

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

---o0o---

**SUPPLEMENTAL CORESPONDENCE**  
**BUNDLE**

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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 occurred 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.

**000276**

Please feel free to contact me for any clarifications.

Thank you.

--

Best Regards,

Krishna Fuentes

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

From: "Yearwood, Paul" <Paul.Yearwood@paria-tt.com>

To: "edrichargreaves2005@ [REDACTED]" <edrichargreaves2005@[REDACTED]>, "krishnafuentes@[REDACTED]" <krishnafuentes@[REDACTED]>, "arlene.chow@heritage-tt.com" <arlene.chow@heritage-tt.com>, "rawle.arneaud@heritage-tt.com" <rawle.arneaud@heritage-tt.com>, "rolph.seales@heritage-tt.com" <rolph.seales@heritage-tt.com>, "patricia.king@heritage-tt.com" <patricia.king@heritage-tt.com>

Cc:

Bcc:

Date: Sun, 27 Feb 2022 20:19:29 +0000

Subject: Document Review

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## Microsoft Teams meeting

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

From: Krishna Fuentes <krishnafuentes@[REDACTED]>

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,

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](mailto: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

**000277**

**To:** Sinanansingh, Joanne <Joanne.Sinanansingh@paria-tt.com>  
**Subject:** FW: NDA - Krishna Fuentes

Krishna's email is krishnafuentes@[REDACTED]

---

**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

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--  
Best Regards,

Krishna Fuentes

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

**From:** "Yearwood, Paul" <Paul.Yearwood@paria-tt.com>  
**To:** "krishnafuentes@gmail.com" <krishnafuentes@[REDACTED]>  
**Cc:**  
**Bcc:**  
**Date:** Sun, 27 Feb 2022 19:53:58 +0000  
**Subject:** FW: NDA - Krishna Fuentes

Please review and sign NDA agreement

Regards

Paul

**000278**

---

**From:** Sinanansingh, Joanne <[Joanne.Sinanansingh@paria-tt.com](mailto:Joanne.Sinanansingh@paria-tt.com)>  
**Sent:** Sunday, February 27, 2022 3:50 PM  
**To:** Yearwood, Paul <[Paul.Yearwood@paria-tt.com](mailto:Paul.Yearwood@paria-tt.com)>  
**Cc:** Ali, Anesia <[Anesia.Ali@paria-tt.com](mailto:Anesia.Ali@paria-tt.com)>  
**Subject:** RE: NDA - Krishna Fuentes

Dear Paul

Following your confirmation that LMCS Limited granted permission to PARI A to disclose their information please see attached NDA prepared for Mr. Krishna Fuentes.

Kind regards

Joanne

---

**From:** Yearwood, Paul <[Paul.Yearwood@paria-tt.com](mailto:Paul.Yearwood@paria-tt.com)>  
**Sent:** Sunday, February 27, 2022 3:25 PM  
**To:** Sinanansingh, Joanne <[Joanne.Sinanansingh@paria-tt.com](mailto:Joanne.Sinanansingh@paria-tt.com)>  
**Subject:** FW: NDA - Krishna Fuentes

Krishna's email is [krishnafuentes@](mailto:krishnafuentes@) 

---

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**Subject:** NDA - Krishna Fuentes

Good day, Joanne

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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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**000279**



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

From: "Yearwood, Paul" <Paul.Yearwood@paria-tt.com>

To: "krishnafuentes@gmail.com" <krishnafuentes@[REDACTED]>

Cc:

Bcc:

Date: Sun, 27 Feb 2022 19:57:43 +0000

Subject: FW: NDA - Krishna Fuentes

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@\[REDACTED\]](mailto:krishnafuentes@[REDACTED])

---

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**Sent:** Sunday, February 27, 2022 3:22 PM

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**Subject:** NDA - Krishna Fuentes

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**15 attachments**

**IMG-20220227-WA0011.jpg**

164K

**000280**



-  **Document Review.eml**  
22K
-  **KFuentesCommentsDiving.pdf**  
56K
-  **FW\_ NDA - Krishna Fuentes.eml**  
83K
-  **PARIA NDA - Independent Diver.doc**  
55K
-  **FW\_ NDA - Krishna Fuentes-3.eml**  
94K
-  **CONAN BEDDOE H.S.E. DIVER RESUME-3 (1).pdf**  
1720K
-  **Conan Beddoe med.pdf**  
48K
-  **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
-  **FW\_ NDA - Krishna Fuentes-2.eml**  
4368K
-  **invite.ics**  
5K

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**Subject:** Document Review  
**Start:** Sun 2/27/2022 4:00 PM  
**End:** Sun 2/27/2022 4:30 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Meeting Status:** Not yet responded  
**Organizer:** Yearwood, Paul

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---

**From:** Krishna Fuentes <krishnafuentes@[REDACTED]>  
**Sent:** Monday, February 28, 2022 3:29 PM  
**To:** Yearwood, Paul  
**Subject:** Re: FW: NDA - Krishna Fuentes  
**Attachments:** 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](mailto:Paul.Yearwood@paria-tt.com)> wrote:

Good Day please see the documents for review

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**From:** Yearwood, Paul  
**Sent:** Sunday, February 27, 2022 3:25 PM  
**To:** Sinanansingh, Joanne <[Joanne.Sinanansingh@paria-tt.com](mailto:Joanne.Sinanansingh@paria-tt.com)>  
**Subject:** FW: NDA - Krishna Fuentes

Krishna's email is [krishnafuentes@\[REDACTED\]](mailto:krishnafuentes@[REDACTED])

---

**From:** Yearwood, Paul  
**Sent:** Sunday, February 27, 2022 3:22 PM  
**To:** Sinanansingh, Joanne <[Joanne.Sinanansingh@paria-tt.com](mailto: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

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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@[REDACTED]  
**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  
**To:** Sinanansingh, Joanne <Joanne.Sinanansingh@paria-tt.com>  
**Subject:** FW: NDA - Krishna Fuentes

Krishna's email is [krishnafuentes@\[REDACTED\]](mailto:krishnafuentes@[REDACTED])

---

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**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

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---

**From:** Yearwood, Paul <Paul.Yearwood@paria-tt.com>  
**Sent:** Sunday, February 27, 2022 3:54 PM  
**To:** krishnafuentes@[REDACTED]  
**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

Dear Paul

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Kind regards  
Joanne

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**Subject:** FW: NDA - Krishna Fuentes

Krishna's email is [krishnafuentes@\[REDACTED\]](mailto:krishnafuentes@[REDACTED])

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**Sent:** Sunday, February 27, 2022 3:22 PM  
**To:** Sinanansingh, Joanne <[Joanne.Sinanansingh@paria-tt.com](mailto:Joanne.Sinanansingh@paria-tt.com)>  
**Subject:** NDA - Krishna Fuentes

Good day, Joanne

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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

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 5<sup>TH</sup> Floor, Port-of-Spain Trinidad (hereinafter referred to as “the **COMPANY** ”); and
2. **KRISHNA FUENTES** of Townhouse [REDACTED] Trinidad (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

legitimately and lawfully in the possession of the **RECEIVING 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**.
- 4.2 The **RECEIVING PARTY** shall promptly return all such Confidential 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

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 be 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- [REDACTED]  
E-Mail: Mushtaq.Mohammed@paria-tt.com

##### **If to RECEIVING PARTY**

Attention: Mr. Krishna Fuentes  
Telephone: 1-868- [REDACTED]  
E-Mail: krishnafuentes@[REDACTED]

#### **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:                                    ))

*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.*



**GRETEL E. BAIRD, B.Sc., LL.B.**  
ATTORNEY-AT-LAW

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---

**November 2<sup>nd</sup> 2022.**

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

Dear Ms. Sinanan

Re: Site Visit

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("**Paria**") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

**URGENT**

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I write in reference to your letter dated October 21<sup>st</sup> 2022 concerning the intended site visit of the Commissioners and Counsel to the Commission to Berths No. 5 and No. 6 at the No. 36 Sealine riser at Paria on November 22<sup>nd</sup> 2022.

I am instructed that Paria agrees to conduct the said visit.

However, I am also instructed that due to operational exigencies, Paria requires the urgent completion of the repairs to and use of the No. 36 Sealine pipeline for the exportation of crude oil in lieu of the No. 66 Sealine pipeline, which is currently being used, but the deterioration of which has recently been discovered to be worse than previously determined and which said deterioration necessitates the implementation of alternative repair strategies involving the de-operationalisation of that (No. 66) line for a significant period. I am instructed that it is therefore proposed to complete the repair of the No. 36 Sealine pipeline, the timeframe for which is estimated at 10 days, and to operationalise same before decommissioning and undertaking the more significant repairs to the No. 66 Sealine pipeline.

1

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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.*

I am instructed that the conduct of the proposed site visit on November 22<sup>nd</sup> would prolong the use of the No. 66 Sealine pipeline beyond two (2) scheduled crude-loading cycles, namely, those scheduled for November 11<sup>th</sup> and 25<sup>th</sup>, based on the estimated period for completion of the repairs to the No. 36 Sealine as stated above.

I am therefore instructed to request that the Commission's site visit be brought forward to the week commencing November 7<sup>th</sup> 2022. It is recognised that certain arrangements would have already been put in place by the Commission for its attendance and that of the members public and media on November 22<sup>nd</sup>. However, I am instructed that Paria is constrained to make this request in order to ensure that its business operations in relation to crude oil exportation are not compromised and to mitigate any risks to the environment that may be caused by the continued utilisation of the No. 66 Sealine pipeline.

With specific reference to the conduct of the proposed site visit, it is proposed that attendees meet at the designated meeting place and time identified below and that, after brief opening remarks by Paria's General Manager, they change into their PPE wear. A safety briefing will then be conducted after which attendees will be transported to the port where they will board a vessel and be taken offshore to Berth No. 6. After visiting Berth No. 6, attendees will be transported to Berth No. 5. After visiting Berth No. 5, attendees will return onshore to the original meeting place where refreshments will be served.

I am instructed that no cameras, camera phones or other camera equipped devices are permitted on the site visit in accordance with Paria's security policies and procedures.

The time spent at each berth is within the Commission's discretion. However, assuming that one hour is spent at Berth No. 6 and 30 minutes at Berth No. 5, the proposed visit comprises approximately 4 <sup>3</sup>/<sub>4</sub> hours as follows:-

- |   |             |
|---|-------------|
| (1) 10:00am - Arrival at designated meeting place ("DMP") |             |
| (2) 10:00am – 10:05am Opening Remarks                     | 5 minutes   |
| (3) 10:05am – 10:35am - Change into PPE wear              | 30 minutes; |
| (4) 10:35am – 11:00am Safety Briefing                     | 25 minutes; |

**GRETEL E. BAIRD, B.Sc., LL.B.**  
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(5) 11:00am – 11:05am – Travel time to port	5 minutes;
(6) 11:05am – 11:45am Travel time to Berth No. 6	40 minutes;
(7) 11:45am – 12:45pm Visit at Berth No. 6	60 minutes;
(8) 12:45pm – 12:50pm - Travel time to Berth No. 5	5 minutes;
(9) 12:50pm – 1:20pm - Visit at Berth No. 5	30 minutes;
(10) 1:20pm – 2:00pm - Travel time to shore	40 minutes;
(11) 2:00pm - 2:05pm – Travel time to DMP	5 minutes;
(12) 2:05pm – 2:25pm - Change out of PPE	20 minutes;
(13) 2:25pm – 2:45pm - Refreshments	20 minutes.

In response to your various questions, I am instructed as follows:-

- (1) The practical maximum number of persons who could comfortably attend the site visit is 10 persons;
- (2) The designated meeting place and time are at the Petrotrin Staff Club, Pointe-a-Pierre at 10:00am;
- (3) The site visit will be conducted by Mrs. Rohini Ramai-Peters, Paria's Commercial Manager; and
- (4) Paria will be able to provide the appropriate PPE comprising one pair of safety shoes, one coverall, one pair of gloves, one safety helmet and one pair of safety glasses for the each of the Commissioners and Counsel to the Commission.

I am also instructed that the following information is required by Paria for the appropriate arrangements to be made, *to wit*:-

- (1) The names and total number of persons attending the site visit including any security detail accompanying the Commissioners;
- (2) The gender, shoe size, glove size (Large and Extra Large) and coverall size (Small, Medium, Large or Extra Large) of each person

- attending and for whom Paria has agreed in this correspondence to provide PPE;
- (3) Any specific dietary requirements of the persons attending; and
  - (4) Confirmation that only Berths No. 5 and No. 6 are required to be included in the site visit.

Further, I am instructed that Paria recommends that in order to avoid any potential disruption to the site visit, persons who are uncomfortable travelling in a boat should exercise caution or avoid participation altogether.

I look forward to receiving your response.

Yours faithfully

.....  
**GRETEL BAIRD**  
**Attorney-at-Law**

c.c. **Mr. Gilbert Peterson S.C**  
**Mr. Jason Mootoo**  
**Paria Fuel Trading Company Limited**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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---

3<sup>rd</sup> November 2022

Ms. Gretel E. Baird  
Attorney at Law  
Elidore Chambers  
112 St. Vincent Street  
**Port of Spain**

Dear Ms. Baird,

**Re: Engagement of HHSL Safety Systems Limited & The Hummingbird Group**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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**

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Reference is made to the matter at caption in which you act *inter alia* for Paria.

As you are aware, at the Procedural Hearing on 7<sup>th</sup> September 2022, the Chairman of the Commission indicated that at the proposed site visit to Paria’s facilities, the Commission was interested in viewing the hyperbaric chamber as well as berths 5 and 6. Due to the fact that the hyperbaric chamber is now located on the sea bed, the Commission wishes to engage the services of HHSL Safety Systems Limited & The Hummingbird Group (HHSL) to provide a remotely operated vehicle (ROV) to enter the said chamber.

The Commission is aware of the fact that HHSL provided a similar service on the date of the incident as one of its ROVs entered the pipeline. In the circumstances, should you have any objection to the Commission engaging the services of HHSL please indicate same on or before Friday 11<sup>th</sup> November 2022.

Yours sincerely,

**Sarah Sinanan**  
**Secretary to the Commission**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000300**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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3<sup>rd</sup> November 2022

Ms. Gretel E. Baird  
Attorney at Law  
Elidore Chambers  
112 St. Vincent Street  
**Port of Spain**

Dear Ms. Baird,

**Re: Evidentiary Hearings- Opening Statements**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 in which you act *inter alia* for Paria.

As you are aware, at the Procedural Hearing on 7<sup>th</sup> September 2022, the Chairman of the Commission advised that on the first day of the hearings, that is 21<sup>st</sup> November 2022, Counsel to the Commission will make opening statements on behalf of the Commission. The Chairman also stated that anyone else who applies and is granted permission will also make their opening statements on that day.

The Commission wishes to enquire from you whether or not Paria is interested in making an application to be permitted for its lead Counsel to make an opening statement; the Commission would give favourable consideration to such an application on the basis that the opening statement be no more than one (1) hour long.

We look forward to receiving your response.

Yours sincerely,

**Sarah Sinanan**  
**Secretary to the Commission**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000301**



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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7<sup>th</sup> November 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 25<sup>th</sup> 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 2<sup>nd</sup> November 2022.

Regrettably, the Commission will not be able to conduct the site visit in the week commencing 7<sup>th</sup> November 2022 as proposed by Paria as the Commission’s Chairman will be out of the jurisdiction. However, given the need for a site visit, we suggest that it be rescheduled to a date during the December 2022 or January 2023 sittings (5<sup>th</sup> December -15<sup>th</sup> December 2022/ 9<sup>th</sup> January- 13<sup>th</sup> January 2023).

Also, whilst the Commission is mindful of Paria’s safety and security policies and procedures, we would like to have a further discussion with your client regarding the number of persons who can attend the site visit as well as the use of intrinsically safe cameras during the site visit.

The Commission therefore proposes to address these matters with your client at the hearing commencing on 21<sup>st</sup> November 2022 so that the necessary arrangements can be made to facilitate a site visit in December 2022 or January 2023.

In the interim, the Commission will vacate the site visit which had been scheduled for 22<sup>nd</sup> November 2022 and will issue an order to this effect.

Yours sincerely,

**Sarah Sinanan**  
**Secretary to the Commission**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000302**

**GRETEL E. BAIRD, B.Sc., LL.B.**  
ATTORNEY-AT-LAW

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**November 8<sup>th</sup> 2022.**

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

Dear Ms. Sinanan

Re: Evidentiary Hearings - Opening Statements  
Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("**Paria**") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

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I write in reference to your letter dated November 3<sup>rd</sup> 2022 concerning the making of opening statements at the evidential hearings.

I am instructed to apply for leave for lead Counsel for Paria Fuel Trading Company Limited to make an opening statement of no more than one hour on their behalf at the first evidential hearing of the Commission of Enquiry on November 21<sup>st</sup> 2022.

Yours faithfully

  
.....  
**GRETEL BAIRD**  
**Attorney-at-Law**

c.c. **Mr. Gilbert Peterson S.C**  
**Mr. Jason Mootoo**  
**Paria Fuel Trading Company Limited**

---

*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.*





**COMMISSION OF ENQUIRY**  
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8<sup>th</sup> November 2022

Ms. Gretel E. Baird  
Attorney at Law  
Elidore Chambers  
112 St. Vincent Street  
**Port of Spain**

Dear Ms. Baird,

**Re: Request for the records of the Incident Command Team (“ICT”).**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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**

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I refer to the matter at caption.

Having reviewed all the documents and witness statements provided by Paria, the Commission kindly requests:

- (1) All the records of the Incident Command Team (ICT) generated during the period Friday 25<sup>th</sup> February 2022 to Thursday 3<sup>rd</sup> March 2022 including:
  - (a) Minutes and/or logs of meetings of the ICT during this period;
  - (b) The Minutes of the meetings and/or discussions and/or decisions of the ICT during this period;
  - (c) Records of any communications between Paria and/or Heritage representatives engaged with and/or supporting the ICT including WhatsApp communications.
  
- (2) A copy of the ICT’s forward plan referred to in paragraph 53 of the witness statement of Randolph Archbald dated 16<sup>th</sup> August 2022.

The Commission asks that these documents be provided on or before **Friday 11<sup>th</sup> November 2022 by 4.00 p.m.**

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**

**GRETEL E. BAIRD, B.Sc., LL.B.**  
**ATTORNEY-AT-LAW**

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---

November 11<sup>th</sup> 2022

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

Dear Ms. Sinanan

Re: Engagement of HHSI Safety Systems Limited and The Hummingbird Group  
Commission of Enquiry into the circumstances which led to the tragic incidents which  
occurred on February 25<sup>th</sup>, 2022 at facilities owned by Paria Fuel Trading Co. Ltd. (“**Paria**”)  
located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre.

---

I refer to your letter dated November 3<sup>rd</sup> 2022 in relation to the proposed engagement by the  
Commission of HHSL Safety Systems Limited and the Hummingbird Group for the purposes  
of providing the Commission with an ROV to enter the hyperbaric chamber.

I am instructed that while Paria has no objection in principle to the proposed engagement of  
the two entities, it has expressed some reservations, based on the information at its disposal,  
as to whether the intended purpose of the Commission will be met by the proposed course.

In this regard, I am instructed that the base of the hyperbaric chamber rests on the seabed and  
that its top flange is about 15 feet below sea level, based on a total height of the chamber of  
approximately 30 feet and a depth of sea water of 45 feet. I have enclosed for ease of  
reference a copy of Paria’s drawing of the approximate location of the hyperbaric chamber  
after falling to the seabed on February 27<sup>th</sup> 2022. I am also instructed that based on this  
location and configuration, there is limited access to enter the chamber either from the  
underside or the top thereof, that is to say, access to the underside would be limited by the  
space between the base of the chamber and the seabed, while access to the topside would be  
limited to the annular space between the chamber’s 50” diameter top pipe and the 30” riser  
pipe at Berth No. 6, whose outer diameter is 37” due to the 3 ½” external concrete coat.

---

*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.*

I am instructed that while the ROV may be able to provide visual images of the external parts of the chamber, it should first be confirmed whether it would be able to enter through the available access spaces.

Secondly, there may be unknown obstructions within the chamber, such as equipment, attachments and appurtenances. It should therefore also be confirmed whether the ROV would be able to manoeuvre around any obstructions which may be present in the chamber.

Given the foregoing, Paria wishes to counter-propose that the chamber be retrieved from the seabed by the appropriate contractor at Paria's cost under the supervision of the Commission and witnessed by LMCS, the owners of the chamber. It is proposed that the chamber be retrieved using a crane barge and that it can then be inspected by the Commission from the deck of the crane barge. Paria then proposes that the chamber be transported to its Offshore Services Dock (OSSD) for storage until released to its owners.

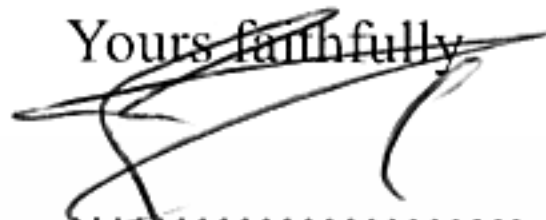
I am instructed that it is Paria's view that the retrieval of the chamber from the seabed presents the best means for the Commission to gain full access to it for the purposes of gathering all relevant evidence, which would include the proper inspection of both outside and inside the chamber.

Further, I am instructed that although it may be impractical to conduct such an exercise during the site visit, it can be completed within an estimated period of two (2) to three (3) weeks from the date of engagement of the contractor.

Having regard to the prohibition notice issued by the Occupational Safety and Health Authority and Agency to Paria on March 10<sup>th</sup> 2022 regarding all subsea maintenance works, and out of an abundance of caution, it is proposed that the OSH Agency be notified in advance of the proposed retrieval of the chamber.

I look forward to receiving the Commission's views on Paria's counterproposal.

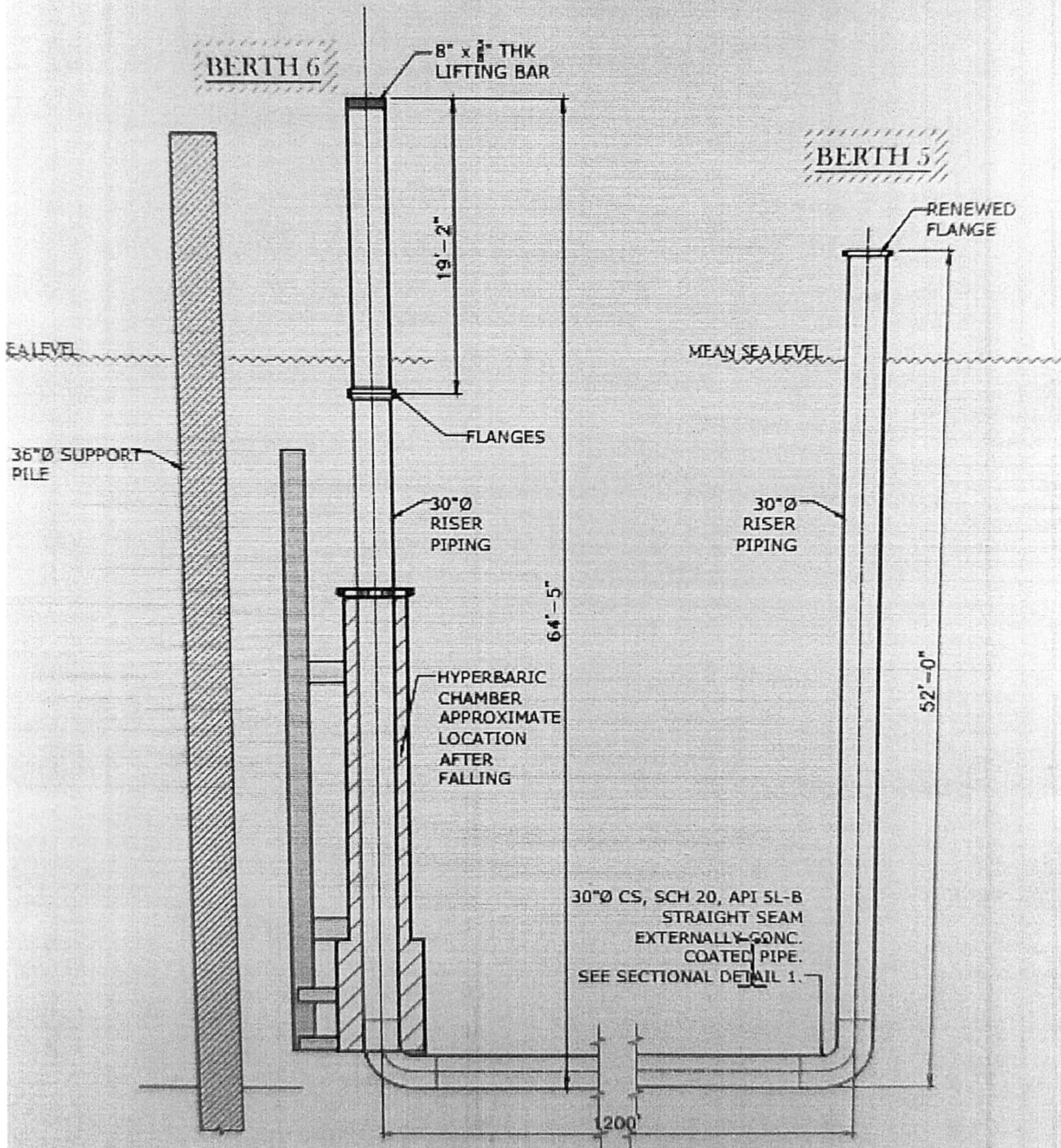
Yours faithfully

  
.....  
**GRETEL BAIRD**  
**Attorney-at-Law**  
**Enc.**

**c.c. Mr. Gilbert Peterson S.C.**  
**Mr. Jason Mootoo**  
**Paria Fuel Trading Company Limited**

S PASSING THROUGH  
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**GRETEL E. BAIRD, B.Sc., LL.B.**  
**ATTORNEY-AT-LAW**

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---

November 10<sup>th</sup> 2022

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

Dear Ms. Sinanan

Re: Schedule of Witnesses to be called at the Evidential Hearings  
Commission of Enquiry into the circumstances which led to the tragic incidents which  
occurred on February 25<sup>th</sup>, 2022 at facilities owned by Paria Fuel Trading Co. Ltd. ("**Paria**")  
located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre.

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I refer to your letter dated October 21<sup>st</sup> 2022 whereby you indicated, *inter alia*, that as  
presently advised, all of our clients' witnesses will be required to attend the public hearing to  
give evidence.

As you know, we act for Paria, Heritage Petroleum Company Limited ("**Heritage**"), Messrs.  
Visham Harrichan and Terrence Rampersadsingh and have submitted on behalf of our clients  
the statements of the following 17 witnesses, namely:-

1. Mushtaq Mohammed;
2. Collin Piper;
3. Michael Wei;
4. Randolph Archbald;
5. Catherine Balkissoon;
6. Paul Yearwood;
7. Sheldon Subero;
8. Manmohan Balkaran;
9. Johnathan Ramdhan;
10. Rajendra Mahase;

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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

**GRETEL E. BAIRD, B.Sc., LL.B.**  
**ATTORNEY-AT-LAW**

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- 
11. Marisa Ragbir;
  12. Hassan Mohammed;
  13. Visham Harrichan;
  14. Rawle Arneaud;
  15. Osei Flemming-Holder;
  16. Shantal Ramdeo; and
  17. Shameal Ali.

We note that the evidential hearings are scheduled to proceed during three (3) fixed sessions, namely from November 21<sup>st</sup> to 24<sup>th</sup>, December 5<sup>th</sup> to 8<sup>th</sup> and December 12<sup>th</sup> to 15<sup>th</sup> 2022 and, as a contingency, from January 9<sup>th</sup> to 13<sup>th</sup> 2023.

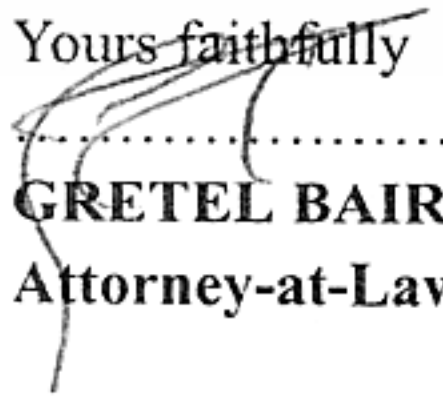
We therefore anticipate that the hearing of the evidence of the 17 witnesses may not be completed on a single day or even during a single session.

Therefore, in order to properly plan, schedule and manage the attendance of our clients' witnesses, kindly provide the following information:-

- (1) The order of witnesses to be called by the Commission; and
- (2) The date and approximate time when any Paria or Heritage witness or Mr. Visham Harrichan will be required to attend the COE to provide evidence.

As you will no doubt appreciate, the information at (1) above is also required in order for Counsel to prepare for and be in attendance at the relevant time to cross-examine such witnesses as may be necessary.

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**

---

*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.*



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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11<sup>th</sup> November 2022

Ms. Gretel E. Baird  
Attorney at Law  
Elidore Chambers  
112 St. Vincent Street  
**Port of Spain**

Dear Ms. Baird,

**Re: Evidentiary Hearings- Opening Statements**


**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 in which you act *inter alia* for Paria and to your application dated 8<sup>th</sup> November 2022.

I wish to advise that the Commission has granted permission for Paria's Lead Counsel to make an opening statement lasting no more than one (1) hour on 21<sup>st</sup> November 2022.

The Commission would be grateful to receive a written copy of the said opening statement, if possible, on the morning of 21<sup>st</sup> November 2022.

Yours sincerely,

  
**Sarah Sinanan**  
**Secretary to the Commission**

Encl:

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000311**



**GRETEL E. BAIRD, B.Sc., LL.B.**  
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---

**November 23<sup>rd</sup> 2022.**

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

Dear Ms. Sinanan

Re: Further Disclosure  
Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("**Paria**") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

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I hereby request disclosure of the following material to assist in our continued participation in the COE:-

1. A copy of the video footage recorded by the GoPro camera, part of which was played by the Commission at the evidential hearing held on Monday November 21<sup>st</sup> 2022;
2. A copy of all notes, images, photos, video recordings and other material taken and/or relied upon by pathologists Dr. Hubert Daisley and Dr. Parthasarathi Pramanik during the course of their post-mortem examinations and/or reports;
3. A copy of all interview notes taken by the Occupational Safety and Health Authority and Agency of their interview with Mr. Terrence Rampersadsingh, referenced by the Chairman during the hearing of Mr. Rampersadsingh's

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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.*

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---

application on Monday November 21<sup>st</sup>, and all other interviews of Paria witnesses.

Yours faithfully

.....  
**GRETEL BAIRD**  
Attorney-at-Law

c.c. **Mr. Gilbert Peterson S.C.**  
**Mr. Jason Mootoo**

---

*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.*

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---

**December 13<sup>th</sup> 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 ICT Records

Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("**Paria**") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

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I refer to your letter dated November 8<sup>th</sup> 2022 whereby you requested the records of generated by the Incident Command Team (**the "ICT"**) during the period February 25<sup>th</sup> to March 3<sup>rd</sup> 2022 and other information.

Further to our recent exchange of email messages on this matter, I am instructed as follows:-

1. In relation to the request at paragraph (1) of your said letter, all available records of the Incident Command Team generated during the relevant period were submitted to the Commission during the period December 9<sup>th</sup> to 12<sup>th</sup> 2022.
2. In relation to the question at paragraph (2) of your said letter, the ICT Forward Plan referred to at paragraph 53 of the statement of Randolph Archbald dated August

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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.*

16<sup>th</sup> 2022 is ICS 202 Feb 26-27 2022, which was submitted as part of the Incident Command System Forms on December 9<sup>th</sup> 2022.

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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**17 December, 2022**

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

Dear Ms. Sinanan

**Re: Disclosure Order Against LMCS**

**Commission of Enquiry into the Circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No.36 Sealine Riser on Berth No. 6, Pointe-a-Pierre ("the Commission").**

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I write in reference to the matter at caption wherein I, along with Messrs. Thane Pierre and Sebastian Peterson, continue to instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C.

By letter dated 8<sup>th</sup> November 2022, the Commission requested from Paria all the records of the Incident Command Team (ICT) generated during the period Friday 25<sup>th</sup> February 2022 to Thursday 3<sup>rd</sup> March 2022 including, *inter alia*, records of any communications between Paria and/or Heritage representatives engaged with and/or

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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.*

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---

supporting the ICT including WhatsApp communications. The requested information has now been provided to the Commission.

At the hearing on Thursday 8<sup>th</sup> December 2022, Counsel made an oral application for the Commission to provide all the records of LMCS as it relates to the rescue and/or recovery efforts. In response, the Chairman of the Commission, Mr. Jerome Lynch K.C, indicated his reluctance to make an order without fully understanding the parameters of the request and accordingly directed that an application be made in writing to the Commission should Paria wish an order for discovery to be made against LMCS.

In accordance with the aforesaid direction, Paria hereby applies for an order that the Commission order and/or direct that LMCS provide to the Commission and Paria:

- A. All records and/or documents produced by LMCS personnel involved in the rescue and/or recovery efforts from Friday 25<sup>th</sup> February 2022 to Thursday 3<sup>rd</sup> March 2022 (including but not limited to the following persons: Kazim Ali Snr., Ahmad Ali, Imtiaz Ali, Andrew Farah, Dexter Guerra, Conrad Beddoe and Conan Beddoe) relative to such efforts, including but not limited to the following:
1. All records, including minutes and logs, of meetings during the said period relative to the said rescue and/or recovery efforts;

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2. All records of the meetings, discussions and decisions relative to the said rescue and/or recovery efforts during the said period; and
  3. All records of any communications, including emails, WhatsApp and text messages relative to the rescue and/or recovery efforts during the said period.
- B. All records and/or documents received by LMCS personnel (including but not limited to the following persons: Kazim Ali Snr., Ahmad Ali, Imtiaz Ali, Andrew Farah, Dexter Guerra, Conrad Beddoe and Conan Beddoe) from third parties in relation to the aforesaid rescue and/or recovery efforts.

Paria considers that it is entirely reasonable to expect that the above records and documents exist because: (i) WhatsApp and email communications are commonly and widely used as a means of communication; and (ii) LMCS, as the contractor with the responsibility for executing the works, owed a duty to ensure the safety of its employees as well as a contractual responsibility under its contract with Paria to execute an emergency response plan following the events of 25 February, 2022.

Indeed, records and documents of the type described above undoubtedly touch and concern certain of the factual matters concerning the events of 25 February to March 3 of which the Commission is required to make critical findings. The Commission's recognition of the need to obtain all possible evidence in relation to this fact finding process is plainly reflected in its previous request of Paria's ICT for the provision of similar categories of documents. In

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this connection, owing to the significant role of LMCS in the events of 25 February, 2022 and its allegation that it was prepared to have divers enter into the pipeline on the said date, it is important to properly interrogate this allegation and to understand the circumstances surrounding the decision to do so, including but not limited to: (a) whether any persons from LMCS and/or third parties in which LMCS was in communication gave advice which conflicted with the said decision; (b) whether the decision was subject to any or any proper risk evaluation or analysis; (c) whether any or all of the LMCS personnel involved were in an appropriate mental state to develop any plan and/or assist in its execution; and (d) whether LMCS personnel were disposed to sharing relevant information with Paria.

In the circumstances, I look forward to receiving the Commission's response in relation to Paria's application at its earliest convenience.

~~Yours faithfully~~

.....  
**GRETEL BAIRD**  
Attorney-at-Law

**c.c. Mr. Gilbert Peterson S.C.**  
**Mr. Jason Mootoo**  
**Paria Fuel Trading Company Limited**





## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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29<sup>th</sup> December 2022

Ms. Gretel E. Baird  
Attorney at Law  
Elidore Chambers  
112 St. Vincent Street  
**Port of Spain**

Dear Ms. Baird,

**Re: Request for additional documents & viewing of the habitat.**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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**

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I refer to the matter at caption.

Having reviewed all the documents and witness statements provided by Paria, the Commission kindly requests the following:

- (1) Any handover notes for the key positions of the Incident Command Team (ICT);
- (2) Any reports prepared by Paria detailing the lessons learnt in relation to the incident inclusive of any lessons related to the gaps identified with the ICT;
- (3) Any document prepared by Paria and/or Heritage that explains the synergy between them for managing an incident;
- (4) Paria’s evaluation criteria for the selection of a contractor;
- (5) The specifications of the ALNG boroscope that was used by Paria on 25<sup>th</sup> February 2022;
- (6) Any minutes and/or audio recordings from the afternoon meeting between Paria and LMCS on Sunday 27<sup>th</sup> February 2022.

Additionally, the Commission would like to request an update on the viewing of the habitat, as the Commissioners would like this to be done during the January 2023 sitting.

We look forward to hearing from you.

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**

From: **Gretel Baird** <[gretelbaird@outlook.com](mailto:gretelbaird@outlook.com)>

Date: Tue, Jan 10, 2023 at 9:27 AM

Subject: Repairs to SL36 Riser and Topside Piping - the 2020 LMCS job at Berth No. 5

To: [commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com) <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Cc: Gilbert Peterson <[g.c.peterson@hotmail.com](mailto:g.c.peterson@hotmail.com)>, Jason Mootoo <[jkmootoo@gmail.com](mailto:jkmootoo@gmail.com)>, Thane J Pierre <[thanepierrelaw@gmail.com](mailto:thanepierrelaw@gmail.com)>, [sgopeterson@gmail.com](mailto:sgopeterson@gmail.com) <[sgopeterson@gmail.com](mailto:sgopeterson@gmail.com)>

Dear Ms. Sinanan

Pursuant to the Chairman's request, Paria sought to provide the permits to work issued and the Isolation checklists done in relation to the 2020 job at caption. I am instructed that after reasonable searches were conducted at Paria:-

1. No permits to work for the 2020 job were found; and
2. One Isolation Checklist, which is dated October 20<sup>th</sup> 2020, a copy of which is attached for ease of reference, was found.

I am also instructed that under clause 11.0 of Paria's Permit to Work Procedure No. HSE 02, Permit Documents (which include permits to work, JHAs, certificates and drawings) are required to be retained by the HSEQ Lead for a period of three months after the work permit is closed out. I am instructed that all permits to work issued under the 2020 job have been closed out for more than three (3) months.

Regards

Gretel E. Baird

Attorney-at-Law

Elidore Chambers

No. 112 St. Vincent Street

Port-of-Spain.

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**000322**

# KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

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31<sup>st</sup> October, 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 LMCS LIMITED TO ATTEND SITE VISIT ON 22<sup>ND</sup> NOVEMBER,  
2022 AT FACILITIES OWNED BY PARI A FUEL TRADING COMPANY LIMITED,  
LOCATED AT NO. 36 SEALINE RISER ON BERTH NO.6, POINTE-A-PIERRE**

The subject matter refers.

Pursuant to the requirement outlined in the media release emailed on 27<sup>th</sup> October, 2022, I wish to **formally apply for LMCS Limited** to attend the site visit scheduled for 22<sup>nd</sup> November, 2022.

For the purpose of clarification, kindly let me hear from you on whether:

1. the site visit is restricted to the legal representative only or also includes persons from LMCS Limited;
2. you wish to be supplied with the names of the persons wishing to attend the site visit; and
3. persons associated with LMCS Limited, who have submitted statements and have been interviewed but are without standing might be allowed to attend to the site visit as well.

I look forward to hearing from you.

Yours sincerely,



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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

Email: kaminiper8@gmail.com or k.persaudmarajandco@gmail.com

**000323**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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3<sup>rd</sup> November 2022

Ms. Kamini Persaud-Maraj  
K. Persaud Maraj & Co.  
Suite No. 4, LP 13, Caroni Savannah Road  
Chaguanas

Dear Ms. Persaud-Maraj,

**Re: Evidentiary Hearings- Opening Statements**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 in which you act for LMCS Limited (LMCS).

As you are aware, at the Procedural Hearing on 7<sup>th</sup> September 2022, the Chairman of the Commission advised that on the first day of the hearings, that is 21<sup>st</sup> November 2022, Counsel to the Commission will make opening statements on behalf of the Commission. The Chairman also stated that anyone else who applies and is granted permission will also make their opening statements on that day.

The Commission wishes to enquire from you whether or not LMCS is interested in making an application to be permitted for its lead Counsel to make an opening statement; the Commission would give favourable consideration to such an application on the basis that the opening statement be no more than one (1) hour long.

We look forward to receiving your response.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000324**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
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at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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3<sup>rd</sup> November 2022

Ms. Kamini Persaud-Maraj  
K. Persaud Maraj & Co.  
Suite No. 4, LP 13, Caroni Savannah Road  
Chaguanas

Dear Ms. Persaud-Maraj,

**Re: Engagement of HHSL Safety Systems Limited & The Hummingbird Group**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 in which you act for LMCS Limited.

As you are aware, at the Procedural Hearing on 7<sup>th</sup> September 2022, the Chairman of the Commission indicated that at the proposed site visit to Paria's facilities, the Commission was interested in viewing the hyperbaric chamber as well as berths 5 and 6. Due to the fact that the hyperbaric chamber is now located on the sea bed, the Commission wishes to engage the services of HHSL Safety Systems Limited & The Hummingbird Group (HHSL) to provide a remotely operated vehicle (ROV) to enter the said chamber.

The Commission is aware of the fact that HHSL provided a similar service on the date of the incident as one of its ROVs entered the pipeline. In the circumstances, should you have any objection to the Commission engaging the services of HHSL please indicate same on or before Friday 11<sup>th</sup> November 2022.

Yours sincerely,

**Sarah Sinanan**  
**Secretary to the Commission**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000325**

# KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

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4<sup>th</sup> November, 2022

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

Dear Madam,

**INVITATION FOR APPLICATION FROM LMCS LIMITED TO GIVE AN OPENING  
STATEMENT ON 21<sup>ST</sup> NOVEMBER, 2022 AT LIVE COMMISSION OF ENQUIRY  
HEARING**

I refer to yours dated 3<sup>rd</sup> November, 2022 on the subject matter.

LMCS Limited takes the opportunity to confirm its application for its lead Counsel to give an opening statement on the 21<sup>st</sup> November, 2022.

LMCS Limited undertakes to have this opening statement to be presented under the one-hour time limit and wish to assure that the opening statement will *address inter alia*, an overview on the project, operations, environment, procedure, jargons, inter-company relations and the incident with a view of providing context to the evidence already disclosed to the public and to be examined further at the hearings. We are of the view that this will be helpful to both the Commission and the public, in these proceedings.

We look forward to receiving your favourable confirmation of our application.

Yours sincerely,



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**KAMINI PERSAUD-MARAJ**

**K. PERSAUD MARAJ & CO.**  
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Mobile: 868-750-3953  
Email: kaminiper8@gmail.com or k.persaudmarajandco@gmail.com

**000326**

# KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

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9<sup>th</sup> November, 2022

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

Dear Madam,

## ENGAGEMENT OF HHSL SAFETY SYSTEMS LIMITED & THE HUMMINGBIRD GROUP

I refer to yours dated 3<sup>rd</sup> November, 2022 on the subject matter.

Please be advised that LMCS Limited has no objection to the companies at the subject of this missive being engaged by the Commission. However, in full disclosure based on LMCS's knowledge, please be advised of the following matters for your consideration in specifications needed for the camera:

1. On the assumption that the chamber fell straight down to the seabed (assumption being made since LMCS has not done any inspection) then the opening usually accessible by divers will not be available for anyone or a camera to access.
2. The access point for any camera will have to likely be made from the point of the riser section of the chamber where the pipe is currently positioned.
3. The annular space between the No. 36 riser and the 50 inch stove pipe on the chamber is at most 6 inches.

All for your information.

Yours sincerely,



**KAMINI PERSAUD-MARAJ**

**K. PERSAUD MARAJ & CO.**  
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Chaguanas, Trinidad  
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**000327**



# KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

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10<sup>th</sup> November, 2022

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

Dear Madam,

**Terms Of Reference (TOR) 4 (a) (ix) of 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 (4) Employees Of Lmcs  
Limited**

I refer to the TOR at the subject.

Since the publication of statements by the Commission, the writer has been perusing statements before the Commission. As you are aware, LMCS Limited has and continues to give full and frank disclosures in furtherance of the Commission's TOR, to the best of its ability.

During the course of the interviews of LMCS workers, there was little to no emphasis on the circumstances leading to the chambers resting place on the seabed. In this regard, the information placed by Paria on this issue is one-sided and prejudicial. While LMCS Ltd. views this incident as a red herring to the circumstances leading to the incident on the 25<sup>th</sup> February, 2022 and to the deaths of four of its employees, it may be prudent for a firsthand account from an LMCS worker be placed before the Commission. It is also our opinion that the adequacy and mechanical integrity of the chamber has been addressed, but the circumstances of its settlement on the seabed might alight unwarranted suspicion.

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**000328**

In this regard, a former worker, Daniel Deonarine, who was present and involved in the process of the removal of the chamber has come forward and was interviewed by me. This has resulted in the formulation of a witness statement. Please find that statement attached for perusal and ease of reference.

It is therefore **my application to the Commission that this statement be accepted and placed before the Commission**, to negate the likelihood of viva voce evidence on the said matter.

I look forward to the Commission's ruling on this application.

With gratitude.

Yours sincerely,

  
KAMINI PERSAUD-MARAJ

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**000329**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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11<sup>th</sup> November 2022

Ms. Kamini Persaud-Maraj  
K. Persaud Maraj & Co.  
Suite No. 4, LP 13, Caroni Savannah Road  
Chaguanas

Dear Ms. Persaud-Maraj,

**Re: Evidentiary Hearings- Opening Statements**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 in which you act for LMCS and to your application dated 4<sup>th</sup> November 2022.

I wish to advise that the Commission has granted permission for LMCS’s Lead Counsel to make an opening statement lasting no more than one (1) hour on 21<sup>st</sup> November 2022.

The Commission would be grateful to receive a written copy of the said opening statement, if possible, on the morning of 21<sup>st</sup> November 2022.

Yours sincerely,

**Sarah Sinanan**  
**Secretary to the Commission**

Encl:

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000330**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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11<sup>th</sup> November 2022

Ms. Kamini Persaud-Maraj  
K. Persaud Maraj & Co.  
Suite No. 4, LP 13, Caroni Savannah Road  
Chaguanas

Dear Ms. Persaud-Maraj,

**Re: Evidentiary Hearings- Schedule of Witnesses (Week 1)**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 in which you act for LMCS Ltd (LMCS).


I wish to advise that the Commission intends to call the following LMCS witnesses during the first week of the Evidentiary Hearings:

1. Mr. Kazim Ali Snr.- Tuesday 22<sup>nd</sup> November 2022;
2. Mr. Ahmad Ali- Tuesday 22<sup>nd</sup> November 2022;
3. Dexter Guerra- Thursday 24<sup>th</sup> November 2022;
4. Andrew Farah- Thursday 24<sup>th</sup> November 2022;
5. Victor Dhillpaul- Thursday 24<sup>th</sup> November 2022.

We ask that the witnesses be present at the start of the day’s hearing, that is at 10:00 am.

A full copy of the schedule for Week 1 is attached.

Yours sincerely,

  
**Sarah Sinanan**  
Secretary to the Commission

Encl:

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000331**

# KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

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22<sup>nd</sup> December, 2022

Secretary to Commission of Enquiry  
Southern Academy for Performing Arts  
Todds Street  
San Fernando.  
Attention: Ms. Sarah Sinanan

Dear Madam,

**REQUEST FOR SPECIFIC DISCLOSURE RELEVANT TO ACCIDENT OF 25<sup>TH</sup> FEBRUARY,  
2022 AT 36 SL, BERTH #6 INVOLVING 5 LMCS LTD WORKERS**

I refer to the matter at subject in which I continue to act for LMCS Ltd.

While there is an on-going evidential hearing into all of the circumstances leading to the death of 4 of my client's workers as a result of an accident on the 25<sup>th</sup> February, 2022, it is notable that the following information is not before the Hon. Commission:

1. Specifications for the cameras used to inspect the pipeline on 25/26<sup>th</sup> February, 2022 (namely the ALNG boroscope and HHSL Crawler); and
2. Minutes from the meeting on Sunday afternoon at around 3:00PM on Sunday 27<sup>th</sup> February, 2022 between Paria and LMCS.

It may well be that the information pertaining to the specifications of the cameras may elicited, but there seem to be no statement or information currently on the subject or person with knowledge to supply same. Further, we have taken note that Paria's Attorney at Law has indicated that all of their documents ought to be within the reach of the Commission. However, it may be an oversight that the minutes from this meeting or a synopsis of the meeting was not supplied and/or published.

LMCS's application is for specific disclosure of this information from the parties and/or persons who may have same in their possession, for the benefit of all the parties, the public and most importantly the Honourable Commission.

I look forward to hearing from you.

Yours sincerely,



KAMINI PERSAUD-MARAJ

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**000332**

# KAMINI PERSAUD-MARAJ

ATTORNEY AT LAW

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7<sup>th</sup> January, 2023

Secretary to Commission of Enquiry  
Southern Academy for Performing Arts  
Todds Street  
San Fernando.  
Attention: Ms. Sarah Sinanan

Dear Madam,

## **CAMERA FOOTAGE INFORMATION AND PERMIT TO WORK**

I refer to the subject of this missive and thank you for forwarding to me Paria's response on the issue contained in their letter to you dated 3<sup>rd</sup> January, 2022. As you are aware, I continue to act for LMCS Limited.

Permit me to first confirm that LMCS's arguments on the veracity and purport of the information received from the camera will be addressed in closing. However, as a matter of fact, my instructions on this issue are that the data collected from the Borescope and the data from the HHSL Crawler were wrong and/or inaccurate and/or misleading. My client's instructions are that the borescope might have a 300% error.

The basis for this assertion comes from the knowledge that the distance from launch point to the bottom of the riser was a distance of some 70 feet comprised as follows:

1. both cameras were launched from the deck of the main platform on Berth #6, from a location 12 feet horizontally across from the riser; and
2. the top of the riser being about 58 feet vertically above the bottom of the riser.

My instructions for the Commission's consideration on this:

1. The ALNG borescope consists of a camera attached to one end of a cable, like a bicycle brake cable, the other end is fixed on to a spool on which the cable is spooled. The spool is connected to a display screen which shows what the camera sees and displays the length of cable paid out, demonstrating the distance of the camera from the launch point.
2. When the borescope was deployed around 12.15 A.M. Saturday 26 February, the images on the display screen showed that the camera encountered a dive

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**000332A**

- bottle at 70 feet from the launch point, which happened to be the distance of the elbow from the launch point.
3. The camera mounted on the crawler from HHSL operated on similar principle; the Display unit showed what the camera was looking at and the distance of the camera from the launch point. The crawler was launched at 3.30 A.M. Saturday 26 February and the display unit showed the same dive bottle at a camera distance of 132 feet (page 3153, para 2).
  4. HHSL goes on to say that they managed to push the bottle 21 feet (9' +7' +3' +2'). What is even more bizarre is that the display screen showed a distance of 200.3 feet, which should have been 70' +21' –a total of 91 feet from the launch point.

LMCS **does not** require an examination of the witness from the companies providing the camera services, but respectfully submits that verification of this information is material for the Honourable Commission's consideration. As stated, LMCS will proceed to present its arguments on this issue (as there is sufficient evidence already before the Commission for this to be done).

### **PERMIT TO WORK**

I wish to formally bring to your attention that the Permit to Work for the 15<sup>th</sup> February, 2022 (the day on which Hot Works were done in the Habitat) does not form part of Paria's documents currently before the Commission. There may also be other certificates accompanying this permit. I would be grateful for this PTW, as has been indicated at the Hearing, LMCS does not have copies of any of these documents.

I look forward to hearing from you on these issues.

Yours sincerely,

  
\_\_\_\_\_  
**KAMINI PERSAUD-MARAJ**

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**000334**



# **IN-CORR-TECH LTD.**

## **Inspection, Metallurgical, Quality Control & Design ENGINEERS**

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- 15-17 Rodriguez Street, Victoria Village, San Fernando 602617 Trinidad and Tobago  
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E-mail: [ictltd@incorrtech.com](mailto:ictltd@incorrtech.com)

28<sup>TH</sup> DECEMBER 2022

IN-CORR-TECH LIMITED

PAGE 1

TO: SARAH SINANAN

SECRETARY TO THE COMMISSION  
Southern Academy for the Performing Arts (SAPA)  
Todd Street,  
SAN FERNANDO

**SUBJECT: COMMISSION OF INQUIRY INTO THE TRAGIC INCIDENT THAT OCCURRED ON  
25<sup>TH</sup> FEBRUARY 2022 AT FACILITIES OWNED BY PARIA.**

**RE: IN-CORR-TECH LIMITED REPORT REF# C72322-3 DATED JULY 2022**

Dear Ms Sinanan,

In light of the several references made by various legal counsels to the above report, I wish to bring to the attention of the commission the following pointers.

These, in my opinion will negate the possibilities of misinformed deductions, skewed inferences and unnecessary conjecture in further deliberations.

- (i) An agreement dated March 2022 was signed between In-Corr-Tech Limited and the Occupational Safety and Health Authority and Agency, OSHA to conduct a "root cause analysis and causative factor investigation" pertaining to the tragic incident.
- (ii) To satisfy the requirement of the said agreement, the following was adopted as stated in my report under section 1.6.
  - (a) Inspection of associated equipment used.
    - Positive Pressure Habitat/Hyperbaric Chamber
    - Compressors
    - Hoses
    - Filter Pots
    - Inflatable Pipe Plug

**Directors: Z. Khan (President/C.E.O) B.Sc. Eng., R.A. Khan, B.A. Econ., R.Z. Khan M.Sc. Eng.,  
R. Khan (Co. Secretary), B.A.**

**000335**



- Mechanical Seal
- Scuba Equipment
- Crane used in the exercise, Model LS-218H

(b) Review of Paria's Scope of Works (S.O.W)

(c) Review of contractor LMCS Limited, Method Statements, Job Safety Analysis and Risk Assessment.

(d) Review of relevant work permits, risk analysis, dive plan and schedule.

Notes:

(1) Habitat was not seen.

- (iii) During the investigation, prior to the issuance of the report, other information deemed relevant and necessary eg. Details surrounding the actual line content removal and methodology were not received.
- (iv) Owing to the delays experienced, the scheduled time for the submission of the report was not met.
- (v) The report was issued to OSHA on 19<sup>th</sup> July 2022, several weeks late, with the caveat "this report is based on the information and available document supplied by OSHA" as stated under paragraph 1.7 page #6 of my report.
- (vi) Based on reviews of additional pertinent information, seen after the issuance of my report, I wish to state that my basic conclusions and recommendations remain.
- (vii) Based on pertinent information supplied to me on 27<sup>th</sup> July 2022 by OSHA, which I requested on 6<sup>th</sup> May 2022, there may be need to revise some sketches in my report to reflect a more realistic picture.

In summary:

1. Agreement between OSHA and In-Corr-Tech Limited was signed on March 29<sup>th</sup> 2022.
2. Report issued to OSHA on 19<sup>th</sup> July 2022.
3. Pertinent additional information requested by myself during discussions with OSHA was supplied on 27<sup>th</sup> July 2022, seven (7) days after issuance of the report.

Any further clarification can be accommodated thru contact with the undersigned.



**ZAID KHAN**

PRESIDENT / CEO

BSc ENG. (MECH), ASNT NDT LEVEL III

FAILURE ANALYSIS CONSULTANT

REGISTERED PROFESSIONAL ENGINEER

API 510 & 570 CERTIFIED INSPECTOR

AWS CERTIFIED WELDING INSPECTOR

DIP. IN MICROSTRUCTURAL ANALYSIS

LICENSED COMPETENT PERSON FOR HOISTS, BOILERS

& PRESSURE VESSELS UNDER THE OCCUPATIONAL

SAFETY AND HEALTH ACT 2004 (A06)

Prepared By: ZK/mj

**000336**

**IN-CORR-TECH LTD.**





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11<sup>th</sup> January, 2023

Ms. Sarah Sinanan

**Secretary**

**Paria Commission of Enquiry**

Southern Academy for the Performing Arts (SAPA)

Todd Street

**SAN FERNANDO**

Dear Ms. Sinanan,

**Re: Enquiry into the tragic incidents which occurred on 25<sup>th</sup> February, 2022 at facilities owned by Paria Fuel Trading Co. Ltd. Located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre**

**Submission on Behalf of the Occupational Safety and Health Agency – Proposed Legislative Amendments**

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### Introduction

Prior to 2006, Occupational Safety and Health in Trinidad and Tobago was governed by the Factories Ordinance, 1948, as amended in 1953. In 2004 the OSH Act was assented to on January 30<sup>th</sup> and came into effect on February 17<sup>th</sup>, 2006 (with the exception of section 98 which came into force on August 17<sup>th</sup>, 2007). The OSH Act was developed primarily because the Factories Ordinance proved to be too narrow in scope, outdated and inappropriate to deal with the expanding industrial sectors in Trinidad and Tobago. It was found that many occupations and workplaces fell far outside the ambit of the legal framework of the Factories Ordinance of 1948.

With the exception of minor amendments in 2006, in itself over a decade ago, the OSH Act has undergone no amendments, despite technological and other changes in the various economic sectors in Trinidad and Tobago. As enforcement activities and proceedings (via OSHA's Inspectorate and the Legal Department) pursuant to the OSH Act have significantly increased, certain discrepancies, areas for improvement, gaps and areas of ambiguity have been identified. The creation of an improved regulatory framework would facilitate greater compliance, enforcement, competitiveness in regional and international trade as well as adherence to Conventions and Treaties such as those with the ILO.



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### Safety and Health Legislative Reform

In order to give effect to the objectives and commitment of the Government to a comprehensive and immediate review of all Labour Legislation as stated in its Official Policy Framework, the Ministry of Labour (“the Ministry”) in collaboration with the Occupational Safety and Health Agency (“OSHA”) hosted National Stakeholder Consultations on the Occupational Safety and Health Act Chapter 88:08 (the “OSH Act”) on March 21 and 22, 2017 in Trinidad and on July 10, 2017 in Tobago. The Minister is empowered by Section 99 of the OSH Act to make Regulations for the purposes of promoting the safety, health and welfare of the working populace and to give effect to the OSH Act, in general.

The Occupational Safety and Health Authority (the “OSH Authority”) is able to contribute to the Ministry’s Legislative Agenda by submitting proposals by virtue of Section 66(e) of the OSH Act for the making of Regulations under the Act. Such proposals are primarily data driven supported by accident statistics over various industries.

Draft policies for nine proposed Regulations were developed by OSHA over the period July 2018 - March 2019 (which are at various stages of development), based on empirical data relating to health and safety and consultative sessions held in July 2017. Five of these draft policies were approved by the OSH Authority. Public consultations were held for policy documents relative to Safety of Pressure Systems Regulations, Provision and Use of Work Equipment Regulations, Gas Safety (Use Conveyance and Storage) Regulations, Blasting and Use of Explosives Regulations, Welfare Regulations as well as the National Occupational Safety and Health Policy on the following dates:

- Provision and Use of Work Equipment Regulations on August 21, 2018;
- Lifting Operations and Lifting Equipment Regulations on August 23, 2018;
- The National Occupational Safety and Health Policy on April 29, 2019 (Trinidad) and May 3, 2019 (Tobago);
- The Safety of Pressure Systems Regulations on May 1, 2019;
- The Gas Safety (Use Conveyors and Storage) Regulations on May 13, 2019;
- The Blasting and Use of Explosives Regulations on May 15, 2019; and
- The Occupational Safety and Health (Welfare) Regulations Policy on May 17, 2019.



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Revision of the Draft Policy Position Papers was undertaken and a second draft was completed during the period of October 21- 25, 2019. The OSH Authority's Technical Operations Committee commenced a review of the revised draft policy documents in January 2020. In or around June 2020, OSHA received comments on submitted policy documents from the Line Ministry which were also reviewed, addressed and incorporated.

A second round of Consultations on the draft policy on Welfare Regulations pursuant to recommendations by the Joint Select Committee of Parliament was held virtually on September 28, 2021.

Work on amendments to the OSH Act was ongoing. Representatives of OSHA met with the Director of Public Prosecutions on January 19, 2022, as a means of consulting with his Office primarily on recommendations relative to the prosecution of summary offences under the OSH Act.

OSHA continued to receive valuable input from stakeholders and additional gaps were identified during the course of enforcement activities by OSHA's Inspectorate and Legal Department and further adjustments were made over the period following the public consultations.

Comments on the amended submission sent in March 2022 were received from MOL in June 2022 and the recommendations and advice were reviewed and incorporated accordingly. In August 2022 the following final draft policy documents were submitted and confirmed as final drafts.

- i. Lifting Operations and Lifting Equipment Regulations (“LOLER”)- Policy Paper 2018;
- ii. Provision and Use of Work Equipment Regulations (“PUWER”)- Policy Paper 2018;
- iii. Gas Safety (Use, Conveyance and Storage) Regulations- Policy Paper;
- iv. Safety of Pressure Systems- Policy Paper;
- v. Blasting and Use of Explosives Regulations.

Additional inclusions and adjustments were made to the draft policy for Amendment to the Act, and accepted by the Ministry.

### Diving Regulations

As hereinabove mentioned, OSHA's recommendations for prioritization of legislative reform are primarily driven by accident statistics. Public interest considerations would also be a factor in prioritization for legislative proposals. The number of diving accidents known to OSHA, was



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virtually non-existent until the reporting and investigation of one on January 2018 (critical injury) and subsequently on February 25<sup>th</sup>, 2022 when the fatalities of the LMCS divers occurred at Paria Fuel Trading Company Limited. Accidents and/or fatalities were far more frequent in other sectors such as Mining & Quarrying, Manufacturing and Wholesale & Retail.

It should be noted, however that OSHA has been a part of the Specification Committee for Commercial Diving (the “SCCD”) created by the Trinidad and Tobago Bureau of Standards (“TTBS”) which comprised stakeholders including large and small diving companies, from its inception in 2007 until 2018. The SCCD’s purpose was to assist in the revision of the existing standards including the commercial diving standard TTS 539:1997. However, we’re informed that consensus among the stakeholders on the use of the SCUBA diving in commercial diving operations was not reached and that attempts to reconvene in September of 2021 proved futile due to poor stakeholder response.

TTBS has two existing, voluntary standards for commercial diving:

- TTS 539:1997, Code of practice for safety in commercial diving operations
- TTS/CSA Z275.5:2010, Occupational Diver Training – Specification

The OSH Act also acknowledges the application of Standards that may be utilized in its enforcement as per certain provisions. Approved Standards are therein defined as follows:

““approved standard” as the context may admit, means a national or international standard so declared or adopted by the Trinidad and Tobago Bureau of Standards under the Standards Act and includes an appropriate type as determined by the Authority.”

OSHA intends to submit a proposal to the Ministry for the development of Regulations for Commercial Diving. Extensive Stakeholder Consultations are to be examined for 2023-2024. It is envisaged that international input and wide consultation would be required.

Kindly bring this correspondence to the attention of the Chairman.

Regards,

Ms Pettal John-Beerens  
Deputy Director Legal

On Fri, Jan 20, 2023 at 3:51 PM Gretel Baird <[gretelbaird@outlook.com](mailto:gretelbaird@outlook.com)> wrote:  
Dear Mr. Sinanan

I am instructed to request an extension of time to Friday January 27<sup>th</sup> 2023 to address the aspects of Paria's letter to OSHA dated July 20<sup>th</sup> 2022 which were referenced by the Chairman during the hearing held on January 13<sup>th</sup> instant.

I look forward to receiving your response.

Regards  
Gretel E. Baird  
Attorney-at-Law  
Elidore Chambers  
No. 112 St. Vincent Street  
Port-of-Spain.

Tel: 868-624-1529/627-9734  
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**From:** [Sarah Sinanan](#)  
**Sent:** Monday, 23 January 2023 2:17 pm  
**To:** [Gretel Baird](#)  
**Cc:** [Gilbert Peterson](#); [Jason Mootoo](#); [Thane J Pierre](#); [sgopeterson@gmail.com](mailto:sgopeterson@gmail.com)  
**Subject:** Re: Response to Invitation to Address Certain Aspects of Paria's letter dated July 20, 2022 to OSHA

Dear Ms. Baird,

Please be advised that the request for an extension of time to 27<sup>th</sup> January 2023 has been granted.

**Best Regards,**  
**Sarah Sinanan**  
**Secretary to the Commission**

**Southern Academy for the Performing Arts (SAPA)**  
**Todd Street, San Fernando**  
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**Website: [www.coe2022.com](http://www.coe2022.com)**

**000341**

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From: **Gretel Baird** <[gretelbaird@outlook.com](mailto:gretelbaird@outlook.com)>  
Date: Mon, Jan 23, 2023 at 2:37 PM  
Subject: RE: Response to Invitation to Address Certain Aspects of Paria's letter dated July 20, 2022 to OSHA  
To: Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
Cc: Gilbert Peterson <[g.c.peterson@hotmail.com](mailto:g.c.peterson@hotmail.com)>, Jason Mootoo <[jkmootoo@gmail.com](mailto:jkmootoo@gmail.com)>, Thane J Pierre <[thanepierrelaw@gmail.com](mailto:thanepierrelaw@gmail.com)>, [sgopeterson@gmail.com](mailto:sgopeterson@gmail.com) <[sgopeterson@gmail.com](mailto:sgopeterson@gmail.com)>

Thank you, duly noted.

Regards  
Gretel E. Baird  
Attorney-at-Law  
Elidore Chambers  
No. 112 St. Vincent Street  
Port-of-Spain.

Tel: 868-624-1529/627-9734  
Email: [gretelbaird@outlook.com](mailto:gretelbaird@outlook.com)

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**000342**

**PARIA FUEL TRADING COMPANY LIMITED**

Registered Office: #9 Queen's Park West, Port of Spain, Trinidad

Telephone (868) 612-2463



January 27<sup>th</sup> 2023.

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 circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

On the 13<sup>th</sup> January, 2023, Lead Counsel to the Commission, Mr. Ramesh Maharaj S.C., in the course of his closing address, made reference to a letter dated 20<sup>th</sup> July, 2022 from Paria to the Occupational Safety and Health Agency ("OSHA"). A copy of the said letter is attached for ease of reference.

Having referred to the said letter, the following exchange took place between Mr. Maharaj S.C and the Chairman to the Commission:

*“Mr. Chairman: Yes. So they were able to tell the amount of hydrocarbon—*

*Mr. Maharaj SC: In the underwater—*

*Mr. Chairman:— that came out of the pipe after—*

*Mr. Maharaj SC: Yes.*

*Mr. Chairman:—the incident happened, in other words, when they were pumping in order to recover the bodies, and they described that as about 125 barrels, but they were unable, at the time that this document was signed by Mr. Mushtaq Mohammed on the 20th of July, to tell OSHA how much had been taken out of the pipe before the accident happened.*

*Mr. Maharaj SC: Yes.*

*Mr. Chairman: Well that's not true, is it?*

*Mr. Maharaj SC: No.*

*Mr. Chairman: I mean, they did know?*

*Mr. Maharaj SC: Yes, they did know.*

Directors: Newman K. George (Chairman) Peter Clarke Eustace Nancis Christine Sahadeo Reza Salim



*Mr. Chairman: I mean, those daily report records were contemporaneous, were they not?*

*Mr. Maharaj SC: Yes. And they were dated when? From where? And I'm reminded that those records were compiled contemporaneously so in January and February of 2022.*

*Mr. Chairman: As and when it happened?*

*Mr. Maharaj SC: As and when it happened.*

*Mr. Maharaj SC: Yes.*

*Mr. Chairman: And so to say, as he does in OSHA's inquiry back in July of last year: "Given the configuration of the system it is **impossible to segregate and measure the displaced volume**", that is simply not the case, is it?*

*Mr. Maharaj SC: No.*

*Mr. Chairman: Or even if you were unable to give an exact figure, he was certainly in a position, was he not, to have given the figures that you've given us before we had the break?*

*Mr. Maharaj SC: Yes.*

*Mr. Chairman: One thousand two hundred and fifty-two barrels?*

*Mr. Maharaj SC: And this is a letter signed by the head of Paria.*

*Mr. Chairman: Yes. It's perhaps a pity we didn't put this to Mr. Mohammed when he was here.*

*Mr. Maharaj SC: Yes.*

*Mr. Chairman: Because it's something that perhaps he ought to have explained. What I'm going to do is this. This is obviously quite a serious matter. I think that the sensible thing would be to allow Mr. Mohammed, Mushtaq Mohammed, to address this.*

*Mr. Maharaj SC: Yes.*

*Mr. Chairman: So I'm going to ask Mr. Peterson, obviously it's of some importance, and there may be a perfectly good explanation, so can I ask that you invite Mr. Mushtaq Mohammed to have a look at the letter that he wrote? I mean, obviously it's been part of the bundle from the start to finish so it's not as though it's only something that's just emerged. It's perhaps, as I say, a little lamentable that this wasn't—that he wasn't asked about it when he gave evidence, but, no loss. What we can do is, perhaps you'll be good enough to provide him with a copy of this and ask him if he would be good enough to explain what he meant by, in paragraphs four and five, if he's able and we will take that into account."*

In light of the above exchange Paria wishes to place on record the following facts and matters for consideration by the Commission.

1. Insofar as the exchange between the Chairman and Mr. Maharaj S.C suggests and/or implies that Paria knew how many barrels of hydrocarbons were taken out of Sealine 36 and/or that Paria misrepresented the true position to OSHA in relation to this issue, that suggestion is wholly erroneous owing to the following facts and matters:
  - (a) At all material times Paria did not know the volume of hydrocarbons contained in Sealine 36. The Sealine had been out of commission for a considerable period of time during Petrotrin's (Paria's predecessor) operations due to a leak. Additionally, Paria had no estimate in its possession as to the volume of hydrocarbons in the line.

- (b) Sealine 36 (which is 30 inches in diameter) was temporarily connected into Sealine 66 crude system (which is 50 inches in diameter and consists of a network of pipes configured in a non-linear fashion) which in turn fed into Storage Tank No. 111 during the relevant period.
- (c) The length of Sealine 66 from the point where it intersects with Sealine 36 to Storage Tank No 111 is 14,025 ft with a calculated volume of approx. 33,660 barrels.
- (d) Although Paria does not precisely know the volume of hydrocarbons which were contained in Sealine 66 piping network during the months of January and February, 2022, it does know, from the general nature of its operations due to thermal expansion and its loading operations, that Sealine 66 is normally not completely filled with hydrocarbons thereby leaving vapour spaces within the line. Those vapour spaces have been known to range anywhere between 3% and 5% of the capacity of the line.
- (e) The method employed by LMCS for moving hydrocarbon content out of Sealine 36 was air blowing at a pressure of 40 psi. Further, given that Sealine 36 empties into Sealine 66 and Sealine 66 in turn is emptied into Storage Tank 111, air blown in this manner will not be confined to Sealine 36. It will necessarily filter into Sealine 66 and Tank 111.
- (f) Accordingly, the process of air blowing caused both the movement of hydrocarbons contained in Sealine 36 and the movement of hydrocarbons contained in Sealine 66. The process of air blowing:
- resulted in a commingling of hydrocarbon content from both Sealines within Sealine 66 which was ultimately emptied into Storage Tank 111; and/or
  - caused hydrocarbons from Sealine 66 to be moved into Tank 111 without a measurable volume attributable to Sealine 36.
- (g) Paria's "*Maintenance Department Daily Work Report*" referred to by the Chairman and Mr. Maharaj SC in the extract of the transcript of proceedings referred to above does not constitute a record of what volume was drained into Storage Tank 111 from Sealine 36 only but is instead a combination of hydrocarbons derived from both Sealine 36 and Sealine 66.
- (h) Accordingly, although Paria's "*Maintenance Department Daily Work Reports*" which are in evidence before the Commission show approx. 1247 barrels of hydrocarbons (18 Jan 798 barrels; 21 Jan 118 barrels, 3 Feb 276 barrels and 3 Feb 55 barrels) being drained into Storage Tank 111, that aggregate figure cannot properly be attributed to content from Sealine 36 only.
- (i) At all material times Paria did not have a system in place which allowed the amount of content drained from each of Sealine 36 and Sealine 66 into Storage Tank 111 to be

individually measured. Additionally, the nature of Paria's commercial operations did not and does not require it to have such a segregated system in place.

- (j) Further, the figures shown in Paria's "Maintenance Department Daily Work Reports" ought to be viewed with caution and treated as potentially unreliable. This is because temperature correction factors were never used for the volumes recorded on the Paria's "Maintenance Department Daily Work Reports" relative to the quantity of hydrocarbons drained into Storage Tank 111. In this connection it is critical to note that a 5 degree difference in tank temperature during the course of the day accounts for a difference of measurement of 401 barrels in Tank 111 at a 20 foot tank as level.
- (k) The fact that temperature correction factors were not taken into account is understandable because the levels in Storage Tank 111 were being monitored for the limited purpose of ensuring that the process of air blowing was working and not otherwise. This was required because, as the Daily Work Reports show, on some days no product was received in Storage Tank 111 notwithstanding that air blowing was in progress.

Accordingly, Paria's response to OSHA at item 4 of its letter dated 20<sup>th</sup> July, 2022 was correct in all material respects.

- 2. Insofar as the Chairman's remarks suggest that Paria did not provide OSHA with Paria's "Daily Work Reports" (see pgs 992 to 1019 of the Core Bundle) for any and/or all of the following days:

January 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 25<sup>th</sup> and 31<sup>st</sup>

February 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup>

the same is wholly erroneous and misleading as those reports were in fact provided to OSHA by Paria under cover of email dated 15 August 2022 issued by Paria's Randolph Archbald to OSHA's representatives.

The text of the entire email (which is enclosed) reads as follows:

**From:** Archbald, Randolph <[Randolph.Archbald@paria-ll.com](mailto:Randolph.Archbald@paria-ll.com)>  
**Sent:** Monday, 15 August 2022 10:08 pm  
**To:** [fayola.mcdonald@osha.gov.tt](mailto:fayola.mcdonald@osha.gov.tt); [jason.loorkhoor@osha.gov.tt](mailto:jason.loorkhoor@osha.gov.tt)  
**Cc:** Gretel Baird <[gretelbaird@outlook.com](mailto:gretelbaird@outlook.com)>; Ali, Anesia <[Anesia.Ali@paria-ll.com](mailto:Anesia.Ali@paria-ll.com)>; Gayadeen, Sanjay <[Sanjay.Gayadeen@paria-ll.com](mailto:Sanjay.Gayadeen@paria-ll.com)>; Sinanansingh, Joanne <[Joanne.Sinanansingh@paria-ll.com](mailto:Joanne.Sinanansingh@paria-ll.com)>  
**Subject:** Response to OSH August 15 2022

Hello Ms McDonald,

*Please find attached letter and link with information requested by OSH Agency. If you have any difficulties accessing the link please contact us immediately.*

*OSHA 6<sup>th</sup> Response – 15<sup>th</sup> August 2022*

*Randy Archbald  
HSEQ  
Paria*

In particular, the link which is referenced in the body of the email as "*OSHA 6<sup>th</sup> Response – 15<sup>th</sup> August 2022*", once clicked, takes the reader to a folder entitled "*Item 11- Daily Work Reports and Project Schedules*" where all of the relevant "Daily Work Reports" can be found.

In the circumstances, Paria trusts that the foregoing adequately addresses the matters arising out of the exchange between the Chairman and Mr. Maharaj S.C.

Yours faithfully  
**PARIA FUEL TRADING COMPANY LIMITED**

*Mushtaq Mohammed*

**MUSHTAQ MOHAMMED**  
General Manager

**PARIA FUEL TRADING COMPANY LIMITED**

Registered Office: #9 Queen's Park West, Port of Spain, Trinidad

Telephone (868) 612-2463



20<sup>th</sup> July 2022

Ms. Fayola Mc Donald  
Safety & Health Inspector I  
Occupational Safety and Health Agency  
Level 5, Duke Place  
Duke Street  
**PORT-OF-SPAIN**

Dear Ms. Mc Donald

**Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25<sup>th</sup> February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban**

Reference is made to the matter at subject, your letters dated 1<sup>st</sup> July 2022 and 12<sup>th</sup> July 2022 relative to the OSH Agency's ongoing investigation.

PARIA previously provided to the OSH Agency information and documents on 25<sup>th</sup> March 2022 and 4<sup>th</sup> April 2022 pursuant to requests made by Mr. Jason Lookhoor, Safety & Health Inspector II on 3<sup>rd</sup> March 2022 and 16<sup>th</sup> March 2022. Further, information was submitted on 15<sup>th</sup> July 2022 pursuant to your request by letter dated 14<sup>th</sup> June 2022. There were two (2) outstanding items requiring responses from PARIA, items 1 and 18. We advised that our response to item 18 would be provided by 20<sup>th</sup> July 2022, however, compiling this information is taking longer than expected and we herein request an extension of time to 29<sup>th</sup> July 2022 to respond to same.

In response to your request by letter dated 1<sup>st</sup> July 2022, we herein submit the following:

1. **The method statement and risk assessment for the removal of hydrocarbon from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30" diameter.**

**Response:**

PARIA's procedure and LMCS Ltd. Job Safety Analysis for Clearing of 36 SL section between Berth 5 and Berth 6 provided in folder titled "Item 1 – Procedure and JSA".

Ms. Fayola Mc Donald

*Safety & Health Inspector I*

*Occupational Safety and Health Agency*

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25<sup>th</sup> February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

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2. **Clarification on whether an air driven pump or an air compressor was used to remove hydrocarbon from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30".**

**Response:**

PARIA confirms that an air compressor provided by LMCS Ltd. was used to remove hydrocarbon from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30".

3. **The rationale for utilizing the equipment, in item 2, above to remove content from the Sealine 36 diameter between Berths 5 and 6**

**Response:**

An air compressor was logistically more practical given the configuration of the pipeline.

4. **The volume of hydrocarbon removed from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30" diameter as per method statement.**

**Response:**

Given the configuration of the system it is impossible to segregate and measure the displaced volume.

5. **The volume of hydrocarbon removed from Sealine 36 between Berths 5 and 6 after the accident.**

**Response:**

The volume of hydrocarbon removed is estimated at 125bbbls. The quantity is based on the estimated spilled hydrocarbons (6bbbls) and the recorded volumes of hydrocarbons recovered in the Sea Manatee (119.8bbbls).

6. **A description as to how the water level was maintained within the positive pressure enclosure (habitat) during dry works.**

**Response:**

Compressed air was continuously supplied to the positive pressure enclosure (habitat) during dry works. The air compressor was located on the crane barge (Adventurer 1) and via hoses, was routed to the positive pressure enclosure (habitat). The air supplied was sufficient to maintain the water level at the bottom of the positive pressure enclosure and catered for leakage, namely at the crane cable nozzle ports, top vent valve and top flange.

Ms. Fayola Mc Donald

*Safety & Health Inspector I*

*Occupational Safety and Health Agency*

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25<sup>th</sup> February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

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7. **Evidence as to how the air pressure was maintained within the positive pressure enclosure (habitat) during dry works.**

**Response:**

PARIA does not have this evidence as LMCS Ltd. was responsible for the works within the positive pressure enclosure (habitat).

8. **A measurement which indicates how far below the newly installed 30" diameter flange was the water level in the habitat during dry works.**

**Response:**

PARIA does not have this measurement recorded as LMCS Ltd. was responsible for the works in the hyperbaric chamber.

9. **The distance of the water level within the pipeline below the newly installed slip-on flange 30" diameter, prior to the accident.**

**Response:**

PARIA is still reviewing its records to respond to this item. We will provide a response on or before 29<sup>th</sup> July 2022.

10. **Clarification on whether the flange was blinded at Berth 5 at the time of the incident.**

**Response:**

The flange was blinded at Berth 5 at the time of the incident. The blind flange was temporarily installed as the final tie-in spool was to be re-installed at a later date.

11. **The project schedules inclusive of the daily progress reports submitted to Paria Fuel Trading Company Limited from the commencement of the project to the day of the accident, in accordance with Paria Fuel Trading Company Limited, Scope of Work Technical Section 8.8.3.**

**Response:**

PARIA is still reviewing its records to respond to this item. We will provide a response on or before 29<sup>th</sup> July 2022.

Ms. Fayola Mc Donald  
*Safety & Health Inspector I*  
*Occupational Safety and Health Agency*

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25<sup>th</sup> February 2022. involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

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Please see enclosed for your records the following documents:

1. List of documents submitted by duty holder to Occupational Safety and Health Agency; and
2. Statement of Truth.

Should you have any further queries, the Company stands ready to co-operate fully herein.

Yours faithfully

**PARIA FUEL TRADING COMPANY LIMITED**



**MUSHTAQ MOHAMMED**  
General Manager



**From:** Archbald, Randolph <Randolph.Archbald@paria-tt.com>  
**Sent:** Monday, 15 August 2022 10:08 pm  
**To:** fayola.mcdonald@osha.gov.tt; jason.loorkhoor@osha.gov.tt  
**Cc:** Gretel Baird <gretelbaird@outlook.com>; Ali, Anesia <Anesia.Ali@paria-tt.com>; Gayadeen, Sanjay <Sanjay.Gayadeen@paria-tt.com>; Sinanansingh, Joanne <Joanne.Sinanansingh@paria-tt.com>  
**Subject:** Response to OSH August 15 2022

Hello Ms McDonald,  
Please find attached letter and link with information requested by OSH Agency.  
If you have any difficulties accessing the link please contact us immediately.

OSHA 6<sup>th</sup> Response – 15<sup>th</sup> August 2022

Randy Archbald  
HSEQ  
Paria

PARIA FUEL TRADING COMPANY LIMITED

Registered Office: #9 Queen's Park West, Port of Spain, Trinidad

Telephone (868) 612-2463



15<sup>th</sup> August 2022

Ms. Fayola Mc Donald  
Safety & Health Inspector I  
Occupational Safety and Health Agency  
Level 5, Duke Place  
Duke Street  
**PORT-OF-SPAIN**

Dear Ms. Mc Donald

**Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25<sup>th</sup> February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyza Kurban**

Reference is made to the matter at subject, your letters dated 14<sup>th</sup> June 2022 and 1st July 2022 relative to the OSH Agency's ongoing investigation and our responses dated 15<sup>th</sup> July 2022, 20<sup>th</sup> July 2022 and 29<sup>th</sup> July 2022.

At the date of writing only two requests from the OSH Agency remain to be satisfied, namely:

- (a) OSH Agency's request, pursuant to item 1 of its letter dated 14<sup>th</sup> June 2022, for:
  1. **Internal accident investigation reports containing the following:**
    - i. a description of the accident and how it occurred
    - ii. the immediate and root cause(s) of the accident
    - iii. any corrective measures instituted to prevent reoccurrence
    - iv. witness statements from all relevant parties
- (b) OSH Agency's request, pursuant to item 11 of its letter dated 1<sup>st</sup> July 2022, for:
  11. **The project schedules inclusive of the daily progress reports submitted to Paria Fuel Trading Company Limited from the commencement of the project to the day of the accident, in accordance with Paria Fuel Trading Company Limited, Scope of Work Technical Section 8.8.3.**

Ms. Fayola Mc Donald  
Safety & Health Inspector I  
Occupational Safety and Health Agency

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-aPierre on 25<sup>th</sup> February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

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**As to request (a) above:**

The process of compiling the report is ongoing. A copy will be forwarded to the OSH Agency once finalised.

**As to request (b) above:**

The revised project schedules submitted by LMCS Ltd. to PARIA on 19<sup>th</sup> January 2022 and 28<sup>th</sup> January 2022 are enclosed. These project schedules are provided in folder titled "*Item 11 – Daily Work Reports and Project Schedules*".

LMCS Ltd. provided their daily progress reports verbally which PARIA included in the Daily Work Report for offshore works. These reports are provided in folder titled "*Item 11- Daily Work Reports and Project Schedules*".

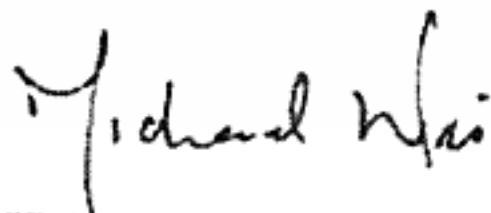
Please see enclosed for your records the following documents:

1. List of documents submitted by duty holder to Occupational Safety and Health Agency; and
2. Statement of Truth.

Should you have any further queries, the Company stands ready to co-operate fully herein.

Yours faithfully

**PARIA FUEL TRADING COMPANY LIMITED**



**MICHAEL WEI**

Technical and Maintenance Manager

**GRETEL E. BAIRD, B.Sc., LL.B.**  
ATTORNEY-AT-LAW

Elidore Chambers,  
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Trinidad and Tobago W.I.

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---

**26<sup>th</sup> April 2023**

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

Dear Ms. Sinanan

Re: Statement on Surveying Aspects of the Paria Diving Tragedy of February 2022 from Institute of Surveyors of Trinidad and Tobago (ISTT) dated March 9, 2023.  
Commission of Enquiry into the Circumstances which led to the tragic incidents which occurred on February 25<sup>th</sup> 2022 at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No.36 Sealine Riser on Berth No. 6, Pointe-a-Pierre ("the Commission").

---

I write in reference to the matter at caption wherein I, along with Messrs. Thane Pierre and Sebastian Peterson, continue to instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C.

By correspondence dated 9<sup>th</sup> March 2023 (disclosed to Paria on 18<sup>th</sup> April, 2023) the Institute of Surveyors of Trinidad and Tobago ("ISTT") provided its views and/or comments to the Commission in relation to "*the evidence presented by Expert Witness, Engineer Zaid Khan*" at the Commission. The Commission, by email communication of 18<sup>th</sup> April, 2023, has invited parties interested in commenting on the remarks of ISTT to do so by 26<sup>th</sup> April, 2023.

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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.* 1

Pursuant to the Commission's invitation, Paria contends that the Commission should not admit into evidence the comments and/or views of ISTT contained in its said letter dated 9<sup>th</sup> March, 2023 by reason of the following facts and matters:

- a) ISTT is not a party to the Commission and has not applied for or obtained standing.
- b) ISTT's comments are in the nature of expert evidence submitted several months after the evidential hearing phase of the Commission has been closed and well after closing submissions of the parties have already been made.
- c) The late delivery of ISTT's expert evidence completely disregards prior directions issued by the Commission for the submission of evidence and/or material in relation to the matters under enquiry.
- d) ISTT has not, in any event, applied for or been granted an extension of time to provide expert evidence to the Commission.
- e) In any event, an extension of time could not properly be granted to ISTT in relation to the provision of expert evidence given the fact that Mr. Khan's evidence on which it now seeks to opine has been available to the public on the Commission's website since the year 2022. ISTT has provided no reason whatsoever for its inordinate delay in addressing such evidence before April, 2023. Indeed, such delay is clearly inexcusable.
- f) The evidential hearings of the Commission are now closed. Accordingly, no opportunity exists for Paria or any other party to test ISTT's expert evidence by way of cross examination. Allowing ISTT's to provide expert evidence by way of letter would be manifestly unfair and highly prejudicial in those circumstances.

- g) Separate and apart from the above, although ISTT's letter attributes the expert views and/or comments contained therein to "*Surveyors with experience*", it has curiously and for reasons best known to it, failed to provide the Commission with the identity of those surveyors or the nature and extent of their experience. The comments are therefore those of nameless and faceless persons with no information as to their credentials. No weight could or should properly be attributed to material of that nature and such material could have no probative value.
- h) Further, there is no scientific underpinning (whether by reference to tests, academic articles, empirical data, maps or surveys, etc.) to any of the expert opinions advanced in ISTT's letter. By way of example, item 1 at the third paragraph of the letter refers to the topography of the seabed on which the "*network of original pipelines constructed 50-70 years ago*" lay as being "*at best, uncertain given the propensity for soft mud...*". Nothing is provided to substantiate this expert opinion. Similarly, item 4 at the third paragraph of the letter purports to critique and/or opine upon the method utilised for ascertaining levels of fluid in the vertical risers without any supporting analysis or scientific or other expert literature being referenced.
- i) ISTT's letter is also highly speculative in part rendering those parts of no value to the Commission. In this regard, it is to be noted that item 2 at the third paragraph of the letter asserts that "*Historical or legacy data,.....may have been misplaced or lost over time...*". This remark is also reckless in nature given that any person or entity taking a proper interest in the evidential phase of the Enquiry would be aware that Paria voluntarily provided the Commission with a Bathymetric survey dated Nov-Dec 2013 as well as other substantial "*historical or legacy data*" dating back to previous surveys.

In light of the above Paria respectfully submits that ISTT's letter to the Commission dated 9<sup>th</sup> March 2023 should not be admitted into evidence or relied upon by the Commission and looks forward to the Commission's ruling on this issue in due course.

Yours faithfully



.....  
**GRETEL BAIRD**  
Attorney-at-Law

---

*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.* 4



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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](mailto:commissionsecretariat@coe2022.com)  
Tel: +1 (868) 709-5477  
Website: [www.coe2022.com](http://www.coe2022.com)

11<sup>th</sup> May 2023

Ms. Gretel E. Baird  
Attorney at Law  
Elidore Chambers  
112 St. Vincent Street  
**Port of Spain**

Dear Ms. Baird,

**Re: Response to statement from Institute of Surveyors of Trinidad and Tobago (ISTT)**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 26<sup>th</sup> April 2023. The Commission wishes to thank Paria for its contribution.

The Commission wishes to advise that it will not prevent persons from making any representations to it, whilst it is still considering its findings. However, we will always ensure that all parties are provided an opportunity to respond and we will take into account the timing and other factors that impact on its use, especially the responses from the parties.

Yours sincerely,

**Sarah Sinanan**  
**Secretary to the Commission**



From: **Sarah Sinanan** <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
Date: Fri, Nov 11, 2022 at 6:15 PM  
Subject: Re: Letter to Miss Sinanan - 11.11.22  
To: Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>

Received with thanks.

Please find attached the Commission's schedule for the 1st week of Evidentiary Hearings. Please note that Mr. Dopson and Mr. Marjadsingh are scheduled to give evidence on Wednesday 23rd November 2022 and Mr. Scott on Thursday 24th November 2022.

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](http://www.coe2022.com)**

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On Fri, Nov 11, 2022 at 3:33 PM Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)> wrote:  
Dear Miss Sinanan,

Please see attached for your mind and urgent attention. Kindly acknowledge receipt of this email.

Best regards.

**000360**

From: **Chase Pegus** <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>  
Date: Tue, Oct 25, 2022 at 11:15 AM  
Subject: Re: Commission of Enquiry  
To: Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
Cc: Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)>, Matthew Sylvester <[matthew\\_sylvester@kenson.co.tt](mailto:matthew_sylvester@kenson.co.tt)>, David Tam <[david\\_tam@kenson.co.tt](mailto:david_tam@kenson.co.tt)>, Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@kenson.co.tt)>, Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>, Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>

Dear Miss Sinanan,

Please note that I am in the process of confirming some instructions. At this stage I cannot give an indication as to whether my clients would in fact participate in the suggested interview but I will endeavour to give that indication on or before close of business tomorrow. Kindly acknowledge receipt of this email.

Yours faithfully,  
Chase Pegus  
Attorney-at-law.

On Tue, Oct 25, 2022 at 10:59 AM Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:  
Noted with thanks.

Is it that everyone is agreeable to the dates and times suggested?

**Best Regards,**  
**Sarah Sinanan**  
**Secretary to the Commission**

**Southern Academy for the Performing Arts (SAPA)**  
**Todd Street, San Fernando**  
**Telephone: 1(868)709-5477**  
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On Tue, Oct 25, 2022 at 8:04 AM Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)> wrote:  
Ms. Sinanan – good morning.

**000361**

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.

Regards;

**From:** Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
**Sent:** Friday, October 21, 2022 10:20 AM  
**To:** Tyrone Rodulfo <[tyrone\\_rodulfo@Kenson.co.tt](mailto:tyrone_rodulfo@Kenson.co.tt)>  
**Cc:** Matthew Sylvester <[matthew\\_sylvester@Kenson.co.tt](mailto:matthew_sylvester@Kenson.co.tt)>; David Tam <[david\\_tam@Kenson.co.tt](mailto:david_tam@Kenson.co.tt)>; Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@Kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@Kenson.co.tt)>; Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>; Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>  
**Subject:** Re: Commission of Enquiry

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Also, can you indicate when Mr. Mangalee will return?

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](http://www.coe2022.com)

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**000362**

On Fri, Oct 21, 2022 at 10:00 AM Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)> wrote:

Ms. Sinanan – good morning.

Confirming that all employees have received their respective letters. Please note that Mr. Mangalee is currently abroad.

Thank you.

Regards;

**From:** Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
**Sent:** Thursday, October 20, 2022 4:00 PM  
**To:** Tyrone Rodulfo <[tyrone\\_rodulfo@Kenson.co.tt](mailto:tyrone_rodulfo@Kenson.co.tt)>  
**Cc:** Matthew Sylvester <[matthew\\_sylvester@Kenson.co.tt](mailto:matthew_sylvester@Kenson.co.tt)>; David Tam <[david\\_tam@Kenson.co.tt](mailto:david_tam@Kenson.co.tt)>; Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@Kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@Kenson.co.tt)>; Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>; Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>  
**Subject:** Re: Commission of Enquiry

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Dear Mr. Rodulfo,

Can you advise on whether the letters were given to Mr. Dopson, Mr. Seales, Mr. Mangalee , Mr. Scott and Mr. Marjadsingh?

I 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](http://www.coe2022.com)**

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**000363**

*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.*

On Tue, Oct 18, 2022 at 12:10 PM Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)> wrote:

Ms. Sinanan – good afternoon.

Acknowledging receipt.

Regards;

**From:** Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
**Sent:** Tuesday, October 18, 2022 11:21 AM  
**To:** Matthew Sylvester <[matthew\\_sylvester@Kenson.co.tt](mailto:matthew_sylvester@Kenson.co.tt)>  
**Cc:** Tyrone Rodulfo <[tyrone\\_rodulfo@Kenson.co.tt](mailto:tyrone_rodulfo@Kenson.co.tt)>; David Tam <[david\\_tam@Kenson.co.tt](mailto:david_tam@Kenson.co.tt)>; Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@Kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@Kenson.co.tt)>; Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>; Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>  
**Subject:** Re: Commission of Enquiry

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Good Morning,

I refer to the matter at caption.

The 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 ("the Commission") held a Procedural Hearing on 7th September 2022. At this hearing it was announced that the Evidentiary Hearings would commence on 21st November 2022.

In anticipation of these hearings Counsel to the Commission is desirous of meeting with persons who would have been involved in the incident. From the review of certain documentation that was provided to the Commission, Counsel determined that four (4) persons employed with Kenson Operational Services Ltd are persons that they wish to speak with.

**000364**

These Kenson employees are Kirt Scott, Andrew Dopson, Houston Marjadsingh and Rajiv Mangalee. At this time the Commission's only form of contact with these persons are mobile contact numbers and as such the attached letters are sent in care of Kenson Operational Services Ltd.

We would appreciate it if these letters can be passed on to the respective persons. We are aware that the dates and times suggested in the letters may not be convenient and in those circumstances we asked that they contact the Secretariat in the shortest possible time to arrange a mutually convenient time.

Hard copies of the attached letters will also be delivered.

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](http://www.coe2022.com)**

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On Mon, Oct 17, 2022 at 3:18 PM Matthew Sylvester  
<[matthew\\_sylvester@kenson.co.tt](mailto:matthew_sylvester@kenson.co.tt)> wrote:  
Good day Ms. Sinanan,

Based on the conversation held with you, an email can be sent to the following persons with the request :

- Mr. David Tam – Contract Manager
- Mr. Tyrone Rodulfo – HR Manager
- Mrs. Chrystal Saunders Bethelmy

**000365**

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

From: **Chase Pegus** <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>

Date: Wed, Oct 26, 2022 at 4:58 PM

Subject: Re: Commission of Enquiry

To: Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Cc: Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)>, Matthew Sylvester <[matthew\\_sylvester@kenson.co.tt](mailto:matthew_sylvester@kenson.co.tt)>, David Tam <[david\\_tam@kenson.co.tt](mailto:david_tam@kenson.co.tt)>, Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@kenson.co.tt)>, Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>, Crystal Rahaman <[crahaman@coe2022.com](mailto: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.

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

From: **Chase Pegus** <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>

Date: Tue, Oct 25, 2022 at 11:15 AM

Subject: Re: Commission of Enquiry

To: Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Cc: Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)>, Matthew Sylvester <[matthew\\_sylvester@kenson.co.tt](mailto:matthew_sylvester@kenson.co.tt)>, David Tam <[david\\_tam@kenson.co.tt](mailto:david_tam@kenson.co.tt)>, Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@kenson.co.tt)>, Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>, Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>

Dear Miss Sinanan,

Please note that I am in the process of confirming some instructions. At this stage I cannot give an indication as to whether my clients would in fact participate in the suggested interview but I will endeavour to give that indication on or before close of business tomorrow. Kindly acknowledge receipt of this email.

---

**000366**

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

From: **Sarah Sinanan** <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Date: Tue, Nov 8, 2022 at 2:09 PM

Subject: Re: Fw: Commission of Enquiry

To: Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>

Dear Mr. Pegus,

Further to our telephone conversation this morning please find attached our letter of even date and the following Witness Summons all dated 8th November 2022:

1. Witness Summons for Andrew Dopson;
2. Witness Summons for Houston Marjadsingh;
3. Witness Summons for Rajiv Mangalee;
4. Witness Summons for Kirk Scott; and
5. Witness Summons for Rolph Seales.

The original will be delivered to your office tomorrow.

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](http://www.coe2022.com)**

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On Tue, Nov 8, 2022 at 10:34 AM Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)> wrote:

Dear Miss Sinanan,

My office address is Veritas Chambers, No. 19 St. Vincent Street, POS and yes I am still acting for the Kenson Employees.

Best regards.

**000367**



On Tuesday, November 8, 2022, Sarah Sinanan  
<[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:

Chase, can you send me your office address please. Also can you confirm that you are still acting for the Kenson employees.

I await your response.

**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](http://www.coe2022.com)**

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On Mon, Nov 7, 2022 at 11:13 AM Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)> wrote:  
Dear Miss Sinanan,

I can be reached at 745-9896.

Best regards.

On Mon, Nov 7, 2022 at 11:11 AM Sarah Sinanan  
<[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:  
Dear Mr. Pegus,

Is there a contact number I can get you on?

**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](http://www.coe2022.com)**

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**000368**

*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.*

On Wed, Oct 26, 2022 at 4:58 PM Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)> wrote:  
Dear Miss Sinanan,

---

**6 Attachments** • Scanned by Gmail

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

From: **Chase Pegus** <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>  
Date: Wed, Nov 9, 2022 at 11:21 AM  
Subject: Re: Fw: Commission of Enquiry  
To: Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Email received and noted with thanks. I will endeavor to send a comprehensive response in due course.

Best regards.

On Wednesday, November 9, 2022, Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:  
Hi Chase, I would like to confirm that you received the email and attachments.

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

From: **Sarah Sinanan** <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
Date: Tue, Nov 15, 2022 at 9:01 AM  
Subject: Re: Fw: Commission of Enquiry  
To: Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>

Sure thanks.

**Best Regards,**  
**Sarah Sinanan**  
**Secretary to the Commission**

**Southern Academy for the Performing Arts (SAPA)**  
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**000369**

*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.*

On Mon, Nov 14, 2022 at 9:43 PM Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)> wrote:  
Good evening Sarah,

I am in the process of finalising correspondence to be sent. I will notify you as to when I do.

Best regards.

On Mon, Nov 14, 2022 at 9:21 PM Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:  
Chase did you send anything this afternoon?

---

**6 Attachments** • Scanned by Gmail

----- Forwarded message -----  
From: **Chase Pegus** <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>  
Date: Wed, Nov 9, 2022 at 11:21 AM  
Subject: Re: Fw: Commission of Enquiry  
To: Sarah Sinanan  
<[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Email received and noted with thanks. I will endeavor to send a comprehensive response in due course.

Best regards.

On Wednesday, November 9, 2022, Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:  
Hi Chase, I would like to confirm that you received the email and attachments.

----- Forwarded message -----  
From: **Sarah Sinanan** <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
Date: Tue, Nov 15, 2022 at 9:01 AM

**000370**

Subject: Re: Fw: Commission of Enquiry  
To: Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)>

Sure 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**  
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On Mon, Nov 14, 2022 at 9:43 PM Chase Pegus <[chasepegus@gmail.com](mailto:chasepegus@gmail.com)> wrote:  
Good evening Sarah,

I am in the process of finalising correspondence to be sent. I will notify you as to when I do.

Best regards.

On Mon, Nov 14, 2022 at 9:21 PM Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)> wrote:  
Chase did you send anything this afternoon?

**000371**

On Tue, Oct 25, 2022 at 8:04 AM Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto: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.

Regards;

**From:** Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>  
**Sent:** Friday, October 21, 2022 10:20 AM  
**To:** Tyrone Rodulfo <[tyrone\\_rodulfo@Kenson.co.tt](mailto:tyrone_rodulfo@Kenson.co.tt)>  
**Cc:** Matthew Sylvester <[matthew\\_sylvester@Kenson.co.tt](mailto:matthew_sylvester@Kenson.co.tt)>; David Tam <[david\\_tam@Kenson.co.tt](mailto:david_tam@Kenson.co.tt)>; Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@Kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@Kenson.co.tt)>; Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>; Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>  
**Subject:** Re: Commission of Enquiry

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Also, can you indicate when Mr. Mangalee will return?

**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](http://www.coe2022.com)**

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**000372**

*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.*

On Fri, Oct 21, 2022 at 10:00 AM Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)> wrote:

Ms. Sinanan – good morning.

Confirming that all employees have received their respective letters.  
Please note that Mr. Mangalee is currently abroad.

Thank you.

Regards;

**From:** Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

**Sent:** Thursday, October 20, 2022 4:00 PM

**To:** Tyrone Rodulfo <[tyrone\\_rodulfo@Kenson.co.tt](mailto:tyrone_rodulfo@Kenson.co.tt)>

**Cc:** Matthew Sylvester <[matthew\\_sylvester@Kenson.co.tt](mailto:matthew_sylvester@Kenson.co.tt)>; David Tam <[david\\_tam@Kenson.co.tt](mailto:david_tam@Kenson.co.tt)>; Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@Kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@Kenson.co.tt)>; Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>; Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>

**Subject:** Re: Commission of Enquiry

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Dear Mr. Rodulfo,

Can you advise on whether the letters were given to Mr. Dopson, Mr. Seales, Mr. Mangalee , Mr. Scott and Mr. Marjadsingh?

I 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**

**000373**

Website: [www.coe2022.com](http://www.coe2022.com)

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On Tue, Oct 18, 2022 at 12:10 PM Tyrone Rodulfo <[tyrone\\_rodulfo@kenson.co.tt](mailto:tyrone_rodulfo@kenson.co.tt)> wrote:

Ms. Sinanan – good afternoon.

Acknowledging receipt.

Regards;

**From:** Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

**Sent:** Tuesday, October 18, 2022 11:21 AM

**To:** Matthew Sylvester <[matthew\\_sylvester@Kenson.co.tt](mailto:matthew_sylvester@Kenson.co.tt)>

**Cc:** Tyrone Rodulfo <[tyrone\\_rodulfo@Kenson.co.tt](mailto:tyrone_rodulfo@Kenson.co.tt)>; David Tam <[david\\_tam@Kenson.co.tt](mailto:david_tam@Kenson.co.tt)>; Chrystal Saunders-Bethelmy <[Chrystal\\_Saunders-Bethelmy@Kenson.co.tt](mailto:Chrystal_Saunders-Bethelmy@Kenson.co.tt)>; Samantha Chase <[schase@coe2022.com](mailto:schase@coe2022.com)>; Crystal Rahaman <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>

**Subject:** Re: Commission of Enquiry

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Good Morning,

I refer to the matter at caption.

The 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 ("the Commission") held a Procedural Hearing on 7th September 2022. At this hearing it was announced that the Evidentiary Hearings would commence on 21st November 2022.

In anticipation of these hearings Counsel to the Commission is desirous of meeting with persons who would have been involved in the incident. From the review of

**000374**

certain documentation that was provided to the Commission, Counsel determined that four (4) persons employed with Kenson Operational Services Ltd are persons that they wish to speak with.

These Kenson employees are Kirt Scott, Andrew Dopson, Houston Marjadsingh and Rajiv Mangalee. At this time the Commission's only form of contact with these persons are mobile contact numbers and as such the attached letters are sent in care of Kenson Operational Services Ltd.

We would appreciate it if these letters can be passed on to the respective persons. We are aware that the dates and times suggested in the letters may not be convenient and in those circumstances we asked that they contact the Secretariat in the shortest possible time to arrange a mutually convenient time.

Hard copies of the attached letters will also be delivered.

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](http://www.coe2022.com)**

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On Mon, Oct 17, 2022 at 3:18 PM Matthew Sylvester  
<[matthew\\_sylvester@kenson.co.tt](mailto:matthew_sylvester@kenson.co.tt)> wrote:  
Good day Ms. Sinanan,

Based on the conversation held with you, an email can be sent to the following persons with the request :

- Mr. David Tam – Contract Manager
- Mr. Tyrone Rodulfo – HR Manager
- Mrs. Chrystal Saunders Bethelmy

**000375**



**Chase J. Pegus**  
**Attorney-at-Law**  
**LL.B. (Hons) U.W.I, LEC**

Veritas Chambers  
19 St. Vincent Street  
Port of Spain  
Trinidad and Tobago

Tel: (868) 270-9324  
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Mobile: (868) 745-9896  
Email: chasepegus@gmail.com

11th November 2022

BY EMAIL

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

**Re: Witness Summons - A. Dopson, R. Seales, R. Mangalee, K. Scott & H  
Marjadsingh**

**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, Point-a-Pierre**

Reference is made to the matter at caption and to correspondence passing between us ending with your letter dated 8th November, 2022 the contents of which have been duly noted. I act for and on behalf of Kenson Operational Services Limited, the employer of Mr. Andrew Dopson, Mr. Rajiv Mangalee, Mr. Kirt Scott and Mr. Houston Marjadsingh. I also act for and on behalf of Kenson Production Services Limited, the employer of Mr. Rolph Seales.

This matter was first brought to my attention on the 18th October, 2022. As such I needed the opportunity to consult with, take instructions and advise my clients accordingly. Owing to the technical nature of this matter and the fact that instructions had to be taken from the five named persons we were not in a position to participate in the scheduled interviews. However, it was always our position to assist the Commission by providing comprehensive witness statements by the above named persons. Kindly note that the process of drafting the said


**000376**

witness statements commenced before the 1st November, 2022 and the respective employees/witnesses as at the time of writing this letter have not visited the Commission's website to view any documents/statements in the preparation of their witness statements. We are in a position to submit the respective witness statements by Monday 14th November, 2022.

I hereby acknowledge receipt of the said witness summons and I undertake to forward same to the respective persons. All persons save for Mr. Mangalee will be present as requested on the said 21st November, 2022. Kindly note Mr. Mangalee is currently outside the jurisdiction for an indefinite period. As such he will not be present on the 21st November, 2022. Mr. Mangalee has indicated his willingness to appear before the commission virtually if this option is available.

Lastly, upon receipt of the said witness statements if it is determined that anyone's participation is no longer required we would be grateful for that indication.

Yours faithfully,

  
Chase Pegus  
Attorney-at-Law

In Chambers With:

Darrell P. Allahar, Kern D. Saney, Vikash Indar Lal, Yves J. Nicholson, Aaron Mahabir, Kadeem I. Williams, Sheetal A. Seepaul & Rikki Harnanan (Door Tenant).

**000377**

**Chase J. Pegus**  
**Attorney-at-Law**  
**LL.B. (Hons) U.W.I, LEC**

Veritas Chambers  
19 St. Vincent Street  
Port of Spain  
Trinidad and Tobago

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Fax: (868) 625-5820  
Mobile: (868) 745-9896  
Email: chasepegus@gmail.com

---

17th November, 2022

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

**Re: Witness Summons - A. Dopson, R. Seales, R. Mangalee, K. Scott & H Marjadsingh**

**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 Sea line Riser on Berth No. 6, Point-a-Pierre**

---

Reference is made to the matter at caption and to correspondence passing between us ending with my letter to you dated 11th November, 2022.

The records of the Commission will confirm that you first made contact with my clients on the 17<sup>th</sup> October 2022, a mere 4 weeks ago.

I responded by email dated the 26<sup>th</sup> October, requesting guidance on the issues which the statement should cover and suggested that you might provide questions which the Commission wanted addressed.

I did not receive a response until your letter dated the 8<sup>th</sup> November, 2022 (9 days ago). In that letter you declined to provide any guidance as to what matters my clients statements should be directed at and enclosed summonses for my clients.

**000378**

Nothing has been disclosed to me or my clients in the way of relevant documents. We have been left to plough through the commission website which contains thousands of pages concerning other individuals and entities in order even to grasp the context in which the statements are required to be given. The Terms of Reference are, as you have acknowledged, vague and not helpful in that respect.

All of the above notwithstanding, my clients and I have endeavoured without success to meet the onerous, and , respectfully, unfair timeline set by you. As such, I had in my letter dated 11<sup>th</sup> November, undertaken to have the statements ready by the 14<sup>th</sup> November.

Regrettably we have not been able to finalize the statements.

We expect to be in a position to file the statements on or before 5<sup>th</sup> December 2022.

We accordingly respectfully suggest that the duty of fairness to my clients and the public interest in having their evidence given in a meaningful and orderly fashion requires (i) that my clients give evidence in the December sessions (ii) with their statements to be filed on or before the 5th December, 2022.

We respectfully request that the Commission make a direction to the above effect.

We trust that the Commission will in the meantime ensure that nothing is said in its proceedings which adversely impacts upon the reputation of my corporate or individual clients. My clients are experienced and well established in their respective fields and have earned their reputations over many years. It would be unjust to have any adverse comment (or any comment at all) about them in public proceedings.

This is more especially so as my clients played a peripheral role in the events under inquiry.

We wish to reiterate our full cooperation with the Commission and look forward to the appropriate orders to facilitate us in giving our full assistance.

I look forward to hearing from you on an urgent basis.

Yours faithfully,

*Chase Pegus*  
Chase J. Pegus  
Attorney-at-Law

**In Chambers With:**

**Darrell P. Allahar, Kern D. Saney, Vikash Indar Lal, Yves J. Nicholson, Aaron Mahabir, Kadeem I. Williams, Sheetal A. Seepaul, Danyal Q. Mohammed & Rikki Harnanan (Door Tenant).**

**000380**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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](mailto:commissionsecretariat@coe2022.com)  
Tel: +1 (868) 709-5477  
Website: [www.coe2022.com](http://www.coe2022.com)

---

18<sup>th</sup> November 2022

**“by email”**

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

**Re: Witness Summons- A. Dopson, R. Seales, R. Mangalee, K. Scott & H. Marjadsingh**

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

---

We refer to the matter at caption and to your letter dated 17<sup>th</sup> November 2022.

We note your request for your clients to give evidence in the December sessions and for your clients' statements to be filed on or before 5<sup>th</sup> December 2022.

The Commission is of the view that it was a dereliction of your clients' duty to not provide us with written statements following the Commission's public notice dated 12<sup>th</sup> August 2022, given their involvement in the subject matter of this Commission.

With regards to your request for guidance on the issues which your clients' statements should cover, the Commission is of the view that your clients' would have known the areas that their statements should traverse given the fact that Mr. Marjadsingh, Mr. Mangalee and Mr. Scott met with OSH Agency persons on 10<sup>th</sup> March 2022. Copies of the transcripts of the interviews with your clients are attached.

The Commission is not prepared to delay the evidence of your clients who are scheduled to give evidence before the Commission on Thursday 24<sup>th</sup> November 2022. Should your clients' wish they are free to prepare and submit written statements in advance of 24<sup>th</sup> November 2022.

*Mr. Jerome Lynch KC: Chairman of the Commission  
Mr. Gregory Wilson: Commissioner*

**000381**

In the circumstances, the Commission is varying your clients Witness Summons and your clients are not required to attend before the Commission on 21<sup>st</sup> November 2022 but they are expected to be present on **24<sup>th</sup> November 2022 at 10:00am** to give their evidence.

Please be guided accordingly.

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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E-mail: [commissionsecretariat@coc2022.com](mailto:commissionsecretariat@coc2022.com)  
Tel: +1 (868) 709-5477  
Website: [www.coc2022.com](http://www.coc2022.com)

24<sup>th</sup> March 2023

“by email”

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

**Re: Application for standing**

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

We refer to the matter at caption.

Reference is also made to your letter dated 11<sup>th</sup> November 2022 wherein you indicated that you act for Kenson Operational Services Limited, the employer of Mr. Andrew Dopson, Mr. Rajiv Mangalee, Mr. Kirk Scott and Mr. Houston Marjadsingh as well as Kenson Production Services Limited, the employer of Mr. Rolph Seales.

We note that while your clients have participated fully in this Commission, no application for standing was ever made by you, we take this as an oversight on your part. In the circumstances we ask that such an application be made without further delay.

If your clients choose not to make this application the Commission will cease to engage with you and should the need arise to issue any “Salmon” letters, such letters would be sent to the individuals personally.

We look forward to hearing from you.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000383**



**Chase J. Pegus**  
**Attorney-at-Law**  
**LL.B. (Hons) U.W.I, LEC**

Veritas Chambers  
19 St. Vincent Street  
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Trinidad and Tobago

Tel: (868) 270-9324  
Fax: (868) 625-5820  
Mobile: (868) 745-9896  
Email: chasepegus@gmail.com

---

6th, April 2023

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

**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**

---

1. Reference is made to the matter at caption (the enquiry) and to your letter dated 24<sup>th</sup> March, 2023 in connection therewith.
2. The suggestion at paragraph 2 of your letter that my clients' failure to apply for standing is an "*oversight*" on my part is not accurate.
3. Section 10 of the Commissions of Enquiry Act (the Act) gives the right to legal representation throughout an enquiry to different categories of persons including those "*in any way concerned in the matter under enquiry*".
4. On the other hand, Rule 18 of the enquiry's procedural rules, purportedly made under Section 9 of the Act, provides for standing to be granted to those who played a "*direct and significant role*" or had a "*substantial and direct*" interest in or "*may be subject to explicit or significant criticism*".

**000384**

5. Rule 18 is in substance a restatement of Rule 5 of the English Inquiry Rules, 2006. But the latter rules serve different primary legislation. Further, Rule 18 inexplicably departs from Rule 5 by placing the onus on those appearing before the enquiry to apply for standing rather than upon the Chairman of the enquiry to designate persons as “*core participants*”.
6. My clients therefore have the right to be represented throughout the enquiry under Section 10 of the Act, but were not within Rule 18.
7. There was not at any time any indication from the enquiry that my clients were viewed as falling within Rule 18. The contrary is true (as appears from the correspondence referred to below).
8. In the result, no application for standing was necessary, and in the events which have happened (including the correspondence referred to below), my clients were led to believe that they were not within the category of persons envisaged by Rule 18.
9. Had my clients been informed by you that their conduct met the threshold for “*standing*” set by your rules, they would have (i) sought full and proper disclosure of the entire body of evidence before filing evidence; (ii) in some instances, no evidence would have been filed; (iii) would have cross-examined differently; and (iv) would have led additional evidence, for example, expert evidence as to the practice in the local industry where sub sea works are being conducted; and (v) sought disclosure of further information not before the inquiry at all.
10. Also, my clients would not have agreed to give evidence without (i) a reasonable opportunity to consider all the evidence which had been disclosed; and (ii) some indication as to what their evidence ought to have addressed. The correspondence referred to below demonstrates that you refused both (i) and (ii).

11. Paragraph 2 of your letter is also not accurate in suggesting that my clients have *“participated fully”* in this Commission if that is intended to mean that my clients have been afforded the well established safeguards mandated for a fair inquiry and necessary to ensure that evidence before the inquiry was probative (by whatever machinery it may have been collated).
12. A perusal of your records will show that you wrote to my individual clients by letters dated 17<sup>th</sup> and 18<sup>th</sup> October, 2022 inviting them to an interview with your Counsel but *without any representation by an Attorney at Law.*
13. By e-mail dated the 26<sup>th</sup> October, 2022 I wrote to you indicating that I was still taking instructions and asked for a list of questions which you would like my clients to address.
14. By letter dated 8<sup>th</sup> November, 2022 you refused to provide the requested questions. You suggested that you wanted to question my clients without them having any advance disclosure and without a lawyer. Further, you indicated that my clients’ evidence would be considered in light of the fact that substantial disclosure had been made on the Commission’s website. By the said letter dated 8th November, 2022 you enclosed 5 summonses for my clients.
15. By letter dated 11<sup>th</sup> November, 2022 I specifically noted that my clients had not by that time been able to review all of the documents disclosed by way of the website.
16. By a further letter dated 17<sup>th</sup> November, 2022 I wrote to you and stated:  
  
*“The records of the Commission will confirm that you first made contact with my clients on the 17<sup>th</sup> October 2022, a mere 4 weeks ago.*

*I responded by email dated the 26<sup>th</sup> October, requesting guidance on the issues which the statement should cover and suggested that you might provide questions which the Commission wanted addressed.*

*I did not receive a response until your letter dated the 8<sup>th</sup> November, 2022 (9 days ago). In that letter you declined to provide any guidance as to what matters my clients statements should be directed at and enclosed summonses for my clients.*

*Nothing has been disclosed to me or my clients in the way of relevant documents. We have been left to plough through the commission website which contains thousands of pages concerning other individuals and entities in order even to grasp the context in which the statements are required to be given. The Terms of Reference are, as you have acknowledged, vague and not helpful in that respect.*

*All of the above notwithstanding, my clients and I have endeavoured without success to meet the onerous, and, respectfully, unfair timeline set by you. As such, I had in my letter dated 11<sup>th</sup> November, undertaken to have the statements ready by the 14<sup>th</sup> November.*

*Regrettably we have not been able to finalize the statements.*

*We expect to be in a position to file the statements on or before 5<sup>th</sup> December 2022”.*

17. By letter dated 18<sup>th</sup> November you refused to give any more time for the evidence of my clients, and made the startling allegation that my clients were in “*dereliction of duty*” in not providing you with statements following the Commission’s public notice of 12<sup>th</sup> August, 2022.

18. In that letter, you disclosed for the first time transcripts of interviews with my clients and OSHA.
19. My clients filed evidence on the 3rd, 4th and 9th December, 2022.
20. All of this plainly indicated that my clients were not being treated by you as falling within any of the categories in Rule 18. My clients acted on that basis throughout the enquiry, forbearing to cross-examine on certain issues, to call certain evidence and generally to conduct its case in a different fashion.
21. In the result, a large body of evidence before the enquiry is untested or not properly tested because you never indicated that my clients were potentially exposed.
22. All of the above notwithstanding, you have requested me to make an application on behalf of Kenson Operational Services Limited as well as Kenson Production Services Limited and not the individuals concerned. The manifest weight of the evidence before you is that the individuals were employees of and under the direction and control at all material times of Paria Fuel Trading Company Limited (“Paria”).
23. It would accordingly, be perverse for any reasonable tribunal to criticize Kenson Operational Services Limited or Kenson Production Services Limited and for this reason too, no application for standing is necessary on their part.
24. Regarding the individual clients, your letter has not addressed their position specifically at all. In any event, they also cannot be within the contemplation of Rule 18 because the evidence is clear and uncontroverted that they were acting only upon the direction of Paria personnel.

25. In the premises, none of my clients have been given a full opportunity during the enquiry to canvass their position because they were led to believe that there was no reason to seek standing (which had the effect set out above at paragraph 9), you insisted upon them giving evidence without a proper opportunity to grapple with the large body of evidence on the website, you withheld the transcripts of the interviews with OSHA until the last minute and you set unfair timelines for their participation.
26. Finally, we note the extraordinary threat made in the penultimate paragraph of your letter to “*cease to engage with*” me and to correspond directly with “*the individuals personally*”.
27. This threat, if carried out, would be a wholly unwarranted violation of my clients’ rights to be represented, and an inexplicable departure from convention. More importantly, it would be plainly wrong in law to deny legal representation under Rule 18 in the face of Section 10 of the Act.
28. We trust that the statutory obligation to make a full, faithful and impartial enquiry will prevail and invite you (i) to withdraw your threat promptly so that my clients do not have to endure the uncertainty and expense of monitoring a public enquiry proceedings in order to be apprised of matters concerning them; and (ii) to confirm to me in writing urgently and in any event before 14<sup>th</sup> April, 2023 that you will continue to correspond with me on my clients behalf.
29. In the meantime my clients reserve all of their rights.

Yours faithfully,

*Chase Pegus*

Chase Pegus  
Attorney-at-law

cc: Justin Phelps of Counsel

**000389**



**COMMISSION OF ENQUIRY**  
appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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Tel: +1 (868) 709-5477  
Website: [www.coe2022.com](http://www.coe2022.com)

---

21<sup>st</sup> April 2023

“by email”

**Mr. Chase Pegus**  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
**Port of Spain**

Dear Mr. Pegus,

**Re: Application for standing**

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

---

1. Reference is made to your letter dated 6 April 2023 in respect to the matter at caption.
2. In your letter dated 11 November 2022 (sent before the start of the evidentiary hearings) you indicated that you act for and on behalf of *Kenson Operation Services Ltd, the employer of Mr. Andrew Dopson, Mr. Rajiv Mangalee, Mr. Kirk Scott and Mr. Houston Marjadsingh as well as Kenson Production Services Ltd, the employer of Mr. Rolph Seales.*
3. In your letter of 6 April 2023, you contend among things as follows:
  - i. The Commission led you to believe that your clients were not in the category of persons envisaged by Rule 18 as persons who were entitled to apply for standing;
  - ii. That had your clients been informed that their conduct met the threshold for “standing” set by the Rules, they would have conducted their case in a different fashion;

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000390**

- iii. Accordingly, it would be perverse for any reasonable tribunal to criticise your clients;
  - iv. That your clients were entitled to be represented at the Enquiry pursuant to Section 10 of the Commission of Enquiry Act;
  - v. The Commission's indication in its letter dated 24 March 2023 that it would not engage with you if an application for standing is not made, is a wholly unwarranted violation of your clients' rights to be represented under Section 10 of the Act.
4. Your clients ought to have identified from the Terms of Reference which were published in the Trinidad and Tobago Gazette on 22 April 2022, whether their employees were persons who were directly involved in and/or present in the events which led to tragic deaths of the four (4) LMCS Limited divers and/or continuing up to the recovery of their bodies ("the said events"). This ought to have been obvious to them having regard to the various roles and responsibilities which their employees had.
  5. A Public notice was first published in the Trinidad and Tobago Newspapers on 15 July 2022 and on the Commission's website inviting persons to submit their statements and/or relevant documents to the Commission by 12 August 2022. The said Notice appeared in various daily newspapers for a period of two (2) weeks. Your clients did not respond to this Notice.
  6. Your clients would have also been aware from the Procedural Rules published in the Trinidad and Tobago Gazette on 15 July 2022 as well as the Commission's website, that if they wished to participate at the evidentiary hearings of the Commission, they were required to apply to the Commission for standing.
  7. Further, at the Procedural Hearing on 7 September 2022 (which was streamed live on the Commission's website and also carried live on television), the Chairman made it clear that anybody who wants standing must apply for it in order to be a part of the proceedings. He stated that witnesses who are to give evidence do not need to apply for standing if they have Counsel representing their interest just while they give evidence but that they do need to apply for standing if you wanted to be part of the overall proceedings.



8. At the first evidentiary hearing on 21 November 2022 (which was also streamed live on the internet and carried live on television), the Chairman again made it clear that those who have had standing and have been granted standing would be permitted to cross examine.
9. Notwithstanding that you did not make a formal application for standing, you agreed to fully participate in the proceedings including the cross examination of witnesses.
10. You were not merely present on the dates on which your clients' employees gave evidence. In fact, you were present on each date of the evidentiary hearings (save the first day when opening statements were made). You agreed to cross examine witnesses called by the Commission where you considered their evidence relevant to your clients. You were present at the site visits conducted by the Commission and you made a closing statement at the end of the evidential hearings.
11. Your reliance on Section 10 of the Commissions of Enquiry Act is misplaced. That provision merely stipulates that a person whose conduct is the subject of the Enquiry under the Act or any way implicated in the matter under Enquiry is entitled to be represented at the whole of the Enquiry and that any other person who may consider it desirable that he should be so represented may by the leave of the Commission be represented in the same manner. The Procedural Rules which are made pursuant to Section 9 of the Act, set out the procedure for participation at the Enquiry.
12. We reject the contention that the Commission led you to believe that your clients and their employees did not fall into the category of persons described in Rule 18 for the following reasons:
  - (a) It was the duty of your clients to have identified that they were persons who were directly involved and/or present at the said events and to have applied for standing if they considered this necessary.
  - (b) Notwithstanding that your clients did not submit statements to the Commission in response to the public notice, the Commission identified from information received and

whilst conducting interviews, that your clients' employees may have been persons who were involved in and/or present at the said events.

(c) The Commission contacted your clients' employees directly by telephone and also wrote to them individually on 18 October 2022 indicating that the Commission received information suggesting that they **were directly involved** in the said events and invited them to an interview with the Commission on a specific date. These letters were also sent to your clients by email dated 18 October 2022.

(d) Your clients and their employee declined through you to participate at the interviews and witness summons were issued to your clients' employees requiring their attendance at the first date of the evidentiary hearings being the 21 November 2022.

(e) Both the said letters and the witness summons issued made it clear that the Commission considered that your clients' employees were directly involved in the said events and that their evidence was relevant to the Commission's Terms of Reference.

13. Further, your contention that your clients would have conducted their "case" differently had they been treated as falling within the category of persons who may be granted standing, is misconceived for the following reasons:

(i) It is made on a misconception of the purpose of standing and further the nature of an Enquiry. An Enquiry is not a civil or criminal trial but rather an investigation into events or a series of events in order to establish facts and make recommendations. Commissions of Enquiry are inquisitorial and are not adversarial in nature.

(ii) The onus was on your clients to apply for standing if they wished to participate and your clients had notice of this through the publication of the Procedural Rules and the statements made by the Chairman at both the procedural and evidentiary hearings.

- (iii) Notwithstanding that your clients did not apply for standing, they were given the full opportunity to participate at the hearings and did in fact fully participate. They were clearly treated as if they did have standing.
- (iv) The records of the Commission will show that your clients were also given ample opportunity to submit witness statements before their employees gave oral evidence and that their requests to have their statements filed in December 2022 and oral evidence given in December 2022 /January 2023 was facilitated by the Commission.
- (v) The records will also show that your clients had access to the full body of documents at the time they submitted their witness statements and gave their oral evidence.
- (vi) In any event, the fact that your clients did not apply for standing does not mean that the Commission cannot criticise their conduct or make findings adverse to them. It would have been clear to your clients from the Terms of Reference that the Commission could make adverse findings and recommendations. As observed by Ramcharan J in CV2016-04288 Noel Garcia v Justice Ibrahim and others at paras 166-168:

167. The Claimant suggested that the Commission ought to have apprised him of the possibility of adverse findings prior to the hearing of the Enquiry. The Court does not agree. The Terms of Reference made it clear that the Commission could make **adverse findings and recommendation, and further, it would have only been after the receipt of all the evidence, that the Commission would know the nature of the recommendations and/or findings it was likely to make. What would be of significance would be whether the Claimant was given a chance to answer proposed findings and/or recommendations before they were made.**

168. Further, the fact that the Claimant was not a party to the proceedings does not mean that he would have been unaware of the risk of adverse findings being made against him. Again, the terms of reference are clear that the Commission was empowered to make recommendations and/or findings with respect to the conduct of the HDC and its board, so that the Claimant would know that there was a risk that this would be done

14. As you are aware on the 17 March 2023, the Commission ordered that “Salmon letters” would be issued to recipients as determined by the Commission, on or before 28 April 2023 and also indicated in that Order that it is prepared to hear written and oral submissions following the issuance of Salmon letters.

15. In accordance with the rules of natural justice and fairness, the Commission will issue Salmon letters to persons giving them notice of any adverse finding which may be made against them in the final report and give them an opportunity to make written and oral submissions in relation to same.

16. If, the Commission intends to make findings against your clients or their employees, Salmon letters will be issued to them to give them a proper opportunity to make a response to the contents of any such letters.

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**



COMMISSION OF EXERCISE

Department of the Interior  
Bureau of Land Management  
Washington, D.C. 20250

“A”



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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](mailto:commissionsecretariat@coe2022.com)  
Tel: +1 (868) 709-5477  
Website: [www.coe2022.com](http://www.coe2022.com)

17<sup>th</sup> October 2022

Mr. Andrew Dopson

**URGENT**

Dear Mr. Dopson,

**Re: Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 22<sup>nd</sup> April 2022 and published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> 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 **Thursday 27<sup>th</sup> October 2022** 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

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000397**



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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](http://www.coe2022.com)

18<sup>th</sup> 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 25<sup>th</sup> 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 22<sup>nd</sup> April 2022 and published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> 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 **Friday 28<sup>th</sup> October 2022** 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.

*Mr. Jerome Lynch KC: Chairman of the Commission  
Mr. Gregory Wilson: Commissioner*

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**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000399**





## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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](http://www.coe2022.com)

18<sup>th</sup> 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 25<sup>th</sup> 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 22<sup>nd</sup> April 2022 and published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> 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 **Friday 28<sup>th</sup> October 2022** 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.

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000400**

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**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000401**



## COMMISSION OF ENQUIRY

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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](http://www.coe2022.com)

18<sup>th</sup> 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 25<sup>th</sup> 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 22<sup>nd</sup> April 2022 and published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> 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 **Thursday 27<sup>th</sup> October 2022** 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.

*Mr. Jerome Lynch KC: Chairman of the Commission  
Mr. Gregory Wilson: Commissioner*

**000402**

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**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000403**



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
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at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre

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Website: [www.coe2022.com](http://www.coe2022.com)

18<sup>th</sup> 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 25<sup>th</sup> 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 22<sup>nd</sup> April 2022 and published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> April 2022.

The Terms of Reference of the Commission were also published in the Trinidad and Tobago Gazette on 22<sup>nd</sup> 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 **Thursday 27<sup>th</sup> October 2022** 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.

*Mr. Jerome Lynch KC: Chairman of the Commission  
Mr. Gregory Wilson: Commissioner*

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**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

“B”



Chase Pegus &lt;chasepegus@gmail.com&gt;

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**Fw: Commission of Enquiry**

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**Chase Pegus** <chasepegus@gmail.com>

Wed, Oct 26, 2022 at 4:58 PM

To: Sarah Sinanan &lt;commissionsecretariat@coe2022.com&gt;

Cc: Tyrone Rodulfo &lt;tyrone\_rodulfo@kenson.co.tt&gt;, Matthew Sylvester &lt;matthew\_sylvester@kenson.co.tt&gt;, David Tam &lt;david\_tam@kenson.co.tt&gt;, Chrystal Saunders-Bethelmy &lt;Chrystal\_Saunders-Bethelmy@kenson.co.tt&gt;, Samantha Chase &lt;schase@coe2022.com&gt;, Crystal Rahaman &lt;crahaman@coe2022.com&gt;

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?

**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](http://www.coe2022.com)**

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**000407**





# COMMISSION OF ENQUIRY

Established in 1971 to inquire into the circumstances surrounding the death of a young man who had been reported missing in 1968.

Chairman: Sir John Gifford  
Members: Sir John Gifford, Sir John Gifford, Sir John Gifford

Page 1 of 1

# "C"

The Commission of Enquiry into the circumstances surrounding the death of a young man who had been reported missing in 1968, was established in 1971. The Commission's terms of reference were to inquire into the circumstances surrounding the death of a young man who had been reported missing in 1968.

The Commission's terms of reference were to inquire into the circumstances surrounding the death of a young man who had been reported missing in 1968. The Commission's terms of reference were to inquire into the circumstances surrounding the death of a young man who had been reported missing in 1968.

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## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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Tel: +1 (868) 709-5477  
Website: [www.coe2022.com](http://www.coe2022.com)

8<sup>th</sup> November 2022

“by email & by hand”

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

**Re: Witness Summons- A. Dopson, R. Seales, R. Mangalee, K. Scott & H. Marjadsingh**

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

We refer to the matter at caption and acknowledge receipt of your email dated 26<sup>th</sup> October 2022 wherein you indicated inter alia that you were still in the process of taking instructions and as such your clients would not be in a position to participate in the interviews scheduled for Thursday 27<sup>th</sup> and Friday 28<sup>th</sup> October 2022.

We also note your request for the Commission to provide a list of questions or queries so that an appropriate response may be provided. The Commission wishes to advise that it is unable to accede to your request for a list of questions or queries for the following reasons:-

- (i) 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;
- (ii) 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 impromptu response; and
- (iii) 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.

*Mr. Jerome Lynch KC: Chairman of the Commission  
Mr. Gregory Wilson: Commissioner*

**000409**

The Commission wishes to advise that your clients still have the option of providing a written statement. However, we wish to express our disappointment with your clients' decision to not attend the requested interviews and in not having received written statements from them. As at 1<sup>st</sup> November 2022, the Commission disclosed on its website most of the documents/statements that it received as such any evidence your clients give now will be viewed in light of this.

We have enclosed five (5) Witness Summons dated 8<sup>th</sup> November 2022 for the following persons:

1. Andrew Dopson;
2. Houston Marjadsingh;
3. Kirt Scott;
4. Rajiv Mangalee; and
5. Rolph Seales.

The said Witness Summons requires Mr. Andrew Dopson's, Mr. Houston Marjadsingh's, Mr. Kirk Scott's, Mr. Rajiv Mangalee's and Mr. Rolph Seales' attendance before the sitting of the above mentioned Commission of Enquiry on **21<sup>st</sup> November 2022 at 10.00 am at Level 11, Tower D, International Waterfront Centre, 1A Wrightson Road, Port of Spain.**

Further, the Commission wishes to advise that your clients are entitled to make an application for reasonable expenses incurred in attending before the Commission to give evidence. However, please note that loss of earnings for the day are not included in these expenses.

We look forward to your kind cooperation and assistance.

Kindly sign and return the duplicate of this letter acknowledging receipt. Additionally, kindly confirm with this writer when your clients receive their respective Summons.

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**

Encls:

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000410**

The Commission wishes to advise that your check will have the option of not being a return  
and that however we wish to make a full disposition with your check. Decision is not  
made by the Commission and it is not being received without explanation from them. As it is  
necessary to make the Commission decided on its website and of the documents returned that  
it is not to the only evidence your check give you will be in the light of law.

We have received five (5) written questions dated 12/14/2012 for the following persons:

- 1. Andrew Johnson
- 2. Thomas Jefferson
- 3. George Washington
- 4. John Adams
- 5. James Madison

The new written questions received for Andrew Johnson, Mr. Thomas Jefferson, Mr.  
George Washington, Mr. John Adams, and Mr. James Madison were received on the date of the  
check received (12/14/2012) and as of 12/14/2012. The Commission is not aware of any  
other questions received for any of these persons.

**“D”**

When the Commission wishes to make an application for  
a new check, it is necessary to make an application for  
the Commission to give evidence. However,  
the Commission is not aware of any other questions received for any of these persons.

For more information on this issue, please contact the Commission. Additional information  
can be found on the Commission's website at [www.fedreserve.gov](http://www.fedreserve.gov).

Yours sincerely,  
  
Sarah Johnson  
Secretary to the Commission

**Chase J. Pegus**  
**Attorney-at-Law**  
**LL.B. (Hons) U.W.I, LEC**

Veritas Chambers  
19 St. Vincent Street  
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11th November 2022

BY EMAIL

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

**Re: Witness Summons - A. Dopson, R. Seales, R. Mangalee, K. Scott & H  
Marjadsingh**

**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, Point-a-Pierre**

Reference is made to the matter at caption and to correspondence passing between us ending with your letter dated 8th November, 2022 the contents of which have been duly noted. I act for and on behalf of Kenson Operational Services Limited, the employer of Mr. Andrew Dopson, Mr. Rajiv Mangalee, Mr. Kirt Scott and Mr. Houston Marjadsingh. I also act for and on behalf of Kenson Production Services Limited, the employer of Mr. Rolph Seales.

This matter was first brought to my attention on the 18th October, 2022. As such I needed the opportunity to consult with, take instructions and advise my clients accordingly. Owing to the technical nature of this matter and the fact that instructions had to be taken from the five named persons we were not in a position to participate in the scheduled interviews. However, it was always our position to assist the Commission by providing comprehensive witness statements by the above named persons. Kindly note that the process of drafting the said


**000412**

witness statements commenced before the 1st November, 2022 and the respective employees/witnesses as at the time of writing this letter have not visited the Commission's website to view any documents/statements in the preparation of their witness statements. We are in a position to submit the respective witness statements by Monday 14th November, 2022.

I hereby acknowledge receipt of the said witness summons and I undertake to forward same to the respective persons. All persons save for Mr. Mangalee will be present as requested on the said 21st November, 2022. Kindly note Mr. Mangalee is currently outside the jurisdiction for an indefinite period. As such he will not be present on the 21st November, 2022. Mr. Mangalee has indicated his willingness to appear before the commission virtually if this option is available.

Lastly, upon receipt of the said witness statements if it is determined that anyone's participation is no longer required we would be grateful for that indication.

Yours faithfully,

  
Chase Pegus  
Attorney-at-Law

In Chambers With:

Darrell P. Allahar, Kern D. Saney, Vikash Indar Lal, Yves J. Nicholson, Aaron Mahabir, Kadeem I. Williams, Sheetal A. Seepaul & Rikki Harnanan (Door Tenant).

000413



**Chase J. Pegus**  
**Attorney-at-Law**  
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17th November, 2022

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

**Re: Witness Summons - A. Dopson, R. Seales, R. Mangalee, K. Scott & H Marjadsingh**

**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 Sea line Riser on Berth No. 6, Point-a-Pierre**

---

Reference is made to the matter at caption and to correspondence passing between us ending with my letter to you dated 11th November, 2022.

The records of the Commission will confirm that you first made contact with my clients on the 17<sup>th</sup> October 2022, a mere 4 weeks ago.

I responded by email dated the 26<sup>th</sup> October, requesting guidance on the issues which the statement should cover and suggested that you might provide questions which the Commission wanted addressed.

I did not receive a response until your letter dated the 8<sup>th</sup> November, 2022 (9 days ago). In that letter you declined to provide any guidance as to what matters my clients statements should be directed at and enclosed summonses for my clients.

**000415**



Nothing has been disclosed to me or my clients in the way of relevant documents. We have been left to plough through the commission website which contains thousands of pages concerning other individuals and entities in order even to grasp the context in which the statements are required to be given. The Terms of Reference are, as you have acknowledged, vague and not helpful in that respect.

All of the above notwithstanding, my clients and I have endeavoured without success to meet the onerous, and , respectfully, unfair timeline set by you. As such, I had in my letter dated 11<sup>th</sup> November, undertaken to have the statements ready by the 14<sup>th</sup> November.

Regrettably we have not been able to finalize the statements.

We expect to be in a position to file the statements on or before 5<sup>th</sup> December 2022.

We accordingly respectfully suggest that the duty of fairness to my clients and the public interest in having their evidence given in a meaningful and orderly fashion requires (i) that my clients give evidence in the December sessions (ii) with their statements to be filed on or before the 5th December, 2022.

We respectfully request that the Commission make a direction to the above effect.

We trust that the Commission will in the meantime ensure that nothing is said in its proceedings which adversely impacts upon the reputation of my corporate or individual clients. My clients are experienced and well established in their respective fields and have earned their reputations over many years. It would be unjust to have any adverse comment (or any comment at all) about them in public proceedings.

This is more especially so as my clients played a peripheral role in the events under inquiry.

**000416**

We wish to reiterate our full cooperation with the Commission and look forward to the appropriate orders to facilitate us in giving our full assistance.

I look forward to hearing from you on an urgent basis.

Yours faithfully,

*Chase Pegus*  
Chase J. Pegus  
Attorney-at-Law

**In Chambers With:**  
Darrell P. Allahar, Kern D. Saney, Vikash Indar Lal, Yves J. Nicholson, Aaron Mahabir, Kadeem I. Williams, Sheetal A. Seepaul, Danyal Q. Mohammed & Rikki Harnanan (Door Tenant).

**000417**



COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate-General for Economic and Financial Affairs  
Brussels, Belgium

**"F"**



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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

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Tel: +1 (868) 709-5477  
Website: [www.coe2022.com](http://www.coe2022.com)

18<sup>th</sup> November 2022

“by email”

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

**Re: Witness Summons- A. Dopson, R. Seales, R. Mangalee, K. Scott & H. Marjadsingh**

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

We refer to the matter at caption and to your letter dated 17<sup>th</sup> November 2022.

We note your request for your clients to give evidence in the December sessions and for your clients' statements to be filed on or before 5<sup>th</sup> December 2022.

The Commission is of the view that it was a dereliction of your clients' duty to not provide us with written statements following the Commission's public notice dated 12<sup>th</sup> August 2022, given their involvement in the subject matter of this Commission.

With regards to your request for guidance on the issues which your clients' statements should cover, the Commission is of the view that your clients' would have known the areas that their statements should traverse given the fact that Mr. Marjadsingh, Mr. Mangalee and Mr. Scott met with OSH Agency persons on 10<sup>th</sup> March 2022. Copies of the transcripts of the interviews with your clients are attached.

The Commission is not prepared to delay the evidence of your clients who are scheduled to give evidence before the Commission on Thursday 24<sup>th</sup> November 2022. Should your clients' wish they are free to prepare and submit written statements in advance of 24<sup>th</sup> November 2022.

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

In the circumstances, the Commission is varying your clients Witness Summons and your clients are not required to attend before the Commission on 21<sup>st</sup> November 2022 but they are expected to be present on **24<sup>th</sup> November 2022 at 10:00am** to give their evidence.

Please be guided accordingly.

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000420**

In the event that the Commission is carrying out its duties under the Act, it may be necessary to request the Commission to provide information to the Commission in order to carry out its duties.

Please see page 2 for details.

*John Brown*  
Secretary to the Commission

**"G"**

Attest: \_\_\_\_\_  
Secretary to the Commission

**000421**



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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Tel: +1 (868) 709-5477  
Website: [www.coc2022.com](http://www.coc2022.com)

24<sup>th</sup> March 2023

“by email”

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

**Re: Application for standing**

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

We refer to the matter at caption.

Reference is also made to your letter dated 11<sup>th</sup> November 2022 wherein you indicated that you act for Kenson Operational Services Limited, the employer of Mr. Andrew Dopson, Mr. Rajiv Mangalee, Mr. Kirk Scott and Mr. Houston Marjadsingh as well as Kenson Production Services Limited, the employer of Mr. Rolph Seales.

We note that while your clients have participated fully in this Commission, no application for standing was ever made by you, we take this as an oversight on your part. In the circumstances we ask that such an application be made without further delay.

If your clients choose not to make this application the Commission will cease to engage with you and should the need arise to issue any “Salmon” letters, such letters would be sent to the individuals personally.

We look forward to hearing from you.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*



COMMISSION OF ENQUIRY

Report of the Commission of Enquiry into the ...

"H"



**Chase J. Pegus**  
**Attorney-at-Law**  
**LL.B. (Hons) U.W.I, LEC**

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6th, April 2023

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

**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**

---

1. Reference is made to the matter at caption (the enquiry) and to your letter dated 24<sup>th</sup> March, 2023 in connection therewith.
2. The suggestion at paragraph 2 of your letter that my clients' failure to apply for standing is an "*oversight*" on my part is not accurate.
3. Section 10 of the Commissions of Enquiry Act (the Act) gives the right to legal representation throughout an enquiry to different categories of persons including those "*in any way concerned in the matter under enquiry*".
4. On the other hand, Rule 18 of the enquiry's procedural rules, purportedly made under Section 9 of the Act, provides for standing to be granted to those who played a "*direct and significant role*" or had a "*substantial and direct*" interest in or "*may be subject to explicit or significant criticism*".

**000424**

5. Rule 18 is in substance a restatement of Rule 5 of the English Inquiry Rules, 2006. But the latter rules serve different primary legislation. Further, Rule 18 inexplicably departs from Rule 5 by placing the onus on those appearing before the enquiry to apply for standing rather than upon the Chairman of the enquiry to designate persons as "*core participants*".
6. My clients therefore have the right to be represented throughout the enquiry under Section 10 of the Act, but were not within Rule 18.
7. There was not at any time any indication from the enquiry that my clients were viewed as falling within Rule 18. The contrary is true (as appears from the correspondence referred to below).
8. In the result, no application for standing was necessary, and in the events which have happened (including the correspondence referred to below), my clients were led to believe that they were not within the category of persons envisaged by Rule 18.
9. Had my clients been informed by you that their conduct met the threshold for "*standing*" set by your rules, they would have (i) sought full and proper disclosure of the entire body of evidence before filing evidence; (ii) in some instances, no evidence would have been filed; (iii) would have cross-examined differently; and (iv) would have led additional evidence, for example, expert evidence as to the practice in the local industry where sub sea works are being conducted; and (v) sought disclosure of further information not before the inquiry at all.
10. Also, my clients would not have agreed to give evidence without (i) a reasonable opportunity to consider all the evidence which had been disclosed; and (ii) some indication as to what their evidence ought to have addressed. The correspondence referred to below demonstrates that you refused both (i) and (ii).

11. Paragraph 2 of your letter is also not accurate in suggesting that my clients have *“participated fully”* in this Commission if that is intended to mean that my clients have been afforded the well established safeguards mandated for a fair inquiry and necessary to ensure that evidence before the inquiry was probative (by whatever machinery it may have been collated).
12. A perusal of your records will show that you wrote to my individual clients by letters dated 17<sup>th</sup> and 18<sup>th</sup> October, 2022 inviting them to an interview with your Counsel but *without any representation by an Attorney at Law.*
13. By e-mail dated the 26<sup>th</sup> October, 2022 I wrote to you indicating that I was still taking instructions and asked for a list of questions which you would like my clients to address.
14. By letter dated 8<sup>th</sup> November, 2022 you refused to provide the requested questions. You suggested that you wanted to question my clients without them having any advance disclosure and without a lawyer. Further, you indicated that my clients’ evidence would be considered in light of the fact that substantial disclosure had been made on the Commission’s website. By the said letter dated 8th November, 2022 you enclosed 5 summonses for my clients.
15. By letter dated 11<sup>th</sup> November, 2022 I specifically noted that my clients had not by that time been able to review all of the documents disclosed by way of the website.
16. By a further letter dated 17<sup>th</sup> November, 2022 I wrote to you and stated:  
  
*“The records of the Commission will confirm that you first made contact with my clients on the 17<sup>th</sup> October 2022, a mere 4 weeks ago.*

*I responded by email dated the 26<sup>th</sup> October, requesting guidance on the issues which the statement should cover and suggested that you might provide questions which the Commission wanted addressed.*

*I did not receive a response until your letter dated the 8<sup>th</sup> November, 2022 (9 days ago). In that letter you declined to provide any guidance as to what matters my clients statements should be directed at and enclosed summonses for my clients.*

*Nothing has been disclosed to me or my clients in the way of relevant documents. We have been left to plough through the commission website which contains thousands of pages concerning other individuals and entities in order even to grasp the context in which the statements are required to be given. The Terms of Reference are, as you have acknowledged, vague and not helpful in that respect.*

*All of the above notwithstanding, my clients and I have endeavoured without success to meet the onerous, and, respectfully, unfair timeline set by you. As such, I had in my letter dated 11<sup>th</sup> November, undertaken to have the statements ready by the 14<sup>th</sup> November.*

*Regrettably we have not been able to finalize the statements.*

*We expect to be in a position to file the statements on or before 5<sup>th</sup> December 2022".*

17. By letter dated 18<sup>th</sup> November you refused to give any more time for the evidence of my clients, and made the startling allegation that my clients were in "dereliction of duty" in not providing you with statements following the Commission's public notice of 12<sup>th</sup> August, 2022.

18. In that letter, you disclosed for the first time transcripts of interviews with my clients and OSHA.

19. My clients filed evidence on the 3rd, 4th and 9th December, 2022.

20. All of this plainly indicated that my clients were not being treated by you as falling within any of the categories in Rule 18. My clients acted on that basis throughout the enquiry, forbearing to cross-examine on certain issues, to call certain evidence and generally to conduct its case in a different fashion.

21. In the result, a large body of evidence before the enquiry is untested or not properly tested because you never indicated that my clients were potentially exposed.

22. All of the above notwithstanding, you have requested me to make an application on behalf of Kenson Operational Services Limited as well as Kenson Production Services Limited and not the individuals concerned. The manifest weight of the evidence before you is that the individuals were employees of and under the direction and control at all material times of Paria Fuel Trading Company Limited (“Paria”).

23. It would accordingly, be perverse for any reasonable tribunal to criticize Kenson Operational Services Limited or Kenson Production Services Limited and for this reason too, no application for standing is necessary on their part.

24. Regarding the individual clients, your letter has not addressed their position specifically at all. In any event, they also cannot be within the contemplation of Rule 18 because the evidence is clear and uncontroverted that they were acting only upon the direction of Paria personnel.

25. In the premises, none of my clients have been given a full opportunity during the enquiry to canvass their position because they were led to believe that there was no reason to seek standing (which had the effect set out above at paragraph 9), you insisted upon them giving evidence without a proper opportunity to grapple with the large body of evidence on the website, you withheld the transcripts of the interviews with OSHA until the last minute and you set unfair timelines for their participation.

26. Finally, we note the extraordinary threat made in the penultimate paragraph of your letter to "*cease to engage with*" me and to correspond directly with "*the individuals personally*".

27. This threat, if carried out, would be a wholly unwarranted violation of my clients' rights to be represented, and an inexplicable departure from convention. More importantly, it would be plainly wrong in law to deny legal representation under Rule 18 in the face of Section 10 of the Act.

28. We trust that the statutory obligation to make a full, faithful and impartial enquiry will prevail and invite you (i) to withdraw your threat promptly so that my clients do not have to endure the uncertainty and expense of monitoring a public enquiry proceedings in order to be apprised of matters concerning them; and (ii) to confirm to me in writing urgently and in any event before 14<sup>th</sup> April, 2023 that you will continue to correspond with me on my clients behalf.

29. In the meantime my clients reserve all of their rights.

Yours faithfully,

*Chase Pegus*

Chase Pegus

Attorney-at-law

cc: Justin Phelps of Counsel

**000429**



COMMISSION OF ENQUIRY

Enquiry into the activities of the Communist Party of India (CPI) and its affiliates in the State of Kerala during the period 1947-1954.

“I”

Mr. K. P. Singh  
Assistant Secretary  
General Secretariat  
C.P.I. (M)  
Room No. 10  
1st Floor  
Government Secretariat  
Chennai

For: Application for membership

The Commission of Enquiry into the activities of the Communist Party of India (CPI) and its affiliates in the State of Kerala during the period 1947-1954, has received your application for membership of the Party.

In view of the fact that you are a member of the Communist Party of India (C.P.I.) and have been active in the Party's activities in Kerala, the Commission has decided to accept your application for membership of the Party.

The Commission has also decided to accept your application for membership of the Party on the condition that you shall continue to be active in the Party's activities in Kerala.



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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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Website: [www.coe2022.com](http://www.coe2022.com)

21<sup>st</sup> April 2023

“by email”

**Mr. Chase Pegus**  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
**Port of Spain**

Dear Mr. Pegus,

**Re: Application for standing**

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

1. Reference is made to your letter dated 6 April 2023 in respect to the matter at caption.
2. In your letter dated 11 November 2022 (sent before the start of the evidentiary hearings) you indicated that you act for and on behalf of *Kenson Operation Services Ltd*, the employer of *Mr. Andrew Dopson*, *Mr. Rajiv Mangalee*, *Mr. Kirk Scott* and *Mr. Houston Marjadsingh* as well as *Kenson Production Services Ltd*, the employer of *Mr. Rolph Seales*.
3. In your letter of 6 April 2023, you contend among things as follows:
  - i. The Commission led you to believe that your clients were not in the category of persons envisaged by Rule 18 as persons who were entitled to apply for standing;
  - ii. That had your clients been informed that their conduct met the threshold for “standing” set by the Rules, they would have conducted their case in a different fashion;

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000431**



- iii. Accordingly, it would be perverse for any reasonable tribunal to criticise your clients;
  - iv. That your clients were entitled to be represented at the Enquiry pursuant to Section 10 of the Commission of Enquiry Act;
  - v. The Commission's indication in its letter dated 24 March 2023 that it would not engage with you if an application for standing is not made, is a wholly unwarranted violation of your clients' rights to be represented under Section 10 of the Act.
4. Your clients ought to have identified from the Terms of Reference which were published in the Trinidad and Tobago Gazette on 22 April 2022, whether their employees were persons who were directly involved in and/or present in the events which led to tragic deaths of the four (4) LMCS Limited divers and/or continuing up to the recovery of their bodies ("the said events"). This ought to have been obvious to them having regard to the various roles and responsibilities which their employees had.
  5. A Public notice was first published in the Trinidad and Tobago Newspapers on 15 July 2022 and on the Commission's website inviting persons to submit their statements and/or relevant documents to the Commission by 12 August 2022. The said Notice appeared in various daily newspapers for a period of two (2) weeks. Your clients did not respond to this Notice.
  6. Your clients would have also been aware from the Procedural Rules published in the Trinidad and Tobago Gazette on 15 July 2022 as well as the Commission's website, that if they wished to participate at the evidentiary hearings of the Commission, they were required to apply to the Commission for standing.
  7. Further, at the Procedural Hearing on 7 September 2022 (which was streamed live on the Commission's website and also carried live on television), the Chairman made it clear that anybody who wants standing must apply for it in order to be a part of the proceedings. He stated that witnesses who are to give evidence do not need to apply for standing if they have Counsel representing their interest just while they give evidence but that they do need to apply for standing if you wanted to be part of the overall proceedings.

8. At the first evidentiary hearing on 21 November 2022 (which was also streamed live on the internet and carried live on television), the Chairman again made it clear that those who have had standing and have been granted standing would be permitted to cross examine.
9. Notwithstanding that you did not make a formal application for standing, you agreed to fully participate in the proceedings including the cross examination of witnesses.
10. You were not merely present on the dates on which your clients' employees gave evidence. In fact, you were present on each date of the evidentiary hearings (save the first day when opening statements were made). You agreed to cross examine witnesses called by the Commission where you considered their evidence relevant to your clients. You were present at the site visits conducted by the Commission and you made a closing statement at the end of the evidential hearings.
11. Your reliance on Section 10 of the Commissions of Enquiry Act is misplaced. That provision merely stipulates that a person whose conduct is the subject of the Enquiry under the Act or any way implicated in the matter under Enquiry is entitled to be represented at the whole of the Enquiry and that any other person who may consider it desirable that he should be so represented may by the leave of the Commission be represented in the same manner. The Procedural Rules which are made pursuant to Section 9 of the Act, set out the procedure for participation at the Enquiry.
12. We reject the contention that the Commission led you to believe that your clients and their employees did not fall into the category of persons described in Rule 18 for the following reasons:
  - (a) It was the duty of your clients to have identified that they were persons who were directly involved and/or present at the said events and to have applied for standing if they considered this necessary.
  - (b) Notwithstanding that your clients did not submit statements to the Commission in response to the public notice, the Commission identified from information received and

whilst conducting interviews, that your clients' employees may have been persons who were involved in and/or present at the said events.

(c) The Commission contacted your clients' employees directly by telephone and also wrote to them individually on 18 October 2022 indicating that the Commission received information suggesting that they were directly involved in the said events and invited them to an interview with the Commission on a specific date. These letters were also sent to your clients by email dated 18 October 2022.

(d) Your clients and their employee declined through you to participate at the interviews and witness summons were issued to your clients' employees requiring their attendance at the first date of the evidentiary hearings being the 21 November 2022.

(e) Both the said letters and the witness summons issued made it clear that the Commission considered that your clients' employees were directly involved in the said events and that their evidence was relevant to the Commission's Terms of Reference.

13. Further, your contention that your clients would have conducted their "case" differently had they been treated as falling within the category of persons who may be granted standing, is misconceived for the following reasons:

(i) It is made on a misconception of the purpose of standing and further the nature of an Enquiry. An Enquiry is not a civil or criminal trial but rather an investigation into events or a series of events in order to establish facts and make recommendations. Commissions of Enquiry are inquisitorial and are not adversarial in nature.

(ii) The onus was on your clients to apply for standing if they wished to participate and your clients had notice of this through the publication of the Procedural Rules and the statements made by the Chairman at both the procedural and evidentiary hearings.

- (iii) Notwithstanding that your clients did not apply for standing, they were given the full opportunity to participate at the hearings and did in fact fully participate. They were clearly treated as if they did have standing.
- (iv) The records of the Commission will show that your clients were also given ample opportunity to submit witness statements before their employees gave oral evidence and that their requests to have their statements filed in December 2022 and oral evidence given in December 2022 /January 2023 was facilitated by the Commission.
- (v) The records will also show that your clients had access to the full body of documents at the time they submitted their witness statements and gave their oral evidence.
- (vi) In any event, the fact that your clients did not apply for standing does not mean that the Commission cannot criticise their conduct or make findings adverse to them. It would have been clear to your clients from the Terms of Reference that the Commission could make adverse findings and recommendations. As observed by Ramcharan J in CV2016-04288 Noel Garcia v Justice Ibrahim and others at paras 166-168:

167. The Claimant suggested that the Commission ought to have apprised him of the possibility of adverse findings prior to the hearing of the Enquiry. The Court does not agree. The Terms of Reference made it clear that the Commission could make adverse findings and recommendation, and further, it would have only been after the receipt of all the evidence, that the Commission would know the nature of the recommendations and/or findings it was likely to make. What would be of significance would be whether the Claimant was given a chance to answer proposed findings and/or recommendations before they were made.

168. Further, the fact that the Claimant was not a party to the proceedings does not mean that he would have been unaware of the risk of adverse findings being made against him. Again, the terms of reference are clear that the Commission was empowered to make recommendations and/or findings with respect to the conduct of the HDC and its board, so that the Claimant would know that there was a risk that this would be done

14. As you are aware on the 17 March 2023, the Commission ordered that "Salmon letters" would be issued to recipients as determined by the Commission, on or before 28 April 2023 and also indicated in that Order that it is prepared to hear written and oral submissions following the issuance of Salmon letters.

15. In accordance with the rules of natural justice and fairness, the Commission will issue Salmon letters to persons giving them notice of any adverse finding which may be made against them in the final report and give them an opportunity to make written and oral submissions in relation to same.

16. If, the Commission intends to make findings against your clients or their employees, Salmon letters will be issued to them to give them a proper opportunity to make a response to the contents of any such letters.

Yours sincerely,



**Sarah Sinanan**  
**Secretary to the Commission**

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000436**

...further, the fact that the Chairman was not a party to the proceedings does not mean that he would have been unaware of the risk of adverse findings being made against him. Again, the terms of reference are clear that the Commission was empowered to make recommendations in their findings with respect to the conduct of the HRC and its board so that the Chairman would know that there was a risk that this would be done.

14. As you are aware on the 13 March 2011, the Commission ordered that "admission letters" would be issued to recipients as determined by the Commission on or before 28 April 2011 and also ordered that "in order that it is prepared to issue written and oral submissions following its receipt of admission letters".

15. In accordance with the rules of natural justice and fairness, the Commission will issue admission letters to persons giving short notice of any adverse finding which may be made against them in the final report and give them an opportunity to make written and oral submissions in relation to same.

16. If the Commission intends to make findings against you, clients or their employees, admission letters will be issued to them to give them a fair opportunity to make a response to the contents of any such letters.

Yours faithfully,

  
Sarah Brennan  
Secretary to the Commission



## COMMISSION OF ENQUIRY

appointed to enquire into the tragic incidents which occurred  
on 25<sup>th</sup> 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

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Tel: +1 (868) 709-5477  
Website: [www.coc2022.com](http://www.coc2022.com)

24<sup>th</sup> March 2023

“by email”

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

**Re: Application for standing**

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

We refer to the matter at caption.

Reference is also made to your letter dated 11<sup>th</sup> November 2022 wherein you indicated that you act for Kenson Operational Services Limited, the employer of Mr. Andrew Dopson, Mr. Rajiv Mangalee, Mr. Kirk Scott and Mr. Houston Marjadsingh as well as Kenson Production Services Limited, the employer of Mr. Rolph Seales.

We note that while your clients have participated fully in this Commission, no application for standing was ever made by you, we take this as an oversight on your part. In the circumstances we ask that such an application be made without further delay.

If your clients choose not to make this application the Commission will cease to engage with you and should the need arise to issue any “Salmon” letters, such letters would be sent to the individuals personally.

We look forward to hearing from you.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000438**



## COMMISSION OF ENQUIRY

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Website: [www.coe2022.com](http://www.coe2022.com)

**“By Electronic Mail”**

5<sup>th</sup> September 2023

Mr. Chase Pegus  
Attorney-at-Law  
Veritas Chambers  
19 St. Vincent Street  
Port of Spain

Dear Mr. Pegus,

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

We refer to the matter at caption and to your letter dated 31<sup>st</sup> July 2023, the contents of which are duly noted.

We wish to advise that the Chairman will respond to the said letter in due course and the Commission wishes to apologise for the delay in responding.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission



From: **Kamini Persaud** <[kaminiper8@gmail.com](mailto:kaminiper8@gmail.com)>  
Date: Thu, Apr 27, 2023 at 10:32 AM  
Subject: Re: 23.03.09 Statement from Institute of Surveyors of Trinidad and Tobago (ISTT)  
To: Sarah Sinanan <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Dear Ms. Sinanan,

We thank you for your email of 18<sup>th</sup> April, 2023 attaching for our attention the statement by ISTT sent to the Commission.

LMCS Limited during the Commission had indeed raised the issue of the pipeline profile between Berths 5 and 6. The record will show that it was accepted by several of Paria's witnesses that there were no drawings or pipeline profile between Berths 5 and 6 at SL 36. As such LMCS concurs with points 1-3 of the statement. The evidence of Christopher Boodram speaks to the number of "air pockets" on the horizontal section of the pipeline which accounts for its profile being other than "flat" as indicated by Paria and surmised by LMCS.

Point 4 however seems to fall into error and gives an incorrect impression of how "ullage" is measured. Ullage, I am instructed, is taken from the top of the pipeline at mean sea level. Again, the evidence from LMCS was that the ullage was taken at the riser at Berth No. 6.

These are the comments from LMCS Limited on the matter, unless the Honourable Commission requires further input from LMCS.

Thank 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

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**000440**



## COMMISSION OF ENQUIRY

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11<sup>th</sup> May 2023

Ms. Kamini Persaud-Maraj  
K. Persaud Maraj & Co.  
Suite No. 4, LP 13, Caroni Savannah Road  
Chaguanas

Dear Ms. Persaud-Maraj,

**Re: Response to statement from Institute of Surveyors of Trinidad and Tobago (ISTT)**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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 email dated 27<sup>th</sup> April 2023. The Commission wishes to thank Paria for its contribution.

The Commission wishes to advise that it will not prevent persons from making any representations to it, whilst it is still considering its findings. However, we will always ensure that all parties are provided an opportunity to respond and we will take into account the timing and other factors that impact on its use, especially the responses from the parties.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission

*Mr. Jerome Lynch KC: Chairman of the Commission*  
*Mr. Gregory Wilson: Commissioner*

**000441**

From: <[info@instituteofsurveyors.com](mailto:info@instituteofsurveyors.com)>

Date: Mon, Apr 17, 2023 at 2:48 PM

Subject: STATEMENT ON SURVEYING ASPECTS OF THE PARIA DIVING TRAGEDY OF FEBRUARY 2022

To: <[commissionsecretariat@coe2022.com](mailto:commissionsecretariat@coe2022.com)>

Cc: <[crahaman@coe2022.com](mailto:crahaman@coe2022.com)>, ISTT Secretary <[secretary@instituteofsurveyors.com](mailto:secretary@instituteofsurveyors.com)>

Dear Ms. Sinanan

Please see attached document regarding the subject.

Sincerest apologies are made for its tardiness.

Kind regards



**Ricardo Sullivan** | Operations Administrator

Institute of Surveyors of Trinidad and Tobago

t. 868 468-3356

m. 868 683-3643

e. [info@instituteofsurveyors.com](mailto:info@instituteofsurveyors.com)

w. [www.instituteofsurveyors.com](http://www.instituteofsurveyors.com)

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2 attachments



image001.png  
60K

 **Statement of ISTT\_Paria Diving tragedy CoE\_March 2023.pdf**  
128K

**000442**

# INSTITUTE OF SURVEYORS OF TRINIDAD AND TOBAGO (ISTT)

Incorporated 1996

Professional Center, 11-13 Fitzblackman Drive, Woodbrook  
Port-of-Spain, 170516, Trinidad and Tobago

1 868 468-3356 | info@instituteofsurveyors.com | www.instituteofsurveyors.com

**March 9, 2023**

## **STATEMENT ON SURVEYING ASPECTS OF THE PARIA DIVING TRAGEDY OF FEBRUARY 2022**

The ISTT is the professional body of surveyors practising in various disciplines including Building Surveyors, Land Surveyors, Quantity Surveyors and Valuation Surveyors.

ISTT discussed amongst its members the evidence presented by Expert Witness, Engineer Zaid Khan in January 2023 at the Commission of Enquiry into the Paria Diving tragedy which occurred on February 25, 2022 when divers perished after being sucked into an underwater pipeline because of a Delta-P Event. Of particular interest to surveyors was the lack of definitive information with respect to the seabed topography on which the horizontal portion of the particular pipeline lay and the methods used to measure the level of fluid in the vertical risers of the pipeline.

Surveyors with experience in the particular environment of the pipeline noted the following –

1. The particular pipeline is part of a network of original pipelines constructed 50-70 years ago. The topography of the seabed was, at best, uncertain given the propensity for soft mud to have accumulated over the decades, from the discharge of Venezuelan rivers into the Gulf of Paria, rendering the pipelines and the seabed of the Gulf of Paria almost opaque to contemporary surveying equipment and measurements.
2. Historical or legacy data, information and knowledge, such as maps of the original pipelines, may have been misplaced or lost over time as the various transitions occurred from predecessor companies to Paria Fuel Trading Limited (PFTL). PFTL has a significant knowledge gap to close.
3. It is difficult to manage and maintain seabed infrastructure without knowing exact locations, depths, sizes, alignments, connections and associated marine hazards. As such the mapping and preparation of an accurate marine cadastre for the Gulf of Paria is strongly recommended to prevent future disasters. The Hydrographic Unit of the Surveys and Mapping Division can assist with basic mapping.
4. The levels of fluid in the vertical (risers) of the particular pipeline should have been measured relative to a common benchmark, given the approximate 400-metre distance between the risers. This would have indicated a better relative difference related to ullage to be achieved.

**END**

**Board of  
Directors:**

Nigel Ramsey (President); Colvin Blaize (Vice-President); Christian Persad (President-Elect); Paula Drakes (Secretary); Dinelle Ramkoon (Immediate Past President); Ross Darlington (Treasurer); Abraham Derry (Public Relations Officer); Dexter Davis (Assistant Secretary); Robert Williams (Assistant Treasurer); Stephen Joseph Affoo; Shalon Andrews; Natasha Bastaldo; Lizbeth-Ann Hamilton; Lenny Hanomansingh; **000443** Derek Outridge; Damion Phagoo



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---

11<sup>th</sup> October 2023

“by hand & email”

Dr. Glenn Cheddie  
99 Ibis Boulevard  
Phillipine

Dear Sir,

**Re: Evidence provided to the Commission of Enquiry.**

**Commission of Enquiry into the tragic incidents which occurred on 25<sup>th</sup> 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**

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I refer to the matter at caption and to your witness statement dated 6<sup>th</sup> January 2023 as well as your oral evidence given on 9<sup>th</sup> and 10<sup>th</sup> January 2023.

Please be advised that the Commission has taken the view that it will not be relying on any of the above mentioned evidence.

Yours sincerely,

**Sarah Sinanan**  
Secretary to the Commission