

1 and should have been working in such fashion to ensure the
2 meeting of this deadline. The undertaking of responsibilities
3 associated with this Commission's report cannot be seen as
4 simply a job, but rather viewed as a critical component in the
5 delivery of justice."

6 Whilst we do not accept that their criticism is an entirely fair
7 one, we can and do understand their deep sense of frustration at this
8 further delay and I therefore want to apologize to them, first and
9 foremost. That apology is extended to everyone awaiting the final
10 outcome of this report. It is clear from the families and others that
11 they have already formed the view that they hold Paria responsible.
12 We do not have the luxury of prejudging.

13 We must approach this in an unbiased, objective way,
14 examining all of the evidence before reaching our view of the facts
15 and what that means for the people involved. Whilst we have a very
16 considerable degree of flexibility in how we approach that task, we
17 are bound by the law. The procedure for our Commission of Enquiry
18 is derived from the Commission of Enquiry Act of 1892, our
19 Procedural Rules as Gazetted on the 22nd of July of 2022 and the
20 common law rules of natural justice. The touchstone, really, is
21 fairness.

22 It is exactly a year and a day since I opened this Commission of
23 Enquiry, and you will recall that I told everyone we hoped to have the
24 report ready by Easter of 2023. That was ambitious but I believed
25 then that it was achievable. At that time I did not know that we would
26 have 78 witnesses generating around 3,350 pages of detailed evidence
27 and about 13 and a half thousand pages of exhibits. I leave aside

1 videos, audios, pictures, transcripts, letters and other correspondence.
2 In truth, at the time, I knew little of the material we would have to
3 work through but I was and remained optimistic of an expeditious
4 timetable, in the interest of those most affected by this tragedy and
5 was not prepared to brook delay.

6 In drafting the report, it became clear that this would take
7 longer than planned and I made an application to the President to
8 extend the time needed on the 4th of May to the date at the end of
9 August 2023. On the 9th of June this year, the Court of Appeal in
10 Trinidad handed down a judgement in what I should call for short
11 hand the Las Alturas Housing matter. Unusually they issued
12 guidelines that went well beyond the judgement needed to determine
13 the case. They set out how a Commission of Enquiry should conduct
14 themselves so as to achieve procedural fairness, acting prudently to
15 ensure that all parties had every opportunity to make their case and
16 deal with any criticisms that may arise.

17 We have been much assisted by that judgment. We have
18 determined that the procedural fairness we have strived to achieve
19 from the outset can properly be augmented by taking into account the
20 learning from the Court of Appeal. That we will do. Albeit it will
21 generate some further delay as they themselves recognized. At this
22 stage of the Enquiry, the proceedings have to be in private. You know
23 that we have sought to be as open as good practice, good conscience
24 and the law permit, by placing all correspondence and every
25 document on the website; live-streaming the evidence called and then
26 making transcripts of the evidence available to everyone, abut after

1 that and prior to the report being concluded, it has to be in private, and
2 that's where we are now.

3 This is how it works. We draft a preliminary report. That is
4 detailed and analytical work. It necessarily involves making a number
5 of preliminary findings. It is currently in the 200-page range. That
6 has been done. Where those findings may adversely affect any
7 particular party, be it company or individual, we must identify the
8 issue, tell them what the preliminary finding is and upon what it is
9 based. Whilst I cannot tell you to who or whom letters have been
10 sent, it is not an insignificant number. That has been done.

11 Next, we must then give them a proper opportunity to respond.
12 That takes time, especially where the criticisms are lengthy and
13 detailed. It would be unwise to curtail a reasonable request for time to
14 provide those responses. We are in receipt of hundreds of pages of
15 detailed responses, which themselves reference many other documents
16 and the evidence. That has also been done.

17 Now that we have received all responses we must collate that
18 material, cross-reference it and consider whether the response ought
19 properly to affect our preliminary views. That is in the process of
20 being done. And then, finally, we have to determine that once
21 complete we ought to provide a further opportunity to any of those
22 whom we may seek to criticize, to make any further submissions as to
23 why that should not happen. This also takes time. It is this additional
24 layer of consultation that has played a part in dictating our request of
25 the President for further time. We will provide each party, where
26 appropriate, with a summary or an extract of the proposed report for
27 them to respond to. We would take that into account and then decide

1 whether or not we can sustain that criticism or whether it needs further
2 refinement in the light of submissions made. Clearly, that has yet to
3 be done.

4 Before I open the floor to any questions, there are a couple of
5 other observations I would like to make. There has been some media
6 speculation that the cause of the delay has been as a result of either
7 political or company (Paria in particular) interference, in some way. I
8 can state categorically that that is not the case. If there were even a
9 whiff of such an approach, I would make that very public indeed.

10 After our initial hiccups with the necessary facilities, the
11 government, and, in particular, the honourable Stuart Young MP have
12 done all they can to facilitate and expedite this report and I am
13 confident that they will wish to publish it in short order once
14 concluded and submitted. Similarly, we place no blame at anyone
15 else's door for this delay. The delay, such as it is, is mine.

16 I have decided that we will take a little more time and add
17 additional safeguards so as to ensure fairness to all and limit the
18 potential for any further litigation aimed at thwarting the legitimate
19 aim of this Enquiry, but, it would be remiss of us, and not in keeping
20 with the purpose of this press conference to bring you up to date, not
21 to tell you that we have received letters from lawyers representing
22 Kenson's employees on the 2nd of August (and previously) and from
23 lawyers representing Heritage and Paria yesterday.

24 Both suggest they have been unfairly treated and that the
25 Commissioners, I suspect primarily me, have displayed an apparent
26 bias and that we should be recused. I do not deal with the merits of
27 those complaints now as they have yet to be fully articulated and a

1 press conference is not the right forum for making such decision.
2 Whilst I wholeheartedly reject those allegations, I would have thought
3 that if there was to be an application for recusal on the grounds of
4 apparent bias it is normal, in the first instance, for that to be made
5 before the tribunal engaged in the process, in other words, to me. As
6 yet, no request has been made for the Commission of Enquiry to
7 resume sitting to hear such an application and no such application has
8 been put before us. So that's where we are today.

9 I am open to questions and I see that somebody, I don't have
10 his name up, it's just ascribed as SAWIC Media Mode.

11 **Ms. Sinanan:** But, could I ask media persons to just state their name
12 and media house before they ask any questions, just for our records?

13 **Chairman Mr. Lynch KC:** Thank you. Yes, Sir.

14 **Mr. Daniel George:** Good day to everyone. Good night to those of
15 you in other parts of the world viewing at night-time. I am Daniel
16 George from SAWIC Media Mode and I'll begin with these three
17 questions. Are there any pending responses? That's one. Number
18 two, will further submissions—

19 **Chairman Mr. Lynch KC:** All right, say that again? Forgive me.
20 Would you say that question again? Are there any?

21 **Mr. George:** Pending responses, responses that we're supposed to
22 get to, um—

23 **Chairman Mr. Lynch KC:** Yes.

24 **Mr. George:**—to that. Um, number two, [*Inaudible*]

25 **Chairman Mr. Lynch KC:** I can't hear your number two. You're
26 breaking up.

27 **Ms. Sinanan:** Mr. George—

1 **Mr. George:** [*Inaudible*] resolve it and number—

2 **Chairman Mr. Lynch KC:** Excuse me, I'm going to stop you. I
3 can't hear and if I can't I suspect nobody else can. You're breaking
4 up a little.

5 **Mr. George:** Any better now?

6 **Chairman Mr. Lynch KC:** [*Inaudible*] probably the connection. I
7 didn't catch your name. I think I got the first question: "Are there any
8 responses?"

9 **Ms. Sinanan:** Mr. George, Daniel George.

10 **Chairman Mr. Lynch KC:** Daniel George. Thank you, Mr. George.

11 **Mr. George:** Yes. And the second question, will any further
12 submissions result in further delays of the Enquiry?

13 **Chairman Mr. Lynch KC:** Right.

14 **Mr. George:** My last—

15 **Chairman Mr. Lynch KC:** Well, I can answer those. Are those
16 your questions?

17 **Mr. George:** I have one more question.

18 **Chairman Mr. Lynch KC:** All right.

19 **Mr. George:** The final question thus far, um, is it correct to say that
20 over five million has been placed into the Commission of Enquiry
21 thus far, and, if yes, can you say how much more in TT dollars will be
22 placed into the Commission providing, um, that this extension is
23 granted?

24 **Chairman Mr. Lynch KC:** Right. Well let me deal with each of
25 those separately, please? Are there any pending responses? We now
26 have, I can tell you, all of the responses to our preliminary views.
27 They are, I emphasize, preliminary views. We've submitted them to

1 each and every person whom we seek to provide some sort of critique
2 and we've received their responses so that we are awaiting no further
3 responses, save that, once we have considered the responses we have,
4 we will then seek to take that into account in the report.

5 That will then in turn be summarized and they will be sent a
6 further statement setting out what it is that we have concluded at this
7 stage and giving them yet a further opportunity to seek to persuade us
8 otherwise. So that part of it hasn't begun yet. We are still now
9 collating, as I'd explained earlier, the responses that we've had and
10 you'll understand that it's not really possible for us to consider each
11 one as and when they arrive. We have to have them all before we can
12 consider whether or not one impacts upon the other.

13 In other words, in a situation, perhaps not in this case or in this
14 Enquiry, you might have A saying to B, "Well it's not my fault, it's
15 his fault", and until we have the response from B we wouldn't be able
16 to consider whether there's any merit in A's allegation. So that's the
17 scenario we are in. We needed to receive all of the responses. We
18 now have them. We're now collating them, we'll now consider
19 whether or not they impact on our preliminary views about the
20 particular individuals or companies. So that's the first question.

21 Any further submissions? Well I think I've covered that in the
22 same answer. As for any further moneys that are being made
23 available to the Commission of Enquiry, I think Mr. Ramesh Maharaj
24 has made a public statement saying that we will deal with all of the
25 funding of the Commission of Enquiry, both in the report and make
26 ourselves publicly available to deal with any questions arising from
27 that at the conclusion and so it's probably not useful for me to

1 contribute now. Clearly there was a cost involved and we will deal
2 with it at the conclusion of the or the handing of the report to the
3 President. So thank you very much, Mr. George. Anybody else? Mr.
4 Ramdass? Yes, Sir.

5 **Ms. Ramdass:** Hello, good morning.

6 **Chairman Mr. Lynch KC:** Ms. Ramdass, forgive me.

7 **Ms. Ramdass:** Sorry, my name is Anna Ramdass from the Trinidad
8 Express Newspaper. Good morning to everyone. Chairman, you
9 mentioned that you received letters yesterday with claims of bias.
10 How are these complaints going to be dealt with and would it
11 compromise the Commission's report in any way?

12 **Chairman Mr. Lynch KC:** Well, all I can tell you is that in relation
13 to the letter we received yesterday from lawyers representing Paria
14 and Heritage, they made it clear in that letter that they regard our
15 approach to the case as being one of apparent bias and that they
16 propose to do something about it. Well I don't know what it is they're
17 going to do about it but, um, no doubt they will lodge whatever
18 complaint they want to or seek legal redress wherever they think it is
19 appropriate. For the time being, we have no further detail as to what it
20 is that they say we have done which they are not very happy with, but,
21 um, that's a matter for them. We will carry on doing our job in the
22 way in which we regard as being fair to everybody.

23 I hope that answers your question, Ms. Ramdass. You're on
24 mute at the moment.

25 **Ms. Ramdass:** Oh yes, thank you very much.

26 **Chairman Mr. Lynch KC:** Not at all. So, anyone else? Any
27 questions?

1 **Mr. Lalchan:** Yes, um, good day. You all hearing me?

2 **Chairman Mr. Lynch KC:** Yes, Mr. Lalchan.

3 **Mr. Lalchan:** Yes, Mr. Lalchan from WACK Radio 90.1 FM.

4 **Chairman Mr. Lynch KC:** Welcome.

5 **Mr. Lalchan:** Mr. Lynch, what reassurance could you give the
6 citizens of Trinidad and Tobago that, um, there would be no further
7 extension requested by you on the November 30th? What reassurance
8 could you give us that November the 30th is going to be the date for
9 the, um, final report to be handed in? Or is there going to be further
10 request for an extension?

11 **Chairman Mr. Lynch KC:** That's not an unreasonable question, Mr.
12 Lalchan. What I can say to you is if you'd asked me that question
13 when I was making the application for an extension to the end of
14 August I would have said to you that I believed that that was
15 genuinely achievable and I did not anticipate that I would have to be
16 making a second request. It grieves me that I have felt it necessary to
17 do so and, as I said earlier, I'm sure that the families and those who
18 are particularly interested in the outcome of this Enquiry are frustrated
19 by that delay, but, whilst I fully anticipate that there will be no further
20 application, I cannot put my hand on my heart and say it's impossible,
21 although I want to reassure you and the public at large that I am
22 genuinely trying to do everything I possibly can to make sure that
23 there is a report available for the President by the end of November.

24 **Mr. Lalchan:** Thank you.

25 **Chairman Mr. Lynch KC:** Yes. I see Ms. Ramdass still has her
26 hand up. I don't know if that's to ask a further question or whether
27 it's there from before.

1 **Ms. Ramdass:** Yes, Chairman, just one more question. Would the
2 Commission have to utilize any external assistance internationally,
3 regionally in terms of dealing with the evidence compiled in the report
4 or received?

5 **Chairman Mr. Lynch KC:** Well all of the evidence that we have
6 received is on the website so, that is to say, all the documents that we
7 were provided with by the various interested parties, all of the
8 statements that they have provided, both before the Enquiry started,
9 once the Enquiry started and their evidence in the Enquiry, if they
10 were called, all of that is transcribed. Everything that we're relying
11 on is there. There isn't anything outside of that that we are seeking to
12 rely upon beyond what the law is. I mean, obviously we don't need to
13 put on the website the law as such. We are obviously bound by the
14 law and we will seek to ensure we stick within its parameters.

15 I hope that answers your question, Ms. Ramdass. We certainly
16 are not taking any evidence from outside of that which has already
17 been provided.

18 **Ms. Ramdass:** No, I didn't mean, er, taking evidence from outside, I
19 meant, you know, um, utilizing anybody's services and the companies
20 in terms of treating with the evidence and going through it, evaluating
21 it, any, you know, technical reports and such.

22 **Chairman Mr. Lynch KC:** No. I mean, we have—I've been
23 blessed with a very good legal team. They, in the shape of Mr.
24 Maharaj, Mr. Bissessar and Ms. Maharaj, the three of them have been
25 providing myself and Mr. Wilson with the kind of support that we
26 have found it necessary to draw upon, certainly when it comes to the
27 law and assimilating the evidence. Administratively we've been very

1 well ably assisted by Ms. Sinanan and her staff so we don't need
2 anyone else. Ultimately it's for me to draft the report and to share that
3 draft in the first instance with Mr. Wilson who has made his
4 contribution and we, together, end up with a report with which we are
5 happy. It is our obligation simply to make sure that everybody else
6 has an opportunity to respond to it before it's published and for us to
7 then take that into account. That's where we are.

8 **Ms. Ramdass:** Thank you.

9 **Ms. Sinanan:** There is a question in the group chat, in the chat from
10 Sunil Lalla from TTT news, who does not have his mike on. His
11 question is: "You mentioned both—that you received letters from
12 both Paria and Kenson for your recusal. If they were to submit for a
13 hearing, as you said, would this further delay the Commission of
14 Enquiry's report and in what timelines will such a hearing be held?"

15 **Chairman Mr. Lynch KC:** Right, well I can answer that in two
16 ways. First of all, no such request as yet, as I said, has been made as
17 yet. If there is an application for me to recuse myself, and/or Mr.
18 Wilson to recuse himself, and certainly from counsel for Kenson they
19 made that pretty clear, if that's what they want to do, then I would
20 have thought that the first place to come to was us, in which case
21 we'll have a hearing over it and they can make such representation as
22 they choose. And if we think there's merit in it, then of course I
23 would have to recuse myself, but at the moment that's not happened.
24 If they're going elsewhere, that is to say, to the High Court to seek to
25 have us prevented from publishing the report or providing a report, I
26 think one of them suggested that our approach has been irretrievable,
27 that is a matter for them. I can't and won't delay my task in preparing

1 this report.

2 I should say, as I said earlier, we have had responses now from
3 everyone. It is not as if someone had said, “Look, I’m not responding
4 to this because I think you’re biased. I’m withdrawing from this
5 process because you’re being unfair to us.” That’s not what has been
6 said. We have had responses from everyone. They’ve said I’m biased
7 and unfair as well but they have provided us with responses and we
8 will deal with those responses in what I hope is a fair fashion, that is
9 to say, we’ll take into account all of the submissions they’ve made
10 and that will be reflected in what will then become our draft report.

11 That draft report will then summarize any criticisms that
12 remain, if any do, with a—in a separate letter which we will send to
13 each of their lawyers and/or themselves so that they can respond to it
14 and it may be, that, on further analysis, they would wish to make
15 further representations, but, if they do, we’ll take those into account
16 and it may result in there not being any criticism of them at all. On
17 the other hand, it may change things completely and we might be
18 more critical. I don’t know. I simply don’t know.

19 All I know is that we must provide them with every possible
20 opportunity to deal with any criticisms that we might make of them,
21 and that is what I’m intending to do. And I won’t be deflected from
22 that task. As I’ve made clear, I hope right from the very outset of my
23 involvement in this Enquiry, by applications being made or any
24 attempt to try and delay proceedings. So I hope that answers your
25 question.

26 All right. Anyone else? Well, it appears not. I’m both pleased
27 and surprised. All right then, well look, thank you very much,

1 everyone, for attending again. I reiterate my apology for the delay. I
2 regard it as necessary and I'm pleased to say that the President has
3 provided me with that additional time to ensure that we have this
4 report completed by November. So thank you very much indeed and I
5 will see you all again I hope sometime in the later part of November.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27