


United States Coast Guard
Formal Investigation
Caribbean Fantasy Marine Casualty

Caribe Hilton


San Juan, Puerto Rico 00901

March 20, 2017 -- March 28, 2017

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

DAY II of VIII

DATE TAKEN: Tuesday, March 21, 2017

TIME: 0809-13557

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P R O C E E D I N G S

Start Time 0809

CDR CAPELLI: Good morning, the hearing will come to order. Today is March 21st, 2017; the time is 0809 we are continuing at the Caribe Hilton, in San Juan, Puerto Rico. I am Commander Mike Capelli of the United States Coast Guard, from the Seventh Coast Guard District, Inspection and Investigation Branch, in Miami, Florida.

I have been directed to serve as the lead investigating officer for this formal investigation which has been convened by the Commander of the Seventh Coast Guard District, Rear Admiral Scott Bushman under the authority of Title 46, United States Code, Section 6301, and Title 46 of the Code of Federal Regulations, Part Four.

We will investigate the circumstances surrounding the fire, subsequent grounding, and full evacuation of 511 passengers and crew off the Caribbean Fantasy on August 17th, 2016 while approaching the pilot boarding station to the Port of San Juan, Puerto Rico. I am conducting the investigation under the rules in 46 C.F.R. Part Four. The investigation will closely determine as possible, the factors that contributed to the incident so that proper recommendations for the

1 prevention of similar casualties may be made.

2 Whether there is evidence of any misconduct,
3 inattention to duty, negligence, or willful violation
4 of law on the part of any licensed or certified person
5 contributed to the casualty and whether there is any
6 evidence that any Coast Guard personnel, or any
7 representative or employee of any government agency, or
8 any other person caused or contributed to the casualty.

9 Panama has been invited to attend this
10 hearing as a Substantially Interested State, and is
11 represented by Mr. Arenas. I have previously
12 determined that RINA, American Cruise Ferries, and Baja
13 Ferries are Parties-in-Interest to this investigation.
14 These parties have a direct interest in the
15 investigation and have demonstrated the potential for
16 contributing significantly to the completeness of the
17 investigation or otherwise enhancing the safety of life
18 and property at sea. All Parties-In-Interest have a
19 statutory right to employ counsel to represent them, to
20 cross-examine witnesses and have witnesses called on
21 their behalf.

22 I will examine all witnesses at this formal
23 hearing under oath or affirmation and witnesses will be
24 subject to federal laws and penalties governing false
25 official statements.

1 Witnesses who are not Parties-in-Interest may
2 be advised by their counsel concerning their rights.
3 However, such counsel may not examine or cross-examine
4 other witnesses, or otherwise participate.

5 These proceedings are open to the public, and
6 to the media. I ask the cooperation of all persons
7 present to minimize any disruptive influence on the
8 proceedings in general and on the witnesses in
9 particular. I ask that you silence all electronic
10 devices at this time.

11 The members of the press are, of course,
12 welcome, and an area has been set aside for your use
13 during these proceedings. The news media may question
14 witnesses concerning their testimony after I have
15 released them from these proceedings.

16 Since the date of the casualty, the NTSB and
17 the Coast Guard have conducted substantial evidence
18 collection activities, and some of that previously
19 collected evidence will be considered during these
20 hearings. Should any person have, or believe he or she
21 has information not brought forward, but which might be
22 of direct significance to the ongoing investigation
23 that person is urged to bring that information to my
24 attention by emailing [REDACTED] [@USCG.mil](mailto:[REDACTED]@USCG.mil).

25 The Coast Guard relies on strong partnerships

1 to execute its missions, and this investigation is no
2 exception. The National Transportation Safety Board is
3 participating in this hearing. Mr. Adam Tucker, seated
4 to my left is the Investigator-In-Charge for the
5 National Transportation Safety Board investigation.
6 Mr. Tucker would you like to make a brief statement?

7 MR. TUCKER: Good morning, my name is Adam
8 Tucker; I'm the Investigator-In-Charge for the National
9 Transportation Safety Board for this investigation.
10 The National Transportation Safety Board is an
11 independent federal agency which under the Independent
12 Safety Board Act of 1974 codified as 49 U.S. Code
13 Chapter Eleven is required to determine the probable
14 cause of this accident, to issue a report of the facts,
15 conditions, and circumstances related to it, and make
16 recommendations for measures to prevent similar
17 accidents.

18 The NTSB has joined this hearing to avoid
19 duplicating the development of the facts.
20 Nevertheless, I do wish to point out that this does not
21 preclude the NTSB from developing additional
22 information separately from this proceeding if that
23 becomes necessary.

24 At the conclusion of this hearing, the Safety
25 Board will analyze the facts of the accident, and

1 determine probable cause independent of the Coast
2 Guard. At a future date, a separate report of the
3 Safety Board's findings will be issued that will
4 include our official determination of the probable
5 cause of the accident. If appropriate, the Safety
6 Board will issue recommendations to correct safety
7 problems discovered during this investigation.

8 Thank you.

9 CDR CAPELLI: We will now call our first
10 witness of the day, the staff captain on board the
11 Caribbean Fantasy at the time of the casualty.

12 LTJG DIAZ-COLON: Good afternoon staff, can
13 you hear me?

14 THE WITNESS: Yes, quite well.

15 LTJG DIAZ-COLON: Perfect, can you please
16 stand for me?

17 THE WITNESS: Yes.

18 LTJG DIAZ-COLON: Can you please stand and
19 raise your right hand?

20 THE WITNESS: Yes.

21 **WITNESS**

22 **FAKOVOS DAVRIS**

23 A witness called on behalf of the Coast Guard
24 was duly sworn according to the law was examined and
25 testified as follows:

1 THE WITNESS: I do.

2 LTJG DIAZ-COLON: Thank you. For the record,
3 please state your full name and spell your last.

4 THE WITNESS: My name is Fakovos Davris, my
5 first name is Fakovos, my second name is Davris, family
6 name D-A-V-R-I-S.

7 LTJG DIAZ-COLON: Where are you currently
8 employed, and what is your position?

9 THE WITNESS: The Caribbean Fantasy as staff
10 captain.

11 LTJG DIAZ-COLON: Okay, and prior to working
12 with the Caribbean Fantasy, can you please talk to us
13 about your experience.

14 THE WITNESS: Yes, I have totally service at
15 sea about fifteen years, all services in the classes
16 that were on passenger ships. In the last thirty years
17 as a staff captain and captain, in (inaudible word)
18 ships.

19 LTJG DIAZ-COLON: What's the highest level of
20 education that you have completed, sir?

21 THE WITNESS: I have captain's certificate,
22 and the latest -- last, before I signed on on the
23 Caribbean Fantasy, and all of the certificates are
24 valid.

25 LTJG DIAZ-COLON: Do you have any professional

1 licenses?

2 THE WITNESS: Yes. I am a specialist as a
3 captain. I qualify, all of my security officer
4 certificates. And it is what you need to have service
5 on the sea on a passenger ship, all the certificates.

6 LTJG DIAZ-COLON: Thank you, staff.

7 THE WITNESS: And of course -- everything is
8 according to STCW.

9 LTJG DIAZ-COLON: Thank you. I am going to
10 pass the floor over to Lieutenant Proctor from the U.S.
11 Coast Guard, and she will be asking you questions.

12 THE WITNESS: Thank you.

13 **WITNESS**

14 **FAKOVOS DAVRIS**

15 **EXAMINATION**

16 BY LT PROCTOR:

17 Q. Hi, good morning staff, my name is Jennifer --

18 A. Hello.

19 Q. Hi, my name is Lieutenant Jennifer Proctor and
20 I'm with the U.S. Coast Guard.

21 A. Well, good to see you.

22 Q. So, just to follow-up on some of the questions
23 that Mr. Diaz-Colon asked, was this your first contract
24 on the Caribbean Fantasy?

25 A. No, that was the second one. I have, I think

1 three, four, four and a half months, my previous
2 contract. And I did the same, after three months I
3 signed on again for another three and a half months. I
4 mean, totally I have seven months on this ship.

5 Q. Okay, so can you please tell me when you
6 assumed the duties of staff captain for your most
7 recent contract?

8 A. Yes, staff captain is mainly like something
9 like between, let's say I am responsible for certain
10 things, and of course I worked safety, but as a staff
11 captain I more or less am between crew and captain and
12 ah -- my, responsibilities is to verify that everything
13 is working well, or if somethings wrong we discuss is
14 with crew and the officers.

15 And of course I have duties which I am
16 responsible like loading and ballasting the ship and
17 having the security, because I was a security officer
18 at that time. And of course responsibility for the
19 crew generally, which I report to the captain
20 everything happens, as a security officer, as a staff
21 captain.

22 Q. Okay great. And when did you take over as
23 staff captain most recently?

24 A. Actually I'm at the ship in two (inaudible
25 word) first of June.

1 Q. And what is the company policy for your
2 minimum handover time with the previous staff captain?

3 A. Actually, the previous staff captain didn't
4 sign off, he was on board, and then the prepare -- and
5 the annual dry-dock or dry-dock was completed, and the
6 staff captain stay on board until Santo Domingo when
7 the ship returned to Santo Domingo. So, that was more
8 than one month, more or less he was on board with me.
9 So, in a normal situation it will be something like a
10 week or something, normal situation.

11 Q. Okay. So you had about a month handover with
12 the previous staff?

13 A. Yes, because it was a lot of -- I mean, during
14 that time the ship was in the dry-dock for more than
15 two months, I think. So when I signed on, the previous
16 staff captain was with me, and also with the captain so
17 we can follow the works, because it was a little -- big
18 operation there.

19 Q. Okay, thank you.

20 A. You are welcome.

21 Q. So, you mentioned that some of your duties as
22 staff captain are for the safety and security of the
23 ship, do you supervise the safety officer, or does she
24 make reports to you?

25 A. She makes reports to me? Of course, because

1 she is responsible for the safety. And since she
2 speaks direct to the captain about the safety. But
3 also we cooperate, cooperated with the crew, whether it
4 is familiarization with -- whatever comes up with a
5 problem with safety and things, and we find solutions,
6 we cooperate with captain of course.

7 Q. Okay, and do you have any involvement in the
8 development or approval on crew training, including the
9 initial safety familiarization that she provides?

10 A. Actually when we do the familiarization I
11 follow the situation, and of course if I have to add
12 something, or to explain something for additional
13 information, or education, or training, I do with
14 safety officer.

15 Q. Okay, so you help provide the crew training
16 with her?

17 A. Yes, yes.

18 Q. Okay. Do you ever audit her training?

19 A. Sorry?

20 Q. Do you ever audit her training for accuracy --

21 A. I -- ah no, because normally the procedure is
22 standard procedure about how to operate things, how to
23 show the systems, and how the system operates. So
24 sometimes I have to add some things, or not too much
25 but I have to explain something also, I mean in

1 addition to the safety.

2 Q. Can you -- so for the initial
3 familiarization/safety training that she provides to
4 new crew members regarding their emergency duties, do
5 you assist in that as well?

6 A. In some cases yes, and sometimes no, because
7 this is a standard procedure. She has the -- when we
8 have new crew on board, she always take the new crew on
9 board's familiarization. I'm not always present. But
10 when we have, for example scenarios for -- or meetings
11 for -- about safety, about training, always I'm -- I
12 was present.

13 Q. Okay, what about specific crew member duties
14 such as life, lifeboat operations, or um --

15 A. Yes, we did that, absolutely, we have a lot of
16 -- many video scenarios -- the same as with the video
17 projectors, about the operation of life rafts, we get
18 (inaudible word) cooling crew, and of course we explain
19 -- he had a lot of video projector with the system, how
20 it works, how it operates. I think it was a really
21 crucial training seminar on board, regarding the MES
22 system.

23 So there I was present all the time.

24 Q. Okay, and do you feel that the safety training
25 that is in place is satisfactory to verify the crew

1 competency?

2 A. Well of course when you have new crew on board
3 it takes time to understand, to understand the area of
4 the ship and how things work, so that goes, it is
5 normal with the training and the (inaudible word) and
6 (inaudible word) according to our program.

7 Q. Okay, I'm going to move on to a different
8 topic. Who reviews the station bill, or the crew
9 muster list on board for updates and corrections?

10 A. Sorry?

11 Q. Who reviews the station list, or the muster
12 list, or the station bill on board for accuracy, for
13 corrections, or any updates?

14 A. I mean that's -- that was a muster list was
15 supposed to be used for a long time, and the people
16 were familiar with the list. Actually we used an old
17 one, the old one, the previous, the old one the muster
18 list which crew was familiar with that, and the
19 officers were familiar with the position and what, who
20 is doing what. So, I mean, that was an old one, I
21 mean, it was on the ship for a long time.

22 Q. And who's responsible for the keeping updated
23 the muster list? Do, do you have control over the
24 station, the muster list, or is that the responsibility
25 of the safety officer?

1 A. I'm sorry I didn't -- the muster list was the
2 -- was there for a long time, and it was, we kept the
3 same, the muster list was people we familiar. We did
4 some corrections of course, but and also explaining
5 where to go what to do. But that was an old one, I say
6 this is our responsibility, yes; this is our
7 responsibility to make corrections.

8 Q. And how many muster lists has the Caribbean
9 Fantasy had in the previous year?

10 A. In the previous years I had only one, I see
11 only one. And actually, the last one was the oldest
12 one we used, the oldest one that was on date, placed on
13 the ship for a long time.

14 Q. Can you -- do you remember when the last time
15 the station bill was corrected, the date of that, or --

16 A. I don't know exactly, but we decided to use
17 the one we had on board for long time, for long period,
18 and the people were familiar with that, with their
19 duties, and all cards were the same, so the -- the
20 familiarization for the crew is supposed to be better,
21 and more easy for the responsible people, for the team,
22 and for the fire team and all members has
23 responsibilities, responsibilities for in case of
24 (inaudible word).

25 Q. And who decides that that is -- that that

1 muster, like who decides how many people are to fulfill
2 those duties? Is it you --

3 A. Actually --

4 Q. Go ahead.

5 A. Yes, this muster list we used the last time,
6 was the muster was used for a long time, for long
7 periods and the new crew, and the key persons on this
8 muster list were (inaudible word) on board, and also
9 for them it was easier to explain to the crew, and also
10 for the safety it was the easiest, it was more easy.

11 Q. So in developing the muster list, who creates
12 it? Do you work with classification society, or your
13 flag state or who -- how does a muster list get
14 created?

15 A. I mean, as I don't know, I was only aboard for
16 two contracts. The last one, the last muster list was
17 there for a long time, so we use the same, so I think
18 that's -- RINA would approve that (inaudible few
19 words), they approved this muster list, because we
20 present this muster list to RINA and they approved.

21 Q. Okay. And did you have a different muster
22 list while the ship was in dry-dock?

23 A. Yes, that was another one, it was not
24 approved. And we discuss that if the crew come on
25 board, with new crew, because we were expecting a new

1 crew, it would be very (inaudible few word) for
2 training, because we had only some days. So we decided
3 to use the old one. The one was before, that the crew,
4 the main people knew about that.

5 Q. So after the ship left dry dock, you guys went
6 back to the old muster list? Is that --

7 A. Yes, and we presented that to RINA, and they
8 approved that.

9 Q. Okay. And how do you maintain control of this
10 document? So how do you -- can you tell me how you
11 make sure that old station muster lists are removed
12 from the vessel, or you just keep them on board for
13 future or how -- can you explain to me --

14 A. That was the last, muster list -- we -- I
15 found on board the last contracts. And we discuss it
16 with the captain and the safety officer and we had the
17 decision that it is better to keep the old one.

18 Q. So did you recreate a new document, or did you
19 just use the same document and just change the date for
20 the old muster list?

21 A. The old muster list, we just, we decided to
22 use the old one because they -- like I said, like we
23 discussed all, the main persons on board were more or
24 less the same, and the duties were (inaudible word),
25 and then would be more (inaudible word), also for the

1 responsible people in these, like (inaudible word), the
2 fire team, to know exactly the positions, and the
3 (inaudible word) with the cards, you know, the duties
4 come out of the muster lists. So we decided we'd use
5 the same, which was not different, we didn't see any
6 different actually.

7 Q. So the muster list after the dry dock is
8 theoretically the exact same as the muster list that
9 was used before the dry dock, is that correct?

10 A. Yes, exactly. With this muster list, we have
11 gone through many inspections, many drills, and
12 everything went fine.

13 Q. Okay. And do you -- where -- can you tell me
14 where all the station muster lists are located on
15 board, or how, where I can find them? Do you have a
16 list of (inaudible word).

17 A. Well, as I remember now, this muster list is
18 mainly in the bridge, or outside the bridge or also in
19 the crew mess, also in the engine room, and I don't
20 remember if it was somewhere else now. But mainly this
21 is the main places where we posted the muster lists.

22 Q. Okay.

23 A. I also post of course it's in different places
24 with -- I mean, mainly, mainly it's, like I said it's
25 muster list is crew mess, engine room, and bridge.

1 Q. So when you changed from dry-dock back to
2 normal operations did someone go around the ship to
3 replace the old, the dry-dock muster list with the
4 previous muster list?

5 A. I think so, I think, so, yes, I think. I
6 don't remember who did that, but we did, because we
7 make a lot of copies just for that. Also it was
8 approved by RINA.

9 Q. So what are some of the things that you do
10 when you look at it, if you identify something that
11 needs to be changed on the muster list? If you notice
12 an emergency duty needs to be updated, do you do a line
13 by line review, or what is the procedure to update a
14 muster list if you find a change necessary?

15 A. What hap -- with my experience, I mean, if we
16 cannot change the muster list, for example, I mean, we
17 make some small notes on the on the cards, or the
18 duties, in order we have to -- by pencil on them, it is
19 posted on the muster list. But if we sometimes forget
20 to add something or something is not printed, or very
21 not clearly indicated, we explain on the cards.

22 But of course, it will have to review a muster
23 list we did it from the beginning through RINA or from
24 Captain, or through RINA to approve the muster list.
25 But at this point, we use the old one, which was more

1 easy and clear for the crew.

2 Q. Now you mentioned updating cards, can you
3 please specify which cards you are referring to?

4 A. I mean every crew has duty cards, and have
5 cards with the number of the muster list, and exactly
6 the duties during emergency situation. So they know
7 exactly what they are doing in a fire, they have all
8 the notes about general alarms, and if they are the
9 fire team with, means they abandon with the life raft
10 or the boat, if he is engineer, or whatever. He has
11 the duties which are mentioned on, on the muster list.

12 Q. So okay. So if you find something needs to be
13 updated on the muster list sometimes you will change it
14 directly on the card before --

15 A. It is one -- yes, if it is one thing, yes.

16 Q. Can you --

17 A. It is not messy.

18 Q. Can you give me an example of a type of change
19 like that?

20 A. Well sometimes -- I don't remember now, I
21 don't recall, maybe it's the number of the life raft,
22 maybe it's a number of a boat, can be different, of
23 course. But it is not different, different from the
24 muster list, only it is more details.

25 Q. Would you make the same correction to the

1 muster list, or is someone allowed, on board to make
2 pen and ink changes to the muster list?

3 A. I mean, if necessary, yes, if necessary, we
4 inform -- yes it's together with safety and captain we
5 inform about that.

6 Q. Okay staff, can you tell me how many incident
7 codes you have on board for fire/grounding/abandon
8 ship/pollution, what the incident codes are?

9 A. Yes, it's -- you mean about, about the
10 Skylight, about the blue, the ground? Yes, I don't
11 remember exactly now, but it is different about a
12 medical team, the fire team, and cooling team, it's
13 different.

14 Q. Could you tell -- you don't remember what they
15 are, or ..

16 A. Skylight is about the fire team, and I
17 remember now blue is about medical team.

18 Q. I would like to call on Exhibit No. E012.

19 A. Yes.

20 Q. Staff, we are going to upload it, so you
21 should be able to see the exhibit. Can you see it?

22 A. Yes, I can see that, yeah.

23 Q. Okay so, you just described to me Mr. Skylight
24 was for fire, I believe?

25 A. Yes.

1 Q. So, I just want to make sure I'm reading this
2 station bill correctly. At the top here it says, Code
3 Announcement red, red, red.

4 A. Yeah.

5 Q. What is what is that code incidence?

6 A. It's a code, this is about fire, about fire,
7 it's about incident, yes.

8 Q. Do you use that code? Or is that different
9 from Mr. Skylight? Do they mean the same --

10 A. I remember Skylight, I remember Skylight, the
11 -- what is Skylight, Skylight was the code for sending
12 the team on (inaudible two words), we can inform them
13 about where to go, and what to do.

14 Q. So can you tell me when you would use red,
15 red, red?

16 A. I think it is for, for fire, it is for fire, a
17 fire emergency situation.

18 Q. Have you used it before? In the past few
19 contracts you have been on board the Caribbean Fantasy
20 when you've practiced drills, the code red, red, red?

21 A. After, after the announcement, after the
22 announcement of fire, or the information we get for
23 fire, we post Mr. Skylight, this is what I remember,
24 Mr. Skylight.

25 Q. So the station -- as I believe you said that

1 you used the station bill, the one that was most
2 current with the vessel is the same as the station bill
3 from before dry-dock?

4 A. More or less, more or less, with some
5 difference, with some small difference.

6 Q. Do you remember seeing this station bill?

7 A. I think it is the same thing, I'm not a
8 hundred percent sure now, I don't remember exactly, but
9 I think it is the same. I'm not sure hundred percent.
10 It's a long time now.

11 Q. Okay.

12 A. But this is the -- (inaudible word) we used
13 for the situation.

14 Q. Okay. All right thank you. And earlier, and
15 you mentioned the safety cards that each crew member
16 gets for their specific duties.

17 A. Yes.

18 Q. Do you have any involvement in the management
19 of the safety cards distributed?

20 A. Not that is the safety's responsible.

21 Q. Okay.

22 A. But we -- and we make sure that during the
23 drills or for on board new crew have these cards, and
24 everything is clear.

25 Q. Okay. So do you know how the safety cards are

1 controlled, or you know, preventing duplicate safety
2 cards from being created? Or how to remove old ones
3 and making sure that old safety cards are removed from
4 the vessel. Do you know how --

5 A. Because what I -- what I know, what I know
6 from the new muster list, but every muster list, which
7 is in the computer, they were updated automatically,
8 according to the muster list which is -- we use.
9 Because this is, I know, because when it comes out --
10 the muster cards, it says exactly what is printed on
11 the muster list. So it was automatically.

12 Q. And when you change from the old muster list
13 from dry-dock to the current muster list, the safety
14 cards; she would just re-print out new ones? Do you
15 know how she ensured that the old ones are removed?

16 A. Because the old ones, listen, while we are in
17 dry-dock we have the minimum crew, we are not all the
18 crew, we are only a few, actually. I don't know the
19 number exactly, but it was not a hundred percent of the
20 crew because mainly the crew came on board in Santo
21 Domingo. So during that time we had some list, using
22 another -- let's say another muster list during the
23 trip on the way back to Santo Domingo.

24 But, the full muster list was ready, with
25 printed cards, and maybe eighty percent of the crew

1 came on board, Santo Domingo. So we are prepared. So
2 when the new crew comes on board we gave them these
3 cards. So on -- during the trip from Tunisia, Spain,
4 and Santo Domingo, it was only a few, very few people
5 of the crew, because we were like a cargo ship, not
6 like passenger ship, we were not fully, fully crew, it
7 was not all the crew aboard. So the familiarization
8 starts after the new crew come on board, it was a long
9 time after Tunisia.

10 Q. Okay, so they got new cards when they -- after
11 the Tunisia dry-dock. And what does the safety
12 management code say regarding obsolete documents on
13 board the vessel?

14 A. No, I don't understand the question, sorry.

15 Q. So you explained how the crew members received
16 new cards after dry-dock, because there is more crew,
17 you know, they are not in dry-dock anymore.

18 A. No, and that was very few people, only the
19 necessary people, necessary crew. Because the -- all
20 crew come on board when we arrived in Santo Domingo.
21 So during the time we used, let's say, part of the
22 muster list, only on the seaway, during the trip to
23 Santo Domingo.

24 Q. Right, and so what does the International
25 Safety Management Code say with regards to the obsolete

1 documents, the old documents that were on board the
2 vessel? The --

3 A. I mean we removed old documents, I think; we
4 kept them, of course. But what I (inaudible word), all
5 the -- old cards, and old duty cards were kept in the
6 computers, we kept on the computer and we (inaudible
7 word) them.

8 Q. Would the safety officer collect the old
9 cards, and then hold on to them?

10 A. I think so, I think so, I think so, yes,
11 because all were on board, all were on board. When
12 they come back only one on board. So we make the
13 decision, because we knew that when we come back to
14 Santo Domingo crew come on board, we have to give them
15 these cards, which was more familiar, familiar to the
16 responsible persons for the (inaudible word).

17 Q. And staff, would there be any situation in an
18 emergency, where a crew member would -- could have two
19 different jobs? Two different abandon ship duties?

20 A. Well during the drills, during the drills, I
21 mean from Tunisia, and after, to Santo Domingo, and
22 (inaudible word), actually I don't remember any crew
23 had different duties. I don't remember, because
24 nobody, when we do drills with new crew on board, we
25 expect them to their duty drills, the duty cards. So

1 if there is any question, or any mistake, or any
2 question, we go through everything.

3 So what I recall, I think the last drill we
4 did for -- with all crew, we -- I specifically ask all,
5 we ask all of them have their duty cards. So I don't
6 recall if something was wrong, or maybe it was, but we
7 collect -- all crew had the new card, the correct
8 cards. What I remember, I don't know if they kept some
9 old one, but they -- during the drills we -- we answer
10 all questions, and any misunderstanding, and all -- I
11 remember when new cards were given to the crew, this I
12 remember.

13 Q. Okay, so the new card what was given to the
14 crew should match the station bill, and what was on the
15 station bill or any other muster lists.

16 A. Should match with the muster list on board
17 which was (inaudible two words) or posted.

18 Q. Can you stand by one second, sir? I'm going
19 to pull up some exhibits.

20 CDR CAPELLI: We are having some problems with
21 the computer loading the information. So we are going
22 to take a recess for ten minutes, the hearing is now in
23 recess.

24 (Whereupon a short recess was taken.)

25 CDR CAPELLI: Okay, the time is 0915, we will

1 reconvene the hearing, we have an administrative item
2 to take care of, Coast Guard would like to enter 276-
3 317 into the record. Does American Cruise Ferries have
4 any objections?

5 MR. BAYRON: No, no objection at this time.

6 CDR CAPELLI: American Cruise Ferries has no
7 objection at this time. Baja Ferries?

8 MR. RODRIGUEZ-BIRD: No objection at this
9 time.

10 CDR CAPELLI: Baja Ferries also has no
11 objection at this time. We will now enter Exhibit Nos.
12 276-317 into the record.

13 (Exhibit Nos. 276-317 were
14 admitted into the record as
15 evidence.)

16 CDR CAPELLI: Lieutenant Proctor you can
17 continue with your questioning.

18 LT PROCTOR: Hi staff, and just as a reminder
19 that you are still under oath.

20 THE WITNESS: Okay, thank you.

21 **WITNESS**

22 **FAKOVOS DAVRIS**

23 **EXAMINATION (cont.)**

24 BY LT PROCTOR:

25 Q. Okay so back to where we left off, you were

1 talking about the safety cards, and the muster list.
2 And I asked if there was any situation where a crew
3 member would have two different jobs. And you said no,
4 they would be the same, you know one job for their
5 emergency duties, correct?

6 A. This is what I remember because during the
7 drills with (inaudible word) muster list, we went
8 through, and as I remember we had some questions, but
9 we clean it up, this is what I remember.

10 Q. Okay, so I am going to call on Exhibit #314.
11 Staff can you see this?

12 A. Yes.

13 Q. So, this is the safety card which I believe
14 you were talking about that was issued to each crew
15 member when they report on board for emergency number
16 one, which would be the captain.

17 A. Yes, correct.

18 Q. So according to this card it says that his
19 emergency station is the bridge, as overall command,
20 and then he reports to lifeboat one for his survival
21 craft.

22 A. Um-hmm, I think so, yes, what I recall, yes.

23 Q. So, I would like to call on Exhibit No. 313,
24 staff do you see this?

25 A. Um-hmm, yes.

1 Q. So this is the muster list that we found at
2 the MES port side life rafts.

3 A. Um-hmm.

4 Q. Which lists the captain as the commander of
5 life raft #24. So I'm just curious, is there any
6 contingencies in your emergency plan? How would one --
7 how can the captain be the commander of life boat one,
8 and of life raft #24 for --

9 A. What I see, what I see here, I don't know if
10 this is the -- the previous, I say muster list, I don't
11 know, because I know that I cannot explain that now, I
12 cannot explain. Because if it says, master, the
13 captain is on command and evacuate with any life boat,
14 this I cannot explain that right now. Because this is
15 supposed to be posted by the safety officer, so there
16 is -- check about this, because if they did different
17 cards, that I don't know, that I cannot explain now.

18 Q. Okay.

19 A. Because for example, for example my position
20 was in lifeboat two, and it was the same. I don't know
21 about this now.

22 Q. So there is nothing in your emergency plan
23 that would explain the difference?

24 A. I cannot answer this now, I cannot answer this
25 now, because I am not, I am not remember about this,

1 about the supposed to be the same as the muster card,
2 the safety card, not commander in the life raft
3 (inaudible word) four.

4 Q. Who -- is it -- okay. All right, thank you.
5 So I had a general question. How does the information
6 on the muster list get passed to the crew members? So,
7 when a new crew member signs on, and are given their
8 safety card, are they expected to be familiar with all
9 the details listed on the muster list? Like, do they
10 know just to check what the muster list says, or do
11 they just go off the safety card that is given to them
12 by the safety officer?

13 A. Mainly for the safety cards.

14 Q. The safety cards, okay.

15 A. Mainly, because sometimes they don't look at
16 the -- I mean, crew don't go through the muster list.
17 Because safety has their all information on the muster
18 cards, and the safety cards. When the new crew comes
19 on board, and we replace someone, and he gets one
20 safety card, it's supposed to be the same as it is on
21 the muster list, not a different one.

22 Q. Okay. Do the crew know where the -- where
23 they can find the station, the muster lists, like the
24 posted ones. You had mentioned earlier that they are
25 on the bridge, or the crew mess, I think you said.

1 A. Yes, or in the engine room.

2 Q. Or in the engine room? Do the crew members
3 know where to find the muster lists?

4 A. Of course, it's obvious, it's -- it's in front
5 of them, and they know, of course they know.

6 Q. Okay.

7 A. But I, I cannot tell you that they -- I mean,
8 when they have for example, when they have questions,
9 and they ask questions about all the things about the
10 muster cards, we can tell them about the muster list,
11 about the safety cards. But when it comes to this
12 point, the captain, for example, had two different
13 duties, I mean, this is some -- this is wrong, this is
14 wrong. It's supposed to be -- the muster list to be
15 the same as the safety cards.

16 Q. Okay. Do you or the safety officer show the
17 crew members where to find the muster lists as posted?
18 How do they know where they are posted?

19 A. I mean I -- when it comes to this point, I
20 mean, they -- they know what is there, because they can
21 see it is in front of the mess room, or the (inaudible
22 word), it is big and obvious, and they know where is
23 the muster list and they -- we don't say, this is the
24 muster list, but we, we know -- during the drills we
25 inform them muster lists are in these places, engine

1 room, or bridge, or mess room.

2 Q. Okay. So, in the familiarization training, or
3 safety training, does anyone explain to them what the
4 muster list is? I know they can see it, but does
5 anyone explain to them what it means, or you know, line
6 by line, this is your number and this is your station
7 for a fire, and this is -- does anyone explain that to
8 them, or do they just take the card and say this
9 summarizes it, and here is your card?

10 A. Well I cannot answer this now if it we
11 specifically saw them. Of course now it -- most of the
12 (inaudible word) are not present, but mainly when it
13 comes to the drills we tell them this is the duties
14 which is the muster list. But, I mean, to take them to
15 show the muster list, I mean, I don't remember that,
16 but this is what the duties are. So it's coming from
17 the muster list. When they take the cards, and the
18 life jackets, we explain their duties.

19 Q. Okay.

20 A. So I cannot answer you if someone has to --
21 saw them, or they knew about where is the muster lists.

22 Q. Okay.

23 A. Because in several places where is posted,
24 like I tell you where the muster list, also information
25 about safety, and about security, about training

1 manuals so they know exactly well, everything.

2 Q. Okay. Thank you.

3 A. You are welcome.

4 Q. Okay staff, how many drills have you been
5 involved in on board the Caribbean Fantasy since you
6 assumed your duty as the staff captain?

7 A. What? I mean, the date and drills were
8 decided by the safety officer. So we make, made them
9 every week, like the program says. In case of fire, we
10 decided the place, it was like the drills, but we did
11 the drills every week, every week.

12 And the specific when -- and of course when
13 the people come on board we do more than like last
14 time, before the incident, we did it more or less every
15 day and we did drill, and team by team, and also have
16 big drills, we have -- so every week we had drills at
17 saving lives (sounds like), every week.

18 Q. Okay, so you, I believe you said you reported
19 in June, June --

20 A. First.

21 Q. -- June first, so can you approximate how many
22 drills you conducted since you reported on board?

23 A. Well, after dry-dock I remember we did a lot
24 of training, and seminars and explaining after dry-
25 dock, but for the existing crew. But, I remember after

1 the arrival in Santo Domingo were almost every day, the
2 partial, and individual drills, because we had a lot
3 new crew, a lot of new crew. And (inaudible word) in
4 Gibraltar, or Cadiz. So it, we start familiarization
5 immediately, when the new crew come on board, we did
6 this familiarization immediately.

7 Q. Okay, and --

8 A. So, like I'm saying now it's -- whenever it
9 comes to drill, it's our way, safety officer decided,
10 and we go through direct -- also by the -- by the
11 problem we had.

12 Q. Okay, and can you walk me through a typical
13 drill? What do you do, what duties do you perform for
14 a drill?

15 A. I, for example, I remember the last, we did a
16 lot of drills before, before, for example had the fire
17 in the engine room, or the galley, we make plans on the
18 bridge, we decide with the safety officer, and with the
19 captain, and the officers. Indicate we will have a
20 drill in the galley, where the first team will go,
21 where the cooling team will go where the system team
22 will go, and which path we will follow.

23 And of course, before that we knew that all
24 hotel staff were in position in case of evacuating the
25 cabins, and also help, supposed to help the passengers

1 to go to the muster stations. All people are in
2 position, and, and this is what I'm doing actually, I'm
3 going around and check that everybody is in their
4 position, they have their life jackets, and they know
5 their duties, and we go over that with, let's say with
6 the hotel manager and go through it, see if the cabins
7 are checked, marked that they are empty.

8 And after that, if it is fire, for example,
9 and the fire is big, we decide to go to abandon ship or
10 whatever. So this is what I'm doing, I'm going around;
11 I check that everybody is in position. I don't
12 interfere in it, actually in the drill.

13 Q. Um-hmm.

14 A. I mean, the safety officer is going around and
15 during the same drill, but at the same time I'm going
16 around to see if the preparation team is in position,
17 fire team is in position, everybody is there, so I
18 don't interfere. In case I have some questions, for
19 example, something that, for example if, I want to know
20 if all cabins are empty, supposed to expect an answer
21 from the hotel manager that all cabins are empty. This
22 is my actual position.

23 And if we find another way to do the drill,
24 for example make it more easy and less complicated, we
25 discuss it with the safety officer, and then make a

1 decision. Or we do something additional. This is what
2 I'm doing, actually. I don't interfere, but I'm going
3 around.

4 Q. Okay.

5 A. And any case, something, people ask things, or
6 we -- then we go with the safety and do the same thing,
7 questions with the crew about their duties, what
8 actually are they doing, and if they -- everything they
9 understood, the drill, things like that.

10 Q. Okay. All right staff, and so according to
11 the station bill, or the muster list, what does your
12 safety card say your position is for an emergency
13 according to the safety card and the muster list?

14 A. Okay, what I'm -- actually my situation in an
15 abandon, is life raft three, lifeboat two. But in case
16 of fire I'm going -- I'm in -- coordinate with captain,
17 and generally I am informed about the situation. So
18 actually, I'm not really something specific, but I'm
19 coordinate with the captain.

20 Q. Okay, so before abandonment, just for a
21 general emergency --

22 A. Yes.

23 Q. -- were you aware that your position is on the
24 bridge?

25 A. Yes, but this -- like this, I'm in the bridge

1 actually, I'm in the bridge. But in the case of
2 emergency, I get orders from the captain. So I go on
3 scene of the situation, make a (inaudible word)
4 together with the safety, see that everything goes
5 well, and then I (inaudible two words) with the
6 captain, then I will make a decision. This is what's
7 my, what is my job actually; I go -- after the
8 captain's order I go down, has been briefed. And then
9 I'm touch with the captain. So actually I don't stay
10 on the bridge on drills.

11 Q. Um-hmm, okay. So after you go to the bridge
12 for a real emergency, and you go around on scene, is it
13 -- you just sort of take, go by the flow, depending on
14 how it's supposed to, you feel necessary? Or is it
15 what, wherever the captain directs you to go to?

16 A. I mean, actually as the staff captain, it is
17 something like we have (inaudible word), actually. And
18 so, let's say that staff captain is like the eye of the
19 captain, or I help, I inform captain to make a
20 decision. I mean, if the fire is big, it's big. I
21 mean, then we make a decision. If it is something
22 which is (inaudible word), then we discuss and we make
23 a decision at the (inaudible word).

24 So, this is what I'm doing, I am with the
25 captain, and then I will go down and see what is

1 happening there, together with (inaudible word), or I
2 handle not, and I do not (inaudible word) an opinion, I
3 will trust it to the captain, to make it easy for him.
4 Because at that time, captain cannot do that. And of
5 course I am in touch with captain and the safety
6 officer. But I never interfere in the drills, I never
7 interfere, this is safety officer's job.

8 Q. Okay. Okay staff?

9 A. Yes.

10 Q. For -- on the day of the emergency, or the day
11 of the fire last year.

12 A. Yes.

13 Q. Can you please walk me through
14 chronologically; you know from the time you woke up to
15 leaving the ship, can you please summarize what you
16 did, where you went, who you interacted with, and what
17 duties you performed.

18 A. I remember very well, we were at some hours
19 before the pilot station for Puerto Rico. And actually
20 I went up early, had coffee with captain, and we
21 discuss and -- actually, not all of -- was on board at
22 that time, because it was very early. So at some time,
23 I think it was something like seven, six-thirty, seven,
24 I don't remember exactly, we received a call from the
25 engine by telephone, and he said that he has a leak in

1 the engine, leakage.

2 And then seconds after, I mean, he call again,
3 and he said we have a fire in the engine room. So we -
4 - and captain decided, he tell me, you go down, and I
5 went down. And I said that, okay, I go down. That was
6 what I'm doing. So I went to the engine room,
7 actually, direct. I was in the engine room, not -- and
8 I went close to the engine, where the fire was, and I
9 saw -- I was feeling on the way down the heat and the
10 smoke. When I went down to the engine room I saw fire
11 in the engine, on the top of the engine which was very
12 -- fire strong, it was too much heat in the area, in
13 the room, and the flames were very violent.

14 So I stay some seconds in the engine room, and
15 then I go directly to the control, engine control room.
16 And I saw people running around with masks, and I saw
17 chief engineer, I remember, or second engineer is going
18 around in the engine, in and out of the control room.
19 And control room has a very big window glass, and I saw
20 flames getting bigger and bigger, also touching the
21 ceiling of this, of engine room. And it was very, and
22 I thought it was too much, too hot, and too much smoke.

23 At that time I call engine/captain in the
24 bridge, and I said, we have fire on the port engine,
25 it's very big, it's very violent, I have the instinct

1 that we have to use CO2, and that was my first
2 impression, my first instinct.

3 And then I had, I was on the way down to the
4 engine I heard the Skylight, the signal for fire, the
5 general alarm. I don't remember exactly, but I heard
6 the safety officer going down with the two teams, doing
7 the cooling, and they went to garage A, outside the
8 engine room. I was listening to that on the telephone,
9 and I didn't interfere. After that I run to the CO2
10 room, was waiting. I said to the captain on the VHF I
11 am in the CO2 room waiting for orders. He said okay,
12 wait.

13 And then I listened, I don't remember if it
14 was the leader of the fire team or safety officer say
15 that we are doing the fire -- we are outside the garage
16 doing firefighting engine room, and also the cooling
17 team was doing their jobs, and I was waiting there, I
18 was waiting.

19 Minute, or some minutes later I heard, that
20 from the fire team or the safety officer that it was
21 very big fire, we cannot do nothing. We have to pull
22 out. And then I understood that also the cooling team
23 was doing the cooling on, on the (inaudible word).

24 And then I heard chief engineer that, or I saw
25 chief engineer coming up saying that everybody is out

1 of the engine, and everything is secure. I'm running
2 to the CO2. But I was there, and captain told me,
3 captain told me to, after that, get information that
4 everybody was out of the engine room, I energized the
5 CO2. Of course I informed the captain I was sure that
6 nobody was there, because I would listen to all the
7 communications with crew, the fire team, and chief
8 engineer.

9 So I energized the CO2, I was sure that it was
10 time for that. This is what I did, and I make the
11 decision because that was not my duty to energize the
12 CO2, because I knew that deep down, that the chief
13 engineer, fire crew, were very occupied, running
14 around, so to save time.

15 That's why it was, all the way I was in touch
16 with the captain, informed him that when everything is
17 ready I will start CO2. Then I was ordered, energize
18 the CO2. That's what I did, for the moment.

19 Q. And what happened after the CO2? Can you just
20 keep going until when you left the ship?

21 A. Ah, okay. When it was the CO2, the CO2 was
22 running, and when it was operating, I saw chief
23 engineer say okay, the CO2 is operating, already
24 working. I mean, I saw that everything working well.
25 We run to the pressure room. From different ways, of

1 course. Then I saw chief engineer, or second engineer
2 on the pump room, I think this was already there, all
3 of us.

4 They start the pumps, and I make the decision
5 to open the valves in the fire area, over the -- where
6 is the -- but nothing that I see made us believe where
7 is heat, where is the engine room. So we open the
8 valves for this specific zone, and we energize the
9 drencher. And I think that it was chief engineer who
10 said, or first engineer who put the -- pressed the
11 buttons, and I opened the valves, we are all there.

12 And then after that I remember I went, because
13 I was in the -- in this area, this -- the restaurant I
14 went in the restaurant, I went down to the reception,
15 and I saw that all crew was evacuated, people, the
16 cabins, most of the cabins had been evacuated, I saw
17 the marks. I talked to the hotel manager who said that
18 the evacuation was completed, and he informed captain.

19 And of course, the main thing was that
20 station, assembly station A was the airplane seats, it
21 was already empty because it was a lot of smoke, it was
22 full of smoke. So I had to make sure that everything,
23 everybody has moved out of this space. Also this crew,
24 and all the common places like toilets, I was informed
25 also from the hotel manager that evacuation was

1 completed.

2 And it was good that it was early in the
3 morning, because people had coffee going around in the
4 ship, so we didn't have people sleeping actually. And
5 also all the crew was up.

6 So after that I ran up on the deck, on the
7 deck, on the muster station, A, B, and assembly
8 station, and all people was there, and had life
9 jackets, and of course we informed the captain that all
10 the evacuation is completed, no passengers are in the
11 cabins, or toilets, or common places, or discos, so
12 that was clear, that was clear.

13 And from there, staff, the preparation -- the
14 preparation for the boats was already started. I
15 listen, the captain said preparation for abandon,
16 preparation. So I saw people working to load the
17 boats. This is what I remember for that. And when
18 captain decided that, to abandon ship, abandon ship we
19 all -- boats were lowered down on the deck, start --
20 and then, and then captain, I remember captain say
21 energize the -- or operate the MES systems.

22 And I, I run to MES, actually, captain, I hear
23 captain say why don't you operate port side. And I
24 have to run there, because it was -- I had to run
25 through a lot of people, a lot of passengers, because

1 it was crowded. So I went to the MES station, and I
2 explained to captain that why we didn't energize the
3 MES, explained that, why people, because some, one of
4 the people who operates the MES told me that one rope
5 was broken, and what do we do now?

6 And I said, okay, we started to energize the
7 MES, but even though it was very close to the bunker
8 station, which is on garage B, port side, because I
9 forgot to tell you, when I was on CO2, two members of
10 the crew come and tell me that there was a lot of fire
11 coming off the pipes inside the bunker station.

12 And I think it was, I was surprised by flames
13 come from bunker station. So, we closed the fire door
14 in between, and it was a lot of heat coming in garage
15 from there. So, when I went up, in port MES I saw
16 already the paint of the -- the paint off the ship was
17 very -- was faded, it was too much heat in this area on
18 the port side of the boat. And actually the port MES
19 the main life raft was very close to the bunker
20 station.

21 And I said that to the captain, if we operate
22 this, the main life raft, if we open the slide it will
23 be very close to the heat in this area. But any way,
24 we operate this, and, but it didn't inflate well. I
25 mean, the slide didn't operate well. It was bended.

1 Even the rope, one of the ropes was supposed to hold
2 the system close to the ship was broken.

3 So, I said to the captain, we cannot operate
4 this. First of all, the life raft is close to a very
5 dangerous area, it didn't operate well, and the slide
6 didn't inflate well, its bended. So I said to the
7 captain, we have to move people to the starboard side
8 which was a better area. This is what happened at this
9 moment.

10 So we move the people to the other side. The
11 life raft, I remember that it was already deployed.
12 But still it was -- the life raft, the slide was not
13 very well inflated, I mean, it was very (inaudible
14 word), full of air. Even though one rope was broken, I
15 don't know how it broke if it was from wind, or from
16 something else, or from since ship's movement, I don't
17 know, but it broke.

18 So I ask assistance from one -- boat, or if it
19 -- even from Coast Guard boat to keep the slide steady
20 so that people can go down. And from there was start
21 evacuation, the evacuation from the life raft, from the
22 MES, from MES.

23 And actually I remember myself, I run also to
24 the port side, and I released as much life raft, as
25 much as I could by hand, actually. Because I thought

1 given the port MES was out of order, and we didn't use
2 it, was can use the life rafts, so I released then from
3 the port side.

4 So, and then we continue to evacuate from the
5 starboard side, with the crew, and the -- I remember
6 also at this moment we started evacuate, it was also
7 the safety, and also the hotel manager was guiding all
8 people to this MES. And were in line, and one by one,
9 we starting taking people out of the ship. It was not
10 easy, but we did it. Because people like to do --
11 leave the ship immediately, but this didn't happen, we
12 had to be in line, we had to be in order.

13 Too -- so you know who is going first, who is
14 going second, and we had old people, some people were
15 afraid, scared, they like to carry things like
16 handbags, cameras, and private items which was not
17 allowed. And some people were scared because they told
18 me that the slide was not inflated perfectly, there was
19 some bend in it, and we had to wait, and so it could be
20 right position because accidents do happen. It's
21 happened, of course.

22 And on the way down we explain to them how to
23 go down, which is the correct way to slide down, in
24 order to avoid injuries. But of course, people have
25 never used that, and they use their hands, their legs

1 to stop, or they use to slow down, and get burns. But
2 likely all went down forward. So at that point I could
3 see from MES that lifeboats, also lifeboats were on
4 their way down, except I remember one boat there were
5 some problems, it didn't went down, I think it was
6 number three.

7 And when we were sure that everybody was out,
8 and also I saw a lot of people, some people, some left
9 with helicopter from Coast Guard helicopters from
10 helicopter area. And also they took some dogs, which
11 was in the cages, they go out from the, with the
12 baskets. So, when we were sure that all crew were out,
13 and all passengers were out safely, I remember me and
14 safety officer was on the bridge.

15 And captain said we can leave now, you can
16 leave the ship. But we decided, me, safety, and
17 captain were to go -- me and safety not go, we go last.
18 And we stay on the bridge until the last minute, to be
19 sure that everybody was out, everybody was out of the
20 ship, except I remember one thing, some people from
21 Coast Guard, some policemen, and fire team, and with
22 the chief engineer, I think, going around the engine
23 and trying to see what's going on.

24 And they also inform us we have also asked to
25 leave the ship. So me, captain and the chief engineer,

1 and the safety we flew with the helicopter last. This,
2 this is mainly the whole picture.

3 Q. Thank you, staff.

4 A. Okay.

5 Q. So I have some follow-on questions on the
6 marine evacuation slides.

7 A. Yes.

8 Q. Did you launch, did you personally launch any
9 of the slides on board?

10 A. Well I remembered for sure I operated port
11 side, for sure, I remember that. I don't remember the
12 other one, because I think it was already energized.
13 But for the port side, I did that. Because what I
14 remember is one of the people who operate the slide
15 told me that the rope is broken, what do we do.

16 And I said, I informed captain about that.
17 And I said that is dangerous because the slide would be
18 very close to the bunker station, which is (inaudible
19 few words). Even though we operate, I think I did
20 that, I operate this.

21 Q. Can you walk me through how you operated this,
22 the slide?

23 A. Oh yes --

24 Q. From --

25 A. -- it's a very -- hm?

1 Q. -- from just, walking, when you approached the
2 slide, and what actions you took to energize the slide.

3 And you are referring to --

4 A. Yes.

5 Q. -- the port side, the one, the slide that you
6 did not use, correct?

7 A. Yes. The system is really easy, I mean, you
8 open it -- first of all, you open the door, the first,
9 the door is how you -- you pull down and you open the
10 door. And I remember that one hand to operate this,
11 the whole system was a very simple system, and that it
12 does, after that it operated itself, and start
13 inflating.

14 And in the case of not inflating well, you
15 have to add air with, extra, port side, and starboard
16 side in the box of the MES. But it didn't inflate, I
17 mean, it -- probably it was not enough air in the box,
18 it didn't inflate well. But the main problem was the
19 rope, was in the winch outside the box, the rope was
20 broken. And couldn't keep the system close to the
21 ship. But even though even it was broke and bended it
22 was -- the (inaudible word) life raft, which I call the
23 mother life raft, which is port side attached to this
24 line, was very close to the bunker station, and I was
25 afraid it would be very hot, it would melt.

1 So we, I -- this is what I said to the
2 captain, we have to use the other side, we have to
3 guide the people to the other side, the other MES.

4 Q. Can you elaborate on what the rope -- how did
5 you identify or determine that the rope was broken?

6 A. I mean, when the captain that the MES, port
7 MES was not operated, I ran there to see why they
8 didn't start operating MES. And one, I don't remember
9 if it was the carpenter, or an AB, or he told me that
10 the rope was broken, or during the winch it was broken,
11 and that is very strange because of course this rope is
12 supposed to be strong and this would keep the system
13 close to the ship steady. And that's why we didn't
14 decide to operate.

15 So I went over there, I saw the rope broken,
16 and I said to the captain, first of all the system
17 would not be safe, and if we operate it will be close
18 to the bunker station. And he said to me, don't
19 operate. So this is why we hesitate to operate the
20 system from the beginning, it took some minutes.

21 Q. Okay, so did you try to use the port side
22 bowsing winch?

23 A. Yes, but the rope was broken, it was not
24 attached on the system. It was not attached on the --
25 it was broken; actually, we saw that it was broke;

1 during the winching it was broke at that -- this
2 moment. I don't know who, I don't know it had broke,
3 and that's why -- that was the request from the crew,
4 staff what should we do?

5 Then I went there, informed the captain the
6 situation that the system is really a bit close to the
7 fire, even though we operate the system, and the system
8 deployed.

9 Q. Okay. So on the port side marine evacuation
10 slide, you did, in fact, operate the winch, or did you
11 not try to operate the winch?

12 A. No I didn't, because this rope is broke, it
13 was broken, I mean, the system, I mean, I saw the rope
14 hanging, I saw the rope hanging and they system was,
15 because of the way that it was moving around and also
16 the main life raft was coming close to the ship, close
17 to the bunker station, and then life raft we couldn't
18 keep the slide steady, and straight, it was more or
19 less vertical.

20 So that was the main problem, of course. That
21 was the second problem. The first problem was the main
22 life raft was close to the bunker station. The second
23 problem was the slide was vertical; it was like
24 jumping, already, not sliding, jumping. So it was
25 very, very dangerous.

1 Q. Okay I'd like to just confirm what you saw.
2 Because we, when we arrived around the vessel it was a
3 day later, so I just want to -- we took a picture of
4 what the port marine evacuation slide looked like, and
5 it looked vertical for us. But I just want to see if
6 that is what it looked like for you, when you --

7 A. Yeah.

8 Q. -- on the day.

9 A. Yeah.

10 Q. Okay, so this is Exhibit No. 283, and staff
11 let me know when you can see the image.

12 A. Yeah.

13 Q. So --

14 A. For the moment I don't see anything.

15 Q. Staff can you see the photo?

16 A. No, not yet, not yet. I don't see anything
17 yet.

18 (Brief pause.)

19 Q. Staff do you see the photo?

20 A. No, no, not yet, not yet.

21 (Brief pause.)

22 A. I cannot see anything yet.

23 Q. Staff do you see me? Can you see me?

24 A. Yes.

25 Q. Oh you can see me?

1 A. Yes, yeah I can see you both.

2 (Brief pause.)

3 A. Yeah, now I can see it.

4 Q. You see the photo?

5 A. Now I can see it, yeah, I see the photo, yes.

6 Q. Okay.

7 A. That's the picture.

8 Q. So this is what the port -- Exhibit 283 is
9 what the port marine evacuation slide looked a day
10 after the incident.

11 A. Well actually I didn't -- that's what I saw
12 also, then we -- I said to the captain okay, you cannot
13 use this.

14 Q. Okay, so the angle of the slide was vertical
15 as shown in the photo, and the line that's hanging, is
16 that what you saw as the --

17 A. Yes.

18 Q. -- the broken line?

19 A. Yes, that was maybe one of the reasons I
20 couldn't keep the system steady and at least the slide
21 would be more easy to evacuate, or steady. This is
22 what I saw. And also I -- that is the situation also
23 for the main life raft. The mother's life raft, which
24 I call, it was not fully, fully inflated. This is
25 exactly the same picture on the first day.

1 Q. Can you please point, or describe on the photo
2 where the break in the line is that you were talking
3 about?

4 A. I think it is this, this line is supposed to
5 be connected to the -- with the main life raft, the
6 platform. So I think it was broken somewhere, some way
7 to the life raft, yes, yeah. No, with yes -- I see,
8 maybe that was the line hanging down because we
9 couldn't winch the rope, we couldn't.

10 Q. Is this the line that you are referring to?

11 A. I think so, yes, yes. We tried, two people,
12 to winch, and I mean it seems that the rope was broken.

13 Q. How --

14 A. This was the (inaudible word) way, yeah. But
15 this, that was the first thing, the other thing we
16 couldn't add air in the system; we could not add air in
17 the system. So it would be more straight, it was not
18 possible to add air. We did use, actually we emptied
19 all bottles, the spare bottles in the box, but nothing
20 happened.

21 Q. Okay. So, back to this line. You did say you
22 tried to winch it?

23 A. Yes, but it, it didn't work, it didn't work.
24 It seems that the rope is broken and the system didn't
25 move, and it seems that the rope was broken.

1 Q. All right.

2 A. And that was the main thing, that, why the
3 crew didn't decide to operate the MES, because they
4 told me the rope was broken. And after we operate the
5 system, it was like this.

6 Q. Okay, I'm going to call one more exhibit
7 please.

8 A. Yeah.

9 Q. Okay, staff do you see this photo?

10 A. Yes, this is the winch.

11 Q. So, this is Exhibit 286 and --

12 A. Yes.

13 Q. -- the port marine evacuation slide bousing
14 winch.

15 A. Yeah.

16 Q. And is this the correct orientation? Is this
17 how it is supposed to look like when you are trying to
18 winch it?

19 A. No this is supposed to be inside the center,
20 inside the center, inside the --

21 Q. Can you please explain to me what is correct
22 or what is wrong about what you are looking at?

23 A. Of course you can winch like this the life
24 raft, but it is more correct to have it inside -- the
25 guide of the winch, inside the guide. Because you can

1 stop it like this or keep it firm like this or you can
2 slack. You can operate the system like this also.

3 Q. Okay, all right, thank you. Staff did you
4 receive training in the use of the marine evacuation
5 system?

6 A. Of this, yes, I have -- yes, I did. From this
7 one, I mean, this specific system or generally?

8 Q. Marine evacuation system slides in general and
9 specific to the vessel.

10 A. Actually I have been, the last ten years have
11 been working high speed crafts, and all high speed
12 crafts are working with MES system. And actually I've
13 been trained one of the biggest ship high speed craft
14 with eight MES systems, eight systems. And of course,
15 that one I've been trained on this one. Actually, I
16 was asked by the company who have at least the same
17 scenario or informed about the system.

18 I was (inaudible word), I went to the Viking
19 System, I had a similar system, and I go to certificate
20 about that. But also I've seen the specific CD/video
21 how operates the system. And I was informed very well
22 about this, how to operate. And also this video has
23 been shown to all crew, all crew.

24 Q. Okay, have you witnessed marine evacuation
25 system slide deploy before the day --

1 A. Many times, many times. And of course I was
2 working, as I told you the ten, ten years in high speed
3 crafts, and working only with the MES system.

4 Q. Now when you say you've witnessed this, was
5 this witnessed in person or just from watching the
6 video?

7 A. No, no, no, no. I was working the ships, and
8 we have been doing this annually, and also deployments,
9 and inspections, and also training. No, not by video.

10 Q. With the Caribbean Fantasy, have you witnessed
11 a physical deployment, or was it only on, by video?

12 A. Oh no, no, no. With Caribbean Fantasy, only
13 by video, we never did the physical, never; I've never
14 seen this on the Caribbean Fantasy. But we have been
15 doing some training only on the -- with some life raft,
16 with one of the life rafts on deck, just to how to
17 operate life raft, what is inside, like this kind of
18 thing. But never deployed, never. We have seen this
19 deployment from Caribbean Fantasy only by video.

20 Q. Okay. And for your marine evacuation system
21 teams, are there any specific training requirements
22 that the system (inaudible word) members are required
23 to have?

24 A. Actually we have been done a lot of
25 individual, individual, let's say after the video we

1 have, during the drills, individual training. Like how
2 to open it, in case of emergency, what you do in case
3 of fire, in case of something is not -- let's say, what
4 happened here like it didn't inflate correctly we have
5 to use the emergency, emergency, how do you say,
6 emergency bottles for adding the air.

7 Even though we didn't use, even though we also
8 discussed in case of emergency also we can use the
9 slide as a safety item, as you can use them as safety
10 item. We can slide the slides, and how to disconnect,
11 how to connect the life rafts, and we had discussed
12 that through the video of course. But in reality, no.

13 But also we had managed that we have also
14 somebody is responsible is going down to the MES
15 system, what exactly they bring down, how to disconnect
16 with the life rafts and how to remove it from the main
17 life raft to additional main raft. And we have been
18 through a lot, because I know that, I know how to
19 operate this, I know this the (inaudible word) for the
20 system, because this, what we are doing (inaudible few
21 words).

22 So everybody had (inaudible word), they have
23 somebody was responsible because it is possible the
24 individual was not there, someone would be imported, in
25 position in case of somebody's missing, we have gone

1 through this, these a lot of times. But of course
2 theoretically, yes. Not -- I mean, this is what we
3 talked in drills.

4 Q. So you do drills, do you -- simulating the use
5 of the marine evacuation slides, or do you rely on the
6 videos?

7 A. No, no, no, not a -- I mean, simulating, I
8 mean in this box, this box of the MES system is packed,
9 and it is -- what should I say, the handle to open the
10 door is safe, we cannot break the -- you cannot break
11 the door or open the door because this is how it
12 operated.

13 But, after the video, they have a picture or
14 they know what's inside the box, what to do in the box,
15 and what to -- how to operate the emergency bottles of
16 adding air, and how to help people go down, this is
17 after the video of course. Because then, they can have
18 a picture.

19 Otherwise, with this system you don't see
20 anything outside the box, it's packed, it's in box. I
21 mean somebody have never seen what's inside would never
22 understand this, even if you explain a thousand times.
23 So the video helps.

24 Q. Do you require the crew members to witness a
25 physical deployment of the marine evacuation system

1 slide, or is the video sufficient?

2 A. I mean, when -- what I know from my
3 experience, I mean, in Caribbean Fantasy we never had a
4 deployment. I don't know, I've never seen deployment,
5 and but when this happens it is a requirement from the
6 authorities, or from inspectors, all crew to be
7 present. But this never happened to the -- with
8 Caribbean Fantasy, I've never seen a deployment during
9 my service. Maybe another time, maybe it was okay, but
10 during my service, the crew had never seen that. Maybe
11 from another ship, I don't know.

12 Q. So do you -- are you aware of the
13 international requirements for crew members that are
14 involved in a marine evacuation system party?

15 A. What I know, what was asking from, what I'm
16 asking, or I mean, in case you have, as a staff
17 captain, or as a safety officer, I don't know. I mean,
18 at least someone was supposed to do the training to be,
19 to know, to have been present of a deployment, or how
20 the system works, or to be present at least in one
21 deployment the last year, which I had been, yeah.

22 So, I -- because, before I go to the Caribbean
23 Fantasy I went to Viking, I have been present at one
24 system like that, yes, before I got to the Caribbean
25 Fantasy. But from the, for the crew I don't know, I

1 don't it can happen then, because during this six,
2 eight months I've never seen a deployment.

3 Q. Okay, thank you. For the training on the
4 marine evacuation system slides to the crew members.

5 A. Yes.

6 Q. So you mentioned that, you mentioned that they
7 wouldn't know what's inside the box, so do you describe
8 -- you use the videos to help describe or show them
9 what it looks like.

10 A. Yes.

11 Q. How, what are the procedures, or the
12 directions to the crew members for launching the life
13 rafts? So, do you guys walk them through the step by
14 step on, you know, the procedures after you launch the
15 MES, and how you are supposed to launch the life rafts?

16 A. Yes, because this is the whole thing of MES
17 system, like say, the port MES, it's a whole system;
18 it's not only the box. It's a system with ten or eleven
19 life rafts, which is supposed to be launched after the
20 deployment. So the crew was supposed to launch number
21 one, number two, number four, it depends which side you
22 are, all life rafts were numbered, we had special
23 pumps, 1, 2, 3, 4, 5, 6, 7, 8 numbered which we can
24 show which is first, which is second, which is third.
25 So this we know after the deployment the starboard

1 number one, or the second, or the first life raft,
2 because this is, this is how it is going, it cannot be
3 mixed.

4 And this people had also VHF, and they know
5 exactly that number one is released, number two is
6 released. Also, in case if the pumps don't work
7 because they have the small pumps, to break the lines.
8 Also there is a manual way how to do it, there is
9 manual.

10 So we have been through the video, we have
11 been through a lot of drills, and specifically how it
12 works. And then when the life raft goes down to the
13 sea, then how you pull this, and how you connect on the
14 main life raft, on the mother life raft, which on the
15 platform, how you connect, how you disconnect. This is
16 the mainly procedure for the operating the system, the
17 MES system.

18 I mean, you have a whole team, people who go
19 down, people who operate the system, people who release
20 the life raft, also after, after that how you guide the
21 people to go down from the slides. So it's a whole
22 thing. And because I said that, I've been, my last --
23 high speed crafts, this is very sensitive matter for
24 me, the MES. So I could tell the MES matter, as much
25 as I knew.

1 Q. Do you or the safety officer provide the
2 training to the crew members on directing them in the
3 order like the life rafts are supposed to be launched,
4 or how you launch the life rafts, how you connect the
5 life rafts to the platform?

6 A. But that, this is -- I mean, one way this --
7 when you have the crew, when you have the crew from,
8 who operates the MES system, of course this is -- I
9 mean it is the main procedure, the safety officer will
10 do the familiarization. But of course then, when I was
11 there we -- I, I also add some information about how to
12 go down, how to use the slide, how they could go down
13 in a good slide, of course this is the training.

14 Because I mean, safety officer is the main key
15 for the familiarization. But of course I would add
16 some information about the system, because I do also --
17 have worked in the high speed crafts for only with MES
18 system, MES System. So I -- we have been very in
19 (Inaudible word) with these systems.

20 Q. Okay so --

21 A. And the training of the people.

22 Q. How -- for the crew members that are assigned
23 to the MES team, how do they know when --

24 A. Sorry?

25 Q. For crew members that are assigned to the

1 marine evacuation system, the team. You, you know, you
2 launch the slide, open the door and launch the slide,
3 there are crew members assigned to the life --
4 launching the life rafts. How do they know when they
5 are supposed to launch the life rafts or how they are
6 supposed to launch the life rafts and how --

7 A. I mean, this is -- I mean, I mean this system
8 is only after the captain's order to operate, after the
9 abandon ship, the first thing you do, you operate you
10 are prepared to operate the system, and you have people
11 standing by outside the box, and people standing by
12 with VHF in touch with captain on the life raft area.
13 So when he say, captain, abandon ship, I mean, the
14 first team needs to operate the MES.

15 And these people were there, I mean, this crew
16 was all the people were in their position, on the MES
17 system, and also the life raft area. And I mean, there
18 is no other way to do anything. I mean, after the
19 abandon ship captain said give the order, then you
20 operate the system, you start evacuation.

21 Q. Can you please walk me through how the crew
22 members operated, and how many, you know, where they
23 were located, what their positions were, on the day of
24 the incident?

25 A. Well, on the day of the incident, when I heard

1 that -- especially the port side MES was not operated,
2 was delayed, because the rope was broken, and they
3 couldn't winch or -- we opened, all the crew was there,
4 the three persons were -- I mean, the responsible
5 person was there, the replacement was there, I remember
6 also, an AB who was supposed to go down and help with
7 the passengers and collect the life rafts, also in the
8 MES, also life raft. When I went there, I saw two
9 people with VHF, ready to operate the life rafts. This
10 I remember. This is what I remember.

11 Q. So did you launch the starboard side life MES,
12 or did you approach and the starboard side marine
13 evacuation system already deployed?

14 A. I think I did it. I remember I did it for the
15 port side.

16 Q. The starboard side, captain, did you --

17 A. Port, port side.

18 Q. So the port -- so after the port side, you
19 said that, you know, it was directed for everyone to go
20 to the starboard side marine evacuation system. Did
21 you --

22 A. I think it was, it was operated already, the
23 starboard side.

24 Q. Okay. Okay, so the starboard side marine
25 evacuation slide, system was already deployed.

1 A. Yes, I think so, yes.

2 Q. Did you provide the directions to the MES crew
3 members, the team? Or did they do this all
4 automatically?

5 A. No, I mean, when the staff -- I remember also
6 I think we had some little problem also with the rope
7 there, with the bowsing rope, I think there was a
8 problem there too. It broke, I think, I remember it
9 broke. So at this point I asked the captain to ask for
10 assistance to keep the system straight.

11 And when it was a lifeboat, a small boat from
12 Coast Guard was keeping the system straight, because it
13 was bended too. And then to AB's went down, two AB's I
14 think and one -- I don't remember if it was AB's, or
15 from the hotel department that went down. And to help
16 to assist people, to move people from the platform to
17 the MES, to the life rafts, that were attached to the
18 platform.

19 But I was up, especially, I remember that on
20 the starboard side, I was at, together with the hotel
21 people and also with the safety officer, helping people
22 to go down.

23 Q. So staff you said the line, the bowsing line
24 was broken on the starboard side as well?

25 A. As well, yes, I remember that, I remember that

1 it was broken as well.

2 Q. And how did you know that it was broken?

3 A. Because we started, we tried to keep the
4 system close to the ship, to keep it steady, and make
5 the slide to be also straight, but I think what --
6 during the winch it broke. So the system bent also,
7 start moving free, freely. But I -- we couldn't afford
8 to lose that system too, also, because I mean, that's
9 why I asked the captain to ask for assistance from one
10 little boat to keep the system straight.

11 So one boat came, attached to the platform,
12 keep the system straight. Of course, it's not easy,
13 but used that anyway.

14 Q. Did you try to use the winch on the starboard
15 side?

16 A. Yeah I, I don't remember if I used this, if I
17 did it or someone else, because then I, we felt that it
18 broke, we saw the system, it felt, released from the
19 position it went free, out with the wind, start moving
20 from the wind. So we ask assistance. I don't remember
21 that, if I did it or someone else, but the rope was
22 broken also.

23 Q. And so after the -- you asked the captain to
24 use the Coast Guard boats to straighten the slide --

25 A. Yeah.

1 Q. -- how were the life rafts deployed?

2 A. I mean we started deployment, the deployment
3 from the (inaudible word), the life raft were coming
4 down from ship in the water. And the crew from inside
5 started pulling the life rafts close to the life boats,
6 it was not easy, it was not easy, because there was a
7 lot of wind. And actually one of them, one or two of
8 them were deployed on the way down to sea (inaudible
9 word) happened.

10 So, I mean, the life raft is supposed to come
11 close to the platform, connect, and then deploy. But
12 some of them were deployed all the way down to the sea
13 on -- when they touched the water they deployed, so we
14 had to pull them close to the platform, and it was very
15 difficult, but we did it.

16 Q. Did you provide orders or directions to the
17 crew members that were deploying them? For example,
18 you know you have your crew members on the life rafts,
19 and you say okay, now deploy number one, okay, now
20 deploy number two -- or were the crew members deploying
21 them automatically?

22 A. No it is supposed to -- not to automatically,
23 I don't, I mean, first of all, we cannot deploy,
24 release one or two, no more. Because it was would be a
25 mess after that. So I remember that we, first we

1 deployed one or two life rafts, one of them was
2 deployed automatically in the water and it was very
3 easy to attach to the main platform. And then we did
4 it one by one, one by one.

5 But if I, I remember, I remember that I did
6 that for the port side, I released most of the -- by
7 hand, myself, I did myself from the port side. So and
8 we to (inaudible words) to use them too.

9 Q. Okay, and then so once a life raft is
10 deployed, you said that, you know, you are supposed to
11 bring them to the platform first, and then inflate, is
12 that correct?

13 A. To connect, to connect, or to attach with the
14 correct, with the -- you have special connections with
15 ropes, you connect to platform, you deploy them, people
16 go inside, and then you cut the ropes, or release the
17 life boats, and then the life boat can go away from the
18 main toggle, so another life raft can come.

19 Q. How -- who is supposed to inflate the life
20 rafts? How are they supposed to be inflated?

21 A. You mean the one which be attached to the main
22 platform? I mean, the people who is inside the life
23 raft were to pull the rope, you pull the rope and they
24 inflate from inside the, inside the platform.

25 Q. Okay.

1 BY LT PROCTOR:

2 Q. All right staff.

3 A. Hello, hello.

4 Q. Hi, this is Lieutenant Jennifer Proctor of the
5 U.S. Coast Guard, and just to remind you, you are still
6 under oath.

7 A. Okay.

8 Q. So one last follow-up with the marine
9 evacuation system, were the videos that were shown on
10 the Caribbean Fantasy, were those videos general marine
11 evacuation system deployments, or were they specific to
12 the models on board the vessel?

13 A. This video actually was the specific model, we
14 asked for this a long time, and we received it, and as
15 we received it we start training with this system, and
16 the video was the actual system.

17 Q. Who made the video, or where did you receive
18 the video from?

19 A. From the company, I think it was received from
20 the company who made the system. It was the official
21 video from the system.

22 Q. Was this a company produced video, or was this
23 a video produced by the manufacturers of the slide
24 system?

25 A. This is from the manufacturer, this is the

1 official system, I mean, who made the system, which
2 come from the factory, more or less.

3 Q. Okay, thank you. Was there anything in the
4 videos different, at all different from the actual
5 systems on board that you can recall?

6 A. No, no. I remember that, I remember that was
7 a good video, because I saw a lot of thing, a lot of
8 about -- I mean, there was a full video about the, what
9 it was inside the video, how it works, how it operates,
10 in the good weather, in bad weather, it was a very good
11 video, actually. And all crew watched that.

12 Q. Thank you.

13 A. Okay.

14 Q. Okay, what is your involvement, according to
15 either your job description, policy, procedure, or the
16 standing orders with regards to the lifesaving LSA
17 maintenance on board?

18 A. Actually, I mean, the LSA system maintenance
19 is all the annual inspections, or the normal
20 inspections or the weekly inspections this is according
21 to the IMS. It's full, I mean, it is the
22 responsibility of safety. But, in case of any
23 incident, or any problem, or any request, we go through
24 together with the safety.

25 Q. Do you review LSA and FSA maintenance reports?

1 A. Yes, because we, I mean after the -- I mean,
2 we have a weekly inspection, some monthly inspections
3 in case of any problem, or something's manufacture, or
4 any missing items, or requirements, we go through the
5 safety together. And also safety make the
6 requisitions, make -- and inform captain, and we
7 discuss that also. Also about the inspections and the
8 certificates for everything. So I get informed from --
9 mainly I get informed from the safety.

10 Q. Okay, and when you find out that there is
11 something irregular in the maintenance report, do you
12 report that to the company? Or what are your
13 procedures for addressing, you know, outstanding items
14 of maintenance, or things that need to be corrected
15 with the lifesaving and firefighting equipment?

16 A. I mean, we go through the -- I mean this is
17 going through the, mainly for the drills and weekly
18 inspections, and monthly inspections. If something is
19 requirement to be fixed and we can do that on board, we
20 fix it. Otherwise, we inform the captain, or make
21 requisitions, and sometimes we miss things, I don't say
22 that everything is perfect, but when something, the
23 manufacture we need repairs, make requisitions, and we
24 inform the company for that requisition, to replace
25 things, or to supply things that we need. So this is

1 how the main procedure, and this is going through,
2 through the safety mainly. But we are cooperating with
3 that.

4 Q. Can you give me an example of some of the
5 things that you all would correct on the ship
6 internally, versus some of the items that you would
7 report up to the company?

8 A. I mean if we need to, let's say we need
9 additional, additional things that -- like, let's just
10 say tools, and something is not working properly, I
11 mean, if we have malfunction in some pumps, and some
12 valves are not working well, and some -- needed to
13 replace fire pumps, and/or hoses, and if we need to
14 repair some things on the old boats, I mean, these kind
15 of things we go after the tests, and after the -- what
16 do you say, what is in our heads. But when it comes to
17 the manufacture, or it comes to the inspections, that
18 we cannot do nothing, I mean, we rely on the
19 certificates.

20 I mean, I mean we have annual certificates for
21 MES, that's, that's -- but we can do nothing on this.
22 But when it comes to the lifeboats, or fire teams, or a
23 system, or alarms, these we can do ourselves, we can do
24 ourselves. We can correct ourselves. But when it's
25 nothing to do, when it is out of our hands, we make a

1 requisition to the company. I mean, this is the
2 standard procedure for safety, and for me and captain,
3 and captain is informed.

4 Q. So do you make notifications to just the
5 company, or class, or flag, or the designated person
6 ashore, can you just walk --

7 A. I mean --

8 Q. -- walk me through your procedures.

9 A. -- I mean, I mean, if it is a small thing I
10 mean, we inform the company of course, we inform the
11 company. When it is to repair things, or to supply
12 things, or correct things. I mean, it doesn't affect
13 the safety that much. But, I mean, the company is
14 informed about that, the company always informed. I
15 mean the requisitions, all the requisitions go to the
16 company.

17 Q. When would you notify classification society,
18 or your flag state of any lifesaving or firefighting
19 malfunctions that are beyond shipboard repair?

20 A. Well during my, service in these voyages, this
21 never happens. I mean, that something is not working,
22 because when they are inspected from RINA and Coast
23 Guard, that it was not working properly, it was
24 repaired at the moment, or something is needed to be
25 repaired. But not big things, that you have to inform

1 RINA or something.

2 But it was easy things according to our
3 knowledge to repair or fix. Because we get, let's say
4 after inspection from RINA a lot of summary marks, we
5 can repair during that period. I mean, it's nothing to
6 do, order, if they don't get repaired, things are fixed
7 at the moment. If we have remarks or something noticed
8 by inspection, or Coast Guard, or whatever.

9 Q. Do you know of any maintenance that was being
10 performed on the life boats prior to the incident?

11 A. Well, let me tell you this, when I went to the
12 Tunisia shipyards, these things supposed to be -- I
13 mean all this maintenance supposed to be made before I
14 go there, because I saw the boats on the pier, already
15 some life rafts and the system was inspected by a
16 company.

17 So, we got, we got certificate, I saw the
18 certificates, I was not there, actually, for the
19 maintenance, annual maintenance or the official
20 maintenance. So I was not there. Supposed to be
21 (inaudible word), before I went there.

22 Because normally, we have -- we have what do I
23 say, certificates for annual inspection and annual
24 maintenance for companies, for life boats, life raft,
25 the MES system, but when I went there it was already

1 issued. So I mean normal problems, I mean like when
2 the engine doesn't start, or things like that we can
3 solve ourself, I mean, it is normal procedure, during
4 our drills, or a weekly inspection.

5 Q. Okay so since your time reporting on board the
6 ship June first, you did not receive any reports of
7 maintenance of the life boats after that time?

8 A. No, as far as I know, no. Because this is
9 supposed to be, had been previous, during the dry-dock,
10 and of course, during the drills I mean, the start the
11 engines, we row the boats, we start the engines,
12 nothing happened, really, since, okay.

13 Q. And who is responsible for the engine
14 maintenance of the lifeboats?

15 A. The engineers, the engine department.

16 Q. And then do they provide their maintenance
17 reports to you directly, or the safety officer?

18 A. To the, I think to the safety officer, because
19 they go and they report that they start the engines,
20 and everything is working.

21 Q. And so they, if they find any discrepancies
22 they would also report that to the safety officer?

23 A. Yes, because normally we do that with the
24 weekly, weekly drills. Even if we don't lower the
25 lifeboat, we start the engines every week, we start the

1 engines from all boats.

2 Q. Okay.

3 A. We try to operate the engines, to operate the
4 engines.

5 Q. And when the safety officer receives these
6 reports, say everything is great and good, in working
7 order, would she tell you that they are in working
8 order? Or would she only notify you of discrepancies?

9 A. When we do the drills, I mean, only do the
10 maintenance of the -- when we have drills everybody is
11 present. I mean, and at the same time the actual
12 engineer operates the lifeboat engine, goes through the
13 ship, on the boat, start the engine, so everybody see
14 that the engine is working. In case something, there
15 is something wrong, then we, we know that is number
16 one, number two, number three, something is wrong, then
17 we, we repair immediately.

18 But during the drills we test the engines so
19 we know that during the drill all engines are
20 operating.

21 Q. I am referring to just like your weekly
22 maintenance, or when you are inspecting lifeboat
23 equipment, or you are turning the engines, for that,
24 for those sorts of maintenance reports does the safety
25 officer inform you only when there is a discrepancy, or

1 does she keep you informed of the conditions at all
2 times?

3 A. We (inaudible word) informal, but yes.

4 Q. And for the lifeboat engines, how often do you
5 operate them, or test them for proper operation?

6 A. At least once a week during the drill.

7 Q. During the drill, okay.

8 A. Yes.

9 Q. All three lifeboats?

10 A. All, all, all, even the rescue, the fast
11 rescue boat; all the staff are testing the engines.

12 Q. And now do you test these lifeboats while you
13 are moored, or while the vessel is underway?

14 A. Normally we do it at the pier, when we do the
15 drills. When underway, I mean, during the proper
16 trips, I mean, we don't do it like in the evening, or
17 we do that only while in the ports.

18 Q. Okay.

19 A. I mean, I never went when that, on the trips
20 between Puerto Rico and Santo Domingo we have plenty of
21 time to do drills and testing the engines in the ports.
22 And sometimes we lower, sometimes when it's slow, the
23 vessels, we do drills inside the ports. So once we try
24 to operate one lifeboat on the water, like a rescue.

25 Q. Which -- go ahead.

1 A. Yes. So, I mean, when it's available, I mean,
2 it is convenient, we try only when our long side, the
3 starboard side we try to use the boats, the life boats
4 from portside on the water.

5 Q. Okay, so when you are moored starboard side
6 you test the port lifeboats in the water.

7 A. When it is available, yes, when it is
8 available, yes. Otherwise we lower the boat, we don't,
9 we don't (inaudible word) in the water, we -- the boats
10 and try to test the amount, and (inaudible word)
11 position.

12 Q. Have you witnessed the starboard side
13 lifeboats being lowered to the water?

14 A. I have been witness there, but you see during
15 the Tunisia, the Tunisia dry-dock they are all in the
16 water, all in the water, because they change the hooks,
17 the release hooks.

18 But when I was, when I was in the Caribbean
19 Fantasy before the last contract we trips to another
20 port, I don't remember now the name, it was another
21 port in Puerto Rico, and we are alongside port side, so
22 we try the starboard side boats, I don't remember the
23 name of the port now, Freeport, I think, I don't
24 remember.

25 So but normally we -- last time I saw this,

1 all boats on the water was during the dry-dock, I mean
2 on the dry-dock, and they were on the water all of
3 them.

4 Q. So other than the dry-dock, since you said you
5 test the lifeboats weekly, how do you test the lifeboat
6 engines on the starboard side when --

7 A. On the position, when they are in position on
8 the (inaudible word).

9 Q. Okay, and how long do you operate those
10 lifeboat engines for?

11 A. I mean --

12 Q. The starboard side?

13 A. -- I mean since they are out of the water, we
14 start the engines, we let -- we try to try some tests
15 to try to test the winch, and port side, and then try
16 the engines for and aheads, and we let some minutes, we
17 let the engines run. But we see that the propeller is
18 going ahead and astern, and also the (inaudible word),
19 yeah.

20 Q. So for the starboard side vessels, you run
21 them out of the water?

22 A. Yes, mainly, mainly. But this is a normal
23 procedure to test the engines. I mean, even though you
24 have (inaudible few words) to take them in the water,
25 you test the engines in position.

1 Q. Okay. And you said you run the lifeboat
2 engines for several minutes.

3 A. Yeah.

4 Q. How, do you have an approximate time how long
5 you run them for?

6 A. I mean one or two minutes to start the engine,
7 to test the -- if it is working, the gear is working
8 ahead and astern, and we check the electrical things,
9 the lights, the flashing lights, navigation lights, and
10 then we stop the engines. But we see that it's
11 working, also the pumps and everything. We cannot run
12 for a long time outside the water, but we do that.

13 Q. Safety officer like thirty minutes, or a
14 minute approximate?

15 A. No, no, not thirty minutes.

16 Q. Or sorry, thirty seconds.

17 A. No more, more, more, more.

18 Q. Okay.

19 A. More. It takes maybe one two minutes, three
20 minutes, you can, we can start the engine, make the
21 test, and then we will stop the engine.

22 Q. Okay. Okay, thank you. Do you have any
23 involvement on training the LSA officer on how to
24 inspect the lifeboat?

25 A. If I have any training to inspecting the

1 officer?

2 Q. Do you train the LSA officer in charge of, you
3 know, inspecting the lifeboat? Or do you have any sort
4 of involvement in training the LSA officers?

5 A. No actually, because this LSA officer is also
6 -- is appointed by captain's standing orders, so he
7 knows, I mean, he's experienced, he know what to check,
8 how -- what he is looking inside the boat. But when it
9 comes to this point, when he checks the lifeboat, for
10 example, about the equipment, if it is working if it --
11 anything is missing.

12 We have lists, we have lists, so when he is
13 going on the boat, or sometimes we go together, or
14 maybe he goes alone, he comes to report, he says what
15 is missing, what is not working properly, and things
16 like that. So this officer is experienced, he can do
17 it himself.

18 Q. Okay.

19 A. So after the inspection, I mean, the safety
20 officer is informed, or I am informed so we know
21 exactly what's going on.

22 Q. Okay.

23 A. Okay.

24 Q. Are the lifeboat commanders cross-trained in
25 the use of the life -- all the lifeboats on board,

1 since you have the two different types of lifeboats?

2 A. Yes.

3 Q. You have the partially enclosed and the fully
4 enclosed.

5 A. Yes.

6 Q. Are all the lifeboat commanders cross trained
7 on the different types?

8 A. Yes, of course, because like I said to you,
9 since we have difficult, difficulties to use the
10 starboard side, because maybe we are alongside
11 starboard side in Santo Domingo and Puerto Rico, during
12 the training we use the same people to go on the other
13 side, or port side, starboard side, we give -- they
14 know how to operate. I mean, even though we lower a
15 boat in the sea -- it's not the same crew actually the
16 same crew. We use all people so they get experience
17 how it looks like, how to go down and how to release,
18 and how to navigate this. So it doesn't mean that one
19 crew gets experience, and the other don't know nothing,
20 we cross-train the crews.

21 Q. Okay.

22 A. This is the, maybe procedure because it has
23 happened that some boat cannot be lowered in the sea,
24 it depends on the port.

25 Q. Okay, so right, as you say, because sometimes

1 you cannot lower the boats that are alongside the pier,
2 how often are you required to lower those boats? The
3 starboard side lifeboats?

4 A. For example, it's every three months, at least
5 once, every three months at least once.

6 Q. Okay, and --

7 A. But I, like I tell you in Tunisia we check
8 them, we test them, we lowered down, and then we took
9 them up.

10 Q. And then, how often do you operate those
11 starboard side boats with their assigned crew?

12 A. I mean, if the possibility to use the -- to
13 lower down the starboard side boats, it is actually
14 with the same crew. But, if we don't have that
15 opportunity we have to use the other, this crew with
16 the other boats. But, I tell you, this depends on the
17 crew, depends on the trips.

18 But we, we don't stop doing the tests,
19 lowering the boat on the deck, and start the engines,
20 and inform the crew, and the crew knows what to do
21 inside the boat. But maybe not in the water, but still
22 lowering on the deck level, on the (inaudible word)
23 level, and then we take them up and start the engines.
24 But the crew from starboard side, for example easily
25 can go to the port side boat, which easy to lower in

1 the water.

2 Q. So you said sometimes you would lower the
3 starboard side boats to the embarkation deck with the
4 assigned crew?

5 A. Yes, yes.

6 Q. But not to the water?

7 A. Not all the time in the water no, it's not
8 possible, because in Santo Domingo it was the starboard
9 side, and in Puerto Rico always the starboard side.

10 Q. Do you know for the last time, other than the
11 dry-dock when you last operated the -- lowered the
12 starboard side boats to the water --

13 A. Yes, I told you, I don't remember the name of
14 the port, but there is another port in Santo -- in
15 Puerto Rico where we are alongside on port side, and we
16 are there, we test them all.

17 Q. Was that before the dry-dock?

18 A. Yes.

19 Q. And you launched the lifeboats; you released
20 them from the vessel, and operated them in the water?

21 A. Yes, yes.

22 Q. Okay.

23 A. Yes, yes.

24 Q. Okay, and do you feel all your officers were
25 proficient in their lifeboat duties?

1 A. That time it was okay, at that time it was
2 okay, with this, I mean, it's okay.

3 Q. Okay. Do you know why the lifeboat number two
4 commander released the hooks during the annual -- the
5 Coast Guard inspection on August ninth, why the
6 lifeboat number two commander released the hooks
7 manually?

8 A. I don't know that. I don't really know this.
9 But we saw that, I don't know, I really don't know.
10 But we discussed that, but I don't know why he did
11 that.

12 Q. How do you train your lifeboat commanders
13 during your drills on how to release the hooks?

14 A. Actually we have -- I mean, this is also the
15 safety officer duty also -- but we have instructions in
16 case how to release manually, how to release
17 automatically from inside. And even by hand, one by
18 one, and this -- there are instructions, and we go over
19 and say about this all the time, how to release the
20 boats. There are instructions everywhere also we
21 discuss about that.

22 Q. Are the instructions inside the lifeboats?

23 A. Inside the lifeboat, yes, it's posted.

24 Q. Okay, and what are the procedures, or
25 policies, or the manufacturer's recommendations on the

1 stowage of the lifeboat plugs? Are they stowed --

2 A. You mean, you mean the plugs for what?

3 Q. For the lifeboats.

4 A. For that water? Yes, I mean, actually they
5 are floated, I mean, if we see, I mean, the stop, the
6 plus are automatically closed by the water or some -- I
7 mean for -- also for release, for release the boats,
8 there are instructions for that for water vessel. If
9 that was your question.

10 Q. Are the -- do you know if the lifeboat plugs
11 are supposed to be stowed in the boat, or inside, or
12 out?

13 A. You mean --

14 Q. When the lifeboats are in their stowed
15 position?

16 A. Yes.

17 Q. Are the plugs supposed to be installed for
18 immediate launching ready to use, or the plugs stowed
19 out to allow for drainage, like water drainage?

20 A. No, we don't have that kind of plugs, because
21 this is floating plugs, I mean, like small balls, I
22 mean, floating, then they go inside. But there are
23 plugs too, which -- for, it's used for draining through
24 -- from the rain. But when it is, water is going
25 inside, even if you don't put the plugs, it is locked

1 by floating ball. But we, we release the plugs, but we
2 put the plugs back, when we have in the water.

3 Q. Okay, okay. On the day of the incident, do
4 you recall hearing the general alarm?

5 A. Yes, yes, I did.

6 Q. And what does that sound like?

7 A. It is seven (inaudible word) one blast, long
8 blast.

9 Q. And do you remember where you were when you
10 heard the general alarm?

11 A. Actually I was close to the engine room, I was
12 close to the engine room when I -- and I think it was
13 between the engine room and the garage, when we said
14 that there was, the fire is big, and then I heard about
15 Skylight, but it was about that time.

16 Q. You heard Mr. Skylight and the general alarm,
17 or just Mr. Skylight?

18 A. First it was Skylight, and then general alarm.

19 Q. Okay. And when you heard the general alarm
20 what did you do? Did you report to the bridge or did
21 you continue doing what you were doing in the engine
22 room?

23 A. Exactly, because I knew the situation, I knew
24 exactly what this means, general alarm, and I knew the
25 situation, but general alarm is mainly for the crew,

1 and the rest of the crew was on the decks. I mean
2 hotel and the rest of the crew, because we -- we had
3 been informed about it, and the kind of danger, we knew
4 it was fire.

5 Q. Okay.

6 A. Because general alarm doesn't mean -- it's a
7 very general alarm, it's a very -- you don't exactly
8 the kind of danger, but we knew what's the danger. So
9 after that it was Skylight.

10 Q. So --

11 A. For, before that.

12 Q. Okay, sorry, I'm just a little confused. So
13 the general alarm is sounded before or after Mr.
14 Skylight?

15 A. I recall Skylight was first, and then general
16 alarm.

17 Q. Okay, thank you. How does the crew and
18 passenger list get communicated to you before sailing?

19 A. I mean, it comes to the bridge, one file with
20 all crew list and all information about passengers, but
21 remains -- that comes from the account department.
22 Because before sailing we know exactly how many
23 passengers on board. And after that it comes by list
24 with the hotel information, how many people have the
25 cabins, or who don't have cabins, who stays on the

1 airplane seats, who stays in cabins, this we have that
2 information.

3 Q. How do you receive that information? Does
4 someone from -- who gives you that list?

5 A. We get this list from the account department,
6 also for the cargo and the passengers. But also before
7 sailing we have the exact number of the passengers, and
8 we have that information also in the computer, and
9 sometimes on paper.

10 Q. You said sometimes on paper, so do you rely on
11 --

12 A. Printed, I mean printed.

13 Q. Okay. So who is responsible for the crew and
14 passengers manifests on the bridge?

15 A. It's the hotel -- I think it is the account
16 department.

17 Q. The hotel or account department?

18 A. Yes, because they know the -- yes, normally
19 it's a -- it's -- hotel department is getting the
20 information about how many passengers and then -- but
21 the amount of passengers, the correct number we get
22 from the account department, because they fix the
23 papers with the custom officers, so that the (inaudible
24 word).

25 So at that point we know exactly, I think the

1 last minute before sailing, let's say ten, fifteen
2 minutes we know exactly how many passengers we have on
3 board, because they can have some changes.

4 Q. So the account department, do they provide you
5 a list with everyone on board, or do they leave it in a
6 box, or do they provide to the captain directly?

7 A. Actually, for my side I get one file with all
8 information. Also in bridge, we know exactly the
9 number how many passengers on board. So they, there
10 is informations, in the file, or in the computer, yes,
11 we get the papers, says exactly the clearance from
12 passengers and cargo.

13 Q. I'm going to pull up two exhibits. Okay
14 staff?

15 A. Yes.

16 Q. Do you see the, the picture?

17 A. Yes, I see that.

18 Q. So this is Exhibit No. 311, and this is the
19 crew list and passenger manifest box located in the
20 office just outside the bridge. Is this where the
21 manifest supposed to be kept, or is this where you
22 receive the updated manifest from the hotel department?

23 A. I get, also in my office as the staff captain,
24 I have my office in the main, six office, but this is
25 mainly the safety officer's office, they get the crew

1 list and the passenger manifest, also in my office I
2 get the file, yes. But mainly, also, for the bridge
3 it's coming there.

4 Q. Okay, so this is where the bridge receives the
5 manifest?

6 A. Correct.

7 Q. Okay. And I'm going to call on one more
8 exhibit, and this is Exhibit No. 310.

9 A. Yes.

10 Q. Do you see it captain?

11 A. Yes, of course.

12 Q. So this is the wipe board on the bridge.

13 A. Correct.

14 Q. Is this -- who updates the crew and passengers
15 numbers on this wipe board?

16 A. Like I said here before, before sailing the
17 account department, when they finish the clearance with
18 Customs, and we have this passenger lists, they inform
19 us by VHF that we have that kind of number like 300
20 passengers, and crew 128, for example. We will get the
21 information by VHF, and then we get the papers,
22 official papers later on.

23 Q. Okay.

24 A. So we know the exact number of passengers some
25 minutes before we sail, because she get the clearance

1 from the Custom. And of course that's the -- it's also
2 confirmed by the paper, with papers, the documents come
3 afterwards.

4 Q. So staff, we understand that the Caribbean
5 Fantasy after departure, went back to the pier to drop
6 off one passenger.

7 A. Yeah.

8 Q. Could you tell me why this number on the wipe
9 board, 512, was never updated to reflect the passenger
10 that was dropped off?

11 A. Actually that day, I remember this lady who
12 was almost (inaudible few words) leaving the port, and
13 one lady had the problem, we have, so I went down,
14 actually, to help, let go to the ambulance and somebody
15 to take them out. So, really I don't know because it
16 was seconds before sailing, because then we -- we did
17 all the operation, we did all the (inaudible word)
18 again, went back, opened the ramp, closed the ramp,
19 left, and it wasn't, I don't know what happened. And
20 probably it was, due to lack of time, all of it, this
21 happened seconds before sailing. So maybe we correct,
22 didn't correct, and then it went back, of course, and
23 we never noticed that.

24 Q. Okay.

25 A. I remember this lady went out with the heart

1 problem.

2 Q. Okay, thank you. Okay staff, a couple more
3 questions for me. What are the English requirements
4 for the crew, in their proficiency of -- with English?

5 A. What I know, what I've noticed from ISM
6 system, or management system is the main language is
7 English, the main language is English. So we used
8 English, the English language. But of course some
9 people, some crew they couldn't understand very well
10 English, or speak Spanish. So we the -- the managers
11 of the departments or other crew can translate in
12 Spanish.

13 And of course some documents and some papers
14 are translated, or muster cards, or instruction for the
15 boat or familiarization is in Spanish and in English
16 available, in both languages.

17 Q. Are there any positions on board that are
18 accepted, acceptable to not speak English?

19 A. As far as I know, until this six, seven, eight
20 months I was (inaudible word) I mean, I didn't have any
21 problem, I mean like kitchen, hospital, engine, the
22 bridge, they all speak English not many departments
23 were speaking this. And also, I mean, I remember crew
24 in many position even for during the drills they all
25 speak English, fluent in English and Spanish.

1 Q. Okay staff that is all of my questions, now
2 I'm going to pass the microphone off to, to Adam
3 Tucker.

4 A. Okay, thank you.

5 Q. Thank you.

6 **WITNESS**

7 **FAKOVOS DAVRIS**

8 **EXAMINATION**

9 BY MR. TUCKER:

10 Q. Good afternoon staff.

11 A. Good afternoon, sir, how are you?

12 Q. Very good how are you?

13 A. Good, Funicula (sounds like).

14 Q. Funicula (sounds like). Staff captain my name
15 is Adam Tucker; I'm with the National Transportation
16 Safety Board. I do have a few follow-up questions for
17 you. And I just wanted to start first of all just a --
18 most of these questions are clarifications from your
19 previous statement with the Coast Guard. Number one,
20 are you employed directly with Baja Ferries or are you
21 employed through a crewing agency?

22 A. No, direct from the Baja Ferries.

23 Q. Directly?

24 A. I mean, I mean, I know the crewing agencies --
25 it is a crewing agency actually, not direct from Baja

1 Ferries, not direct.

2 Q. So what is the name of the crewing agency that
3 you were employed through?

4 A. I -- my contract was signed by Baja Ferries.
5 But, at that time, I really don't remember the name of
6 the agency now, but I remember who the person who was
7 contact me.

8 Q. And staff captain, how long is your typical
9 contract, what kind of contracts are you expected work
10 on board, is it three months on, three months off, or
11 four months on two months off?

12 A. My contract was three months, plus/minus one.
13 So always was more than three months, it was four
14 months sometimes.

15 Q. And during your vacation did you always have
16 the same reliever?

17 A. Yes.

18 Q. Okay.

19 A. Because then I have to replace at the same
20 time the next staff captain during that time. Unless
21 we have a discussion that I will be late, or come
22 early, it depends.

23 Q. Okay. And staff just another clarification,
24 your first language, your native language?

25 A. I Greek.

1 Q. Greek, okay. And not related to the accident,
2 but I was wondering if you can give me a typical day in
3 your shoes on board that ship. You know, what kind of,
4 what kind of working hours and tasks do you perform
5 throughout the day?

6 A. I think, I mean, let's start the day we are
7 arriving in port, in Puerto Rico, I mean, it depends on
8 the schedule of loading, and during that time I'm -- if
9 we don't have any delivery, or other works to do, the
10 day starts with maintenance on the ship, and cleaning
11 the ship, and fixing things, and always going around
12 and starting with the -- from the bosun, and meeting
13 people on the ship, we discuss problems and all.

14 And then we start loading, and I follow the
15 loading, and during the night of course I have my
16 duties as a security officer, I instruct, give
17 instructions, information from the security team. Of
18 course I wake up, I slept let's say not quite late but
19 let's say eleven o'clock maybe and I am up during the
20 arrival from morning like seven o'clock, and it is not
21 more than ten hours, or twelve hours per day, a day.

22 So actually I'm dealing with all things on the
23 ship, together with the safety and other officers.
24 Also for maintenance for the ship, maintenance, because
25 we will have meetings with the crew and bosun and

1 assistant bosun and we make plan what we will do the
2 next day, what we will fix, and you know maintenance
3 for the ship, apart the safety.

4 Q. And staff while we are on the topic of
5 maintenance is there -- so I understand you are in
6 charge of the maintenance for the deck department, do
7 you get involved in the maintenance of the CO2 system
8 in the engine spaces, or the water mist system, or any
9 type of fixed --

10 A. Actually, actually no. Actually no. Because
11 this is supposed to be inspected annually by official
12 company. But for system like high fog system or
13 (inaudible word) systems, we can do tests, because they
14 -- these systems operate manually, automatically, or we
15 can do tests.

16 For CO2, for CO2, I mean, we don't do tests on
17 that. Of course you can do tests to see if the system
18 is clean, and the air is going through the pipes, but
19 normally we don't do tests with CO2. But the other,
20 yes we do like local systems, like high fog in the
21 engine, we do tests, we did a lot of tests during the
22 ship's dry-dock, locally and manually.

23 Q. And with respect to say the drencher system
24 that you have in place on board.

25 A. Yeah.

1 Q. I understand that that was a system that
2 required a little more maintenance, and a little more
3 attention. Can you describe that?

4 A. Well our position, I mean, in our heads,
5 (inaudible word) operate the system, to operate the
6 system. I mean, normally when you -- actually we did
7 tests I remember before the Tunisia dry-dock, there was
8 a schedule that said that we do every week, test every
9 week, and normally we did have it Saturday drencher
10 test, every Saturday. Was we tried to test one, or
11 two, or three zones, or five zones, or continue to the
12 next week the other zones.

13 We didn't actually have problems with the
14 pumps, I mean, I don't really -- it was any problem in
15 the engine, but from our side, or from deck side it was
16 working. I mean, our problem was the clean the pipes,
17 to clean the exhaust, and maintenance on the hoses, and
18 the nozzles, that's our main concern. So we had every
19 Saturday test the drencher system.

20 Q. Were there any problems with corrosion, or
21 blockages in the pipes when you would do these tests,
22 would you find any problems?

23 A. I mean, listen, I mean always we had rust in
24 the pipes, always had rust in the pipes. So that was
25 the weekly test, we didn't do the whole, all zones.

1 But we tried to clean, and pressure so we take out the
2 rust. Because it is (inaudible word) zone, it is
3 normal for drencher zones to have rust, and blocked
4 pipes.

5 But I know that was every Saturday, every
6 Saturday we had to test three or four zones, clean the
7 pipes, open, take out the nozzles, clean the nozzles,
8 so after we press the system again with fresh water,
9 and that was, this is the proper maintenance to keep
10 the lines clean.

11 Q. So the lines were -- the water supplied to the
12 drencher system was fresh water, is that correct?

13 A. Yes, yes, yes, yes.

14 Q. And where did that fresh water come from?

15 A. We keep through, we keep I think tank, fresh
16 water tank number eight was supposed to be only for the
17 drencher use.

18 Q. And was that, prior to departure, or your
19 departure stability condition from Santo Domingo -- I
20 know it's going back a few months now -- but were those
21 tanks full, do you remember those tanks being full?
22 Number eight?

23 A. Yes, I remember that because, I mean, we had
24 some (inaudible word) ballast, I don't remember the
25 ballast now, because we have permanent ballast, we have

1 fresh water, we have in the -- we have also the main
2 ballast, plus this one, because always we take this
3 tank number be full all the time, all the time, to be
4 sure that this will be full.

5 Q. And do you know if the -- if that water was
6 used for any other purpose on the ship?

7 A. No, no, no, sometimes, sometimes if we use the
8 ship -- normally, what I (inaudible word) for Puerto
9 Rico, because the Puerto Rico water is clean, so we
10 used to have two tanks, one for fresh water, for our
11 hygiene, and then the other one was supposed to be
12 filled, number eight. So always we check these are
13 full.

14 Q. Okay, and you would bunker the water in Puerto
15 Rico, in San Juan.

16 A. Always.

17 Q. Okay.

18 A. Always.

19 Q. And so with the sprinkler system, the
20 accommodation sprinkler system where would that water
21 come from?

22 A. Actually there is a -- there is a in the pump
23 room there is one big tank with fresh water, and when
24 this system is out of water, then it takes from ship.

25 Q. Okay. And do you recall where the water, you

1 mentioned the water mist, you call it the high fog.

2 A. Yes.

3 Q. Do you know where that water comes from?

4 A. Fresh water, from the tank of fresh water,
5 there is a tank in the front part we -- I know that
6 because this one, that was only for the local fog
7 (sounds like), but the fresh water, drinking fresh
8 water, not from deck -- not from tank number eight,
9 that was totally different.

10 Q. So it -- just to clarify -- it came from, I
11 believe you said it was the connection -- did you say
12 daily freshwater tank?

13 A. Yes.

14 Q. Daily, okay. And that's forward?

15 A. Yeah but this daily fresh was, also we kept
16 them full, always.

17 Q. Okay. And staff captain, just while we are on
18 the subject of water mist, I'm wondering, you mentioned
19 during the fire that you went down to the engine room.

20 A. Yes.

21 Q. And you were in the ECR and you saw through
22 the windows -- I'm wondering were you able to see if
23 that water mist system was working? Did you see it
24 working?

25 A. To be honest no. I didn't watch at this time,

1 at this moment, I was concentrate on the fire, I was
2 concentrate on the situation of how, what's going on
3 inside there, because I was starting to get heat, and
4 warning, and the (inaudible word) from captain,
5 actually I didn't notice anything. Maybe it was
6 working, I don't know, I didn't see it -- I didn't
7 notice.

8 Q. And while you were there you made an
9 interesting point, I just wanted to clarify that, you
10 said you saw the fire was high, it was almost touching
11 the ceiling --

12 A. Correct.

13 Q. -- of the engine room, do you remember exactly
14 that it was touching the ceiling?

15 A. Yes, because when I was there, when I went
16 down for the first time, I went inside the engine room,
17 close to the (inaudible word), around the engine, and I
18 felt my skin burning. Then it, I saw the flames going
19 up, I mean, it took some minutes, when I go inside the
20 engine room, of course I couldn't breathe, and I was
21 start to get very hot from the heat.

22 So I was there some, I don't know how long
23 time I was in the engine control room, and I saw this,
24 I saw the flames almost touching the ceiling from in --
25 from the window, because I couldn't stay there more.

1 Then I start worried, I said to the captain,
2 this fire is not normal fire, we need CO2. This is
3 what I got -- my instincts say, this is not good fire.
4 I mean, it was a very bad fire. It is not something
5 you can handle.

6 Q. During your time responding to the fire, and
7 going to the CO2 room, did you have any protective
8 equipment, did you have a breathing apparatus or fire
9 protection equipment?

10 A. No sir, nothing, nothing, nothing. Nothing
11 sir, I just ran down from the engine, from the bridge.

12 Q. Okay, so you were in regular day uniform, or
13 were you in coveralls?

14 A. No, no, daily -- I was on the bridge for some
15 hours before departure with the pilot, wearing daily
16 uniforms, so I went down direct. I stay like that all
17 day.

18 Q. Okay. And the, staff captain, just let me get
19 an idea, you are in charge of the deck department and
20 can you just generally give me a -- how the deck
21 department is organized? So who reports to you, kind
22 of who does what? Just, just a general picture,
23 really.

24 A. Okay, I think I -- now because we are saying
25 about the deck department, deck department is the whole

1 crew from the deck like bosun, assistant bosun, the
2 AB's, the B's, the carpenter, the plumber, of course we
3 share the plumber with the other departments.

4 But we have a schedule for bathing thing, take
5 rafts, cleaning things, and repair the (inaudible word)
6 the wires, greasing things, the winches, it is a lot
7 of, a lot of work, which is make an effort to that, we
8 have, we keep logs for what we are doing, bathing
9 things, cleaning the ship outside, taking the rafts,
10 take care of the ramps, it is many thing, more things
11 to do every day, more things every day.

12 Q. Okay, and with respect to, like safety
13 equipment, if you found say for example during
14 inspection a problem with the lifeboat engine --

15 A. Yeah.

16 Q. -- we touched on it earlier, how do we, how do
17 we get that problem fixed? Do you send an email to the
18 chief engineer, or do you just call on the phone, or
19 how do you close the loop on that?

20 A. Normally, normally, I mean, if it is a task
21 that can be a problem -- a recent problem, I mean,
22 always there is there, chief electrician or a second
23 engineer, or third engineer, or first engineer is
24 around. So they take care of the problem immediately,
25 I mean, if it is a big problem like the -- they cannot

1 operate the engine, then we have another procedure.
2 Then it's another thing. But, if it's a small problem
3 we take care of it at the moment, at the spot, because
4 all engineers are in the area.

5 Q. Okay. And while we are on the subject of deck
6 department staff, are you responsible, you are
7 responsible for the budget for the deck department?

8 A. The budget?

9 Q. Yes.

10 A. No, I'm responsible for the overtime, not for
11 the budget.

12 Q. Okay, so the budget is not --

13 A. It depends, yeah.

14 Q. Who would the, who would be responsible for
15 the budget for the deck department?

16 A. Let me think, what do you mean budget, for
17 example? I mean, the salaries, or the payment of the -
18 -

19 Q. No, I mean the operating budget. So, you
20 know, to order spare parts, new equipment.

21 A. Ah, that is not our, no, this is not our, this
22 is not our concern. I mean, if we need something which
23 is very crucial, we make a requisition, and normally
24 everything comes, we make requisitions. I don't worry
25 about budgets, sorry, I don't worry about budgets; I do

1 not worry about these things.

2 Q. All right.

3 A. This is not our, our problem.

4 Q. And with that, though if you had any
5 requirement or in your career with Baja Ferries --

6 A. Yes.

7 Q. -- if you needed any type of urgent spares,
8 where they -- did they always come to you on time? Or
9 was there ever any delays because of costs, or ..

10 A. It's nothing, no. It could be delays; it is
11 not because of costs, because I think they did a lot of
12 (inaudible word). The department I think is a very
13 experienced people they know all, but they ask for
14 price and -- this is what I understand.

15 But if it was delayed it has to do because of
16 the different countries, like Puerto Rico, and Santo
17 Domingo have cash problems, not shipment, that's normal
18 delays. But normally, most of the things come. And if
19 it was ordered, for example we use the local
20 technicians, or some requisition we solve locally, I
21 mean, Santo Domingo or Puerto Rico, it was no problem.

22 Q. Okay. And staff captain the other question I
23 have is related to stability, are you in charge of the
24 vessel's stability, or is that someone else?

25 A. Actually we have the cargo manifests --

1 Q. Um-hmm.

2 A. -- and we have the loading program up in the
3 safety's office, on the computer. So the second
4 officer was with the program, the loading program, used
5 to the loading program.

6 Q. What kind of loading program were you using?

7 A. It was the company's loading program, if you
8 mean that, it was like, it was company's loading
9 program.

10 Q. Okay.

11 A. That was also used from a long time ago.

12 Q. And during the loading -- so as I understand,
13 the second officer does the stability calculations
14 using a loading program.

15 A. Yeah.

16 Q. On the safety officer's computer.

17 A. Yeah.

18 Q. So who supervises the loading of cars, and
19 trucks, and containers on --

20 A. We have the -- this, the company who had the
21 manifests, who had the manifests.

22 Q. Um-hmm.

23 A. Before, even before we have.

24 Q. Yes.

25 A. We know the position, I mean the kind of

1 cargo, the weight, and also we had the numbers of cars,
2 private cars and small trucks, passengers roughly are
3 had all of the crew, and the passengers roughly about
4 we can do it roughly about the passengers, because
5 sometimes it changes, there are more or less. So that
6 was easy to make the loading calculation, we have it in
7 our hands before departure.

8 Q. And for --

9 A. Of course --

10 Q. I'm sorry, go ahead.

11 A. Yes, yes, no that's okay, it's okay.

12 Q. For the cargo that, this is a general
13 question, but --

14 A. Yes.

15 Q. -- what's the typical type of cargo that goes
16 between Santo Domingo and San Juan, based on that --

17 A. Oh it is different, different cargo, even when
18 we had license for dangerous cargo, but that was my
19 main, my occupation during before -- from the morning
20 before we start loading, because I got a little
21 positions for different loadings, different cargos. We
22 had got it from the, you know, to see if this cargo was
23 allowed to be on board or not allowed to be on board,
24 so I had to refuse or deny loading, or accept, because
25 of the dangers of the cargo, because we didn't have

1 license for all type of cargos.

2 So, we have to be very, very, careful what is
3 coming up, or what kind of (inaudible word) that is.
4 So that was my main work during the day, to approve or
5 not approve any kind of cargo, all kind of cargo that
6 was requested.

7 Q. So, I understand for this voyage you didn't
8 have any dangerous cargo, but on previous voyages if
9 you had dangerous cargo or any type of hazardous, was
10 there a certain area, like a certain deck --

11 A. Yes, yes, always. Always that when we have
12 this kind of cargo it is common to be all close to the
13 ramp, all close to the aft ramp or in places that were
14 not -- or in the aft part -- close the ramp. That was
15 very, very clearly noted. So we didn't have any
16 dangerous cargo in that kind. Only allowed by our
17 license.

18 Q. Okay, thank you.

19 A. You are welcome.

20 Q. You mentioned as well that you were
21 responsible for the overtime.

22 A. Yes.

23 Q. So I, do you monitor the working hours of all
24 the crew members on board the ship?

25 A. Not all the crew members, about -- especially

1 for deck, yes. But always I get normal time, overtime
2 by the head of departments, like engine, engine room
3 their own hours, hotel their own hours, kitchen, and
4 account department their own hours, so we get all these
5 hours send to the main office. But personally, I was
6 involved with the deck department, deck department.

7 Q. And have you ever come across the experience,
8 or experienced any crew member who has worked too many
9 hours in excess of their ILO working hours?

10 A. We didn't actually receive the -- our trips
11 were seven hours, and that is between Puerto Rico,
12 Santo Domingo were stand up hours, we were like a liner
13 (sounds like), so we didn't have extra, I mean, they
14 have a lot of resting hours, a lot of resting hours.

15 We have had time (inaudible word), but not, no
16 it was not any, any problems with the boat, overtime or
17 overworking hours, no. Especially for the engine,
18 because engine was, is different, like is different,
19 but hotel is different, but we didn't have that kind of
20 problems with overtime or working hours.

21 Q. Okay. And you mentioned dry-dock, and I
22 understand you joined the vessel in dry-dock so you
23 didn't oversee a lot of the projects.

24 A. No, no.

25 Q. However, what are some of the key deck

1 projects or deck overhauls, modifications, maintenance
2 that you remember taking place during the dry-dock
3 period?

4 A. You mean in the engine or deck?

5 Q. Just deck, really.

6 A. Oh yes, we had the, I think we had a lot of
7 things to do like changes plates, fixing the pipes,
8 fixing some wires, and actually it was mainly, yes some
9 (inaudible word) rotate the parts of the plates of the
10 garage, and it was a lot of work, I mean, cutting the -
11 - changing a lot of things, like wires, fixing the
12 brakes of the winches, fixing pumps, change -- it was a
13 lot, it was a lot, I mean normal things we do in dry-
14 dock.

15 Q. Any -- do you recall any type of structural
16 modifications?

17 A. You mean (Inaudible word), I mean, what
18 activity was going on when I was going to the ship, it
19 was some plates, replacing chains or for plates on the
20 garage, inside the garage, put new plates, and renew
21 lashing points, that was the main thing.

22 Q. Okay. And with -- you mentioned the plates,
23 were they replaced by dry-dock people, or company
24 contractors or --

25 A. Dry-dock people, dry-dock people.

1 Q. Okay.

2 A. This was dry-dock, yes. Mainly they work; I
3 see there was maybe by dry-dock people.

4 Q. Okay. Another point of clarification you
5 were asked earlier, but were you -- prior to the
6 accident were you aware of any particular problems with
7 the lifesaving equipment and the operational readiness
8 of the lifesaving equipment?

9 A. No sir, because you see, after the dry-dock we
10 went to the Cadiz, and we didn't have, I mean, we did
11 not, I didn't notice any, any problem with lifesaving.
12 I mean, after that we were in Santo Domingo, we start
13 drillings, we go through inspection, and we do the
14 normal tests, the normal drills, and I didn't notice
15 anything that is wrong. I didn't notice something
16 wrong.

17 Q. Did you ever notice any problems with the car,
18 and of the ramps on the car decks? Were they all
19 working?

20 A. I mean, the main ramps, they were working I
21 mean there was AB, it was working, it was working, I
22 mean, we use that all the time because we load a lot of
23 cars there, small cars. And the ramp from where the
24 garage B, normally we, we close it, maybe one or two
25 safety things, they didn't close properly, but it

1 closed. But that was not a very big problem there, I
2 mean, we have three ramps. But no, we didn't have big
3 problem there, it was working, actually.

4 Q. Okay. And staff you mentioned as well the
5 muster list, the emergency plan and there was a new
6 one, but you were still using the old one. Do you know
7 why a new one was created if the old one worked so
8 well?

9 A. Actually we had to think, thinking, because
10 what we -- I went through with the safety officer the
11 new muster list and we see some missing things also. I
12 don't recall now, but also we thought that if we go to
13 Santo Domingo and start trips with the muster card,
14 using the old one, the people, the main people were on
15 board and will be familiar with that, it would be more
16 easy. It would be more easy for the crew that was the
17 main thinking.

18 Q. Okay. Just one second, I have to catch up on
19 my questions here. Staff captain did you know of any
20 problems with the quick closing valves in the engine
21 room, in the engine space?

22 A. No sir, I had no idea about that, I have no
23 idea about that.

24 Q. Okay.

25 A. I don't -- I don't know.

1 Q. Any problems with either the ventilation on
2 the vehicle decks or any of the dampers?

3 A. No, I mean the vessel was very -- because
4 before, before they did the Tunisia, I remember very
5 well because I was there, inspector from RINA
6 everything was checked one by one. One by one all of
7 the ventilation from garage, I remember that very well
8 because I was there, when he did the check for
9 ventilation. Because I remember that very well, at
10 that time I was there.

11 Q. Okay, and were you with him when you went one
12 by one to the -- to these places?

13 A. Yes, because I remember that, we had one
14 remark to make some constructs -- constructions and the
15 mediation so we did fix them one by one because that
16 was a mark. So we fixed everything.

17 Q. So staff captain, what is the usual itinerary
18 for the Caribbean Fantasy, did it go every day between
19 Santo Domingo and San Juan? Or did it do other stops,
20 or did the vessel take a day off?

21 A. Yes, we had the day off on Saturday. Saturday
22 stay Santo Domingo leave Saturday evening. But they had
23 a -- but the trip is not, I mean, that hard, because
24 they had a lot of hours waiting hours in the port. I
25 mean, if you are go into port seven o'clock or eight

1 o'clock in the morning, and you leave six or seven it's
2 quite a lot of hours waiting. So you have time for
3 many things. All, or resting hours.

4 Q. So was that, because Saturday is your day off,
5 is that more of a day for the crew to get rest?

6 A. Yes, because --

7 Q. Or is it a busy work day?

8 A. -- Saturday is normally, Saturday is normally,
9 what I tell you every Saturday morning we do the
10 drencher, and then we perform the cleaning, cleaning
11 the decks with water, fresh water, and then we give the
12 day off to the crew.

13 Q. Okay. And does that include you? And the
14 deck officers?

15 A. Everybody.

16 Q. Everybody.

17 A. Deck officers except the people who were on
18 duty, that are on duties, and of course it is in port,
19 it is some paperwork, but it is relaxed, it is not
20 heavy, you understand. Everybody can go out, it is
21 also with me, I did some work in the morning, and then
22 I had my day off.

23 Q. Thank you. So staff captain, we touched on
24 this earlier, I wanted to clarify, so I understand you
25 are a starboard side ship, and you have two of the

1 lifeboats on the starboard side. In addition, too, you
2 mentioned that in the dry-dock that the boats were
3 operated there, and the hooks were -- or sorry, the
4 engines were run.

5 A. Yes, yes.

6 Q. Was there a standard procedure for putting the
7 boats in the water on the starboard side and operating
8 them every three months, as was mentioned?

9 A. Listen, what I have from previous captains and
10 staff captains, sometimes in Puerto Rico they had to
11 turn the ship around on the starboard side, on the port
12 side on the pier. During my period, during my
13 training, my first contract, during my first contract
14 we had one trip, or two trips to the -- I don't
15 remember the name of the port, it's not -- it is
16 another port in Puerto Rico.

17 So when they get alongside on port side. So I
18 had the time to use or try the starboard boats. So
19 that, during that three months we tested them, my last
20 contract. But for my last, previous contract, my last
21 contract they don't have that -- they have tested the
22 boats, or I saw the boats in the water, testing the
23 engines, and take them up on the deck from the pier,
24 and the sea.

25 Q. Okay, and do you know where this is logged?

1 Is it logged in the plan maintenance system or in the
2 official logbook, or --

3 A. Should be, should be yes on the -- should be
4 on the -- bridge, should be there.

5 Q. Okay. During the drills, staff, you mentioned
6 the drills are carried out weekly.

7 A. Yes.

8 Q. Is, are the boats always lowered during the
9 weekly drills?

10 A. Not always, not always. But for example in
11 Puerto Rico, in Puerto Rico we maybe did the drills for
12 the boats because it was very hard there, because in
13 Santo Domingo we had this river, it was a stream, and
14 it is not easy, and it can be dangerous also. Also
15 there water there is not clean, it is dirty, we are
16 talking about the engines. But in Puerto Rico, we used
17 to lower the ships, vessels, boats down yes, and we
18 test many times the rescue boat and the boats. Because
19 that was what would be the class.

20 But for the other engines, for the other
21 boats, sometimes we lower them to the embarkation deck,
22 and tested the boats. But not to the sea.

23 Q. And was it normal to launch the rescue boat as
24 a part of the drill?

25 A. Yes, yes, of course, this is also LSA,

1 included in LSA.

2 Q. And who, do you recall who the crew members
3 are for the rescue boat?

4 A. Not now, sir. But I remember this was, this I
5 think it is second engineer, but I don't remember now,
6 I don't remember now.

7 Q. Okay.

8 A. But we, but in case of not putting the rescue
9 boat in the water we did the test on board, on the
10 deck.

11 Q. Okay.

12 A. Using fresh water and pipes.

13 Q. So, I just wanted to ask you one more question
14 about the drills. I understand the drills are always
15 carried out in port.

16 A. That's correct.

17 Q. Do you ever do any simulation during the
18 drills that your vessel is at sea? So do you -- in
19 other words, do you simulate during the drill that the
20 ship is not alongside, but it is at sea, so there are --
21 -- in addition to managing the emergency there are also
22 navigational duties that still have to be carried out?

23 A. I -- normally you have an emergency situation,
24 emergency because we have emergency drills, and there
25 is not -- the SOLAS drills, we have non-SOLAS drills

1 also. For example we have let's say if you have man
2 overboard, you have during the night, and if you have
3 carried out with helicopter, and this is non-SOLAS,
4 non-SOLAS drills. And I mean, that time we have people
5 on the bridge crew for GMDSS operation, for making
6 contacts, and things like that.

7 So, if you combine SOLAS drills with non-SOLAS
8 drills, then of course we have to make a scenario that
9 you are at sea or not at sea, because this can happen
10 during the trip. So except of SOLAS drills like flood,
11 fire, and abandon, we have non-SOLAS drills like
12 groundings, flooding, this, we have to combine with
13 navigation, what do you say, duties, duties for GMDSS,
14 make contact with shore, and things like that.

15 Or, during this drill we have one injured or
16 dead, so this non-SOLAS drill, so that includes, if you
17 combine these drills, then you have also to combine the
18 duties on the during navigation, and everything, like
19 man overboard or things like that. So it is not only
20 SOLAS drills, not only fire and abandon, some other
21 things too.

22 Q. Okay. So with -- so with respect to drills
23 and emergency duty, staff captain, what is the -- what
24 is supposed to be, according to the plan, the emergency
25 duty for the staff captain during an emergency?

1 A. Like I said before, to this lady, my muster
2 list that says on the bridge, on the bridge. Okay, but
3 that, from there on, if captain say to me go down and
4 see what's happening that's my response. And from
5 there one I, I of course together with the safety
6 officer we cooperate together and do things that -- I
7 mean, you know, in real situation it is different than
8 a scenario. Totally different.

9 Then we have to improvise sometimes. I mean,
10 you have a scenario and you don't keep to scenario.
11 But this is where we come, then we make a decision at
12 that point. During that -- like I said, I don't
13 interfere, when we have a normal drill, I don't
14 interfere with the communication between the fire
15 teams, the safety officer, responsible for the
16 evacuation, responsible for guiding the crew and
17 passengers, and responsible for the preparation of the
18 lifeboat, LSA, I don't interfere. But I have to run
19 around, I have to run around, in case something
20 happens.

21 Q. Okay.

22 A. So that's, that's -- actually this is the,
23 what we do here in drills as the staff captain, it's
24 the same thing.

25 Q. So just covering, so sorry, staying with the

1 emergency duties on the bridge, what, what were, what
2 was expected of you on the bridge during an emergency?
3 What tasks were you expected to perform if you were
4 asked to remain on the bridge?

5 A. I asked to remain on bridge?

6 Q. Yeah, if you --

7 A. For example, yes. Because if there is one
8 officer there, of course, the -- it is navigational
9 officer who was on duty. I mean, like I said before, I
10 mean, if I stay on bridge, I mean, I can replace the
11 captain in case of something happened, okay, in case of
12 something happened, which I don't.

13 And then like I said, this is, this is what
14 the staff captain is also for this, to make like, to be
15 like captain's eye to make, to help him to make
16 decisions. I mean, if I estimate that we have to use
17 CO2, if I estimate that the fire is big in garage and
18 we cannot go inside the garage because it is dangerous,
19 I have to say that. Because at that point I mean, to
20 follow this scenarios is one thing. To make a decision
21 at the scene it is another thing. So I think this is
22 what we do as staff captain.

23 Q. Okay. Thank you.

24 A. You are welcome.

25 Q. Do we want to recess or anything like that, or

1 keep going?

2 CDR CAPELLI: Staff captain do you have, do
3 you need a recess?

4 MR. TUCKER: Staff captain do you need a break
5 or anything?

6 THE WITNESS: It is up to you, sir, it is okay
7 for me.

8 MR. TUCKER: Okay.

9 CDR CAPELLI: Okay, we will press on, then.

10 BY MR. TUCKER:

11 Q. All right we are -- we will continue.

12 A. Okay, sir.

13 Q. So staff now I'm going to move to the actual
14 emergency, the day of the accident. A couple more
15 specific questions, really clarifications.

16 You mentioned earlier that bunker station.

17 A. Um-hmm.

18 Q. Can you just recall what happened, or what you
19 were told happened at the bunker station?

20 A. Actually I remember when I learned after the
21 CO2, after the engine room, I was listening what is
22 happening from VHF between the first team, the bridge
23 and also I was listening also to chief engineer, I was
24 waiting there. Then two people from the cooling team
25 come to me and say, staff it's fire on the bunker

1 station. I said, I didn't believe that. So I had to
2 see that, I go one crew and I saw flames in the bunker
3 station. So this, we these people managed to close the
4 door, I mean, to secure the door. And we didn't know
5 why it was flames in the bunker station, we didn't know
6 that. And I, and I said that to the captain too, I
7 remember I said that to the captain.

8 And, that was what happened afterwards when
9 the fire was out, and we go alongside to the Puerto
10 Rico, and it was, I mean, I saw one A6 door almost melt
11 on the floor. And that was the point, like I said
12 before, this door, this bunker station door, or the
13 door outside the six, it is very close to the MES
14 station, port MES station, that was why I was afraid,
15 because when I went the MES, I saw the paint of the
16 ship was falling down, and it was too much fire, there
17 was no flame too, I mean, A6 door in this situation
18 I've never seen in my life, I've never seen in my life.

19 So I think, I don't know what happened there,
20 I don't know.

21 Q. Besides the paint melting from the ship side -
22 -

23 A. Yeah.

24 Q. Did you see anything else, any smoke or any
25 flame?

1 A. Not flame, but I saw a lot of smoke coming
2 out, because I saw it afterwards the same door of the
3 bunker station was -- the -- the band, I mean the
4 elastic band around the door was melt, it was like
5 open, more or less open and the smoke come out. I
6 mean, in this heat nothing can hold, I mean, nothing,
7 the rubber band around the doors, I mean, it will melt.
8 So I saw smoke coming out. I don't remember for
9 flames, I saw smoke coming out.

10 Q. Did you hear any explosions?

11 A. Not at this time, no. Because after I went up
12 to the drencher, and at that time, start coming smoke
13 from garage. Especially, and of course I was in garage
14 B, not in garage C, and I knew that the engine room was
15 exactly under the trucks, I mean the engine room was
16 under the cargo in this area. But then, then I didn't
17 hear any explosions or any noises.

18 But after that we knew that this smoke coming
19 in the cabins and in the areas of passenger area was
20 not smoke it's also melting rubber, from the tires,
21 that was not only smoke, it's also, you know, after we
22 were -- the tires, this dust is coming from garage,
23 this dust come from garage. And then we saw what
24 happened later on. We didn't hear an explosions
25 actually, no explosions.

1 Q. During the arrival, staff, the -- I believe it
2 was mentioned that you were -- that the pilot shell
3 door was open, do you remember anything about that?
4 The door for the pilot?

5 A. I think the door from the pilot is supposed to
6 be (inaudible word), for the pipes, that was left open.
7 I don't know exactly if the whole door was open, or
8 some closed, but this supposed to be the pilot door. I
9 don't remember if it is port side, starboard side, to
10 be honest. But this is also; bunker station is also
11 pilot station also from there, the pilot come on board.

12 Q. Okay.

13 A. From there on, yes. So I cannot say for sure
14 if it was port side or starboard side, the pilot door
15 come on board. Because you see I -- when we are
16 approaching the port we haven't -- I don't remember if
17 he was already waiting for pilot to come on board, or
18 this happened before. But this is the also the pilot
19 entrance. So that's why I'm not remember exactly.

20 Q. Okay. With respect to the emergency, staff,
21 do you remember at any particular point where the ship
22 went through a transition of power from main power to
23 the emergency diesel generator? Do you remember a
24 time, or do you remember that happening?

25 A. To be honest, during the evacuation, starts, I

1 mean, all lifeboats, and rescue boats, and working with
2 the main power, working with the main power do we have
3 any -- I don't, I didn't notice any blackout during
4 that time, because I -- after, I said after the -- how
5 should I say -- the evacuation started, I didn't go
6 inside. But when I went to the bridge, I don't
7 remember it is was working the emergency generator, I
8 didn't hear any noise.

9 But a lot of things were -- it might be dark,
10 it was pretty dark, it was dark in the ship, and that's
11 what I remember. And I saw emergency lights, so
12 probably during that time it was blackout. But I
13 didn't hear the emergency; I didn't notice the
14 emergency, because there was a lot of noise from
15 helicopters, from people, from the fire teams, so I
16 didn't hear. I cannot say for sure.

17 Q. Okay. I did forget to ask you one question
18 with respect to the drencher, and I'm sorry to go back
19 to it. Are there any limitations on the drencher
20 system? In other words, can the entire system and all
21 the -- can it operate properly with all the valves
22 open?

23 A. You mean if you open those up?

24 Q. Yeah.

25 A. No, I mean, normally it is, it is a very big

1 system with a lot of big areas, normally you don't
2 operate the whole system. Because you need pressure.
3 But like I said, before, we -- I, we decided on the
4 drencher not to operate the whole system, only garage
5 A, and over the fire, over the engine area, in garage
6 B, because there it was the heat. So, I mean, if you
7 operate all zones, I don't think you have enough
8 pressure.

9 Q. Okay.

10 A. But still, the system works, of course it
11 works, but you need a lot more water in this area.

12 Q. Okay, and now back to the emergency. I'm
13 wondering if you can tell me what you remember. You
14 mentioned earlier about the dogs, and the dogs being
15 evacuated by the helicopter.

16 A. Yes.

17 Q. Can you tell me what you remember of the
18 evacuation of the dogs, and anything else that
19 happened?

20 A. I mean, I remember -- what I remember that
21 some people, some crew went to the special place where
22 we keep the dogs, and took out the dogs. And one, one
23 of them brought one dog to the slide, to the MES. And
24 I said to him, we cannot take down the dog on the MES,
25 I mean, who can handle this? And at this time I saw

1 another dog, in the helicopter area, somebody took a
2 dog and put the dog on the baskets, from -- of course
3 by helicopter, I said, take this dog there, to the
4 helicopter. So I thought that all dogs left by
5 helicopter, Coast Guard helicopter, that's what I
6 remember. What I remember, but I know crew took out
7 the dogs. I remember that.

8 Q. At the time were you aware that there -- two
9 dogs were down, I believe they were below deck?

10 A. I think so sir, I think so. It was in deck B.

11 Q. Okay.

12 A. And that, yes, I don't remember, I'm really
13 sorry, I don't know how -- that was the most tragic,
14 one of the tragic things.

15 Q. And you mentioned as well, that you were on
16 the deck and I understand that a lot of activity, a lot
17 of things happening up there.

18 A. Yes.

19 Q. But in general what was your -- what did you
20 see of the passengers, was is -- was everything on
21 order, any type of panic, what was your general view of
22 the passengers --

23 A. Let me tell you something, let me tell you
24 something, when I went up, and of course it was
25 daylight, and everybody could see the lights, I mean,

1 there was miles distance from the land, everything was
2 -- I was surprised that I saw people making -- and it
3 was a big surprise of course, because they are making
4 selfies, like photos, they laugh.

5 And of course some people had the -- they were
6 not laughing of course. But, it was not bad, I mean,
7 it was not panic, I can tell you. All of them had our
8 person with I think with them, some of them were -- I
9 see had cough, but of course when the smoke started
10 coming more and more, and then it gets, of course,
11 worried.

12 And but I felt that the passengers were more
13 or less felt good because that, everyone was on the
14 upper decks, and that was quick, and they had
15 lifejackets, and they could see the land, and see all
16 the response from the emergency teams like rescue teams
17 coming with the boats from outside, they see the
18 helicopters, they felt secure, they felt, it was, I
19 mean, they knew that it was not that -- but there was
20 no panic, it was not panic.

21 It was not panic, I mean, I saw that.

22 Q. Thank you.

23 A. Thank you.

24 Q. And again, still during the emergency, staff
25 captain, I understand you activated the CO2 system.

1 A. Yes, correct.

2 Q. And I'm just wondering, what do you remember
3 of the activation, like can you tell me how you
4 activate it, it is -- you have to push a bunch of
5 buttons, or a bunch of valves, or how is it activated?

6 A. No this, the system is very simple, I mean,
7 have to unlock the door, you have a box inside the room
8 with two valves, handles. One is to operate, I think
9 it is number eight, I remember that now, it is when you
10 pull it down you start the sounding of the noise inside
11 the engine room, giving the signal that the CO2 will be
12 ready.

13 And the second level is that you operate the
14 pilot, so to energize all the bottles. So this is a
15 very simple system. Of course, then you have to check
16 and look at all pipes, that everything is operated, and
17 the pilot wire is energized all the bottles, and you
18 can understand from the noise if the bottles are
19 getting empty, or it doesn't work. So I saw one of the
20 packs frozen, more or less.

21 Q. So you could hear noise, and you could see the
22 pipes frozen --

23 A. Yes, yes.

24 Q. -- and that was an indicator that the CO2 was
25 not charging.

1 A. Yes, yes, and then I heard the noise from the
2 beginning when the air goes down, you see the noise is
3 levitation, going down, slowly, slowly, that seems like
4 the bottles are empty. I've seen a system working like
5 that before, and I, it seems to vent well -- the whole
6 bottles weren't (inaudible word).

7 Q. In addition to just the activation of the CO2
8 itself, are there any other emergency shut downs that
9 are attached to that system? Or is it just CO2?

10 A. No, I think it is CO2 and the, it indicated
11 that was -- that all system is flooding; it's going
12 through the whole engine compartment. So I don't
13 remember any, something else to that, I don't remember
14 something else to that.

15 Q. Okay.

16 A. In the CO2 room, I mean.

17 Q. So did you have confirmation that all the --
18 everything, all the dampers and bands, and everything
19 were closed and shut before activating CO2?

20 A. Actually no, the only confirmation I had that
21 the CO2, the engine room was empty, and sealed, and so
22 I can use CO2 without problem, without making somebody
23 injured, people that were inside the engine room. So I
24 had no picture if the dampers were closed, I have not,
25 no picture at this time.

1 Q. Okay, all right. Did you ever use that
2 particular CO2 system before, or did you do any
3 training on that system?

4 A. No, no, no, it was very -- no, actually in
5 other ships it was more complicated, because the CO2
6 was for -- that they had five or six sections, and you
7 divide them up into sections, that was very simple
8 because the whole product goes direct to the engine,
9 and the engine room, that was very, very simple, you
10 had to not think.

11 That's how to release the CO2, that was really
12 very simple, and that was written in there, in -- I'll
13 say, written in the instructions. So I, that was the
14 main thing. And of course when the -- when I first
15 joined the ship I saw the system and it was very, very
16 simple, I mean, compared to other ships.

17 Q. So when you joined this, when you joined the
18 ship did you -- you had to familiarize yourself with --

19 A. Of course, of course.

20 Q. Okay.

21 A. Of course. With other things, of course, but
22 certainly, it is very important, like drencher.

23 Q. Staff captain with respect to the marine
24 evacuation slide --

25 A. Yeah.

1 Q. And you mentioned that for the port side the
2 line was broken, do you know how the line was broken,
3 was it burned, or did it look like it had snapped,
4 what's your recollection of how it was broken?

5 A. To be honest, I don't really know what
6 happened there, what happened there, why this rope was
7 broken. This is what they said to me, but the main
8 thing is when you start winching, there is no you
9 couldn't, I mean, (inaudible few words), and we saw it
10 was -- we couldn't close the -- whole system, and they
11 told me that this rope was broken. So when you operate
12 you can straighten the system, the MES and the slide,
13 so I had no idea why this is broken, if it is burnt, or
14 it's -- I don't really know, we never know, we didn't
15 know.

16 Q. Okay. You mentioned you went to -- you did
17 training with Viking who was the MES manufacturer.

18 A. Yes.

19 Q. Where did you do that training? What
20 location, what facility did you go to?

21 A. You see, the thing is that before I come on
22 board, normally, normally it, like I said before I have
23 a -- last ten years working with high speed crafts, and
24 all high speed crafts use MES.

25 Q. Um-hmm.

1 A. Nearly all -- all high speed use MES. But it
2 is slightly different systems. So when I asked to have
3 one certificate at the -- I need to be present for one.
4 So I went to me (inaudible word) I asked if there is
5 anything working the systems, and I saw inside the
6 boxes arriving the same system. And I was there, with
7 other group, other ship training in the working shop of
8 Viking, with this system. How they replace the
9 buttons, how they replace the ropes, how they refill
10 the bottles, how they operate the system, it was very
11 easy.

12 Q. Okay, and just to follow-up, where was that
13 location, where was that workshop, was it --

14 A. It was in Piraeus (sounds like), Greece.

15 Q. In Greece, okay.

16 A. Yes, Piraeus. Actually they issue me a
17 certificate for that.

18 Q. Okay. Staff captain if it is okay with you
19 we are going to take a few minutes break, is that fine?

20 A. No problem, sir.

21 Q. All right.

22 A. That's okay.

23 Q. Yup.

24 CDR CAPELLI: Okay the hearing will take a
25 recess for ten minutes.

1 (Whereupon a ten minute recess was taken.)

2 CDR CAPELLI: Good afternoon, the time is
3 12:55 and we will reconvene the hearing. We are going
4 to continue with Adam Tucker from the NTSB with
5 questions to the staff officer, captain, I'm sorry.

6 LTJG DIAZ-COLON: Staff, this is Lieutenant
7 Junior Grade Carlos Diaz-Colon, I just wanted to remind
8 you that you are still under oath.

9 THE WITNESS: Okay, sir, okay.

10 **WITNESS**

11 **FAKOVOS DAVRIS**

12 **Examination (cont.)**

13 BY MR. TUCKER:

14 Q. Good evening staff.

15 A. Good evening again, good evening.

16 Q. This is Adam Tucker with the National
17 Transportation Safety Board. Some more follow-up
18 questions. And staff the first question I have is I
19 want to go back to that emergency plan. And the
20 modification, I just wanted to clarify, do you know why
21 the -- why the old plan, or sorry, why the emergency
22 plan was modified?

23 A. The emergency plan?

24 Q. Yeah, why there was a new one, if the old one
25 worked well why was there a, a new plan given to you?

1 A. I didn't see, actually, when I went there, I
2 saw this new muster list, you mean?

3 Q. Yes.

4 A. Yes, and we discussed that with also with
5 safety officer and captain and we say that the old one
6 was some, okay, there was some difference, but we
7 decided that it would be more convenient for the crew
8 and it was more, more easy for them to understand the
9 new -- the old one. So we decided that we can use the
10 old one. Of course there was some difference in, but
11 it was more or less the same.

12 Q. Okay. And so where did the new plan, where
13 did that come from? Did that come from class, did it
14 come from company management, how did you get that on
15 board?

16 A. What I know, what I was informed was it was --
17 I think it was the previous staff captain, or I don't
18 remember exactly who did that. But the safety officer
19 told me, I don't remember now, but this system, that
20 this is a new one, and it was not approved, of course,
21 it was just a print. And we discussed if it was more
22 convenient to use the old one. And we agreed to that,
23 this is what I remember.

24 Q. Okay. So you had the new, just to make sure I
25 understand, so you had the new plan, but it was more

1 convenient to use the old one, and it was easier for
2 the crew, and there not many differences in it anyway,
3 is that correct?

4 A. I think so, yes, that is correct.

5 Q. Okay, thank you.

6 A. You are welcome.

7 Q. Staff captain you mentioned earlier, I just
8 wanted to clarify, you said you released the life rafts
9 for the port side MES.

10 A. Yeah, correct.

11 Q. Were you able to confirm, like did all the
12 life rafts go down or what do you remember of the life
13 rafts themselves?

14 A. The life rafts I released myself, because I
15 run up, and since we couldn't use the, the whole
16 system, because it was, it was not allowed to use, I
17 went up, and I released by hand most of them, if I
18 remember well by hand. I mean, I pumped the pumps and
19 most of them went down.

20 Q. And that was the port side, not the starboard
21 side?

22 A. Port side, yes.

23 Q. Port side, okay.

24 A. Because this, I thought that if, in case we
25 use, I mean, in emergency I mean, emergency situation

1 just to be safe, why not use these also. So if, find
2 way to pull them back to the main, to the port side, to
3 the starboard side to use them. So that's, I mean,
4 this is what, what's one of the scenarios in case one
5 of the MES system doesn't work, we can easily use for
6 safety the life rafts.

7 Q. Okay, and were you, at any time a part of the
8 decision-making process for not launching the fast
9 rescue boat to marshal the rafts?

10 A. You know what happened, actually, after the
11 whole system, I mean, like we launched the port MES,
12 the life raft, the number three boat, actually is
13 working like a rescue boat. I mean, it's doing the
14 same work like a rescue boat.

15 But since we use them, use the number three
16 boat for passengers, and actually the quantity of
17 passengers and crew was enough to use only the
18 starboard side, and we -- and it's a lot of assistance
19 there, assistance there. I mean, like Coast Guard
20 boats, other boats, different people were working
21 there, and tug boats, so we didn't have to use, and use
22 people for rescue boats, for the fast rescue boat.

23 So that was, actually, it was not something we
24 had planned it was just went like this, I mean, in the
25 number three boat is supposed -- would not be for

1 passengers, it is supposed to be only for crew. But,
2 since we lost one MES, or we didn't use the MES we
3 decide to use the number three for passengers rescue,
4 and from there it was easy to, from starboard side easy
5 to pull out the life boats, life rafts, for the all the
6 boats were around in the area.

7 Q. The other question I have is related to crew
8 training with the MES.

9 A. Yeah.

10 Q. You mentioned everyone gets together and they
11 watch a video. Where do they do that, is there a crew
12 training room on board the ship?

13 A. Yeah, we have two area, big areas where we can
14 have screen. But I remember when we do it in the crew
15 mess in two different days, because the crew mess is
16 not that big. But in two, we did that two days, two
17 days we have this project. So I was there privately,
18 also I was there, all this, all crew come on board
19 there, saw the video. And we make it two days. When
20 the whole crew was on board, yes.

21 Q. Is the video just in English, or is it in
22 Spanish as well?

23 A. I think it is in English only, if I remember.
24 But it was, few people was late, we stopped the video,
25 and mainly it was a picture, I mean, you have the ship,

1 in the video you can see, you can -- they can describe
2 the operation in English, but the picture was very
3 clear, the video was very clear what you do.

4 And sometimes you don't need to even
5 translate, but when it comes to translate, we had
6 people who they could translate for the rest of the
7 crew who don't understand.

8 Q. Okay. With respect to the lifeboats, staff,
9 is there like a check list for the lifeboat commander
10 or the launching team to use in order to get the boat
11 down to the embarkation deck and ultimately down to the
12 water? Is there any type of checklist that they use?

13 A. They have, we have a rescue team, yes it is a
14 special team who lower the boats. So I don't remember
15 the team now, but there is, yes.

16 Q. So they have a checklist?

17 A. I don't know if they had a -- I mean, it's not
18 a checklist, but it is what do you say; it's a team,
19 who train to prepare, and lower the boats, and make
20 them ready for embarkation.

21 Q. And they are called the preparation team?

22 A. Yeah.

23 Q. Okay. And the day that you landed the
24 passenger, the lady with the heart condition in Santo
25 Domingo.

1 A. Yes.

2 Q. Now so you said you went down, were you
3 maneuvering the ship before that, or after that? Or
4 were you just on the bridge for standby?

5 A. I was on the bridge with the captain standby.

6 Q. Okay were you --

7 A. When, with the call that one lady has a
8 problem and has to disembark immediately.

9 Q. Okay, and were you maneuvering at that time?
10 Like were you -- were you -- did you have the con of
11 the vessel, or was the captain maneuvering?

12 A. Ah, sometimes I did the maneuvering, for
13 training also with the captain.

14 Q. Okay.

15 A. So that day, I don't remember exactly because
16 we had to go back again, because that was a very urgent
17 thing. If there is a -- sometimes I do the
18 maneuvering, yes.

19 Q. Okay.

20 A. That day I don't remember.

21 Q. Okay. Bear with me; I am just going to double
22 check my notes.

23 A. Okay, sir.

24 (Brief pause.)

25 Q. Did you, when you were up on deck, during the

1 emergency, did you experience any areas on the upper
2 decks with any heat from the fire?

3 A. You mean inside the deck or outside?

4 Q. Outside, like --

5 A. Outside, not heat actually, but it was a lot
6 of smoke coming from chimneys, because the wind was
7 coming from behind, there was a lot of smoke. And that
8 was the other thing that you could not -- we couldn't
9 use the alternative muster station which was behind the
10 bar, and that was the other thing.

11 But, it was not heat, actually, but it came
12 smoke from many places, even from in the water pipes.
13 I mean, it was coming smoke from the chimney, come from
14 many places, I mean, the wind was coming from behind
15 and it was not easy to stay there. I didn't feel any
16 heat at this moment, but a lot of smoke.

17 Q. Thank you.

18 A. You are welcome.

19 MR. TUCKER: Well, staff captain, that's all
20 the questions that I have for you.

21 THE WITNESS/STAFF CAPTAIN DAVRIS: Thank you.

22 MR. TUCKER: A big thank you for your time,
23 and I know it has been lengthy.

24 THE WITNESS/STAFF CAPTAIN DAVRIS: Thank you,
25 sir.

1 MR. TUCKER: I appreciate it.

2 THE WITNESS/STAFF CAPTAIN DAVRIS: Thank you,
3 sir.

4 **THE WITNESS**

5 **FAKOVOS DAVRIS**

6 **EXAMINATION**

7 BY MS. BELL:

8 Q. Good afternoon Mr. Davris.

9 A. Hello, how are you?

10 Q. I am Carrie Bell with the NTSB, National
11 Transportation Safety Board. I just have some follow-
12 on questions from the ones that have already been
13 asked, and a couple of just to get to know your
14 experience. In your time as a mariner, have you ever
15 been involved in a fire on a vessel?

16 A. Actually never, nothing fire, ever a fire,
17 never.

18 Q. Never?

19 A. Never, never happened to me.

20 Q. What about in any kind of abandon ship,
21 abandon ship scenario?

22 A. No, no, never happened, luckily.

23 Q. So when the captain directed you to go down to
24 the engine space to see what was going on, can you
25 recall who was left on the bridge?

1 A. At that time it was the captain, it was the
2 cadet, and I think it was -- I think it was the --
3 Javier, the third officer, I think it was Javier --
4 Ricardo, Ricardo, what I recall, and because the safety
5 officer was not on the bridge yet. Because safety
6 officer come on bridge couple of minutes later. But
7 this is what I remember now, it was captain, the cadet,
8 and Ricardo, the third officer, I think.

9 Q. So one of the questions that Mr. Tucker had
10 asked you, to explain was the plan, the emergency plan.
11 And you had said, so if there -- let me just start that
12 over. If there is a plan in place for an emergency
13 such as the fire, and the master or the team decides to
14 do something different than what was in that plan, and
15 you used the word improvise.

16 A. Um-hmm.

17 Q. How do you know that the all the emergency
18 duties are being executed?

19 A. At, okay. I mean, at first, like I said, when
20 I went down to the engine room, and I saw chief
21 engineer working, running in and our in the engine with
22 oxygen, with air bottles, and trying to solve problems,
23 I don't know exactly what he was doing.

24 I mean, when I said to captain, I think this
25 is a fire for CO2, this is -- I felt at this time, what

1 the only solution for this fire, and I knew that the
2 operator of the CO2 would be the second engineer, or
3 first engineer, or third engineer, it was impossible.
4 I mean, they didn't have time to do that.

5 So, I decided to be there, and be standby as
6 long the operate -- the rest of the operation, like
7 fire team was going home, so I'd give time to the chief
8 engineer, or the engine team room to do their job,
9 whatever they could. That was my thinking, it was to
10 save time.

11 I mean, at this time, if I could use that, I
12 mean, so okay, the plan says I go to the bridge, and
13 call the captain or I go somewhere else, then I think
14 it was lost time. I just thought I'd help, to save
15 time.

16 Q. So the specific tasks that you are responsible
17 for in the emergency plan, how do you know that someone
18 else is going to do those if you are doing something
19 different than what's in the plan.

20 A. Because I remember, I remember I have the
21 experience, or the feeling that all of the ideas, all
22 the pictures from previous drills, so we know that
23 second engineer, or first engineer will use the
24 drencher, or would use the CO2 system. But at this
25 time, in a real situation, I mean, that's what I

1 thought that it would save time. It would save time.
2 Even a couple of minutes.

3 Q. So, I understand what you are saying, you are
4 talking about the chief engineer's duties. But the
5 ones, but what I'm trying to understand a little more
6 is the duties that you have on the bridge, if you
7 aren't on the bridge, is someone doing those tasks, and
8 how do you know that those things are being done? Do
9 you know that the cadet or someone else was doing the
10 things that were on the plan for your position?

11 A. Actually I am in the bridge, of course. But,
12 I mean, it supposed to be one officer who is checking
13 the -- I mean, giving -- having in front of him, the
14 general arrangement of the ship, he knows exactly where
15 is the fire, guide the -- can also guide with a safe
16 way to go to the -- the closest and the safe way to the
17 fire.

18 He can be tasked also with the fire team and
19 other teams, and since the captain told me to go down
20 and see what is happening, and find out, this is what
21 I'm doing, I'm not staying in the bridge. This is the
22 main thing.

23 I mean to stay on bridge there is another
24 situation can be stay on bridge, for example it is not
25 a fire, and have to be, assist the captain, or for go

1 through plans, and scenario, I can stay on bridge. But
2 in this situation, that was a real thing so I had to go
3 down, and for what down was going on.

4 Q. So would you say in the future, if you have a
5 chance to make changes to that plan, would you say that
6 you would want to make changes to your duties as a
7 staff captain? That you would do something different
8 than what is actually written in the plan?

9 A. Well I can give you an example if you allow
10 me.

11 Q. Of course.

12 A. Okay, let's say now we have a fire in the
13 garage and the garage is full of cars and trucks, and
14 it is full of smoke. Maybe the plan says that the fire
15 team goes inside. If this happened in real situation
16 like this happened in garage with full of cars, with no
17 lights, with full of smoke, I don't think I would allow
18 any fire team to come inside, in this situation. With
19 no lights, full of smoke, no visibility, maybe danger
20 for explosion, maybe danger of fire, of course in the
21 scenarios the fire team goes inside, and the cooling
22 team.

23 But in reality, it is difficult. But that,
24 you don't (inaudible word) that would happen. So I
25 mean, at that time you can say don't go inside, use the

1 drencher only, this is what I mean. This is what I
2 mean.

3 Q. Understood, thank you.

4 A. Yeah, you are welcome.

5 Q. So you stated that the chief engineer was so
6 busy that you told the captain that you thought CO2
7 would be the best solution.

8 A. Yes.

9 Q. Ever discuss that with the chief engineer
10 during any of the time you were down there?

11 A. No, no, I just left, to make contact with
12 captain; I say to the captain this is a CO2 solution.
13 And he said go to CO2, and wait there, he told me wait
14 there.

15 So I was waiting there until I have a report
16 from the fire team, or the safety officer, or the
17 (inaudible word) team, that there is no possibility to
18 do something with this fire with the fire team, or
19 cooling team. And as long as chief engineer informed
20 the safety officer that nobody's in the engine room,
21 and the engine room is locked and secured, then we use
22 the CO2. That, I was waiting.

23 Q. Okay.

24 A. So when this happened, I energized the CO2.

25 Q. And how did you verify that there were no

1 people in the engine space?

2 A. I heard the chief engineer speaking the, I
3 think with Norma, with safety, and I heard that
4 everything is clear and we can use the CO2.

5 Q. Okay.

6 A. That's when I start.

7 Q. And I'm going to jump to the MES.

8 A. Okay.

9 Q. You stated that you completed training with
10 Viking, is that correct?

11 A. Ah, no actually I took, I didn't make
12 training, but I saw though the system, I mean, I never
13 go down, I not see the deployment, I saw the system in
14 the workshop, so I saw, I know how it works, I didn't
15 see a deployment or something like that. But I've seen
16 all, all kinds of systems.

17 But I had from -- I -- as I said before, this
18 box is locked, it is packed, if you don't see it open
19 you can never see how it works. So happens to see the
20 box open so somebody is knowing that this works like
21 this, not like this. I've done a lot of deployments,
22 but in this system, which is a box, locked and secured,
23 either you have to have a video, or to have to be in
24 the workshop to see how, what is inside the box,
25 otherwise you don't know.

1 Because other systems, you can open the door,
2 and see the life raft, the pumps, the security, how you
3 can work it manually or automatically, or locally, but
4 this system you don't see anything. You have to have a
5 video or you see it in the workshops.

6 Q. So would you have any recommendations as a
7 staff captain for your crew, would you have any kind of
8 a recommendation for getting them to do something
9 different as opposed to just seeing the video of the
10 MES?

11 A. Since I knew the system, I tried, because, you
12 see we do -- of course before we get the video before
13 we get the video, sometimes we didn't have this video
14 sitting in our heads in the beginning, we got it later.
15 We go through, through the manuals, pictures from the
16 manuals. I tried to explain from pictured in the
17 manuals. And the whole philosophy of the MES system,
18 how it works, how connecting to the system with the
19 life rafts, with the wires, with -- in case of not
20 working by automatically, how you can operate by hand,
21 things like that.

22 But of course, because I had the idea of the
23 system, all this inside the box. Because, I mean, it's
24 not easy to understand. Of course if you explain to
25 somebody, show pictures maybe understand. But if you

1 have a video it is better. Of course if you see in the
2 workshop it is more better, more easy to understand.

3 Q. Um-hmm. So when you realized that the MES was
4 not inflating properly during the incident.

5 A. Yes.

6 Q. Did you immediately notify someone, or did you
7 just start moving passengers to the starboard side?

8 A. No, I said that to the captain. I said to
9 him, on the VHF, we cannot operate this because this is
10 not correct inflated, it is very close to the ship,
11 close to the fire, and I think it is not, it is
12 dangerous to use. Because I remember the slide was
13 almost vertical on the shipside. And I mean, it's like
14 jumping in the water, it's not sliding any more. So I
15 said to the captain let's move to the other side, and
16 he said okay. This I remember.

17 Q. Okay thank you. And did you have any problems
18 communicating, using the radios with other crew members
19 during all of the events that were happening?

20 A. Like I said to you, normally I don't interfere
21 in drills, or a drill situation. But because the main
22 thing is the fire team, the literal (sounds like) fire
23 teams, the safety officer who is around, the chief
24 engineer in this situation, so I was listening,
25 listening what is going on.

1 So when I was ready, for example, for CO2 I
2 was, I interrupt, I said I'm ready, okay. And then I
3 went to the -- when the captain said let's start
4 operate the port MES, I informed him that I am there, I
5 see the situation, we cannot use it because it is, this
6 problem.

7 So we don't, we -- I leave the channels free
8 so for other people to get in touch with the bridge.
9 So it was not, so it was only when it was necessary.

10 Q. So did you feel like while you were listening
11 to other people on the radio, did you feel like you had
12 a good idea of what was happening all over the bridge
13 based on the communications you were getting on the
14 radio?

15 A. I think so, I think so, yes. I think so yes.
16 Because we got all the information about the
17 passengers, about the evacuation, about the situation
18 down in the garage that the engine room was empty, no
19 lights in the engine room and until then it was okay
20 with communication.

21 Q. And you said that your native language is
22 Greek, correct?

23 A. Yes, correct.

24 Q. Do you speak any Spanish?

25 A. No, no, but a few, very few, you know, normal.

1 But not speaking Spanish. I understand but do not
2 speak it.

3 Q. So if you encountered a crew member who didn't
4 speak any English and only spoke Spanish how would you,
5 or did that ever happen with you on the ship?

6 A. Yes it happened, no, you are saying (inaudible
7 word) foreign language on ship, but when it comes to
8 the ship, I mean, most of the people speak English. We
9 understand each other, I mean during the normal work,
10 routine, every day routine that was okay.

11 Because I mean, if you have on deck, for
12 example ten people, I mean out of ten eight speak
13 English. I mean a few English, and I, we can
14 communicate. Because in our job, I mean, we have the
15 calls, like if we want to paint, if you want to do
16 scraping, tipping, it is normal, I mean, it is Greek
17 words, you can could use the words, they understood.

18 But normally, I mean, with crew like hotel
19 staff I had to translate, I had someone who can
20 translate. In many drills, in many seminars, in many
21 meetings we have I have one person from the hotel, or
22 reception who speaks fluently translate for me.

23 Q. Okay. Did you ever think of that as a
24 problem?

25 A. No, never, never.

1 Q. Okay.

2 A. Because, I mean in drills everybody knew the
3 position, knew what to do, I mean, even they speak
4 Spanish they knew what to do. I mean this is -- this
5 is something which is normal. I mean, if you don't
6 speak English, I mean, you can say people (inaudible
7 few words).

8 Q. Um-hmm.

9 A. They evacuate the cabin, drive people to other
10 boats, I mean, this is normal procedure, I mean, you do
11 training for that.

12 Q. And I understand that there were local
13 firefighters, external to the ship that boarded the
14 ship to assist in firefighting, is that correct?

15 A. Yes, correct.

16 Q. Do you recall if the captain requested that
17 assistance?

18 A. I don't know, really, I don't know. I don't
19 know if this it was a request from captain. But I saw
20 them on the deck going down, prepare themselves for
21 firefighting. I don't know, really, I don't know, I
22 didn't listen.

23 Q. And from your perspective was that assistance
24 helpful in executing the -- in fighting the fire?

25 A. I think so, yes. Because this is, I mean

1 this, the team came after the evacuation, during the
2 evacuation and the -- really, I mean, they were
3 experienced people, of course, professional people, I
4 don't know why they came on board, and how they came on
5 board, and who called them, but I think in the end they
6 stayed a long time after the evacuation together with
7 chief engineer I think, and I think they did something
8 good.

9 Q. And you, were you satisfied with their
10 response?

11 A. Yes, it is, it was additional help, in -- and
12 I didn't know exactly what they did in the engine room,
13 I don't know exactly what they did in the engine room,
14 but it seems they did something good, yes.

15 Q. So they did actually --

16 A. Yes, it was good.

17 Q. -- so they did go into the engine room?

18 A. I don't know that. But, I think they went
19 down in the garage, and of course I saw a little smoke
20 on their clothes and their faces, I think they went
21 down. I don't know how far they go down, I don't know.

22 Q. So from previous testimony we've heard that,
23 that there was -- they were asking for -- some of the
24 crew member to come with them to show them how to get
25 to the engine room.

1 A. Yes.

2 Q. Do you recall that?

3 A. Ah, not to me, no, they didn't ask me. I
4 don't know where they asked, but I, I saw the chief
5 engineer with them from the beginning. So the chief
6 engineer was with, with them. So I think he, he
7 showed them a lot of things.

8 So I don't know exactly what was the
9 communication with them, what they asked for, but I saw
10 the chief engineer with them in the end.

11 Q. So did you, speak to the chief engineer about
12 that? Find out what was going on?

13 A. The thing is about it, there were a lot of
14 things, when we finished with the evacuation, we asked
15 to leave the ship, and it included the chief engineer.
16 So the chief left the team and we -- abandoned -- we
17 left the ship together, me, captain, safety, and chief
18 engineer, so this team stayed behind. So I don't know
19 exactly what happened there.

20 Q. So they requested that the chief engineer stay
21 behind to assist them while everyone else --

22 A. No, no, no, no. No, no, everybody left, even
23 chief engineer left.

24 Q. Okay, I thought, I thought you said that they
25 requested for someone to stay behind.

1 A. Yes, during the abandon ship chief engineer,
2 because it took some time before finish the abandoned
3 ship. I saw this team together with chief engineer,
4 chief engineer. But after we finished abandoning, the
5 -- we were being requested to leave the ship, including
6 chief engineer, including chief engineer.

7 So me, captain, safety, chief engineer, flew
8 with helicopter in the end.

9 Q. Okay, so was there any problem getting
10 everyone to abandon, or was the chief engineer wanting
11 to stay back and help?

12 A. No, it was all -- he asked, I mean, they
13 asked, asked to leave the ship.

14 Q. He asked to leave the ship, is that what you
15 said?

16 A. Yes, not the chief engineer. The authorities,
17 they asked us to leave the ship.

18 Q. Okay.

19 A. And the fire team, I think the Puerto Rico
20 team would stay behind, they left later.

21 Q. Okay. So did you, did you receive any
22 injuries resulting from the incident?

23 A. Sorry, sorry?

24 Q. Did you have any injuries?

25 A. No, no, no, no, the only thing that was, when

1 I went down to the engine room, actually the smoke was
2 a little bit different, it was a little bit strange,
3 but it was okay, it was, I didn't stay too much. But
4 of course, we inhale a lot of smoke, but no injuries,
5 no injuries.

6 Q. Were you wearing any kind of personal
7 protective equipment when you went down to the spaces?

8 A. No, no, nothing.

9 Q. Is that something that is typically required
10 in a fire situation?

11 A. Well at that moment I didn't think about that,
12 to be honest.

13 Q. Okay, thank you.

14 A. No, I didn't think.

15 Q. Okay, but it is something that is required?

16 A. Yes, normally if you are going in an area, in
17 an environment like that you should have a protective
18 mask or something. But I just run down.

19 Q. Okay, thank you very much, those are all the
20 questions I have.

21 A. Thank you, you are welcome, thank you.

22 CDR CAPELLI: Good afternoon staff captain,
23 Mike Capelli, U.S. Coast Guard.

24 THE WITNESS/STAFF CAPTAIN DAVRIS: Hello, good
25 afternoon, sir.

WITNESS**FAKOVOS DAVRIS****EXAMINATION**

1
2
3
4 BY CDR CAPELLI:

5 Q. I, specifically, I am going to ask about the
6 drencher system.

7 A. Yes.

8 Q. You had mentioned that it had some
9 limitations, like you couldn't use it for all, all the
10 zones at the same time. Do you know where those
11 limitations are written down?

12 A. No, I didn't say limitation for using the
13 whole system. But I said that we cannot, it was not a
14 good idea to use the whole system at this point,
15 because the fire was in the engine room, and more
16 effected area was in garage B over the engine room. So
17 to use all zones it was not, it was not a good idea,
18 this is what I said.

19 So I said it is better to use, for cooling the
20 zones in garage and two or three zones over the engine
21 room on deck B. So to use the whole system just to
22 send water in areas which is not needed was not good.
23 And also you get higher pressure and more water in the
24 same area, cooling. Because that was the better, I
25 thought it was a better cooling.

1 Q. Okay, thank you. Now you, do you normally
2 train on the drencher system?

3 A. Yes if you have the familiarization, of
4 course, you have to know how it works.

5 Q. Okay, and do you --

6 A. That's is all --

7 Q. -- do you train other people on how to use the
8 drencher system?

9 A. Actually, when we have our -- when we have
10 familiarization together with the safety, sometimes I
11 have been there. But as I said before, every Saturday,
12 every Saturday because we test the drencher system for
13 cleaning, and maintenance, cleaning the pipes, cleaning
14 the nozzles, a lot of people were there, present.

15 Q. Okay.

16 A. With the engineers.

17 Q. When you are testing the systems for the
18 cleaning and stuff, is that how you knew it had reduced
19 pressure?

20 A. The last test, to be honest was in the
21 (inaudible word) in front of the, I think it was RINA
22 we test some zones. And it was there the new engineers
23 and all the crew was supposed to be present during the
24 drencher system. And also when the Coast Guard has an
25 inspection we test all those, all those.

1 Q. Did you test all the zones at the same time,
2 or one individually?

3 A. In some parts we use the more or less in
4 garage A and B I think we used all, but in some other
5 areas we use some zones, as I recall.

6 Q. And does somebody have the specific job to
7 operate the drencher system during an emergency?

8 A. Well I don't recall now, but I think it is
9 second engineer I think it is his staffing department
10 of his zones. But this I remember, I'm not sure, I'm
11 clear about it now. But the thing is that all officer
12 on deck and for safety and crew, some crew they are --
13 they know how to work this in case something happened,
14 always there must be a substitute for these people,
15 always must be substitute.

16 Q. Okay.

17 A. That means that if chief engineer or second
18 engineer, or third engineer cannot be present someone
19 can do that.

20 Q. Okay, thank you. And during your tests, is
21 that how you knew that the pressure gets reduced,
22 because you have seen it operate?

23 A. Well actually the, what was expected from the
24 drencher room, and drencher system is to see a proper
25 form, or umbrella, or pressure so that it will be like

1 smoke or like fog, or like cover, so it covers the
2 area. But it went well, during the test. I mean, we
3 didn't have empty spaces or nozzles or area which is
4 not covered the garage. So I mean, it worked well, I
5 mean even if we use the whole system and the whole, the
6 whole zones, all zones, we can create a good umbrella
7 and to cover the area.

8 Q. Okay thank you. I have no more follow-up
9 questions right now.

10 A. Thank you.

11 CDR CAPELLI: Okay, does Panama have any
12 follow up questions for this witness?

13 MR. GARPAS: (NO audible response.)

14 CDR CAPELLI: Panama has no questions for the
15 witness. Does American Cruise Ferries have any
16 questions for this witness?

17 MR. BAYRON: I do not.

18 CDR CAPELLI: American Cruise Ferries does not
19 have any questions for this witness. Does Baja Ferries
20 have any questions for this witness?

21 MR. RODRIGUEZ-BIRD: No we don't, thank you.

22 CDR CAPELLI: Baja Ferries does not have any
23 questions for this witness.

24 Staff captain --

25 THE WITNESS: Yes.

1 CDR CAPELLI: -- you are now released as a
2 witness at this hearing. Thank you for your testimony
3 and cooperation. If I later determine that we will
4 need additional information from you, I will contact
5 you through counsel. If you have any questions about
6 this investigation you may contact the recorder,
7 Lieutenant J.G. Diaz-Colon.

8 As an administrative issue, we were working on
9 trying to get another witness for this afternoon, we
10 were unable to reschedule. So, we are going to recess,
11 the time is 1335, we will recess until tomorrow morning
12 at 0800. Thank you very much.

13 THE WITNESS: Thank you, sir.

14 DIAZ-COLON: Thank you staff, we are all done.

15 (At 1335 the hearing is in recess.)
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CERTIFICATION


This certificate is valid only for a transcript accompanied by my original required signature on this page.

I hereby certify that the proceedings in the matter of Formal Investigation of the Caribbean Fantasy Marine Casualty, heard in the Hilton Caribe, San Juan, Puerto Rico, Tuesday March 21, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to one hundred sixty-nine constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness whereof, I have affixed my signature this 10th day of April, 2017.


Sally S. Gessner, Court Reporter