this our letter, we request that you place this letter prominently for the attention of the court on any application that your clients may commence.

Yours respectfully,

Tenille Ramkissoon Director, Legal



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

6th October 2022

Ms. Niara Boodan Attorney-at-Law Lord Street Chambers No. 9A Lord Street San Fernando

Dear Ms. Boodan,

Re: Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre- Request for Interviews

Reference is made to your letter dated 30th September 2022, the contents of which are duly noted.

With regards to your request for the Commission's opinion on whether there may be any potential for conflict of the rights of the Court and the rights of the Commission, we wish to advise that providing opinions is not under the purview or jurisdiction of the Commission.

The Commission has invited your clients to interviews with Counsel to the Commission on two (2) separate occasions. As stated in our 28th September 2022 letter, the Commission appreciates the fact that the family members of both Yusuf Henry and Fyzal Kurban may not be able to give direct evidence of what happened. In the circumstances, if your clients do not wish to participate in the Enquiry, the Commission will not take steps to enforce their attendance as witnesses at the hearings of the Enquiry.

However, the Commission wishes to reiterate its position that your clients' contribution especially regarding how they were treated during the period 25th February to 4th March 2022, what facilities were made available to them and to what extent they were kept informed, would have been very useful to the Commission.

Should your clients wish to schedule interviews kindly contact the undersigned on or before Friday 7th October 2022 at 4:00 p.m.

Yours sincerely,

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Website: www.coe2022.com

7th October 2022

Mr. Michael Kurban c/o Mr. Prakash Ramadhar Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

URGENT

Dear Sir.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for interviews

I refer to the matter at caption.

We wish to inform, that at the Commission's Procedural Hearing on 7th September 2022 it was announced that the Evidentiary Hearings will commence on 21th November 2022. In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on Thursday 13th October 2022 at 12:00 noon at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

It is hoped that you would cooperate with the Commission to provide the relevant material required so that the Commission can determine if it is necessary for you to give evidence at the Commission.

Please be informed that should you fail to cooperate and attend the scheduled interview or to contact the Secretariat before that date to arrange a mutually convenient time for the interview, the Commission will issue subpoenas under Section 11 of the Commissions of Enquiry Act for you to give evidence at the Evidentiary Hearing.

We therefore look forward to your kind cooperation and assistance

Yours sincerely,

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

7th October 2022

Mr. Nicholas Kurban c/o Mr. Prakash Ramadhar Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

URGENT

Dear Sir,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for interviews

I refer to the matter at caption.

We wish to inform, that at the Commission's Procedural Hearing on 7th September 2022 it was announced that the Evidentiary Hearings will commence on 21st November 2022. In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on Thursday 13th October 2022 at 2:30 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

It is hoped that you would cooperate with the Commission to provide the relevant material required so that the Commission can determine if it is necessary for you to give evidence at the Commission.

Please be informed that should you fail to cooperate and attend the scheduled interview or to contact the Secretariat before that date to arrange a mutually convenient time for the interview, the Commission will issue subpoenas under Section 11 of the Commissions of Enquiry Act for you to give evidence at the Evidentiary Hearing.

We therefore look forward to your kind cooperation and assistance

Yours sincerely,

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477

Website: www.coe2022.com

7th October 2022

Mr. Ronald Ramoutar c/o Mr. Prakash Ramadhar Prakash Ramadhar & Co. Attorneys at Law 9 A Lord Street San Fernando

URGENT

Dear Sir,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for interviews

I refer to the matter at caption.

We wish to inform, that at the Commission's Procedural Hearing on 7th September 2022 it was announced that the Evidentiary Hearings will commence on 21st November 2022. In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Friday 14th October 2022</u> at 12:00 noon at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

It is hoped that you would cooperate with the Commission to provide the relevant material required so that the Commission can determine if it is necessary for you to give evidence at the Commission.

Please be informed that should you fail to cooperate and attend the scheduled interview or to contact the Secretariat before that date to arrange a mutually convenient time for the interview, the Commission will issue subpoenas under Section 11 of the Commissions of Enquiry Act for you to give evidence at the Evidentiary Hearing.

We therefore look forward to your kind cooperation and assistance

Yours sincerely.

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

19th September 2022

Cory Marc Crawford

Dear Mr. Crawford,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No.

6, Pointe-à-Pierre - Request for interview

I refer to the matter at caption and to the telephone conversation between yourself and Ms. Rahaman on the 19th September, 2022, wherein you confirmed your attendance for Thursday 22nd September, 2022 at 10am at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

As per your request, please find attached a copy of your statement that you provided to Occupational Health and Safety Authority Agency (OSHA).

Please indicate whether he would be attending the interview with legal representation. I kindly ask that you provide us with a copy of your curriculum vitae/resume along with any relevant vocational qualifications at said interview.

We look forward to your kind cooperation and assistance.

Yours sincerely,

SARAH SINANAN

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY STATEMENT DECLARATION

(pursuant to section 72 (1) (g))

I. Corn - Marc Crawfard hereby certify that the
attached declaration dated
to Fausla Mc Donald Safety and Health
Inspector, Occupational Safety and Health Authority is my
declaration given pursuant to section 72 (1) (g) of the OSH Act, Chap 88:08 Signed . Control of the OSH Act, Chap
I hereby certify that I received this declaration from Orag - Marc Crawford on March 17, 2022 Date: 17/03/2022
He read it over in my presence.
Signed: Joya M. Do and



OCCUPATIONAL SAFETY AND HEALTH AUTHORITY

WITNESS STATEMENT

Pursuant to Section 72(1)(g)

Witness: Coru - Marc Crownford
Taken at: DSKA South Office, #15 Cipero Street, Sour Fernances
Dated: March 17, 2022
1 (state name) Cory-Marc Criwford of Milds. Street Lisa Gardens Coura state:
Please see attached statement dated March 15, 2022.
Please See allowing Statement outed main 15, 2021.
1 Cory - Marc Crawford have read this entire document and
declare that the facts stated herein are true and correct.
Signed into al
I hereby certify that I took this statement
from Cory Marc Crawford on March 17, 2002 at
Signed Supple He Donald
000060

I hereby certify that I took this statement from	on
at	
said it was correct and made his mark.	,
Where the marker of the statement refuses to sign, the statement af	ter having made it, the
following certificate should be used:	
I hereby certify that I took this statement from	on
atat	read it over to him; he
said it was correct but refused to sign it.	

certificate should be as follows:

STATEMENT OF CORY -MARC CRAWFORD

With respect to the Incident concerning Paria Fuel Trading Company (PFTC) and the 5 Divers

March 15, 2022

To Whom It May Concern:

THE RECORDS OF THE EVENTS ARE AS FOLLOWS:

Friday 25th February 2022 4:30pm

On the 25th of February 2022, at 3:30pm I received a call from Michael Kurban informing me that there was an incident involving Fyzal Kurban and 4 other divers. I immediately gathered all of my diving gears and proceeded to his home. There we packed my vehicle with diving cylinder and more gears then proceeded to Paria Fuel Trading Company, where the incident took place.

On the way there we discussed a Rescue plan and analyzed all possible risk involved. Ronald (another fellow diver) called to offer assistance when needed. We told him yes and he made his way to Paria to meet us there. When we arrived at Paria we cleared security and proceeded to Bagger Docks where we loaded our gears on Adventurer X. At this time Ronald join us and we proceeded to berth number 6.

While proceeding to Berth 6, we discussed the Rescue plan again and began to gear up. When we arrived at Berth 6, LMCS workers indicated to us that they heard yelling and pounding in the pipeline. We were also instructed by Paria ,not to enter the chamber but we ignored that order and proceeded anyways.

Upon approaching the chamber we checked for suction pressure within the pipeline before entering and proceeded to pull out Christopher Boodram out of the pipe. After we rescued him from the pipe, we assessed his condition and when back up to received the hookah. We then asked Andrew Farrah (LCMS Dive Supervisor), if it was ok to bring him up.

I proceeded to back to chamber and gave Christopher the hookah. I grab him and we slowing came up from the chamber. As we got top side, I proceed to take Christopher to the rescue boat. He had reported to us that Fyzal Kurban was right behind him and told both Michael and Nicholas to go back for they father. I began to take him to the rescue boat. I helped him to the rescue boat.

After this Michael Kurban had us prepare us to assit him to search for his father. Paria officials told him not to enter and said who is the manger that said so and they told him to go ahead. We went to the chamber and Michael proceeded to enter the pipe feet first. he only reach 75 ft

because that was the hookah limit. He returned to the top and we exited the chamber. I went top side to prepare for Michael to go back in the pipe with scuba. Both Conan and Michael entered the pipe to see how far they could get. While Ronald held the rope at the top of pipe. While I fed them rope from topside. All divers exited the pipe returning with Fyzal Kurban bagpack.

We were told to stand by and await further instructions from Paria (PFTC) as the Coast Guard would assist and take control of the rescue operations. At this time, other Diving Companies namely 'Wet Works', 'Sub-sea Global Solutions' 'OTSL' and 'Eastern Divers' came to our location to render assistance. We then heard a pounding sound at the end of the pipe located at berth 5. LMCS at this time started formulating a plan to open the blank at berth 5. When the Coast Guard arrived they said that they were not well equipped to do the rescue as they did not have the right equipment and training to do so. Paria then gave LMCS permission to open the blank at berth 5, with the use of 'Sub-sea Global Solutions' (SGS) equipment. The assisting divers named Conan, Ronald and Adam proceeded to enter the habitat. I also provided top side assistance while Andrew supervised the operation.

The initial agreed Rescue plan was to bolt back the pipe at berth 6 and open the blank at berth 5. Conan and Ronald began bolting the pipe as Adam provided lighting and assisted in bringing in the bolts. When they were finished, the blank at berth 5 was opened but we got no indication that the divers were on that end of the pipe. Paria was able to attain the use of 'Atlantic LNG'S' crawler and pipe camera. The pipe camera and the crawler could not go beyond 175ft. due to an obstruction within the pipeline from a diving tank.

A decision was made to try the same procedure at berth 5 but due to heavy amounts of crude oil, the equipment was unable to proceed further into the pipeline. While the crawl operations were taking place, Paria consulted with LMCS and other assisting Dive Companies on a plan to rescue the divers. A plan was finalized to remove the habitat, to send a diver in to remove the tank obstruction and also to remove the water within the pipeline.

Saturday 26TH February 2022

At around 7pm Saturday morning, when the equipment was being mobilized, I decided to go home and rest for a bit. At 11am the same morning, I received a call indicating that the removal of the habitat would begin. At 12pm, I arrived at berth 6 ready to begin the 'Habitat Removal Operation', however we had to wait for permits to arrive which we did not receive until 6pm that day. As 6pm was a scheduled shift change for the workers of Paria Fuel Trading Company, it was also a turnover period where we needed the handover team to sign permits for us again in order to begin the task.

We were told to halt operations until the permits were signed. At 8:40pm Michael Kurban and I began dive operations which lasted between 12 to 15minutes then after the task was completed I went home to get some rest.

Sunday 27th February 2022

At 10:00am Sunday morning, Michael Kurban called me to return to Paria Fuel Trading Company however we were denied entry due to the protest held by the members of OWTU association.

This then concludes my involvement in the Rescue operation as I was not involved in the events which proceeded thereafter.

I hope my account can give some clarity to the families who lost their loved ones and the other interested parties involved in this investigation.

Kind Regards,	
21.05-2-2.00/2004	
Cory – Marc Crawford	



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477

Website: www.coe2022.com

10th October, 2022

Mr. Cory Crawford #7 Hilda Street Couva

URGENT

Dear Sir.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for interview

I refer to the matter at caption and to the previous correspondence/ telephone conversations between your good self and the Commission's Secretariat which resulted in you agreeing to an interview with Counsel to the Commission on Thursday 22nd September, 2022 at 10:00 am.

Regrettably, on the morning of 22nd September, 2022 you did not attend the scheduled interview and all calls to your mobile number and all emails to you have since gone unanswered.

I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Thursday 19th October 2022</u> at 12:30 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

It is hoped that you would cooperate with the Commission to provide the relevant material required so that the Commission can determine if it is necessary for you to give evidence at the Commission.

Please be informed that should you fail to cooperate and attend the scheduled interview or to contact the Secretariat before that date to arrange a mutually convenient time for the interview, the Commission will issue subpoenas under <u>Section 11 of the Commissions of Enquiry Act</u> for you to give evidence at the Evidentiary Hearing.

We therefore look forward to your kind cooperation and assistance.

Yours sincerely

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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17th October 2022

Mr. Krishna Fuentes

URGENT

Dear Mr. Fuentes,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as an independent dive professional whose services were engaged by Paria Fuel Trading Company Limited ("Paria").

In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Thursday 27th October 2022</u> at 12:30 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under <u>Section 11 of the Commissions of Enquiry Act Chapter 19:01</u> for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

----- Forwarded message ------

From: Krishna Fuentes < krishnafuentes@gmail.com >

Date: Tue, Oct 18, 2022 at 10:01 PM

Subject: Re: Commission of Enquiry into the tragic incidents that occurred on 25th February

2022 at facilities owned by Paria.

To: Sarah Sinanan < commissionsecretariat@coe2022.com >

Cc: < krishnafuentes@yahoo.com >, Samantha Chase < schase@coe2022.com >, Crystal

Rahaman < crahaman @ coe 2022.com >

On Mon, Oct 17, 2022 at 5:51 PM Sarah Sinanan < commissionsecretariat@coe2022.com> wrote:

Dear Mr. Fuentes,

I refer to the matter at caption. Please find attached for your urgent attention our letter of even date.

Please feel free to contact the Secretariat at this email address, should the proposed date not be convenient.

Kindly acknowledge receipt of this email.



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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20th October 2022

"by email"

Mr. Krishna Fuentes

URGENT

Dear Mr. Fuentes,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

We acknowledge receipt of your email dated 18th October 2022 wherein you indicated inter alia that you did not consider yourself to have been directly involved in the incidents at caption and requested that your name be removed from any further investigation relating to this incident.

The Commission, however, is of the view that you were directly involved in the said incidents and we believe that your evidence would be of crucial assistance to the Commission in fulfilling its Terms of Reference.

We wish to suggest that you reconsider your position as it relates to attending the requested interview on <u>Thursday 27th October 2022</u> at 12:30 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

We also wish to add, that the best way for you to potentially avoid unnecessarily appearing at the public hearings of the enquiry would be for the Commission to take a statement from you. The Commission would then consider based on that statement, whether there is a need for you to be called live to give evidence.

In the event, that you decline to voluntarily participate, the Commission will consider all the relevant facts and circumstances and determine whether a subpoena should be issued to compel you to attend at the public hearings to give evidence.

Yours sincerely,

Sarah Sinanan

----- Forwarded message -----

From: **Krishna** < <u>krishnafuentes@gmail.com</u>>

Date: Tue, Oct 25, 2022 at 8:45 AM

Subject: Re: Commission of Enquiry into the tragic incidents that occurred on 25th February

2022 at facilities owned by Paria.

To: Sarah Sinanan < commissionsecretariat@coe2022.com>

Cc: <krishnafuentes@yahoo.com>, Samantha Chase <schase@coe2022.com>, Crystal

Rahaman < crahaman@coe2022.com>

Good Morning Ms. Sinanan,

I refer to previous correspondence ending with your letter dated 20th October 2022.

I am very concerned that having provided you with all the facts relating to my involvement which make clear that I was nowhere near Berth No. 6, Pointe-a-Pierre on 25th February 2022 you persist in insisting that I was "directly involved in the tragic incidents which occurred on 25th February 2022."

You, on behalf of the Commission, appear to have already formed a view adverse to my interest.

That being the case, I have consulted my attorney and decline to participate further by either attending an interview or providing a statement as you have suggested.

I have already provided you with all the information that I have in my possession and there is nothing further that I wish to say.

Please be guided accordingly.

Best Regards,

Krishna Fuentes



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477

Website: www.coe2022.com

7th October 2022

Mr. Terrance Rampersadsingh

URGENT

Dear Mr. Rampersadsingh,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as Planner, Technical and Maintenance Department of Paria Fuel Trading Company Limited ("Paria").

In the circumstances, I have been instructed by the Commission to you to an interview with Counsel to the Commission on <u>Friday 14th October 2022</u> at 9:30 am at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under Section 11 of the Commissions of Enquiry Act Chapter 19:01 for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6. Pointe-à-Pierre

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17th October 2022

Mr. Visham Harricharan

URGENT

Dear Mr. Harricharan.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as Offshore Team Lead, with Paria Fuel Trading Company Limited ("Paria").

In the circumstances, I have been instructed by the Commission to you to an interview with Counsel to the Commission on <u>Friday 28th October 2022</u> at 1:30 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under <u>Section 11 of the Commissions of Enquiry Act Chapter 19:01</u> for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

Mr. Jerome Lynch KC: Chairman of the Commission Mr. Gregory Wilson: Commissioner **000173** We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

GRETEL E. BAIRD, B.Sc., LL.B.

ATTORNEY-AT-LAW

Elidore Chambers, 112 St. Vincent Street, Port-of-Spain, Trinidad and Tobago W.I. Tel: (868) 624-1529; 627-9734 Fax: (868) 624-6936 E-mail: gretelebaird@gmail.com

October 19th 2022.

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan

Re: Mr. Visham Harrichan

Commission of Enquiry ("COE") into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6. Pointe-à-Pierre.

I refer to your letter dated October 17th 2022 to Mr. Visham Harrichan at caption, whereby he was invited by the Commission to attend an interview with Counsel to the Commission on October 28th 2022.

I, along with Messrs. Thane Pierre and Sebastian Peterson, instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C. for Mr. Harrichan. Your said letter was passed to us by our client for reply.

I am instructed that our client was the Acting Offshore Team Lead attached to the Terminal Operations Department at the time of the incidents which are the subject of the COE, but left the employ of Paria on May 9th 2022.

I am also instructed that our client is willing to participate in the COE and that he hereby applies, through me, for an order of standing before the Commission pursuant to rule 18 of the Procedural Rules, on the ground that his participation may be helpful to the Commission in fulfilling the Terms of Reference.

1

I am also instructed that our client is prepared to provide a written statement to the Commission, such statement to be prepared with the benefit of legal advice from his Counsel. However, having regard to our client's departure from Paria approximately five (5) months ago and the significant passage of time since the incidents under enquiry, our client requires a proper opportunity to re-familiarise himself with the relevant documents and facts for the purpose of submitting a statement. He also requires sufficient time to consult with Counsel. Accordingly, I am to advise that upon the advice of Counsel Mr. Harrichan respectfully declines to attend the interview by the Commission, but that my instructions are to request until October 28th 2022 for him to submit a statement.

I look forward to having your feedback as soon as practicable with respect to the receipt of the proposed statement from Mr. Harrichan.

Yours faithfully

Thans Jair Fierre
f/GRETEL BAIRD
Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C

Mr. Jason Mootoo

Mr. Visham Harrichan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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21st October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird.

Re: Mr. Visham Harricharan

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on

Berth No. 6, Pointe-à-Pierre

Reference is made to the matter at caption and to your letter dated 19th October 2022, which we received on 20th October 2022.

I wish to inform that your client's application for standing pursuant to Rule 18 of the Commission's Procedural Rules has been granted by the Commission.

Additionally, your client's request to submit a written statement on or before Friday 28th October 2022 has also been granted.

The Commission laments your client's refusal to be interviewed and wishes to advise that in the absence of a voluntary interview he may be required to give live evidence and attend the evidentiary hearings which commence on 21st November 2022.

The Commission will not at this time issue a subpoena to your client unless given cause to do so.

Yours sincerely,

Sarah Sinanan

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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26th September 2022

Mr. Yves Jacques Nicholson Attorney-at-Law Veritas Chambers No. 19 St. Vincent Street PORT OF SPAIN

Dear Mr. Nicholson

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for additional information

I refer to the above-captioned and to the interview with Mr. Shevon Ali (former Chief Inspector of OSHA) on Thursday 22nd September 2022 conducted by Mr. Ronnie Bissessar, Assistant Counsel to the Commission.

You were in attendance at the interview in your capacity as legal representative for Mr. Shevon Ali.

In the course of the interview, Mr. Ali was advised of the contents of an Incident Brief Report dated 27th September 2022 ("*IBF*") prepared by Mr. Dion Lawrence, then Safety and Health Inspector I of OSHA (now Acting Senior Inspector, OSHA) and submitted to the Commission by OSHA.

In the IBF, Mr. Lawrence stated (subsequently confirmed in his interview with Counsel to the Commission) that a *draft* of the IBF was first submitted to Mr. Shevon Ali who made minor tracked changes which was then re-submitted to Mr. Lawrence who subsequently perfected, signed and dated the IBF.

Mr. Shevon Ali was invited to comment on Mr. Lawrence's statement in the IBF and, upon your request, a copy of the signed and dated IBF with the accompanying memo was given to (and accepted by) you on the condition that it and its contents will not be disclosed by you or Mr.

Shevon Ali and that you will supply the Secretary with Mr. Shevon Ali's comments on Mr. Lawrence's statement that the IBF was submitted in *draft* to Mr. Ali who made minor tracked changes and then re-sent it to Mr. Lawrence.

Having regard to the foregoing, the Commission will be pleased to receive Mr. Shevon Ali's comments as soon as possible.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

cc. Mr. Shevon Ali

cc. Counsel to the Commission



YVES JACQUES NICHOLSON

BARRISTER & ATTORNEY-AT-LAW
BA (Hons.), MSc., LLB, BPTC & L.E.C
Veritas Chambers, 19 St.Vincent Street
Port-of-Spain, Trinidad
yjn.law@gmail.com
+1 (868) 303-8058

BY EMAIL

Sarah Sinanan Southern Academy for the Performing Arts (SAPA) Todd Street San Fernando Trinidad

3 October, 2022

Dear Ms Sinanan,

RE: Paria Commission of Enquiry - Request for information to Shevon Ali

I refer to the matter in the caption and to your letter dated the 26th September 2022 wherein you had requested information from Mr Shevon Ali ("my Client").

During the interview between Assistant Counsel for the Commission and my Client on the 22 September 2022, a report generated by Mr Dion Lawrence titled Incident Brief Form (IBF) was presented. It was common ground that the IBF had not been written by my Client. It was noted however, that during the process of the writing up of the IBF, it had been sent to my Client for his review since he had been present on site with Mr Lawrence for part of the timespan the report referred to and it was part of the standard operating procedures to send this type of report to the Chief

Inspector. It was further noted that my Client had suggested some edits and had sent the document

with those suggested edits back to Mr Lawrence in the same email thread.

Given the fact that my Client left his position as Chief Inspector of OSHA a short while after the tragic

incident which occurred on 25th February 2022, he no longer has access to that email thread with the

document in which he had suggested some edits. During the course of the interview, my Client was

shown the IBF but he was unable to remember which suggestions he had made without the aid of the

email thread containing the document with the suggestions. My Client was further unable to say

whether those suggested edits had been implemented by Mr Lawrence.

In light of the above, during the course of the interview, we had suggested that the Commission

retrieve that email thread containing the document sent by Mr Lawrence to my Client and the

document with the suggested edits my Client sent back to Mr Lawrence. This was so that my Client

could make a comparison and understand what those suggested edits were and whether they were

implemented by Mr Lawrence in the IBF that is currently in the Commission's possession.

As it stands, my Client is unable to assist with your request because he does not have the material

before him. Should the Commission retrieve the material my Client remains available, willing and able

to assist in any manner required by the Commission.

If you require any further assistance please do not hesitate to contact me.

Kind regards

Yves Nicholson

Attorney-at-Law

----- Forwarded message ------

From: Yves Jacques Nicholson < yjn.law@gmail.com >

Date: Thu, Oct 13, 2022 at 1:59 PM

Subject: Re: Commission of Enquiry- Draft Witness Statement

To: Samantha Chase <<u>schase@coe2022.com</u>>
Cc: <<u>shevonali@gmail.com</u>>, Sarah Sinanan
<commissionsecretariat@coe2022.com>

Dear Ms Chase,

Reference is made to our email thread 10th October 2022.

Kindly be advised that upon legal advice, my Client is unable to sign the witness statement as provided by your goodself in its current form. However, we are in the process of drafting a witness statement to assist the Commission in its Inquiry.

On the 10th October 2022, I made a request for a list of areas that the Commission may require particular assistance on, which said request was left unattended to.

In the absence of that list, you would not doubt appreciate, that any witness statement provided by my Client to the Commission would be done in an abstract and would be of limited assistance to the Commission.

In the circumstances, and with great regret we are unable to provide the Commission with a signed witness statement before tomorrow, Friday 14th October 2022.

We nevertheless remain committed in assisting the Commission with its Inquiry and would provide within a reasonable time a completed and comprehensive witness statement upon receipt of the requested information.

We look forward to hearing from you.

Kind regards

Yves Nicholson



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

E-mail: commissionsecretariat@coe2022.com

Southern Academy for the Performing Arts (SAPA)

Tel: +1 (868) 709-5477 Website: www.coe2022.com

Todd Street, San Fernando

17th October 2022

Mr. Yves Jacques Nicholson Attorney-at-Law Veritas Chambers No. 19 St. Vincent Street Port of Spain

Dear Mr. Nicholson

Re: (

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Witness Statement of Shevon Ali

I refer to the above-captioned and to your email dated 13th October 2022, the contents of which are duly noted.

As it relates to your request for a list of areas that the Commission may require particular assistance on, we wish to remind you that you were present at the interview with Mr. Shevon Ali on Thursday 22nd September 2022 conducted by Mr. Ronnie Bissessar, Assistant Counsel to the Commission. The areas the Commission is interested in are those which were ventilated with your client during the said interview and transposed into the draft statement.

The Commission appreciates that if your client does not wish to sign the said statement it is his prerogative, but we would take this opportunity to invite you to identify what parts of the statement are incorrect and the necessary amendments can be made.

The Commission is mindful that it cannot stop someone from augmenting, adding to or seeking to withdraw a statement or part of it. However, should this arise the Commission will most certainly require that person to give evidence as opposed to their statement being considered as sufficient and thereby obviating the need to attend the hearings.

In the circumstances, the Commission will expect the attendance of your client when the Evidentiary Hearings commence on 21st November 2022 and will not at this time issue a subpoena to your client unless given cause to do so.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Website: www.coe2022.com

17th October 2022

Mr. Andrew Dopson

URGENT

Dear Mr. Dopson,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No.

6, Pointe-à-Pierre - Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as an HSE Technician employed with Kenson Operational Services Limited.

In the circumstances, I have been instructed by the Commission to you to an interview with Counsel to the Commission on <u>Thursday 27th October 2022</u> at 9:30 a.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under <u>Section 11 of the Commissions of Enquiry Act Chapter 19:01</u> for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477

Website: www.coe2022.com

18th October 2022

Mr. Houston Marjadsingh c/o Kenson Operational Services Ltd 39-41 Lady Hailes Avenue San Fernando

URGENT

Dear Mr. Marjadsingh,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as a Maintenance Technician employed with Kenson Operational Services Limited.

In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Friday 28th October 2022</u> at 9:30 a.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under Section 11 of the Commissions of Enquiry Act Chapter 19:01 for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

536

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

(The Commissions of Enquiry Act, Chap. 19:01)

COMMISSION

REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO, Acting President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

CHRISTINE KANGALOO

Acting President:

HON. MR. JUSTICE C. DENNIS MORRISON, OJ CD QC

TO: GREGORY WILSON, Esquire

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter referred to as 'the Act') it is provided, *inter alia*, that the President may whenever she deems it advisable, issue a Commission appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare;

536-Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

AND WHEREAS the President on the advice of Cabinet has deemed it advisable and for the public welfare that Commissioners be appointed to examine and enquire into all of the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited (Paria), located at No. 36, Sealine Riser on Berth No. 6, which led to the deaths of four (4) employees of LMCS Limited;

AND WHEREAS the Commissioners are appointed to enquire into the following, inter alia, Terms of Reference being matters set out hereunder and to make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, viz.:

1. To enquire into:

- (i) the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No. 36, Sealine Riser on Berth No. 6, Pointe-a-Pierre which led to the deaths of four (4) employees of LMCS Limited ("LMCS");
- (ii) the scope of works issued by Paria for the underwater maintenance exercise on a 30-inch pipeline which LMCS' divers were carrying out on Friday February 25, 2022 within a hyperbaric chamber at the said No. 36, Sealine Riser on Berth No. 6;
- (iii) and ascertain the proposals and plans submitted by LMCS to conduct the works at the said No. 36, Sealine Riser on Berth No. 6;
- (iv) and examine generally the policies, procedures, practices and conduct relating to Paria and LMCS' employees, organized and contracted labour for these types of maintenance exercises;
- (v) and identify the precise facts and circumstances which led up to and resulted in the loss of life and whether this was reasonable and justifiable in the particular circumstances;
- (vi) and examine all of the decisions and actions taken after it became clear that the five (5) LMCS' divers went missing;
- (vii) and investigate the nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation which gave rise to these incidents;
- (viii) and identify whether Paria and LMCS had in place any lifesaving contingency plans in the event that life threatening incidents occurred and, if so, whether such or any plans were employed in response to these incidents; further, whether they employed sufficient safeguards and measures to ensure the safety of their contracted employees, property and the prevention of these incidents and to rescue the five (5) LMCS' divers;

536-Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

- (ix) and determine the adequacy and mechanical integrity of equipment utilized by LMCS;
- and determine the adequacy of LMCS' plans utilized for the operation of the maintenance exercise;
- (xi) and identify whether by act or omission any identified or unidentified person or entity directly or indirectly caused loss of life;
- (xii) and examine the role played by Paria and LMCS through their respective units, individually and collectively in dealing with these incidents; and
- (xiii) and examine all other material circumstances leading up to and surrounding the incidents which took place on February 25, 2022 that led to the tragic deaths of the four (4) LMCS' divers and continuing up to the recovery of their bodies.
- To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to:
 - (i) whether there has been any breach of duty by any persons or entities;
 - (ii) whether there are any grounds for any criminal proceedings to be initiated against any persons or entities;
 - (iii) whether criminal proceedings should be recommended to the Director of Public Prosecutions for his consideration;
 - (iv) the appropriate and best practices and/or policies and/or procedures to be
 utilised by companies such as Paria and LMCS for the conduct of these
 types of maintenance exercises and in response to these types of
 incidents;
 - (v) the policies, measures, mechanisms and systems that should be implemented to prevent the recurrence of the tragic incidents which occurred on Friday February 25, 2022 and continuing up to the recovery of the bodies of the four (4) LMCS' divers; and
 - (vi) making any other recommendations that may be deemed necessary in the circumstances.

NOW THEREFORE, I, CHRISTINE KANGALOO, Acting President as aforesaid, in exercise of the power vested in me by section 2 of the Act, do hereby issue this my Commission appointing HON, MR. JUSTICE C. DENNIS MORRISON and MR. GREGORY WILSON, Commissioners to hold the enquiry into the matters aforesaid;

AND I DIRECT that you, HON. MR. JUSTICE C. DENNIS MORRISON shall be Chairman of the Commission;

AND I DIRECT that the Commission be properly constituted with a quorum of two persons;

536—Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

AND I DIRECT that the Commission be provided with such staff as may be required to support the work of the Commission;

AND I DIRECT that you, HON. MR. JUSTICE C. DENNIS MORRISON and MR. GREGORY WILSON, forthwith proceed at such places and times as may be convenient with due diligence and dispatch to enquire into the matters aforesaid and to report to me in writing upon the said matters within a period of six (6) months of the first sitting of the Commission and to give your findings, observations and recommendations thereon and to furnish me separately with a full statement of the proceedings of the Commission and the reasons leading to the conclusions at which you may have arrived;

AND I DIRECT that the said enquiry shall be held in public but that you the Commissioners may from time to time sit in private, and that you shall be entitled to exclude any particular person or persons from your sittings for the preservation of order, for the due conduct of the enquiry or for any other reason;

AND I FURTHER DIRECT the Commissioner of Police to detail police officers to attend upon the Commissioners to keep them safe and to preserve order during the proceedings of the Commission, to serve summonses on witnesses and to perform such duties as the Commissioners shall direct;

AND I CHARGE AND COMMAND all public officers and all loyal citizens of the Republic of Trinidad and Tobago in their several places and according to their several powers and abilities that they be abiding and assist you the Commissioners without fear in the execution of this your Commission;

AND this my Commission shall be continued subject to any alteration or revocation thereof until you have finally reported.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago, at the Office of the President, St. Ann's, this 22rd day of Spril, 2022.

Dated this 22nd day of April, 2022

Tious wall Secretary to Cabinet CAO



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477 Website: www.coe2022.com

18th October 2022

Mr. Kirt Scott c/o Kenson Operational Services Ltd 39-41 Lady Hailes Avenue San Fernando

URGENT

Dear Mr. Scott,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as an Offshore Operator employed with Kenson Operational Services Limited.

In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Friday 28th October 2022</u> at 9:30 a.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under Section 11 of the Commissions of Enquiry Act Chapter 19:01 for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

536

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

(The Commissions of Enquiry Act, Chap. 19:01)

COMMISSION

REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO, Acting President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

CHRISTINE KANGALOO

Acting President:

HON. MR. JUSTICE C. DENNIS MORRISON, OJ CD QC

TO: GREGORY WILSON, Esquire

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter referred to as 'the Act') it is provided, *inter alia*, that the President may whenever she deems it advisable, issue a Commission appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare;

536-Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

AND WHEREAS the President on the advice of Cabinet has deemed it advisable and for the public welfare that Commissioners be appointed to examine and enquire into all of the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited (Paria), located at No. 36, Sealine Riser on Berth No. 6, which led to the deaths of four (4) employees of LMCS Limited;

AND WHEREAS the Commissioners are appointed to enquire into the following, inter alia, Terms of Reference being matters set out hereunder and to make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, viz.:

1. To enquire into:

- (i) the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No. 36, Sealine Riser on Berth No. 6, Pointe-a-Pierre which led to the deaths of four (4) employees of LMCS Limited ("LMCS");
- (ii) the scope of works issued by Paria for the underwater maintenance exercise on a 30-inch pipeline which LMCS' divers were carrying out on Friday February 25, 2022 within a hyperbaric chamber at the said No. 36, Sealine Riser on Berth No. 6;
- (iii) and ascertain the proposals and plans submitted by LMCS to conduct the works at the said No. 36, Sealine Riser on Berth No. 6;
- (iv) and examine generally the policies, procedures, practices and conduct relating to Paria and LMCS' employees, organized and contracted labour for these types of maintenance exercises;
- (v) and identify the precise facts and circumstances which led up to and resulted in the loss of life and whether this was reasonable and justifiable in the particular circumstances;
- (vi) and examine all of the decisions and actions taken after it became clear that the five (5) LMCS' divers went missing;
- (vii) and investigate the nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation which gave rise to these incidents;
- (viii) and identify whether Paria and LMCS had in place any lifesaving contingency plans in the event that life threatening incidents occurred and, if so, whether such or any plans were employed in response to these incidents; further, whether they employed sufficient safeguards and measures to ensure the safety of their contracted employees, property and the prevention of these incidents and to rescue the five (5) LMCS' divers;

536—Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

- (ix) and determine the adequacy and mechanical integrity of equipment utilized by LMCS;
- and determine the adequacy of LMCS' plans utilized for the operation of the maintenance exercise;
- and identify whether by act or omission any identified or unidentified person or entity directly or indirectly caused loss of life;
- (xii) and examine the role played by Paria and LMCS through their respective units, individually and collectively in dealing with these incidents; and
- (xiii) and examine all other material circumstances leading up to and surrounding the incidents which took place on February 25, 2022 that led to the tragic deaths of the four (4) LMCS' divers and continuing up to the recovery of their bodies.
- To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to:
 - (i) whether there has been any breach of duty by any persons or entities;
 - (ii) whether there are any grounds for any criminal proceedings to be initiated against any persons or entities;
 - (iii) whether criminal proceedings should be recommended to the Director of Public Prosecutions for his consideration;
 - the appropriate and best practices and/or policies and/or procedures to be
 utilised by companies such as Paria and LMCS for the conduct of these
 types of maintenance exercises and in response to these types of
 incidents;
 - (v) the policies, measures, mechanisms and systems that should be implemented to prevent the recurrence of the tragic incidents which occurred on Friday February 25, 2022 and continuing up to the recovery of the bodies of the four (4) LMCS' divers; and
 - (vi) making any other recommendations that may be deemed necessary in the circumstances.

NOW THEREFORE, I, CHRISTINE KANGALOO, Acting President as aforesaid, in exercise of the power vested in me by section 2 of the Act, do hereby issue this my Commission appointing HON. MR. JUSTICE C. DENNIS MORRISON and MR. GREGORY WILSON, Commissioners to hold the enquiry into the matters aforesaid;

AND I DIRECT that you, HON. MR. JUSTICE C. DENNIS MORRISON shall be Chairman of the Commission;

AND I DIRECT that the Commission be properly constituted with a quorum of two persons;

536—Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

AND I DIRECT that the Commission be provided with such staff as may be required to support the work of the Commission;

AND I DIRECT that you, HON. MR. JUSTICE C. DENNIS MORRISON and MR. GREGORY WILSON, forthwith proceed at such places and times as may be convenient with due diligence and dispatch to enquire into the matters aforesaid and to report to me in writing upon the said matters within a period of six (6) months of the first sitting of the Commission and to give your findings, observations and recommendations thereon and to furnish me separately with a full statement of the proceedings of the Commission and the reasons leading to the conclusions at which you may have arrived;

AND I DIRECT that the said enquiry shall be held in public but that you the Commissioners may from time to time sit in private, and that you shall be entitled to exclude any particular person or persons from your sittings for the preservation of order, for the due conduct of the enquiry or for any other reason;

AND I FURTHER DIRECT the Commissioner of Police to detail police officers to attend upon the Commissioners to keep them safe and to preserve order during the proceedings of the Commission, to serve summonses on witnesses and to perform such duties as the Commissioners shall direct;

AND I CHARGE AND COMMAND all public officers and all loyal citizens of the Republic of Trinidad and Tobago in their several places and according to their several powers and abilities that they be abiding and assist you the Commissioners without fear in the execution of this your Commission;

AND this my Commission shall be continued subject to any alteration or revocation thereof until you have finally reported.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago, at the Office of the President, St. Ann's, this 22rd day of Spril, 2022.

Dated this 22nd day of April, 2022

Tiona Sal Secretary to Cabinet CAO



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

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Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

18th October 2022

Mr. Rajiv Mangalee c/o Kenson Operational Services Ltd 39-41 Lady Hailes Avenue San Fernando

URGENT

Dear Mr. Mangalee,

Re:

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as a Mechanical Technician employed with Kenson Operational Services Limited.

In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Thursday 27th October 2022</u> at 2:00 p.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under Section 11 of the Commissions of Enquiry Act Chapter 19:01 for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

536

APPOINTMENT OF THE COMMISSION OF ENQUIRY TO EXAMINE AND ENQUIRE INTO ALL OF THE CIRCUMSTANCES WHICH LED TO THE TRAGIC INCIDENTS WHICH OCCURRED ON FRIDAY FEBRUARY 25^{TR}, 2022, AT FACILITIES OWNED BY PARIA FUEL TRADING COMPANY LIMITED, LOCATED AT NO. 36, SEALINE RISER ON BERTH NO. 6, WHICH LED TO THE DEATHS OF THE FOUR (4) EMPLOYEES OF LMCS LIMITED

(The Commissions of Enquiry Act, Chap. 19:01)

COMMISSION

REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO, Acting President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

CHRISTINE KANGALOO

Acting President:

HON. MR. JUSTICE C. DENNIS MORRISON, OJ CD QC

TO: GREGORY WILSON, Esquire

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter referred to as 'the Act') it is provided, *inter alia*, that the President may whenever she deems it advisable, issue a Commission appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare;

536—Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY—CONTINUED

AND WHEREAS the President on the advice of Cabinet has deemed it advisable and for the public welfare that Commissioners be appointed to examine and enquire into all of the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited (Paria), located at No. 36, Sealine Riser on Berth No. 6, which led to the deaths of four (4) employees of LMCS Limited;

AND WHEREAS the Commissioners are appointed to enquire into the following, inter alia, Terms of Reference being matters set out hereunder and to make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, viz.:

1. To enquire into:

- (i) the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No. 36, Sealine Riser on Berth No. 6, Pointe-a-Pierre which led to the deaths of four (4) employees of LMCS Limited ("LMCS");
- (ii) the scope of works issued by Paria for the underwater maintenance exercise on a 30-inch pipeline which LMCS' divers were carrying out on Friday February 25, 2022 within a hyperbaric chamber at the said No. 36, Sealine Riser on Berth No. 6;
- (iii) and ascertain the proposals and plans submitted by LMCS to conduct the works at the said No. 36, Sealine Riser on Berth No. 6;
- (iv) and examine generally the policies, procedures, practices and conduct relating to Paria and LMCS' employees, organized and contracted labour for these types of maintenance exercises;
- and identify the precise facts and circumstances which led up to and resulted in the loss of life and whether this was reasonable and justifiable in the particular circumstances;
- (vi) and examine all of the decisions and actions taken after it became clear that the five (5) LMCS' divers went missing;
- (vii) and investigate the nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation which gave rise to these incidents;
- (viii) and identify whether Paria and LMCS had in place any lifesaving contingency plans in the event that life threatening incidents occurred and, if so, whether such or any plans were employed in response to these incidents; further, whether they employed sufficient safeguards and measures to ensure the safety of their contracted employees, property and the prevention of these incidents and to rescue the five (5) LMCS' divers;

536—Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

- (ix) and determine the adequacy and mechanical integrity of equipment utilized by LMCS;
- and determine the adequacy of LMCS' plans utilized for the operation of the maintenance exercise;
- and identify whether by act or omission any identified or unidentified person or entity directly or indirectly caused loss of life;
- (xii) and examine the role played by Paria and LMCS through their respective units, individually and collectively in dealing with these incidents; and
- (xiii) and examine all other material circumstances leading up to and surrounding the incidents which took place on February 25, 2022 that led to the tragic deaths of the four (4) LMCS' divers and continuing up to the recovery of their bodies.
- To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to:
 - (i) whether there has been any breach of duty by any persons or entities;
 - (ii) whether there are any grounds for any criminal proceedings to be initiated against any persons or entities;
 - (iii) whether criminal proceedings should be recommended to the Director of Public Prosecutions for his consideration;
 - (iv) the appropriate and best practices and/or policies and/or procedures to be utilised by companies such as Paria and LMCS for the conduct of these types of maintenance exercises and in response to these types of incidents;
 - (v) the policies, measures, mechanisms and systems that should be implemented to prevent the recurrence of the tragic incidents which occurred on Friday February 25, 2022 and continuing up to the recovery of the bodies of the four (4) LMCS' divers; and
 - (vi) making any other recommendations that may be deemed necessary in the circumstances.

NOW THEREFORE, I, CHRISTINE KANGALOO, Acting President as aforesaid, in exercise of the power vested in me by section 2 of the Act, do hereby issue this my Commission appointing HON, MR. JUSTICE C. DENNIS MORRISON and MR. GREGORY WILSON, Commissioners to hold the enquiry into the matters aforesaid;

AND I DIRECT that you, HON. MR. JUSTICE C. DENNIS MORRISON shall be Chairman of the Commission;

AND I DIRECT that the Commission be properly constituted with a quorum of two persons;

536-Continued

APPOINTMENT OF THE COMMISSION OF ENQUIRY -CONTINUED

AND I DIRECT that the Commission be provided with such staff as may be required to support the work of the Commission;

AND I DIRECT that you, HON. MR. JUSTICE C. DENNIS MORRISON and MR. GREGORY WILSON, forthwith proceed at such places and times as may be convenient with due diligence and dispatch to enquire into the matters aforesaid and to report to me in writing upon the said matters within a period of six (6) months of the first sitting of the Commission and to give your findings, observations and recommendations thereon and to furnish me separately with a full statement of the proceedings of the Commission and the reasons leading to the conclusions at which you may have arrived;

AND I DIRECT that the said enquiry shall be held in public but that you the Commissioners may from time to time sit in private, and that you shall be entitled to exclude any particular person or persons from your sittings for the preservation of order, for the due conduct of the enquiry or for any other reason;

AND I FURTHER DIRECT the Commissioner of Police to detail police officers to attend upon the Commissioners to keep them safe and to preserve order during the proceedings of the Commission, to serve summonses on witnesses and to perform such duties as the Commissioners shall direct;

AND I CHARGE AND COMMAND all public officers and all loyal citizens of the Republic of Trinidad and Tobago in their several places and according to their several powers and abilities that they be abiding and assist you the Commissioners without fear in the execution of this your Commission;

AND this my Commission shall be continued subject to any alteration or revocation thereof until you have finally reported.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago, at the Office of the President, St. Ann's, this 22rd day of Spril, 2022.

Dated this 22nd day of April , 2022

Flour Wall Secretary to Cabinet Caso



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

18th October 2022

Mr. Rolph Seales c/o Kenson Operational Services Ltd 39-41 Lady Hailes Avenue San Fernando

URGENT

Dear Mr. Seales,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre – Request for an interview

I refer to the above-mentioned Commission of Enquiry ("Commission") which was appointed by Her Excellency Christine Kangaloo, Acting President of the Republic of Trinidad and Tobago on 22nd April 2022 and published in the Trinidad and Tobago Gazette on 22nd April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22nd April 2022, a copy of which is attached for your ease of reference.

The Commission has received information which suggests that you were directly involved in the incidents at caption in your capacity as a Dive Expert employed with Kenson Operational Services Limited.

In the circumstances, I have been instructed by the Commission to invite you to an interview with Counsel to the Commission on <u>Thursday 27th October 2022</u> at 9:30 a.m. at the Commission's Secretariat office at the Southern Academy for the Performing Arts (SAPA).

While we hope to receive your full co-operation, we must advise that should witnesses decline to attend interviews with the Commission, the Commissioners are given the discretion, depending on the facts and circumstances of the case, for the witness to be served with subpoenas under Section 11 of the Commissions of Enquiry Act Chapter 19:01 for them to be examined on oath. The said subpoenas will be issued on the first day of the Evidential Hearings.

We therefore look forward to your kind cooperation and assistance and reserve the right to rely on the contents hereof in the event that a request for a subpoena is made.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

----- Forwarded message -----

From: Chase Pegus < chasepegus @gmail.com>

Date: Wed, Oct 26, 2022 at 4:58 PM Subject: Re: Commission of Enquiry

To: Sarah Sinanan < commissionsecretariat@coe2022.com>

Cc: Tyrone Rodulfo < tyrone_rodulfo@kenson.co.tt >, Matthew Sylvester

<schase@coe2022.com>, Crystal Rahaman <crahaman@coe2022.com>

Dear Miss Sinanan,

Please note that I am still in the process of taking instructions from my clients. As such they would not be in a position to participate in the interviews scheduled for Thursday 27th and Friday 28th October 2022.

In the alternative we respectfully suggest that you submit your questions or queries to me in writing. Upon receipt an appropriate response may be provided. Thank you in advance for your kind cooperation.

Yours faithfully, Chase Pegus Attorney-at-law.

On Tue, Oct 25, 2022 at 10:59 AM Sarah Sinanan < commissionsecretariat@coe2022.com > wrote:

Noted with thanks.

Is it that everyone is agreeable to the dates and times suggested?

On Tue, Oct 25, 2022 at 8:04 AM Tyrone Rodulfo < tyrone rodulfo@kenson.co.tt > wrote: Ms. Sinanan – good morning.

Mr. Mangalee has indicated that at present he is unsure of his return date. However if required he is available to meet virtually.

Also, please be informed that Mr. Chase Pegus – Attorney at Law, will be representing the employees and providing requisite advice.

He will officially communicate this to the CoE.

Thank you.

----- Forwarded message ------

From: Chase Pegus < chasepegus@gmail.com >

Date: Wed, Oct 26, 2022 at 4:58 PM Subject: Re: Commission of Enquiry

To: Sarah Sinanan < commissionsecretariat@coe2022.com >

Cc: Tyrone Rodulfo <tyrone_rodulfo@kenson.co.tt>, Matthew Sylvester

<matthew_sylvester@kenson.co.tt>, David Tam <david_tam@kenson.co.tt>, Chrystal Saunders-Bethelmy <</pre>Chrystal_Saunders-Bethelmy@kenson.co.tt>, Samantha Chase

<schase@coe2022.com>, Crystal Rahaman <crahaman@coe2022.com>

Dear Miss Sinanan,

Please note that I am still in the process of taking instructions from my clients. As such they would not be in a position to participate in the interviews scheduled for Thursday 27th and Friday 28th October 2022.

In the alternative we respectfully suggest that you submit your questions or queries to me in writing. Upon receipt an appropriate response may be provided. Thank you in advance for your kind cooperation.

Yours faithfully,

Chase Pegus

Attorney-at-law.



10 Tarouba Road Marabella

Tel/Fax: 657-1016 | Mobile: 290-0192

Email: Imcsltd@gmail.com Website: www.lmcsltd.com

Ms. Sarah Sinanan

Secretary to the Commission Southern Academy for the Performing Arts (SAPA), Todd Street, San Fernando

This submission is being made pursuant to your request for written submission re: "the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre", received on the 25th July 2022. The document package contains statements from the following LMCS Limited Employees:

Item No.	Statement Of	Employee Position / Relevance to Enquiry
1	DEXTER GUERRA	Supervisor during works on day of Incident and Incident Response
2	ANDREW FARAH	Dive Supervisor during works on day of Incident and Incident Response
3	JUSTIN DUNCAN	Welder Helper present during works on day of Incident and Incident Response
4	BEVERLY HOWE	HSE Officer present during Incident Response
5	SUNIL LALSINGH	Plant Fitter present during Incident Response
6	VICTOR DHILLPAUL	HSE Officer present during works on day of Incident, and during Incident Response
7	KAZIM ALI	Managing Director present during Incident Response
8	AHMAD ALI	HSE Manager present during Incident Response

Additionally, the following statements are also included for relevance:

ltem No.	Statement Of	Relevance to Enquiry
9	CONAN BEDDOE	Non-employee Commercial Diver contacted to respond to Incident on behalf of LMCS Ltd.
10	DAVE ALI	Boat owner; volunteered equipment and assistance during Incident Response



10 Tarouba Road Marabella

Tel/Fax: 657-1016 | Mobile: 290-0192

Email: Imcsltd@gmail.com Website: www.lmcsltd.com

Also attached is:

- A brief overview of the timeline of the Project from the tendering stage until the Incident;
- ii. LMCS Limited's submitted Technical proposal document (this is to be shared as a separate file due to size limitations);
- iii. A copy of the signed Purchase Order between Paria Fuel Trading Company Limited and LMCS Limited for these works;
- iv. A collection of Press Releases related to the Incident and its Response;
- v. Postmortem Examination Report of Mr. Kazim J. Ali.

Regards,

KAZIM ALI

MANAGING DIRECTOR,

LMCS LTD.

KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

12th September, 2022

The Secretary to the Commission of Enquiry Southern Acedamy of Performing Arts (SAPA) Todd Street San Fernando. Attention: Ms. Sarah Sinanan

Dear Madam,

APPLICATION FOR STANDING UNDER PART 4 OF PROCEDURAL RULES OF COMMISSION OF ENQUIRY INGO ALL OF THE CIRCUMSTANCES WHICH LED TO THE TRAGIC INCIDENTS WHICH OCCURRED ON FRIDAY FEBRUARY 25, 2022, AT FACILITIES OWNED BY PARIA FUEL TRADING COMPANY LIMITED, LOCATED AT NO. 36 SEALINE RISER ON BERTH NO.6, POINTE-A-PIERRE, WHICH LED TO THE DEATHS OF FOUR (4) EMPLOYEES OF LMCS LIMITED

The subject matter refers.

By and under **Part 4 (18) of the Procedural Rules issued under section 9 of the Commissions of Enquiry Act Chapter 19:01**, the undersigned, KAMINI PERSAUD-MARAJ, ATTORNEY AT LAW hereby apply for Standing to participate in the Enquiry on behalf of **LMCS Limited**.

The subject incident of this enquiry and the Terms of Reference are a direct inquisition involving various aspects of the requirements, performance and reaction of my client LMCS Limited. LMCS Limited was the contractor of Paria Fuel Trading Company Limited on the 25th February, 2022 at the NO. 36 Sealine Riser on Berths 5 and 6 and is also the Company which suffered from the tragedy of the loss of 4 of its employees' souls. My client stands to answer for all that it had done before and during this incident but will likely suffer grave criticism should its voice be drowned by its employer (Paria Fuel Trading Company Limited). Thus far, my client has already submitted statements and documents requested, but without legal assistance. Subsequent to the procedural hearing on Wednesday 7th September, 2022 it is pellucid to my client that it needs legal

K. PERSAUD MARAJ & CO.

Suite No. 4, LP 13 Caroni Savannah Road, Chaguanas, Trinidad Office: 868-671-9895 Mobile: 868-750-3953

assistance. Paria Fuel Trading Company Limited and the Ministry of Energy are yet to place all its documents, information and statements before the enquiry.

I was retained by LMCS Limited this morning, having met with my client's officers on Sunday 11th September, 2022 and am now in possession of soft copies of statements submitted to the Commission. On review of the parameters laid out at the procedural hearing last Wednesday, I humbly opine that, it is necessary that standing be granted to me for LMCS Limited so that I may assist further with the underlining objectives and terms of reference of this Commission. I am admitted to practice at the Supreme Court of Judicature of the Republic of Trinidad and Tobago and enclose herewith my current Practicing Certificate.

My contact information are as follows:

1. Address: Suite No. 4, LP 13 Caroni Savannah Road, Chaguanas



I look forward to response on the subject of my application.

Yours sincerely,

KAMINI PERSAUD-MARAJ

K. PERSAUD MARAJ & CO.

Suite No. 4, LP 13 Caroni Savannah Road, Chaguanas, Trinidad Office: 868-671-9895 Mobile: 868-750-3953



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

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E-mail: commissionsecretariat@coe2022.com

Tel: +1 (868) 709-5477

Website: www.coe2022.com

14th September 2022

K. Persaud-Maraj & Co.Suite No. 4LP 13 Caroni Savannah RoadChaguanas

Dear Ms. Persaud-Maraj,

Re: Application for standing under Part 4 of the Procedural Rules of the Commission of Enquiry appointed to enquire into the tragic incidents which occurred on 25 February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36

Sealine Riser on Berth No. 6, Pointe-a-Pierre

I refer to your letter dated 12th September, 2022, the contents of which are duly noted.

I wish to inform that your client's application for standing under Part 4 of the Commission's Procedural Rules has been granted by the Commission.

Please be guided accordingly.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

23rd September, 2022

The Secretary to the Commission of Enquiry Southern Academy of Performing Arts (SAPA) Todd Street San Fernando. Attention: Ms. Sarah Sinanan

Dear Madam,

APPLICATION FOR PERMISSION TO AMPLIFY WITNESS STATEMENTS OF LMCS LIMITED AND DISCLOSURE PURSUANT TO RULES 45 AND 26 OF PROCEDURAL RULES OF COMMISSION OF ENQUIRY INGO ALL OF THE CIRCUMSTANCES WHICH LED TO THE TRAGIC INCIDENTS WHICH OCCURRED ON FRIDAY FEBRUARY 25, 2022, AT FACILITIES OWNED BY PARIA FUEL TRADING COMPANY LIMITED, LOCATED AT NO. 36 SEALINE RISER ON BERTH NO.6, POINTE-A-PIERRE, WHICH LED TO THE DEATHS OF FOUR (4) EMPLOYEES OF LMCS LIMITED

The subject matter refers.

By and under Rule 45 of the Procedural Rules issued under section 9 of the Commissions of Enquiry Act Chapter 19:01, I hereby apply for amplification of witness statements filed on behalf of LMCS Limited.

As you are aware, by letter dated 12th September, 2022 LMCS Limited in compliance with the direction to produce to the Commission prepared and submitted statements, without legal representation. Prior to being granted standing, the Hon. Mr. Lynch K.C. at the procedural hearing held on 7th September, 2022 outlined 4 stages of the enquiry the Commission intends to follow.

In consequence, a review of the witness statements submitted by my client requires amplification to address matters in all of the stages that have not been touched by the witnesses. Prior to receiving formal notice of standing on 20th September, 2022 I have been gathering documents and liaising with members of the client. I have also since

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interviewed some of the witnesses and amplified statements are being prepared simultaneously.

Having engaged in this process outlined above, I am of the firm view that there are relevant and crucial evidence which form part of the amplified witness statements which ought to be made available for the Commission's consideration. I understand that interviews are currently being scheduled for all of the witnesses.

In this regard, and on the assumption that the Commission grants my application for amplified witness statements to be submitted, might I suggest that I be granted permission to submit the statements of Sunil Lalsingh, Justin Duncan and Ahmad Ali prior to their scheduled date of interview, which is still to be confirmed. Unfortunately, I am still interviewing the others and am trying to get those statements in a state of readiness to submit. Having regard to the enormity of proposed additions to the statement of Kazim Ali, I respectfully ask that his statement be submitted last. All others can be made available in advance of Mr. Ali's.

I have gathered and am still gathering documents from my client to produce in a schedule and bundle to the Commission. My instructions are that most of the documents I am requesting were ceased by Paria immediately after the incident. There are some draft copies of documents my client has presented me with, but these might not be necessary at all, as the signed documents might have been disclosed by Paria. In this regard, pursuant to rule 26, might I request disclosure of the documents between Paria and LMCS Limited, which may have already been disclosed? Specifically, however, Mr. Kazim Ali has instructed me (and it is part of his statement) that there was a zoom meeting involving LMCS representatives, Paria representatives, Heritage representatives, Paria's dive experts and the Coast Guard on 27th February, 2022 at around 3:00PM. As part of the preparation of his amplified statement, I am requesting a copy of this recorded meeting or transcripts.

I look forward to response on the subject of my applications.

Yours sincerely,

KAMINI PERSAUD-MARAI

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appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477 Website: www.coe2022.com

27th September 2022.

Ms. Kamini Persaud-Maraj K. Persuad Maraj & Co. Suite No. 4, LP 13, Caroni Savannah Road Chaguanas

Dear Ms. Persaud-Maraj,

Re: Application for Permission to amplify Witness Statements of LMCS Limited and for Disclosure of documents between Paria Fuel Trading Company Ltd ("Paria") and LMCS Ltd ("LMCS").

Reference is made to your letter dated 23rd September 2022.

Please be informed that the Commission has granted LMCS' application for amplified witness statements to be submitted to the Commission and directs that LMCS submits all amplified witness statements on or before 5 October 2022 given that LMCS' witnesses are scheduled for interviews on 5th to 9th October 2022 as well as the 11th October 2022.

Please also be informed that the Commission also agrees to your application for disclosure of relevant documents between Paria and LMCS solely on the condition that they are private and confidential and are not to be used by LMCS for any purpose other than the Commission of Enquiry and must not be disclosed to any third party (save for LMCS' legal advisors or any proposed expert that is retained by LMCS), without the written approval of the Commission or until such time as these documents are given public access by being posted onto the Commission's website.

Kindly sign and return a duplicate of this letter to confirm LMCS' agreement with the above mentioned condition of disclosure so that a flash drive containing the relevant documents can then be made available for collection from at the Secretariat from 2.00 p.m. today.

Further, we also wish to advise that a similar order shall be made for disclosure of the relevant documents submitted to date by LMCS to Paria.

The Commission will issue a formal order in relation to your applications.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

----- Forwarded message -----

From: **Sarah Sinanan** < commissionsecretariat@coe2022.com>

Date: Wed, Sep 28, 2022 at 11:41 AM

Subject: Re: Applications for Amplification of Statements and Documents

To: Kamini Persaud <kaminiper8@gmail.com>

Dear Ms. Persaud-Maraj,

I refer to the matter at caption and to our telephone conversation earlier today.

I wish to inform that Paria has objected to the Commission's decision to allow for cross disclosure between LMCS and Paria. As such, we are unable to provide you with Paria's documents at this time. However the Commission is dealing with the said objection and will have the issue resolved by the end of this week.

We will revert in due course.

Best Regards, Sarah Sinanan Secretary to the Commission - Forwarded message -----

From: Sarah Sinanan < commissionsecretariat@coe2022.com>

Date: Wed, Sep 28, 2022 at 4:05 PM

Subject: Scheduling of interviews with LMCS employees

To: Kamini Persaud < kaminiper8@gmail.com>

Cc: Samantha Chase < schase@coe2022.com >, Crystal Rahaman < crahaman@coe2022.com >

Dear Ms. Persaud-Maraj,

I refer to the matter at caption.

As you are aware on 29th August 2022 your client submitted documents to the Commission which included 10 statements of the following persons:

- 1. Dexter Guerra;
- 2. Andrew Farah;
- 3. Justin Duncan;
- 4. Beverly Howe;
- 5. Sunil Lalsingh;
- 6. Victor Dhillpaul;
- 7. Kazim Ali Snr.;
- 8. Ahmad Ali;
- 9. Conan Beddoe:
- 10. Dave Ali.

In anticipation of the evidential hearings which start on 21st November 2022 Counsel to the Commission would like to schedule interviews with the above mentioned persons at the Secretariat's Office at SAPA on 6th, 7th and 11th October 2022. We are aware of Kazim Ali Snr's previous commitment and as such have reserved the 11th October for him. Counsel anticipates they will be about an hour with each witness, so we can schedule them accordingly.

I look forward to hearing from you.

Best Regards, Sarah Sinanan Secretary to the Commission ---- Forwarded message -----

From: **Kamini Persaud** < <u>kaminiper8@gmail.com</u>>

Date: Fri, Sep 30, 2022 at 10:34 AM

Subject: Re: Scheduling of interviews with LMCS employees To: Sarah Sinanan <commissionsecretariat@coe2022.com>

Good Morning Ms. Sinanan, Thank you for your patience.

First, our witness Mr. Andrew Farah left the jurisdiction sometime last week and is set to return on the 18th October, 2022. Save and except for the fact that he will not be present in the jurisdiction during the time allocated for interviews, he is ready and willing to give his testimony to the Commission. Might he be accommodated on his return?

Secondly, for the 6th October, 2022 the following persons will attend:

- 1. Justin Duncan
- 2. Sunil Lalsingh
- 3. Ahmad Ali
- 4. Beverly Howe

The next group will be:

- 1. Dave Ali
- 2. Conan Beddoe
- 3. Victor Dhillpaul
- 4. Dexter Guerra

Finally, Mr. Kazim Ali Sr will avail himself on the 11th October, 2022.

I look forward to hearing from you.

Kind regards,

Kamini Persaud-Maraj

Attorney at Law

K.Persaud Maraj & Co.

Suite 4, LP 13 Caroni Savannah Road

Chaguanas.

Office: (868) 671-9895 Mobile: (868)750-3953 Whatsapp: (868) 750-3953

On Fri, 30 Sept 2022 at 09:44, Sarah Sinanan < <u>commissionsecretariat@coe2022.com</u>> wrote: Dear Ms. Persaud-Maraj,

Following up on my email below, we would like to schedule some dates before the end of today please.

Thanks.

Best Regards, Sarah Sinanan Secretary to the Commission



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Tel: +1 (868) 709-5477

Website: www.coe2022.com

5th October 2022

Ms. Kamini Persaud-Maraj K. Persuad Maraj & Co. Suite No. 4, LP 13, Caroni Savannah Road Chaguanas

Dear Ms. Persaud-Maraj,

Re: Application for Permission to amplify Witness Statements of LMCS Limited and for Disclosure of documents between Paria Fuel Trading Company Ltd ("Paria") and LMCS Ltd ("LMCS").

Please be informed that the Commission has reviewed the application of LMCS Limited ("LMCS") for disclosure of all material provided by Paria to the Commission.

I attach to this letter, Paria's List of Documents (Bundle 1) and Paria's List of Documents (Bundle 2) which were submitted by Paria to the Commission.

I wish to indicate as follows in relation to the said Lists of Documents:

- The Commission has unilaterally determined the documents listed in the Lists of Documents
 (Bundle 2): Nos. 1 8 inclusive Paria Incident Investigation Report and exhibits, will not be
 disclosed at this time.
- 2. Following an application by Paria to withhold some further material requested by LMCS until LMCS' witnesses have completed their statements and have been interviewed, the Commission has acceded to their request in relation to the following documents:

(i) Bundle 1: Nos. 24 to 81 - Daily Reports

(ii) Bundle 1: Nos. 186 to 187 - Daily Activity Reports;

(iii) Bundle 2: Nos. 108 - 110 I - Daily Activity Reports.

3. The Commission has also acceded to the request of Paria to withhold the documents relating to unsuccessful bidders and its contractual arrangements with Kenson Operational Services Ltd on the basis of confidentiality and/or sensitive information. Those documents are listed in the List of Documents (Bundle 1) at: Nos 4, 102-111, 222-223, 224 to 226 and Bundle 2, Nos. 21 to 73.

4. There is a further category of material sought to be withheld by Paria to which we have not acceded. So as to give them an opportunity to further justify their application the Commission has given them until Monday 10 October at 4.00 p.m. to provide comprehensive reasons when the Commission will reconsider it. That material is identified in the List of Documents as follows:

i. Bundle 1: No. 193 - Paria Incident Report Form dated February 25 2022;

ii. Bundle 2: Nos. 111 - 113 inclusive - Daily Logs HSRE Shift Technicians;

iii. Bundle 2: Nos. 118 - 121 inclusive - Incident Notification by Paria to OSHA;

iv. Bundle 2: Nos. 122 – 125 inclusive – Incident Briefing and Objectives of the Incident Command Team.

5. The Commission will provide you with the remaining material identified in Paria's Lists of Documents (Bundles 1 and 2), that is, all of the documents save the documents identified at paragraphs 1 to 4 above. The Commission will revert to you when we have further considered Paria's position.

Kindly note that a flash drive with the documents identified at paragraph 5 will be available for collection today at the Secretariat from 2:00 p.m.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

arah dranan.

Forwarded message -----

From: Mohammed, Mushtaq < Mushtaq. Mohammed@paria-tt.com >

Date: Tue, Jul 19, 2022 at 4:39 PM

Subject: RE: Commission of Enquiry into incident on 25 February 2022 at Paria- request for

written statements

To: Sarah Sinanan < commissionsecretariat@coe2022.com>

Cc: newman.george@icloud.com, newmangeorge1995@gm ail.com newmangeorge1995@gm ail.com, Gretel Baird gretelbaird@outlook.com,

Sinanansingh, Joanne <Joanne.Sinanansingh@paria-tt.com>

Dear Sarah,

I acknowledge the receipt of this e mail and will give full support to the Commission of Enquiry. The information requested will be provided in accordance with the requirements of your letter.

Regards Mushtaq

From: Sarah Sinanan < commissionsecretariat@coe2022.com>

Sent: Tuesday, July 19, 2022 4:04 PM

To: Mohammed, Mushtaq < Mushtaq. Mohammed@paria-tt.com>

Cc: newman.george@icloud.com; newmangeorge1995@gmail.com; Gretel Baird

<gretelbaird@outlook.com>; Sinanansingh, Joanne <<u>Joanne.Sinanansingh@paria-tt.com</u>>
Subject: Commission of Enquiry into incident on 25 February 2022 at Paria- request for

written statements

Attention: Mr. Mushtaq Mohammed

Please find attached our letter of even date for your kind attention.

Kindly acknowledge receipt of this email.

Best Regards, Sarah Sinanan

ATTORNEY-AT-LAW

Elidore Chambers, 112 St. Vincent Street, Port-of-Spain, Trinidad and Tobago W.I.

Tel: (868) 624-1529; 627-9734 Fax: (868) 624-6936 E-mail: gretelebaird@gmail.com

August 5th 2022.

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street San Fernando

Dear Ms. Sinanan

Re: Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C. for Paria Fuel Trading Company Limited ("Paria") in relation to the Commission of Enquiry at caption. I am assisted by my colleagues Messrs. Thane Pierre and Sebastian Peterson.

Your letter dated July 19th 2022 to Paria's General Manager, Mr. Mustaq Mohammed, was passed to me for further reply. I am instructed that Mr. Mohammed duly acknowledged receipt of the said letter on said July 19th and indicated, *inter alia*, his intention to fully support the said Commission.

In this regard, I am instructed that Paria is currently working diligently towards meeting the Commission's deadline, as expressed in its said letter, for the submission of statements and documents.

The Commission has required that said statements and documents be submitted in person or by email attachment. However, I am instructed that having regard to the wide ambit of the terms of reference of the Commission of Enquiry, the volume of relevant documents intended to be submitted by Paria is such that it would be impractical to submit same by either means.

1

Further, I am instructed that Paria's submissions will include several video recordings, which, it is anticipated, will exceed the maximum file size for any email attachment.

I am therefore instructed to propose the following two (2) alternative options for submission of statements, documents and electronic recordings by Paria to the Commission, namely:-

- (1) Via an electronic data-sharing platform such as Microsoft SharePoint, Google Drive, Drop Box or other similar platform set up by the Commission in conjunction with Paria, having the capacity to accommodate a large volume of material; or
- (2) Via an encrypted flash drive hand delivered by Paria to the Commission along with a secure password for the Commission's access to same.

I am instructed that Paria would be more than happy to have its Information Technology professional discuss these options in greater detail with his counterpart at the Commission and, should the Commission find favour with the former option, assist the Commission in setting up the said electronic platform.

Kindly therefore advise whether the Commission is minded to facilitate either of the options described above for the submission of statements, documents and electronic recordings by Paria to the Commission.

Yours faithfully

GRETEL BAIRD Attorney-at-Law

c.c.

Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited --- Forwarded message -----

From: **Gretel Baird** < gretelbaird@outlook.com>

Date: Wed, Aug 10, 2022 at 12:48 PM

Subject: RE: IT Solution for Submission of Statements and Documents to COE

To: Sarah Sinanan <commissionsecretariat@coe2022.com>

Cc: Gayadeen, Sanjay < Sanjay. Gayadeen@paria-tt.com >, Sinanansingh, Joanne

< <u>Joanne.Sinanansingh@paria-tt.com</u>>, Thane J Pierre

<thanepierrelaw@gmail.com>, sgopeterson@gmail.com <sgopeterson@gmail.com>

Dear Ms. Sinanan

I have just spoken to Mr. Guyadeen who has confirmed that he spoke with your IT personnel concerning the best IT options for submitting statements and documents to the COE and that they have agreed on the option of using an encrypted device with encrypted key.

However, there may have been some misunderstanding between the said parties since Mr. Guyadeen also indicated that he did not inform your IT professional that any device would be handed over today. This would be outside of Mr. Guyadeen's remit.

As indicated in my letter to you, our client is working towards submission of the said statements and documents by the deadline date. Any further information about same will come from Paria's legal team.

Thank you for your assistance in arriving at IT solution in a timely fashion.

Regards Gretel E. Baird Attorney-at-Law Elidore Chambers No. 112 St. Vincent Street Port-of-Spain.

Tel: (868) 624-1529/627-9734

Fax: (868) 624-6936

Email: gretelebaird@gmail.com

From: Sarah Sinanan < commissionsecretariat@coe2022.com>

Sent: Wednesday, August 10, 2022 11:59:35 AM **To:** Gretel Baird gretelbaird@outlook.com>

Cc: Gayadeen, Sanjay <Sanjay.Gayadeen@paria-tt.com>; Sinanansingh, Joanne

<Joanne.Sinanansingh@paria-tt.com>

Subject: Re: IT Solution for Submission of Statements and Documents to COE

Dear Ms. Baird,

I was informed by my IT that the relevant IT personnel spoke and it was decided that in the interest of time Paria would handover an encrypted device with the information together with an encryption key today.

Can I ask whoever is delivering the device to call me on they arrive at SAPA, as I am in and out of the office today.	(my personal cell) before
Thanks.	
Best Regards,	
Sarah Sinanan	
Secretary to the Commission	

Southern Academy for the Performing Arts (SAPA)

Todd Street, San Fernando

Telephone: 1(868)709-5477

Forwarded message -----

From: **Gretel Baird** < gretelbaird@outlook.com>

Date: Tue, Aug 16, 2022 at 3:19 PM

Subject: COE into Tragic Incidents Which Occurred on Feb 25 2022 at Facilities Owned by

Paria Fuel Trading Co Ltd - Statement of Mr. Hassan Mohammed

To: <a href="mailto:coexam:coe

Dear Ms. Sinanan

I continue to instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C. for Paria Fuel Trading Company Limited ("Paria").

I hereby submit on behalf of Paria the statement of Mr. Hassan Mohammed.

Kindly acknowledge receipt of same.

Regards Gretel E. Baird Attorney-at-Law Elidore Chambers No. 112 St. Vincent Street Port-of-Spain.

Tel: (868) 624-1529/627-9734

Fax: (868) 624-6936

Email: gretelebaird@gmail.com

Forwarded message -----

From: Maharaj, Chandrakali < Chandrakali. Maharaj@heritage-tt.com >

Date: Fri, Aug 19, 2022 at 9:47 AM

Subject: Statements from Personnel of Heritage Petroleum Company Limited To: commissionsecretariat@coe2022.com <a href="ma

<Natalie.Aimes-Darmanie@heritage-tt.com>

The Secretary of the Commission of Inquiry Southern Academy of the Performing Arts Todd Street, San Fernando

Dear Miss Sinanan,

I acknowledge receipt of your invitation of the 29th July 2022 addressed to the Ms. Arlene Chow the Chief Executive Officer of Heritage Petroleum Company Limited ("Heritage") for the employees/agents/ representatives of Heritage who were present at/ involved in the events surrounding the incidents which took place on the 25th February 2022, that led to the tragic deaths of four LMCS Limited's divers and continuing up to the recovery of their bodies, to provide written statements to the Commission of Inquiry on or before the 26th August 2022.

Please be advised the Ms. Chow who was out of the jurisdiction and had contracted Covid 19 whilst abroad, only returned to Trinidad on the 17th August 2022 when she was notified of the request of the Commission. Heritage has notified its employees and agents and is in the process of collecting the statements of relevant persons, some of whom are on vacation leave at this time. In the circumstances Heritage would very much appreciate if it could be granted an extension of time to the 23rd September 2022 to collate and deliver the statements to the Commission.

With thanks for your kind and favourable response to this request.

Sincerely

Chandrakali Maharaj Corporate Secretary Tel: 649-6751 EXT-6916



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA)

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Tel: +1 (868) 709-5477 Website: www.coe2022.com

23rdAugust 2022

Ms. Chandrakali Maharaj Corporate Secretary Heritage Petroleum Company Ltd 9 Queens Park West Port of Spain

Dear Ms. Maharaj,

Commission of Enquiry into the tragic incident which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre.

I acknowledge receipt of your email dated 19th August 2022, the contents of which are duly noted.

Please be informed that the Commission agrees to an extension of time to on or before 23rd September 2022 for the submission of finalized statements to the Commission by Heritage Petroleum Company Limited ("Heritage").

However, given that the first procedural hearing is fixed for 7th September 2022, the Commission requests that Heritage submit some material to the Commission on or before the 6th September 2022.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

ATTORNEY-AT-LAW

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August 19th 2022.

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street San Fernando

Dear Ms. Sinanan

Re: Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

As you are aware, I instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C. for Paria in relation to the Commission of Enquiry at caption.

By my letter to you dated 5th August, 2022 I advised that Paria was working towards complying with the Commission's request that it deliver to the Commission its statements and documents by 16th August, 2022.

Witness statements in respect of the following persons in Paria's employ were submitted to the Commission on said August 16th:-

- (1) Michael Wei, Technical and Maintenance Manager;
- (2) Catherine Balkisoon, Acting Technical Lead;
- (3) Randy Archbald, Health, Safety and Quality Lead;
- (4) Paul Yearwood, HSE Coordinator; and
- (5) Hassan Mohammed, Facilities Engineer.

In order to properly assist the Commission in the discharge of its functions, Paria considers that additional statements from certain other employees are desirable. Included among these additional statements will be statements

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Other members of Elidore Chambers: -Gilbert C. Peterson, S.C.; Amerelle T. S. Francis LL.B.; Kashka Hislop-St. Hillaire LL.B.; Sebastian G. O. Peterson LL.B. from Paria's General Manager, Mr. Mustaq Mohammed and Paria's Terminal Operations Manager, Mr. Collin Piper. Regrettably, Mr. Mohammed has had to urgently travel abroad to deal with a serious medical issue in respect of an immediate family member and this has delayed the preparation of his statement. Mr. Piper is also abroad at this time and this has had an impact on the preparation of his statement.

In the circumstances, I respectfully request that Paria be granted an extension of time to 1st September, 2022 for the submission of any additional statements to the Commission.

I look forward to your usual prompt reply.

GRETEL BAIRD Attorney-at-Law

Yours faithfully

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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19th August 2022

Ms. Gretele E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

I refer to the matter at caption and acknowledge receipt of your letter dated 19th August 2022.

The contents of your letter are duly noted. Please be advised that your request for an extension of time to 1st September 2022 to submit any additional statements to the Commission is hereby granted.

I wish to further advise that the Commission will be holding its first Procedural Hearing on Wednesday 7th September 2022 at 10:30 am at Level 11, Tower D, International Waterfront Centre, 1A Wrightson Road, Port of Spain.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

ATTORNEY-AT-LAW

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September 6th 2022.

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan

Commission of Enquiry at caption.

Re:

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I continue to instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C. for Paria Fuel Trading Company Limited ("Paria") in relation to the

By letter to you dated 19th August, 2022, I advised that the statements of Paria's General Manager, Mr. Mushtaq Mohammed and its Terminal Operations Manager, Mr. Collin Piper, were among those additional statements intended to be submitted to the Commission and requested an extension of time to September 1st to do so, which request was granted.

In this regard, the statement of Mr. Collin Piper was submitted to the Commission on September 1st instant.

Regrettably, we were unable to submit any further statements by the said date.

With respect to Mr. Mushtaq Mohammed, we were instructed that he continued to attend abroad to a serious medical issue concerning an immediate family member of his and that he was therefore not available.

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We have now been instructed that unfortunately, that family member passed on or around September 5th and that Mr Mohammed is consequently on a period of bereavement leave until September 30th.

Furthermore, since my previous letter to you, we have been retained to act for Heritage Petroleum Company Limited, who is required to submit its statements and documents by September 23rd. We were and are therefore required to devote some of our attention to these statements.

Under these circumstances, we are constrained to request an extension of time to Friday October 14th 2022 for the submission of the statement of Mr. Mohammed. However, with respect to all other additional statements, we hereby request an extension of time to Friday September 30th 2022 to submit same.

Having regard to the volume of documents on which Paria will seek to rely, we also hereby request an extension of time to Monday October 3rd 2022 for the submission of Paria's bundle of documents, which submission will be done using an encrypted flash drive as previously discussed.

GRETEL BAIRD Attorney-at-Law

Yours faithfully

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited

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September 6th 2022.

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan

Re:

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C. for Paria Fuel Trading Company Limited ("Paria") and Heritage Petroleum Company Limited ("Heritage") in relation to the Commission of Enquiry at caption ("the Commission").

Further to the Commission's letter dated 6th September, 2022, Paria and Heritage both hereby formally apply for standing pursuant to Part 4, Rule 18 of the Procedural Rules of the Commission.

This application for standing is made having regard to the Commission's Terms of Reference and the matters identified below.

To date, Paria has voluntarily submitted six (6) witness statements to the Commission. It also intends to seek the permission of the Commission to provide witness statements for additional persons and to have all of its witnesses testify before the Commission, if required.

The witness statements provided by Paria to date demonstrate, among other things, that:

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Other members of Elidore Chambers: -Gilbert C. Peterson, S.C.; Amerelle T. S. Francis LL.B.; Kashka Hislop-St. Hillaire LL.B.; Sebastian G. O. Peterson LL.B.

- (a) Paria engaged LMCS Limited ("LMCS") as an independent contractor to undertake certain specialist repair and maintenance works on its pipeline infrastructure, namely, Sealine 36 situate at Berth No.6, Pointe-a-Pierre;
- (b) in the course of purporting to execute those works, four (4) divers employed by LMCS tragically lost their lives on 25th February, 2022 and one (1) diver was injured;
- (c) Paria personnel have relevant evidence to give as to the nature and extent of the work which LMCS was required to undertake on 25th February, 2022 and as to the events of that day in connection with such works;
- (d) Paria, together with the assistance of Heritage and other third parties, was intimately involved in: (i) efforts aimed at rescuing all five (5) divers; and (ii) the ultimate retrieval of the bodies belonging to four (4) divers.

Standing is therefore being sought by both Paria and Heritage on the following grounds:-

- That Paria played a direct and significant role in relation to the subject matter of the Enquiry;
- That Paria has a substantial and direct interest in the subject matter of the Enquiry; and
- That Paria and Heritage should participate in the Enquiry as their participation may be helpful to the Commission in fulfilling the Terms of Reference.

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited

2



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Website: www.coe2022.com

6th September 2022

Ms. Gretele E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

I refer to the matter at caption and acknowledge receipt of your letter dated 6th September 2022, the contents of which are duly noted.

The Commission kindly requests that your clients formally apply for standing under Part 4 of the Commission's Procedural Rules, which can be found on the Commission's website www.coe2022.com.

If the said applications for standing are granted by the Commissioners, you can make your various applications for extensions of time at the Procedural Hearing on 7th September 2022.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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27th September 2022.

Ms. Gretele E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

I refer to the matter at caption.

Please be informed, that the Commission has granted an application by LMCS Ltd ("LMCS") for disclosure of documents submitted by Paria Fuel Trading Co. Ltd ("Paria") to the Commission on the condition that they are private and confidential and are not to be used by LMCS for any purpose other than the Commission of Enquiry and must not be disclosed to any third party (save for LMCS' legal advisors or any proposed expert that is retained by LMCS), without the written approval of the Commission or until such time as these documents are given public access by being posted onto the Commission's website.

Having regard to the direct and significant role which both LMCS and Paria have played in the matter to which the Enquiry relates, the Commission in the interest of fairness and ensuring that both Paria and LMCS are on equal footing, has also ordered disclosure to Paria of documents submitted by LMCS to the Commission on the condition that they are private and confidential and are not to be used by Paria for any purpose other than the Commission of Enquiry and must not be disclosed to any third party (save for Paria's legal advisors or any proposed expert that is retained by Paria), without the written approval of the Commission or until such time as these documents are given public access by being posted onto the Commission's website.

Kindly sign and return a duplicate of this letter confirming Paria's agreement to the above mentioned condition of disclosure. Upon receipt of same, the relevant documents shall be forwarded by the Commission to Paria by email.

The Commission will issue a formal order in relation to the above mentioned.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

ATTORNEY-AT-LAW

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September 27th 2022.

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street San Fernando

Dear Ms. Sinanan

Re:

Disclosure of Documents

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I note the contents of your letter of even date whereby we were notified of two (2) orders made by the Commission, namely:-

- For disclosure of documents submitted by Paria to the Commission on certain conditions; and
- (2) For disclosure to Paria of documents submitted by LMCS to the Commission on certain conditions.

At the outset, I seek your written confirmation as to whether your use of the word "documents" includes witness statements.

As you know, during the period September 6th to 7th 2022, the Commission granted two (2) orders in Paria's favour, namely:-

(1) That it be granted standing before the Commission pursuant to Part 4, Rule 18 of the Commission's Procedural Rules; and

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Other members of Elidore Chambers: Gilbert C. Peterson, S.C.; Amerelle T. S. Francis LL.B.; Kashka Hislop-St. Hillaire LL.B.; Sebastian G. O. Peterson LL.B.

(2) That it be granted an extension of time to September 21st 2022 to submit its bundle of documents and that it submit any additional witness statements by September 30th 2022.

Paria has already submitted witness statements and two (2) bundles of documents to the Commission in accordance with the said orders.

However, having regard to the above-mentioned orders, the period for submission of witness statements by Paria has not yet expired.

I am not aware of whether LMCS Limited ("LMCS") is in a similar position.

I therefore seek clarification of the status of LMCS before the Commission.

I also wish to inquire whether LMCS have already submitted witness statements and/or documents and whether or not the time for them to do so has come to an end.

Counsel is greatly concerned that the disclosure of Paria's witness statements and/or bundles of documents to LMCS before LMCS has completed the submission of its own witness statements may occasion significant unfairness to Paria, provide LMCS with a tactical advantage and also be inimical to the work of the Commission, which is charged, inter alia, with the responsibility of making important factual findings.

Specifically, there is the risk that disclosure of these documents (some of which contain Paria's investigative report, internal records and deliberations) before LMCS submits all of its witness statements could allow for LMCS' witness testimony to be tailored to address the contents of some of those documents, many of which are highly critical of LMCS. This would undoubtedly affect the integrity of the evidence gathering process.

I therefore ask that the Commission: (i) revoke its two aforementioned orders; and (ii) refrain from distributing to LMCS and Paria the documents which are the subject matter of those orders pending determination of Paria's request for revocation.

ATTORNEY-AT-LAW

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I look forward to having your feedback as soon as practicable.

Yours faithfully

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

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28th September 2022

Ms. Gretele E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre- Disclosure of Documents

Thank you for your letter of 27 September setting out your concerns about cross-disclosure between your clients and LMCS. Let me apologise for any ambiguity there may have been in the correspondence: our letter to you of the same date referred to the disclosure of "documents", this refers to contemporaneous documents and other material relied upon by your clients and LMCS, it does *not* include witness statements.

We are in receipt of the bulk of your witness statements provided over the past two weeks: we are in receipt of the bulk of LMCS's witness statements provided on the 29 August. Our legal team are in the process of arranging interviews with all witnesses from both your clients and LMCS.

LMCS have recently engaged lawyers, Kamini Persaud-Maraj of K. Persaud-Maraj and Co. who applied for standing and were granted it on 14th September 2022. As indicated in our letter to you of 27 September, LMCS applied for and were granted disclosure of documents provided to us by your clients. You should also know, that at the same time, they applied for leave to supplement or augment their statements in the light of the observations made by me during the opening of the enquiry that the Commission will wish to hear the evidence in four specified tranches, what I have euphemistically referred to as "before, during and

after" plus experts. In an attempt not to be churlish we granted them that right although strictly speaking it

was not required under Rule 45, as that pertains to live hearings.

I should add that we were not prepared to disclose the documents you have provided in your bundle 2

numbered from 1-8 as that relates to your client's internal investigation and includes statements from

Paria personnel as well as your client's findings, although we would identify the existence of this material

indicating it would be withheld for now.

Having come to this conclusion we felt that the touchstone of fairness would be reciprocity, although I am

bound to observe that your clients appear to have already acquired every contemporaneous document that

LMCS may have had (and including the taking of statements from their witnesses). Be that as it may, this

Commission is determined to make all of the material including witness statements and interviews available

to everyone before the hearing of evidence at the enquiry.

You can rest assured that no party involved in the incident will be given any advantage over another by

earlier disclosure than is strictly necessary for us to properly investigate the matter. You will appreciate that

witnesses called in for interviews may well be referred to documents the Commission has already received.

No one is to be ambushed. Every witness will be given an opportunity to consider any document that we

seek to question them about in advance wherever possible. This will inevitably provide the dishonest

witness with an opportunity to "tailor" their evidence. My legal team have very considerable experience in

identifying such tailored evidence and dare I say myself, 40 years of practice at the Bar has taught me one

or two things about such evidence.

At the present time we are not minded to revoke the Orders made yesterday however, we are prepared to

suspend them for 48 hours, that is, to 2pm on Friday 30 September to give you sufficient time to identify

specifically which documents you say should not be disclosed to LMCS at this time and why.

Yours sincerely,

Jerome Lynch K.C.

Chairman of the Commission

Mr. Jerome Lynch KC: Chairman of the Commission
Mr. Gregory Wilson: Commissioner
000247

ATTORNEY-AT-LAW

Elidore Chambers, 112 St. Vincent Street, Port-of-Spain, Trinidad and Tobago W.I.

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September 30th 2022.

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street San Fernando

Dear Ms. Sinanan

Re: Witness Interviews

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("**Paria**") located at No. 36 Sealine Riser on Berth No. 6. Pointe-à-Pierre

Riser on Berth No. 6, Pointe-à-Pierre.

As you are aware, I instruct Mr. Gilbert Peterson S.C. and Mr. Jason Mootoo who act as counsel for Paria and Heritage Petroleum Company Limited ("Heritage") in respect of the Enquiry at caption.

To date, Paria and Heritage have collectively submitted 14 witness statements and 2 significant bundles of documents to the Commission on a purely voluntary basis with a view to assisting the Commission in the discharge of its mandate, as contained in the Terms of Reference which govern the Enquiry.

Following receipt of several of those witness statements, the Commission on or around September 13th and on September 27th requested that all witnesses of Paria and Heritage respectively present themselves for interviews, with witnesses for Heritage scheduled for next week.

Although Paria initially indicated a willingness to attend these interviews, Counsel for Paria and Heritage have given this proposed "interview" process ongoing consideration and are respectfully of the view that any

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Other members of Elidore Chambers: -

Gilbert C. Peterson, S.C.; Amerelle T. S. Francis LL.B.; Kashka Hislop-St. Hillaire LL.B.; Sebastian G. O. Peterson LL.B.

clarification which the Commission may require from the aforementioned witnesses would, in their respectful view, be better achieved by the Commission first providing a list of the specific issues and questions in respect of which it requires clarification or assistance from each witness and that following receipt thereof, voluntary supplemental statements would be submitted by each witness through me to address these issues.

Indeed, adopting this course is likely to ensure fairness to the witnesses as it would allow sufficient time for them to properly consider any questions which the Commission may have in the context of any review of relevant documents and as well enjoy the full benefit of legal advice to which they are entitled before providing a response. This course is also likely to be more beneficial to the Commission as the provision of voluntarily supplemental statements will result in a saving of time and precious resources and necessarily produce more helpful, focused and considered responses to any questions which the Commission may have of these witnesses.

In the circumstances, I am instructed to request that the Commission urgently consider the process mentioned above in lieu of the "in person" interviews which are carded for next week and thereafter.

I look forward to your early response.

Yours faithfully

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited

-



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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3rd October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird.

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre-Witness Interviews

Reference is made to your letter dated 30th September 2022 in which you requested the Commission in lieu of witness interviews to consider a process by which each witness would be provided with a list of questions and issues and, following receipt thereof, voluntary supplemental statements would be submitted by each witness through yourself to address these issues.

The Commission wishes to advise that it is unable to accede to your request for the following reasons:-

- The Commission has already refused similar requests from other persons/entities and it
 would accordingly in the circumstances be unfair and inconsistent to agree to your request;
- The provision of questions in advance may lead to accusations of crafting a response having had days to consider the matter rather than a more natural impropturesponse, indeed given that your client's witnesses are numerous it may even be suggested by others that there was room for collusion. My Commissioners and Counsel are sure you would want to avoid any such allegation, no matter that it may be made without foundation; and

An interview whilst fully prepared by the questioners is an organic process where the
response to a first question may lead to second question and ultimately in a different
direction than might be expected which we would not know until we have had the
opportunity to interview the witnesses.

Finally, the Commission wishes to underscore that it intends to proceed with the Enquiry fairly and in accordance with the rules of natural justice which means that such or any persons or parties who/which may be the subject of adverse comment from other witnesses/parties will be given an opportunity at the Enquiry to respond to the allegations but, since *viva voce* evidence will not be permitted to be at large, the Commission feels that it would be appropriate for Paria/Heritage's witnesses to be first permitted to offer their responses in written statements as their evidence in chief.

We therefore fully expect Paria/Heritage's witnesses' corporation in order for the Commission to comply with its Terms of Reference.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Scaline Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office:

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Todd Street, San Fernando

5th October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street

Port of Spain

Dear Ms. Baird,

Re: Objection to Disclosure-

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

I refer to your email dated 30 September 2022 in which you indicated the documents which your client objects to and the ground of objection.

The Commission has considered your request and wishes to indicate the following in relation to the documents objected to:

- The Commission is prepared to withhold disclosure of the following documents until the LMCS' witnesses have been interviewed and their statements received:
 - (i) Bundle 1: Nos. 24 to 81 Daily Reports;
 - (ii) Bundle 1: Nos. 186 to 187 Daily Activity Reports;
 - (iii) Bundle 2: Nos. 108 110 Daily Activity Reports.

- The Commission previously agreed to withhold disclosure of the documents at Bundle 2:
 Nos. 1 8 inclusive Paria Incident Investigation Report and exhibits, until the LMCS'
 witnesses have been interviewed and their statements received.
- 3. The Commission is prepared to withhold disclosure of the following documents pertaining to unsuccessful bidders and also the contractual arrangement between Paria and Kenson on the ground of confidentiality and/or sensitive information namely:
 - (i) Bundle 1: No. 4 Alvin Construction Miscellaneous Repair and Refurbishment Works at No. 5 & 6 Berths dated 17 May 2021 (bid document) [described as Alvin Miscellaneous Repair & Refurbishment Works at No. 5 & 6 Berths in Bundle 1];
 - (ii) Bundle 1: Nos. 102 to 111– H.J. Stauble Limited (bid documents)[contained in folder named HJ Stauble];
 - (iii) Bundle 1: Nos. 222 to 223 S. Boodoo & Sons Limited (bid documents) [contained in folder named S Boodoo];
 - (iv) Bundle 1: Nos. 224 to 226 Southern Welding & General Contractors Limited (bid documents) [contained in folder named Southern Welding folder];
 - (v) Bundle 2: No. 21 to 73 under the heading Kenson [contained in the folder named Kenson]
- 4. The Commission proposes at this stage to disclose the remainder of the documents to LMCS. The documents are either general or contain matters (in some instances very brief) which do not appear to be prejudicial and/or relate to Paria's management of the incident through the incident command team after the incident occurred. Based on the witness statements submitted by Paria to date, LMCS was not part of that team and therefore in our view the issue of whether they would be given an opportunity to tailor the evidence in relation to those matters does not arise. The remaining documents are as follows:
 - (i) Bundle 1: No. 193 Paria Incident Report Form dated February 25 2022;

- (ii) Bundle 2: Nos. 111 113 inclusive Daily Logs HSRE Shift Technicians;
- (iii) Bundle 2: Nos. 118 121 inclusive Incident Notification by Paria to OSHA;
- (iv) Bundle 2: Nos. 122 125 inclusive Incident Briefing and Objectives of the Incident Command Team.

Please indicate whether Paria intends to pursue its position in relation to the documents identified at paragraph 4 above. If Paria intends to do so, the Commission requests that written submissions (containing a more comprehensive basis for its position) be submitted to the Commission on or before **Monday 10 October 2022 at 4.00 p.m.**

I look forward to having your response.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

GRETEL E. BAIRD, B.Sc., LL.B.

ATTORNEY-AT-LAW

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October 6th 2022.

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) **Todd Street** San Fernando

Dear Ms. Sinanan

Witness Interviews Re:

> Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine

Riser on Berth No. 6, Pointe-à-Pierre.

I acknowledge receipt of your letter dated 3rd October, 2022 in connection with the matter at caption. I advise that, upon the advice of Counsel, those persons from Paria and Heritage Petroleum Company Limited ("Heritage") who have voluntarily submitted extensive witness statements to the Commission respectfully decline to attend the voluntary interview process contemplated by the Commission to which they have been invited.

Indeed, the interview process which the Commission proposes to adopt in relation to Paria and Heritage witnesses who have voluntarily submitted witness statements (and which has apparently already been decided upon in relation to other persons) is entirely novel to this jurisdiction and is certainly a process unknown to previous Commissions of Enquiry undertaken here. No such process was employed in the CLICO Commission of Enquiry, the Landate Commission of Enquiry, the Commission of Enquiry into the Construction Sector, the Biche High School Commission of Enquiry or the Piarco Airport Commission of Enquiry.

Further, Rule 14 of the Commission's Procedural Rules provides that the principal objective of the investigative phase, in which the Commission is currently engaged, is to identify the witnesses for the evidentiary hearing. By virtue of providing statements, the Paria and Heritage persons who did so have identified themselves as witnesses. In addition to identifying themselves, the Paria and Heritage witnesses have throughout their respective statements, identified by name, name of employer and job title, every person to whom they referred, once those particulars were known and within memory.

If the Commission required the provision of additional information on a voluntary basis from witnesses for Paria and Heritage, one would have hoped that it could have been provided in advance of the evidentiary hearings by way of supplemental witness statements from those persons, in a manner acceptable to them, given the purely voluntary nature of the exercise. In any event, I am certain that the Commission, which now requests the provision of additional information, would not wish to be understood as dictating the way in which such information is provided, in circumstances where participation is entirely voluntary. Surely, the primary aim in such a context would be for the Commission to receive the information in a manner which is most convenient and comfortable to the person providing same. Accordingly, I respectfully request that the Commission reconsider my earlier request for Paria and Heritage witnesses to provide any additional information by way of supplemental statements.

Further, the provision of voluntary witness statements is sensible in a matter such as this, where the witnesses are relying on a multiplicity of documents amounting to hundreds of pages. It is self-evident that such an approach would have allowed them the opportunity to review and refer to the relevant document/s so as to ensure that the most accurate information is put before the Commission in response to any question. Furthermore, it would allow those witnesses to enjoy the full benefit of legal advice, as stated in my previous letter to you. Regrettably, the Commission does not consider this an acceptable course at this juncture.

I am instructed that the Paria and Heritage witnesses are committed to attend before the Commission and would be happy to answer, in the course of the public evidentiary hearings commencing in November 2022, any questions which the Commission's Counsel may wish to pose to them.

Finally, I am also instructed that they remain available to supply by way of supplemental witness statements, submitted to the Commission in the same manner as their original statements, any further information that the Commission may require prior to the evidential hearings.

Yours faithfully

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited Heritage Petroleum Company Limited

GRETEL E. BAIRD, B.Sc., LL.B.

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October 10th 2022.

Ms. Sarah Sinanan Secretary to the Commission Southern Academy of the Performing Arts (SAPA) Todd Street San Fernando

Dear Ms. Sinanan

Re: Disclosure

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("**Paria**") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I acknowledge receipt of your letter dated 5th October, 2022 in response to my email sent on September 30th instant in connection with the matter at caption.

I am instructed that after due consideration, my client is not minded to proceed with its objection to advance disclosure to LMCS Limited ("LMCS") of the following documents referred to in Paria's List of Documents - Bundle No. 2 submitted on September 21st 2022 and at paragraph 4 of your said letter:-

- 1. Nos. 111 to 113 inclusive Daily Logs HSE Shift Technicians;
- No. 118 Incident Notification Hyperbaric Chamber Paul Yearwood to OSHA – Feb 27 2022;
- No. 119 Incident Notification Hyperbaric Chamber 2 OSHA to Paul Yearwood Feb 27 2022;
- No. 121 Incident Notification OSHA Form 03 Berth 6 2022 Feb 25 Notice of Accident; and
- No. 125 Communications List (ICS 205A) dated 2022-02-25.

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Other members of Elidore Chambers: -

Gilbert C. Peterson, S.C.; Amerelle T. S. Francis LL.B.; Kashka Hislop-St. Hillaire LL.B.; Sebastian G. O. Peterson LL.B.

However, I am instructed that my client maintains its objection to the disclosure to LMCS, pending completion of interviews of and submission of statements by that party, of all other documents referred to at paragraph 4 of your said letter.

I am also instructed that my client wishes to add two (2) documents inadvertently omitted from its previous list of documents in respect of which advance disclosure is objected to, namely, the two (2) timelines of events referred to in its List of Documents - Bundle No. 1 submitted on September 14th 2022 as follows:-

- 1. No. 19 Timeline of 36SL Incident; and
- 2. No. 184 Paria copy of Incident Chronology dated Tuesday March 23rd 2021 to Thursday March 3rd 2022.

The grounds of objection to each document or category of documents are as stated hereunder:-

Bundle No. 1:-

- 1. No. 19 Timeline of 36SL Incident
- No. 184 Paria Copy of Incident Chronology dated Tuesday March 23rd 2021 to Thursday March 3rd 2022.

Both of these documents consist of a timeline of material events. Document No. 19 covers the period February 24th 2022 to March 3rd 2022 and Document No. 184, from March 23rd 2021 to March 3rd 2022.

The timelines include a step-by-step description of the actions and decisions taken by Paria in the aftermath of the disappearance of the divers and the time when those actions and decisions were taken. They also include a description of the information and advice Paria received, the resources it requested and obtained and the sources of that information, advice and those resources. The timelines therefore provide insight into the material facts contained in Paria's witness statements, which are not the subject of advance disclosure, and the basis on which it took certain steps and made certain decisions.

Further, it is anticipated that, based on the terms of reference, Paria's actions, decisions and the basis for same during this period, will be the subject of direct scrutiny and, based on what has transpired in the public

domain, a source of much contention, at the COE. Therefore, advance disclosure of these actions and decisions to LMCS is likely to be prejudicial to Paria's interests since it would give LMCS the unfair advantage of knowing not only what actions and decisions were taken, but by process of deduction, what actions and decisions were not taken, and further, when these actions and decisions were taken. This advance information can in turn be used to tailor the evidence of LMCS' witnesses.

3. No. 193 – Paria Incident Report Form dated February 25 2022.

Under the heading "Description of Incident", this form contains brief but material facts concerning the observations made by Offshore Operator K. Scott (Kirt Scott) at the time of the incident and are directly linked to the actions of LMCS and its employees at that time. (Mr. Scott is therefore potentially a critical witness before the COE.) These facts were reported to Paria and form part of the factual matrix on which Paria relies to support its actions and decisions in the aftermath of the incident. The underlying facts may be in issue and therefore Mr. Scott's observations should not be disclosed prior to LMCS placing their version of events before the Commission.

Bundle No. 2:-

 No. 120 – Incident Notification on Berth 6 – 2022 Feb 25 – from Randy Archbald to OSHA.

This document consists of a thread of email exchanges between Randolph Archbald, Paria HSEQ Lead and Dion Lawrence, an OSHA official. Attached to the thread of emails are two documents described as a log and an Incident Timeline, but which are both essentially a (draft) timeline of events from 1415 hours on February 25 2022 to different times later that day.

Therefore, objection to advance disclosure is made on the same grounds as that of the timelines referred to at Nos. 1 and 2 above.

Nos. 122 to 124 inclusive – Incident Briefing and Objectives of the Incident Command Team

These three (3) documents contain a description of the deliberations of Paria's Incident Command Team in the aftermath of the disappearance of the divers. They include the options and plans discussed, resources acquired and the date when they were discussed and acquired respectively. Based on the statements already submitted by Paria, some of these plans and options arose out of requests made of Paria by LMCS' Kazim Ali Snr.

With specific reference to document No. 122 Incident Briefing (ICS 201) dated Feb 25-2022, it contains a timeline of events from 1415 hours on February 25th to 1410 hours on February 26th. In addition to the matters included in the timelines referred to above, this timeline contains the contents of the conversation between LMCS' Christopher Boodram and members of the Incident Command Team. This is material evidence that is likely to be in issue at the COE. Objection is therefore maintained to the advance disclosure of this document on the same basis as the objection to advance disclosure of the timelines referred to above.

I wish to reiterate that objection is only taken to advance disclosure, that is, prior to the expiry of the time for LMCS to be interviewed and to submit its statements to the COE. There is no objection to these documents being disclosed to LMCS thereafter.

I look forward to having your response to this letter.

Yours faithfully-

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C

Mr. Jason Mootoo

Paria Fuel Trading Company Limited

Forwarded message -----

From: **Sarah Sinanan** <<u>commissionsecretariat@coe2022.com</u>>

Date: Mon, Oct 10, 2022 at 12:35 PM Subject: Re: Disclosure of Documents

To: Gretel Baird < gretelbaird@outlook.com>

Cc: Gilbert Peterson < peterson gilbert @gmail.com >, Jason Mootoo

<jkmootoo@gmail.com>

Dear Ms. Baird,

Further to my letter dated 5th October 2022, please find attached the documents submitted by LMCS to the Commission as at today's date.

Kindly acknowledge receipt of this email.



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Secretariat Office: Southern Academy for the Performing Arts (SAPA) Todd Street, San Fernando E-mail: commissionsecretariat@coe2022.com

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12th October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird,

Re: Disclosure

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Reference is made to your letter dated 10 October 2022.

The Commission wishes to indicate as follows:

- The Commission appreciates Paria's reconsideration of the documents listed at 1-5, page
 1 of your letter. We note that Paria will not proceed with its objection to advance disclosure
 of those documents. We will therefore proceed to give LMCS Ltd ("LMCS") disclosure of
 those documents.
- 2. The two additional documents you now seek to add were disclosed to LMCS on 6 October 2022 since there had not been any objection hitherto. We should add for your information that at that time we had already received all of LMCS's amplified witness statements.

3. We note your continued objection to the disclosure of your listed items in Bundle 1 and 2 together with the reasoning. Whilst the Commission does not necessarily agree with your claims we are mindful of the fact that LMCS's amplified witness statements have all been received and as a result of their cooperation with the Commission we will have concluded our additional questions of them by the 19 October 2022 bearing in mind that LMCS has not been able to make contact with one of its witnesses Mr. Vishnu Dhillpaul to confirm his attendance for interviews. In those circumstances, we see little advantage in litigating your objections and will disclose all your material to them on the 20 October 2022 save that which you have indicated is sensitive and/or confidential. You have already been provided with all of LMCS' material.

4. The Commission wishes to invite you to reconsider allowing your witnesses to submit to questioning from the Commission's team in advance of the hearings so as to create a level playing field with no party having an advantage over any other. You will understand that your witnesses will have had the benefit of seeing everything that is disclosed by LMCS including their witness statements and all other material before they are asked any additional questions from Counsel to the Commission. We should also point out that as a result of LMCS' cooperation with the process we may not feel the need to call all of their witnesses having obtained such evidence as the Commission needs. Should your counsel wish to have an opportunity to cross examine any of LMCS' witnesses who are not called by the Commission, a written application will have to be made to the Commissioners by Paria. As a result of your stance it would be a matter of discretion for the Commissioners after considering all the relevant matters, whether we would be able to take the same approach with Paria and, as aforesaid, as presently advised we will require all of clients' witnesses to attend the public hearing to give evidence.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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12th October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street

Port of Spain

Dear Ms. Baird,

Re: Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre- Witness Interviews

Reference is made to your letter dated 6th October 2022 in which your clients, Paria and Heritage Petroleum Company Limited ("Heritage") have declined to attend the voluntary interview process as suggested by the Commission.

The Commission appreciates that it cannot compel your clients to attend these interviews. However, the interview process is intended to allow the Commission an opportunity to make a decision as to whether it is either desirable and/or necessary for a particular witness to give live evidence and if the Commission does call a witness to ensure it is in short order.

In the absence of these voluntary interviews all of Paria's and Heritage's witnesses will be required to give live evidence. The Commission will consider to what extent, if at all, the witness's witness statement can serve as evidence in chief or whether they will be required to start from the beginning of their statement or at least somewhere in the middle.

The Commission notes your undertaking to have Paria's and Heritage's witnesses attend the evidentiary hearings which commence on 21st November 2022. In the circumstances, the Commission will not at this time issue subpoenas to your clients unless given cause to do so.

Please be guided accordingly.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

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COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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18th October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird,

Re: Jonathon Ramdhan & Rolph Seales

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

I refer to the matter at caption.

Having reviewed all the documents and witness statements provided by both Paria and Heritage Petroleum Company Limited ("Heritage") the Commission kindly requests witness statements from Mr. Jonathon Ramdhan, Offshore Team Lead at Paria and Mr. Rolph Seales, a dive expert engaged by Heritage, as it appears that both men were directly involved in the incidents at caption.

The Commission asks that these witness statements be provided on or before <u>Tuesday 1st November 2022.</u>

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

GRETEL E. BAIRD, B.Sc., LL.B.

ATTORNEY-AT-LAW

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October 18th 2022.

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan

Re: Request for Disclosure of All Post-mortem Examination Reports Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I acknowledge receipt by way of disclosure on October 10th 2022 of the documents submitted by LMCS Limited to the Commission.

Amongst those documents was a copy of the post-mortem examination report of Dr. Hubert Daisley in respect of Mr. Kazim Jeremiah Ali Junior ("the Deceased") only.

Kindly therefore confirm whether the Commission is in possession of the post-mortem examination report of any of the other deceased divers and if so, I should be grateful for disclosure of a copy of same to my client.

Further, Dr. Daisley describes his as the second autopsy performed on the Deceased (see paragraph 6 "The Autopsy Findings").

Please indicate whether the Commission is in possession of the first autopsy report and provide a copy of same, if that be the case.

1

Other members of Elidore Chambers: -Gilbert C. Peterson, S.C.; Amerelle T. S. Francis LL.B.; Kashka Hislop-St. Hillaire LL.B.; Sebastian G. O. Peterson LL.B. Thank you for your assistance.

Yours faithfully

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C

Mr. Jason Mootoo

Paria Fuel Trading Company Limited

GRETEL E. BAIRD, B.Sc., LL.B.

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October 19th 2022.

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of the Performing Arts (SAPA)
Todd Street
San Fernando

Dear Ms. Sinanan

Re:

Messrs. Johnathan Ramdhan and Rolph Seales

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

I acknowledge receipt of your letter dated 18th October, 2022 whereby you requested statements from Messrs. Ramdhan and Seales at caption and to which I responded initially by email sent on the said date.

As stated in my said email, Mr. Ramdhan's statement was submitted to the Commission on September 30th 2022 and, with respect to Mr. Seales, I am instructed that at all material times he was an employee of Kenson Production Services Limited and that he had been assigned by his employer to provide services to Heritage Petroleum Company Limited ("Heritage"). Therefore, he was not an employee of Heritage and is not represented by Heritage's attorneys.

Yours faithfully...

GRETEL BAIRD Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C Mr. Jason Mootoo Paria Fuel Trading Company Limited Heritage Petroleum Company Limited



COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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21st October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street Port of Spain

Dear Ms. Baird,

Re: Request for disclosure of all Post-mortem Examination Reports

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Reference is made to your letter dated 18th October 2022.

The Commission wishes to confirm that it is in possession of all the Post-mortem Examination Reports ("the Reports") prepared by both Professor Hubert Daisley Jr. and by the Trinidad and Tobago Forensic Science Centre.

The Commission intends by 1st November 2022 to publish on its website all documents that it received save and except those deemed to be confidential and sensitive in nature. In the circumstances and so as to avoid piecemeal disclosure we would ask that you await the said publication of the documents, unless you can satisfy the Commission that there is an urgent need for the reports before 1st November 2022.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission



COMMISSION OF ENOURY

appointed to enquire into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Website: www.coe2022.com

21st October 2022

Ms. Gretel E. Baird Attorney at Law Elidore Chambers 112 St. Vincent Street

Port of Spain

Dear Ms. Baird,

Re: Site Visit

Commission of Enquiry into the tragic incidents which occurred on 25th February 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

Reference is made to the matter at caption.

As you are aware, at the Procedural Hearing on 7th September 2022, the Chairman of the Commission advised that he wished to convene a site visit in relation to berths 5 and 6 on Tuesday 22nd November 2022. In the circumstances, the Commission wishes to formally request that your client facilitate the said site visit.

The Commission intends to publish a notice requesting that persons (with standing in accordance with the Commission's procedural rules) who are interested in attending the site visit submit a written application to the Commission on or before 11th November 2022.

Once the Commission rules on these applications (if any), we would then be able to advise on the number of persons attending the site visit. In light of the proposed course of action, we would be grateful if your client could advise on whether there is a practical maximum number of persons who could comfortably attend the site visit.

In relation to the proposed site visit, please advise of the meeting time and place and who will be conducting the site visit. Further, whether your client will provide the appropriate PPE for the site visit in relation to the Commissioners and Counsel to the Commission.

Upon receipt of your response, the Commission will issue a formal Order as it relates to the site visit.

Yours sincerely,

Sarah Sinanan

Secretary to the Commission

Good Evening Ms. Sinanan,

Thank you for your email dated October 17th 2022.

As per our conversation today, this is my response:

As you already know, my name is Krishna Fuentes of Diego Martin. I have 24 years experience in the diving industry with qualifications as an IMCA Diving supervisor, a Dive System Auditor and a Diving Client Representative.

In your email to me, there was a letter attached. The paragraph 3 implied that I was directly involved in the Paria diving incident, that occured on February 25th 2022. This statement is not factual, as I was not involved in that project in any way, nor was I involved in any aspect of a rescue or recovery operation of the bodies.

On February 27th 2022, I received a telephone call from Patricia King, requesting my participation in a diving procedure and risk assessment. This was scheduled to take place on the same day at 16:00-16:30 hrs. The review was solely and specifically focused on a diving operation by LMCS to recover 3 SCUBA bottles from inside the 30" pipeline at Paria, and nothing more. This had absolutely nothing to do with a rescue mission. February 27th 2022 was the first time that I was ever contacted by Paria Fuel Trading in my 49 years of existence.

I attended the Teams/online meeting at 16:00 that day. My two points of input at that meeting were:

1) The 3 SCUBA bottles that were inside the 30" pipeline, would not be able to clog the pipeline if they decided to pump water from the other end of the pipeline.

2) That it would have been detrimental to send a diver inside of the 30" pipeline, without the required PPE and additional safety measures in place.

It was my honest opinion, based on industry operating standards, combined with my experience in the field, that this may have resulted in injury or a further loss of life.

I was asked to fill out a NDA document, which I complied with.

I was asked my opinion solely on making that dive to recover 3 SCUBA bottles, and absolutely nothing else.

In service to my country and industry, I participated and gave my requested opinion free of charge out of goodwill.

The emails that were sent to me from Mr. Paul Yearwood of Paria Fuel are all attached, as supporting documentation. This includes the meeting invitation, the diving procedure / risk assessment and a document that includes my comments on the diving procedure that was written by LMCS.

The LMCS procedure clearly stated that the operation was to recover 3 SCUBA bottles.

The above information defines my involvement in a SCUBA bottle recovery operation. As such, based on this information, I ask that you remove me from any further investigation relating to this incident.

Please feel free to contact me for any clarifications.
Thank you.
Best Regards,
Krishna Fuentes
From: "Yearwood, Paul" <paul.yearwood@paria-tt.com> To: "edrichargreaves2005@</paul.yearwood@paria-tt.com>
Microsoft Teams meeting Join on your computer or mobile app Click here to join the meeting Learn More Meeting options
Disclaimer: This email message is intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please immediately notify the sender by email and delete this email message.
From: Krishna Fuentes <krishnafuentes@gmail.com> To: "Yearwood, Paul" <paul.yearwood@paria-tt.com> Cc: Bcc: Date: Mon, 28 Feb 2022 15:29:25 -0400 Subject: Re: FW: NDA - Krishna Fuentes Good Day Paul,</paul.yearwood@paria-tt.com></krishnafuentes@gmail.com>
I hope all is proceeding as planned. If allowed, kindly give me an update on the pumping.
Attached are my comments on the Diving Procedure and Risk Assessment.
On Sun. Feb 27, 2022 at 3:57 PM Veanwood, Baul & Paul Veanwood@paris, tt.com. wrote:

From: Yearwood, Paul

Sent: Sunday, February 27, 2022 3:25 PM

Good Day please see the documents for review

Krishna's email is krishnafuentes@
From: Yearwood, Paul Sent: Sunday, February 27, 2022 3:22 PM To: Sinanansingh, Joanne < Joanne.Sinanansingh@paria-tt.com> Subject: NDA - Krishna Fuentes
Good day, Joanne
Please see information Krishna Fuentes in attached image.
He will be engaged as an independent dive professional to evaluate the proposed dive plan by LMCS for entry into the 36 inch riser for recovery and rescue
Please see attached documents which will be passed to him
Disclaimer: This email message is intended only for the named recipient(s) above and may contain information the is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please immediately notify the sender by email and delete this email message.
 Best Regards,
Krishna Fuentes
From: "Yearwood, Paul" <paul.yearwood@paria-tt.com> To: "krishnafuentes@gggggggggggggggggggggggggggggggggggg</paul.yearwood@paria-tt.com>
Please review and sign NDA agreement
Regards
Paul

To: Sinanansingh, Joanne <Joanne.Sinanansingh@paria-tt.com> **Subject:** FW: NDA - Krishna Fuentes

From: Sinanansingh, Joanne < Joanne.Sinanansingh@paria-tt.com>

Sent: Sunday, February 27, 2022 3:50 PM

To: Yearwood, Paul <Paul.Yearwood@paria-tt.com>

Cc: Ali, Anesia <Anesia.Ali@paria-tt.com>
Subject: RE: NDA - Krishna Fuentes

Dear Paul

Following your confirmation that LMCS Limited granted permission to PARIA to disclose their information please see attached NDA prepared for Mr. Krishna Fuentes.

Kind regards

Joanne

From: Yearwood, Paul <Paul.Yearwood@paria-tt.com>

Sent: Sunday, February 27, 2022 3:25 PM

To: Sinanansingh, Joanne < Joanne. Sinanansingh@paria-tt.com>

Subject: FW: NDA - Krishna Fuentes

Krishna's email is krishnafuentes@g

From: Yearwood, Paul

Sent: Sunday, February 27, 2022 3:22 PM

To: Sinanansingh, Joanne < Joanne. Sinanansingh@paria-tt.com>

Subject: NDA - Krishna Fuentes

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He will be engaged as an independent dive professional to evaluate the proposed dive plan by LMCS for entry into the 36 inch riser for recovery and rescue

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From: "Yearwood, Paul" <paul.yearwood@paria-tt.com> To: "krishnafuentes@" <krishnafuentes@> Cc: Bcc: Date: Sun, 27 Feb 2022 19:57:43 +0000 Subject: FW: NDA - Krishna Fuentes</krishnafuentes@></paul.yearwood@paria-tt.com>
Good Day please see the documents for review
From: Yearwood, Paul Sent: Sunday, February 27, 2022 3:25 PM To: Sinanansingh, Joanne < Joanne.Sinanansingh@paria-tt.com> Subject: FW: NDA - Krishna Fuentes
Krishna's email is krishnafuentes@
From: Yearwood, Paul Sent: Sunday, February 27, 2022 3:22 PM To: Sinanansingh, Joanne < Joanne. Sinanansingh@paria-tt.com > Subject: NDA - Krishna Fuentes
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15 attachments

IMG-20220227-WA0011.jpg 164K



☐ invite.ics 5K

Document Review.eml KFuentesCommentsDiving.pdf 56K Two NDA - Krishna Fuentes.eml PARIA NDA - Independent Diver.doc 55K FW_NDA - Krishna Fuentes-3.eml CONAN BEDDOE H.S.E. DIVER RESUME-3 (1).pdf Conan Beddoe med.pdf ERP_Pipeline Diving Works at Berth 6_27FEB2022 R0.pdf 550K LMCS-001-2022 Pipeline Diving Risk Assessment R0.pdf 156K MS150_Entry Into 30inch Pipe_27FEB2022 R1.pdf 419K Drawing Berth 6.pdf 62K Drawing Berth 6.pdf 62K Tw_ NDA - Krishna Fuentes-2.eml

Subject:

Document Review

Start: End: Sun 2/27/2022 4:00 PM Sun 2/27/2022 4:30 PM

Show Time As:

Tentative

Recurrence:

(none)

Meeting Status:

Not yet responded

Organizer:

Yearwood, Paul

Microsoft Teams meeting

Join on your computer or mobile app Click here to join the meeting

Learn More | Meeting options

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From:

Krishna Fuentes < krishnafuentes@

Sent:

Monday, February 28, 2022 3:29 PM

To:

Yearwood, Paul

Subject: Attachments: Re: FW: NDA - Krishna Fuentes KFuentesCommentsDiving.pdf

Good Day Paul,

I hope all is proceeding as planned. If allowed, kindly give me an update on the pumping.

Attached are my comments on the Diving Procedure and Risk Assessment.

On Sun, Feb 27, 2022 at 3:57 PM Yearwood, Paul < Paul. Yearwood@paria-tt.com > wrote:

Good Day please see the documents for review

From: Yearwood, Paul

Sent: Sunday, February 27, 2022 3:25 PM

To: Sinanansingh, Joanne < Joanne. Sinanansingh @paria-tt.com >

Subject: FW: NDA - Krishna Fuentes

Krishna's email is krishnafuentes@

From: Yearwood, Paul

Sent: Sunday, February 27, 2022 3:22 PM

To: Sinanansingh, Joanne < <u>Joanne.Sinanansingh@paria-tt.com</u>>

Subject: NDA - Krishna Fuentes

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--

Best Regards,

Krishna Fuentes

Method Statement Comments:

Include one opening paragraph stating Client, Contractor, Reasoning for the Dive, Location and water depth.

Include Safety Objective.

Include communication Protocol between LMCS and Paria.

MOC to be conducted for any changes in procedure whilst on site.

Mobilization-

- Include an Equipment and Personnel Listing.
- State backup equipment, Comms, Breathing supply and Power Supply.
- Include Vessel mooring plan.

Preparation of Diver to Enter Pipeline and Retrieve Scuba Tanks-

- (3) This shall include the correct PPE for the task, Hazmat Diving Suit.
- (5) How will he be assisted? Using A frame?
- (6) How will the diver enter? State feet or head first.
- (7) What is the response plan if the moving of debris results in further movement of the plug? State scuba tanks will be lifted using a down line with a shackle at the end for weight at tube turn.
- Include A post dive decontamination procedure for the diver.

Risk Assessment Comments:

- Mobilization- Include mooring of the vessel and control measures.
- Access into Pipeline- Include diving in a contaminated environment and control measures.
- Drowning- Perform Bail-out function test and ensure that it has 3000 PSI.
- Decompression Sickness- No Deco is 60 minutes at 60 FSW. No Sur D O2 due to hydrocarbon contamination. Use in water stops if No Deco time is exceeded. Establish Comms and arrangement with nearest Chamber for treatment.
- Equipment Failure- State back up systems in control measures.

From: Yearwood, Paul <Paul.Yearwood@paria-tt.com>

Sent: Sunday, February 27, 2022 3:58 PM

To: krishnafuentes@g

Subject: FW: NDA - Krishna Fuentes

Attachments: CONAN BEDDOE H.S.E. DIVER RESUME-3 (1).pdf; Conan Beddoe med.pdf;

ERP_Pipeline Diving Works at Berth 6_27FEB2022 R0.pdf; LMCS-001-2022 Pipeline Diving Risk Assessment R0.pdf; MS150_Entry Into 30inch Pipe_27FEB2022 R1.pdf;

Drawing Berth 6.pdf; Drawing Berth 6.pdf; IMG-20220227-WA0011.jpg

Good Day please see the documents for review

From: Yearwood, Paul

Sent: Sunday, February 27, 2022 3:25 PM

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Subject: FW: NDA - Krishna Fuentes

Krishna's email is krishnafuentes@

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Subject: NDA - Krishna Fuentes

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From:

Yearwood, Paul < Paul. Yearwood@paria-tt.com>

Sent:

Sunday, February 27, 2022 3:54 PM

To:

krishnafuentes@

Subject:

FW: NDA - Krishna Fuentes

Attachments:

PARIA NDA - Independent Diver.doc

Please review and sign NDA agreement

Regards

Paul

From: Sinanansingh, Joanne < Joanne. Sinanansingh@paria-tt.com>

Sent: Sunday, February 27, 2022 3:50 PM

To: Yearwood, Paul <Paul.Yearwood@paria-tt.com>

Cc: Ali, Anesia <Anesia.Ali@paria-tt.com>
Subject: RE: NDA - Krishna Fuentes

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Kind regards Joanne

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To: Sinanansingh, Joanne < Joanne. Sinanansingh@paria-tt.com >

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From: Yearwood, Paul

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Subject: NDA - Krishna Fuentes

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Please see attached documents which will be passed to him

REPUBLIC OF TRINIDAD AND TOBAGO

THIS AGREEMENT is made this

day of

2022

BETWEEN

1. PARIA FUEL TRADING COMPANY LIMITED, a company incorporated under the Companies Act Chapter 81:01 of the Laws of the Republic of Trinidad and Tobago with its registered office situated at #9 Queens Park West 5TH Floor, Port-of-Spain Trinidad (hereinafter referred to as "the COMPANY"); and

2. KRISHNA FUENTES of

(hereinafter called "the") of the Second Part.

Both **PARIA** and **RECEIVING PARTY** are hereinafter sometimes referred to collectively as "Parties" and individually as "Party".

WHEREAS:

- A. **PARIA** has requested the **RECEIVING PARTY** to undertake an evaluation of a proposed dive planed for an employee of LMCS Limited to enter into #36 Sealine Riser on Berth #6, Pointe-a-Pierre.
- B. RECEIVING PARTY has requested certain confidential information, including, but not limited to drawings, resumes, offshore medical certificates, emergency response plans, risk assessments and method statements (hereinafter referred to as "Confidential Information") in order to provide the services and PARIA has agreed to provide the Confidential Information provided that the Confidential Information so disclosed is protected by the terms and provisions hereof.

NOW THEREFORE IN CONSIDERATION of the premises and the mutual covenants herein, the Parties hereby agree as follows:

ARTICLE 1 - NON-DISCLOSURE

- 1.1 All Confidential Information disclosed by, or on behalf of **PARIA** by any authorized third party, is disclosed in confidence and shall not be disclosed by the **RECEIVING PARTY** to any third party, except as permitted by this Agreement, without the express prior written consent of **PARIA**. In so far as practicable, **PARIA** shall mark such information as "**Confidential**" prior to disclosing it to **RECEIVING PARTY**.
- 1.2 The obligations contained in this Article 1.1 shall survive the termination of this Agreement regardless of the cause or reason for such termination.

ARTICLE 2 - CONFIDENTIALITY

- 2.1 Notwithstanding Article 1 hereof, Confidential Information may be disclosed by the **RECEIVING PARTY** to third parties in the following circumstances:
 - (a) To the extent that the RECEIVING PARTY is compelled by law or order under law to furnish to any competent judicial or administrative authority a portion or the entirety of the Confidential Information. Provided, however, that prior to making such disclosure, the RECEIVING PARTY shall, if reasonably possible, promptly give written notice to PARIA so as to give it due opportunity to seek any remedy lawfully available to it to prevent disclosure.
 - (b) To the extent that the Confidential Information was received from a third party without violating any confidentiality obligation or was

PARTY prior to it acquiring such information under this Agreement or is already or becomes a part of the public knowledge or literature from a source other than the RECEIVING PARTY. Information which shall become available to the RECEIVING PARTY legitimately and lawfully from a source other than under this Agreement shall be exempt from the obligation of confidentiality hereunder to the extent use and disclosure therefore is authorized by such source.

- (c) To the extent that such Confidential Information is developed by or known by the **RECEIVING PARTY**.
- 2.2 The **RECEIVING PARTY** shall maintain and enforce appropriate standards to ensure the confidentiality required hereunder. This shall include taking such reasonable care as shall be consistent with the efforts it regularly exercises with respect to the preservation of its own confidential data and information.

ARTICLE 3 - WARRANTY AND LIABILITY

- 3.1 PARIA makes no warranty or representation regarding the quality, reliability or accuracy of any or all of the Confidential Information provided pursuant to this Agreement. Any action taken or any opinions formed or conclusions drawn on the basis of any or all of the Confidential Information shall be at the sole risk and expense of the party taking such action, forming such opinion or drawing such conclusion.
- 3.2 The **RECEIVING PARTY** shall use the Confidential Information disclosed to it for the sole purpose of this Agreement unless it obtains the written consent of **PARIA**.

- 3.3 The **RECEIVING PARTY** undertakes to indemnify and keep **PARIA** at all times, fully indemnified from and against any loss or disclosure of Confidential Information and from all actions, proceedings, claims, demands, costs, awards, damages arising directly or indirectly as a result of any breach or non performance by the **RECEIVING PARTY** of its undertakings or obligations under this Agreement.
- 3.4 The **RECEIVING PARTY** shall be liable to **PARIA** for any and all damages directly arising out of a breach or threatened breach of any terms or conditions of this Agreement but in no event shall the **RECEIVING PARTY** be liable for any consequential, incidental or indirect damages to **PARIA**.
- 3.5 Notwithstanding the provisions of Article 3.4 above in the event of breach or threatened breach of any term or condition of this Agreement **PARIA** shall be entitled to injunctive relief as well as any other relief appropriate under the circumstances against the Party in breach in any court of competent jurisdiction.

ARTICLE 4 - OWNERSHIP

- 4.1 Any Confidential Information submitted pursuant to this Agreement by, or on behalf of **PARIA** by any authorized third party is the property of **PARIA**.
- Information to PARIA when requested by PARIA to do so, including any copies thereof in any medium whatsoever, and whether exact or approximate, which it or any third party to whom it has disclosed the Confidential Information has made. Furthermore, in such circumstances the RECEIVING PARTY shall destroy all notes, compilations, analyses, or other material in any medium whatsoever prepared by or for such Party and which reflect any of the Confidential Information submitted to such Party. Provided however, that the

5

provisions of this Article shall not apply to jointly developed Confidential Information, which shall be the joint property of the Parties.

ARTICLE 5 - NOTICES

All notices, approvals, and statements required or authorized to be given hereunder, except as may otherwise by expressly provided herein, shall be given by direct delivery to such Party by electronic mail, confirmed-receipt telefax, or in writing by registered or certified mail, postage prepaid and addressed to the Party at its address below:

If to PARIA

Paria Fuel Trading Company Limited Petrotrin Administration Building Southern Main Road POINTE-A-PIERRE

Attention: Mr. Mushtaq Mohammed

Telephone: 1-868-682-3389

E-Mail: Mushtaq.Mohammed@paria-tt.com

If to **RECEIVING PARTY**

Attention: Mr. Krisha Fuentes Telephone:1-868-735-5743

E-Mail:krishnafuentes@gmail.com

ARTICLE 6 - GOVERNING LAW

This Agreement shall be governed, construed and interpreted under and pursuant to the laws of the Republic of Trinidad and Tobago

ARTICLE 7 - SEVERABILITY AND NO WAIVER

If any provision of this Agreement shall for any reason be held to violate any applicable law, governmental rule or regulation, or causes the Agreement to be held unenforceable, the invalidity of that specific provision in this Agreement shall not be held to invalidate the remaining provisions of this Agreement. All other provisions and the entirety of this Agreement shall remain in full force and effect. It is further understood and agreed that no failure or delay in exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, nor will any single or partial exercise thereof preclude any other or further exercise of any other right, power or privilege under this Agreement.

ARTICLE 8-DURATION

The confidentiality provisions of this Agreement shall survive termination for any reason and shall remain in effect for a period of five (5) years after disclosure to **RECEIVING PARTY** of Confidential Information.

ARTICLE 9 - AMENDMENT

No modification of or amendment to this Agreement shall be valid or binding unless set forth in writing and duly executed by either Party.

ARTICLE 10 - ASSIGNMENT

The **RECEIVING PARTY** shall not assign this Agreement to any third party, except with the prior written consent of PARIA.

ARTICLE 11 - TERMINATION

Subject to the provisions of this Agreement either Party may, on the giving one (1) month's written notice to terminate, terminate this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement in duplicate, intending each copy to serve as an original, on the date first hereinabove written.

SIGNED for and on behalf of))
PARIA FUEL TRADING COMPANY	
LIMITED))
by Mushtaq Mohammed))
its General Manager))
in the presence of:	
SIGNED for and on behalf of))
KRISHNA FUENTES))
by))
its))
in the presence of:))

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