

United States Coast Guard  
Formal Investigation  
Caribbean Fantasy Marine Casualty

Caribe Hilton  
1 San Geronimo Street  
San Juan, Puerto Rico 00901  
March 20, 2017 -- March 28, 2017

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
DAY III of VIII

DATE TAKEN: Wednesday, March 22, 2017

TIME: 0809-1710

REPORTED BY:  
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**P R O C E E D I N G S**

Start Time 0811

CDR CAPELLI: Good morning, the hearing will come to order. Today is March 22<sup>st</sup>, 2017, and the time is 0811 we are continuing at the Caribe Hilton, in San Juan, Puerto Rico. I am Commander Mike Capelli 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 4, to investigate the circumstances surrounding the fire, subsequent grounding, and full evacuation of 511 passengers and crew off the motor vessel Caribbean Fantasy on August 17<sup>th</sup>, 2016 while approaching the pilot boarding station to the Port of San Juan, Puerto Rico.

I am conducting this investigation under the rules in 46 C.F.R. Part 4. This investigation will determine as closely as possible, the factors that contributed to the incident so that proper recommendations for the prevention of similar

1 casualties may be made.

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

10           Panama has been invited to attend this  
11 hearing as a Substantially Interested State, and is  
12 represented by Mr. Arenas. I have previously  
13 determined that RINA, American Cruise Ferries, and Baja  
14 Ferries are Parties-in-Interest to this investigation.

15           These parties have a direct interest in the  
16 investigation and have demonstrated the potential for  
17 contributing significantly to the completeness of the  
18 investigation or otherwise enhancing the safety of life  
19 and property at sea. All parties-in-interest have a  
20 statutory right to employ counsel to represent them, to  
21 cross-examine witnesses, have witnesses called on their  
22 behalf.

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

1 official statements.

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

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

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

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



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

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

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

25           At the conclusion of this hearing, the Safety

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

9 Thank you.

10 CDR CAPELLI: We will now call our first  
11 witness via Skype we will hear testimony from the Hotel  
12 Director onboard the Caribbean Fantasy. Please stand  
13 and LTJG Diaz-Colon will administer your oath and ask  
14 some preliminary questions.

15 LTJG DIAZ-COLON: Good morning, sir.

16 THE WITNESS: Good morning to you, good  
17 morning, good morning to everybody.

18 LTJG DIAZ-COLON: My name is Carlos Diaz-  
19 Colon, Lieutenant JG for the United States Coast Guard;  
20 could you please stand for me?

21 THE WITNESS: Yes.

22 LTJG DIAZ-COLON: Raise your right hand.

23 **WITNESS**

24 **HOTEL MANAGER DRAGAN GRUBISIC**

25

1           A witness called on behalf of the Coast Guard was  
2 sworn on their oath and testified as follows:

3           THE WITNESS: Yeah, I swear.

4           LTJG DIAZ-COLON: Please be seated.

5           THE WITNESS: Thank you.

6           LTJG DIAZ-COLON: Okay sir, for the record  
7 can you please state your full name, and spell your  
8 last name.

9           THE WITNESS: My name is Dragan Grubisic.

10          LTJG DIAZ-COLON: And how do you spell your  
11 last name?

12          THE WITNESS: G-R-U-B-I-S-I-C, Grubisic.

13          LTJG DIAZ-COLON: Thank you, and where are  
14 you currently employed, and what is your position?

15          THE WITNESS: Well, I was employed by ATF, as  
16 a hotel director onboard the ship, Caribbean Fantasy.

17          LTJG DIAZ-COLON: And prior to working on  
18 the Caribbean Fantasy, what did you used to do?

19          THE WITNESS: Before I joined the Caribbean  
20 Fantasy, can you please repeat the question?

21          LTJG DIAZ-COLON: Sure, you stated you are  
22 the hotel director for the Caribbean Fantasy?

23          THE WITNESS: Yes.

24          LTJG DIAZ-COLON: Okay, how long have you  
25 been the hotel director for the Caribbean Fantasy?

1 THE WITNESS: I started the ship in 2011 and  
2 I was there until August 2016, almost 5 years.

3 LTJG DIAZ-COLON: Okay, and before working on  
4 the Caribbean Fantasy, where did you used to work?

5 THE WITNESS: I work on the voyage ferry the  
6 Ferry Caribe; I have from 2003 to 2009.

7 LTJG DIAZ-COLON: And what was your position  
8 there?

9 THE WITNESS: I was also hotel manager on  
10 that ship for almost nine years.

11 LTJG DIAZ-COLON: Okay, what is the highest  
12 level of education that you've completed?

13 THE WITNESS: Well, I finished hotel school  
14 in my country when I come to the cruise industry. I  
15 started from the lowest position and work many  
16 positions, assistants, assistant housekeeper,  
17 housekeeper, storekeeper to become the hotel manager  
18 with a lot of experience in that industry.

19 LTJG DIAZ-COLON: Okay, do you hold any  
20 professional licenses or certificates?

21 THE WITNESS: Not really license, because for  
22 that you don't need license, you only need, your CV or  
23 resume, and your working history that you have been in  
24 that position, and you have recommendation from people  
25 who work for the companies you work with and this is

1 how this happened.

2 LTJG DIAZ-COLON: Thank you for that, I'm  
3 going to pass the floor over to my colleague, LTJG  
4 Jennifer Proctor, she has further questions for you.

5 THE WITNESS: Thank you sir.

6 **WITNESS**

7 **HOTEL MANAGER DRAGAN GRUBISIC**

8 **EXAMINATION**

9 BY LT PROCTOR:

10 Q. Hello, can you hear me okay?

11 A. Yes, I can hear you, I can hear you.

12 Q. Hi, my name is Lieutenant Jennifer Proctor.

13 A. Nice to meet you.

14 Q. All right, sir, just to follow-up on your  
15 hotel director contract with the Caribbean Fantasy.  
16 So, you said you have been hotel director, specifically  
17 for the Caribbean Fantasy since 2011?

18 A. No, I work with the company from 2003 to 2009.  
19 Then they close that ship and they start again in 2011,  
20 and I was on the second ship, Caribbean Fantasy for  
21 five years, 2011-2016 which almost give me fourteen  
22 years with (inaudible word).

23 Q. Okay, so fourteen years with the company, but  
24 since 2011 you were on the Caribbean Fantasy?

25 A. I start Caribbean Fantasy from 2011 and stay

1 over there until 2016 until they closed the ship, of  
2 course, back and forth, going on vacation coming back  
3 and continue to be working with the company for this  
4 period of time.

5 Q. When did you sign onboard the Caribbean  
6 Fantasy prior to the incident?

7 A. I sign on in Tunisia because the ship was in  
8 dry-dock in that time. I joined the ship in Tunisia in  
9 dry-dock.

10 Q. Okay, thank you.

11 A. You are welcome.

12 Q. Could you please describe which incident codes  
13 you respond to for an emergency?

14 A. Which incident -- oh, I don't understand this.

15 Q. For example, for fire or pollution, abandon  
16 ship, which incident codes do you respond to?

17 A. So we do have a code, codes for the crew,  
18 which Skylight for the fire, MOB man overboard, code  
19 blue for the medical, and pollution Julian, and Mr.  
20 (inaudible few words) those are the codes that we are  
21 using aboard the ship in the case of emergency  
22 situation.

23 Q. And have you ever heard of the code red, red,  
24 red?

25 A. I hear that but not in our break down of the

1 codes, codes, and so mention that something, some codes  
2 may change but didn't change in that time.

3 Q. Could you elaborate on that? When you said  
4 it's, so was it used in the past, or would it be used  
5 as saying the same thing as Mr. Skylight?

6 A. We used Mr. Skylight, and used all of the  
7 codes which I mentioned. But, like I said it was  
8 mentioned in some discussion that the codes might  
9 change. But they did not change in this time.

10 Q. And when would the codes change?

11 A. Well maybe in the future but not in the time  
12 period that I was on the ship.

13 Q. Do you recall a time, any time while working  
14 onboard the Caribbean Fantasy that the code red, red,  
15 red was used, in a drill or in an emergency?

16 A. I don't remember that they used that code,  
17 red, red.

18 Q. I'd like to call on exhibit Coast Guard  
19 Exhibit No. 012.

20 A. We lost connection?

21 Q. We are pulling up a document, can you see the  
22 screen?

23 A. I can see the screen but it, I think there is  
24 more.

25 Q. Yes.

1 A. Yeah.

2 Q. So have you -- this is Exhibit No. 012 -- have  
3 you seen this station bill before?

4 A. No, I didn't see that, maybe it was somewhere  
5 on the bridge, I don't see that. Code yellow, yellow,  
6 no, no, no. Because it is in case of an emergency --  
7 seven short blasts, on blast, yes, that's correct, yes,  
8 abandon the ship, that's correct, seven short followed  
9 by in an emergency. Okay, this emergency signals are  
10 okay, one long blast, that's correct.

11 So I see that, but not we have a command from  
12 the captain, that's correct, yeah. This yellow and red  
13 I didn't see that.

14 Q. Okay, thank you.

15 A. You are welcome.

16 Q. All right sir can you see me, again?

17 A. No, I can't see you -- I see only all the time  
18 the same chair and the same person in uniform, he is  
19 the last one, and it is the picture on my screen.

20 Q. Okay.

21 A. I saw the document which you showed me before  
22 but I do not any, anything, any person, any other  
23 things.

24 Q. Okay sorry for that, that's just the frozen  
25 connection, but we will proceed as long as you can hear



1 my voice, okay.

2 A. Okay.

3 Q. Can you please tell me what the ship's general  
4 emergency alarm signal is?

5 A. Seven short on long, continues with ringing,  
6 or (inaudible word) -- in all ships.

7 Q. And can you please tell me what the ships  
8 abandon ship alarm is?

9 A. Abandon ship, it's one long blast, followed  
10 with captain command, abandon the ship, when the  
11 captain commands abandon the ship.

12 Q. Okay, and what manifest or manifests do you  
13 use for overall accountability?

14 A. What we -- the passenger manifest is what we  
15 receive from the terminal after the ship leaves the  
16 port. The ship first (inaudible word) the terminal  
17 when they -- the passenger -- we should receive a  
18 printout of all passenger list, and all other documents  
19 with the ship.

20 Q. And what about for crew?

21 A. Well, on that passenger manifest you have crew  
22 and passenger manifest, the crew manifest is sent by  
23 ship purser, prior to arrival to American port, as per  
24 code, the requirement, CBP, control requirement, we  
25 send crew, the crew report, we send the crew report to

1 the Coast Guard prior to arrival to American port.

2 Q. Are these two separate documents, or are the  
3 contained --

4 A. Yes, they are two separate documents. The  
5 documents, what they send for the crew, they send when  
6 they leave, before we leave the Dominican Republic.  
7 And they know that we are coming, and they know the  
8 number of the crew, the name of crew and all (inaudible  
9 word) information, send it to them before.

10 Passenger manifest we receive from the  
11 (inaudible word) when we leave the port of San Juan, or  
12 port of Santo Domingo.

13 Q. Okay, and what information is listed on the  
14 passenger manifest?

15 A. On the passenger manifest are listed all the  
16 names of the passengers, the passengers, they show  
17 cabins, and those who don't have -- on the same  
18 manifest it is a list of disabled people, people with  
19 special needs, and people with special needs. So, we  
20 know, a number of the passengers.

21 (Brief pause.)

22 Q. Are you still there?

23 (Brief pause.)

24 A. Can you see me?

25 Q. Yes hi, I'm back can you hear me?

1 A. Yeah, yeah I can hear you. Can you see me?

2 Q. Yes.

3 A. Okay, so can you repeat, and the explanation  
4 to that question?

5 Q. Yes, so I have just asked what information is  
6 listed on the passenger manifest.

7 A. Okay, on the passenger manifest the list is  
8 the passengers which have cabins, and the passengers,  
9 without cabins, so all passengers. And the passengers  
10 which require the special services, disabled people and  
11 the sick people, that is what is listed on that one.

12 Q. For passengers without cabins, what type of  
13 codes, or how was that indicated on the list?

14 A. When they, the passenger comes to reception  
15 they collect the keys, and they register at reception,  
16 and they go to their cabins. So these are the  
17 passengers which have a cabin. The passengers who have  
18 no cabins normally are in the Pullman seat area. So  
19 they use the Pullman seat area and they are  
20 accommodating themselves there during the cruise.

21 Q. Okay, and is passenger manifest the manifest  
22 used for accountability during and emergency?

23 A. That passenger manifests are given from the  
24 ship purser to the bridge, the safety officer arranging  
25 that manifest according to muster station what we have

1 on board, muster station A, B, and C.

2 Q. So are the muster stations A, B, and C listed  
3 on the passenger manifest?

4 A. They are not listed on the passenger manifest,  
5 not to my knowledge. This is, this is separating by  
6 the safety officer when they receive the manifest  
7 onboard the ship.

8 Q. So how are the passenger manifests controlled  
9 for the muster stations?

10 A. In our regular drills, when we have a drill,  
11 the muster station leaders from A, B, and C are  
12 receiving the crew list together with, given passenger  
13 list in that time. So, if we have only the crew drill,  
14 which we have, then we check the crew and report if any  
15 crew are missing.

16 Same thing would happen if we have a passenger  
17 in some situation and the muster station leader would  
18 train the crew and passenger if they are present, and  
19 if they are not (inaudible few words).

20 Q. So who provides the manifest, or the crew and  
21 passenger lists to the muster station leaders?

22 A. Safety officer is coming from the bridge.  
23 They go to the bridge, they pick up their board, the  
24 board, and they have attached the crew and passengers  
25 list on that board.

1 Q. Okay, so just so that I am tracking, you  
2 receive the passenger manifest from the terminal.

3 A. Yeah.

4 Q. And the crew manifest is created onboard the  
5 ship and submitted before you enter port.

6 A. Before arrival to American port, yes.

7 Q. And these two manifests, the crew and  
8 passenger manifests are the same manifest used in an  
9 emergency for accountability?

10 A. Yes, the crew manifest, get updated daily  
11 onboard the ship because we have crew sign off, sign  
12 on, and the crew changes, so this is updating it daily,  
13 and presenting to all concerned. Given to the bridge,  
14 captain, safety officer, staff captain all department  
15 heads so they all know who are the crew onboard.

16 And in the case of emergency crew aboard the  
17 ship will be part of muster station A, B, or C on that  
18 board which they receive, muster station leaders, when  
19 they collect it from the bridge, to the crew, and to  
20 the second (inaudible word).

21 Q. So both the crew and passenger manifests are  
22 normally stowed or kept on the bridge?

23 A. Yes, the bridge has all the time that updated  
24 information. They know the number of the crew, they  
25 know the number of the passengers, they know (inaudible

1 word) passengers, they know everything about.

2 Q. And where on the bridge is this located?

3 A. They have a safety officer office, captain,  
4 staff caption, safety officer have that, and she is the  
5 one responsible for that, this is her part, part of her  
6 job.

7 Q. I would like to call on Exhibit No. 311. When  
8 you can see the screen please let me know.

9 A. I see nothing on the screen. Okay, this is  
10 the passenger manifest. Okay, yeah, that's the, that's  
11 the wooden part or the davits, which they hold the  
12 board, the board with the passenger and crew manifest  
13 for that flight, that float.

14 Q. Okay, so Exhibit 311 is a box and that -- with  
15 the crew list, and where the crew list and passenger  
16 manifest should be kept?

17 A. Kept onboard.

18 Q. And this is located just outside the bridge in  
19 safety officer's office?

20 A. That is -- yes, yes.

21 Q. And who is responsible for getting those  
22 documents to that box?

23 A. The receptionist and the leaders of muster  
24 station A, B, and C. They go there, they collect that  
25 list, in the time of drill, or in time of emergency.

1           Q.    So sir, could you please, is it only one  
2 person or all muster station leaders are supposed to  
3 collect the documents from this box?

4           A.    Three of them, they have to go up to the  
5 bridge and collect this and go to the different  
6 locations.  Because they have to go there personally,  
7 and get the muster station A, and go to the location of  
8 muster station A, then muster station B, and muster  
9 station C, they are different locations, so they have  
10 to go there, collect that report and report to that  
11 location.

12          Q.    Okay and are there any other places on the  
13 ship where the crew list and passenger manifests are  
14 kept besides this box?

15          A.    We know that, we know that in our reception,  
16 we know that in our ship purser office, because he is  
17 the one bringing the passenger -- the manifest to the  
18 ship after the ship leaves the port.  The ship purser  
19 is also the one which updates the crew list, and of  
20 course it is in his office, in his computer.  So they  
21 keep them in reception, and they keep them in the  
22 purser's office.

23          Q.    And when you say keep at the reception, and  
24 keep at the chief purser's office, are these electronic  
25 documents stowed on a computer?  Or are they physical

1 hard paper documents at the reception desk, and at the  
2 chief purser's office?

3 A. Daily, and printed and kept in reception --  
4 because of various situation, and inspection which -- I  
5 need, so we are taking the -- crew have inspection  
6 during the, the Coast Guard come on board for something  
7 and ask for crew list, they must have an updated crew  
8 list ready for (inaudible word), and so forth.

9 The passenger manifest is print out, it's  
10 electronic in the computers, but it is also print out,  
11 because this is the checklist of the cabin (inaudible  
12 few words) for issuing the key and collecting the key,  
13 that we know the passenger which received the keep and  
14 also they return the key. So we need those lists in  
15 reception.

16 Q. Okay, I'm going to remove the exhibit from the  
17 screen.

18 A. Okay.

19 Q. So, when we interviewed the senior  
20 receptionist, she described her emergency duties to  
21 include collecting the passenger manifest located at  
22 the reception desk, making three copies upon hearing  
23 the general emergency alarm, and then distributing them  
24 to the three muster station leaders. Was she correct  
25 or incorrect in this procedure?



1           A.    Well, during the last emergency that we have,  
2 during the fire, this was -- I cannot give you one  
3 hundred percent, because I was in the galley, and in  
4 the break area at the time. But I think that that  
5 situation that we have was not enough to proceed as she  
6 stated. I cannot tell you one hundred percent if she  
7 did it or not because I was in the galley, taking  
8 inspection at that time.

9           Q.    Is the process that I just described of the  
10 senior receptionist collecting the passenger manifests  
11 at the reception desk and making three copies during an  
12 emergency, is that the correct process, or normal  
13 process that you would do during a drill?

14          A.    This is normal process during the drill.  
15 Actually, actually she did not print that in reception,  
16 sorry, we have some misunderstanding here. During --  
17 like I mentioned before, when the ship leave, we are  
18 receiving the passenger manifest. The passenger  
19 manifest is printed out in reception sending up to the  
20 bridge to the safety officer and, the ship -- the  
21 passenger list to the board on the ship. So the board,  
22 the (inaudible few words), stay that location down by  
23 the safety officer. Receptionist print, and she brings  
24 it up to the safety office, and then (inaudible few  
25 words), like I said before.

1 Q. So --

2 CDR CAPELLI: At this time we are going to  
3 take a quick recess to see if we can get the  
4 electronics working better. So the time is 8:47 we  
5 will recess until 0900.

6 (Whereupon a brief recess was taken.)

7 CDR CAPELLI: Good morning, we will now  
8 reconvene, the time is 0908 and we are going to  
9 continue with questions from Lieutenant Proctor.

10 **WITNESS**

11 **HOTEL MANAGER DRAGAN GRUBISIC (cont.)**

12 LTJG DIAZ-COLON: Sir, just so you know you  
13 are still under oath.

14 THE WITNESS: The sound breaking down, but  
15 let me see, when we have communication if I can --  
16 okay, that's right.

17 LTJG DIAZ-COLON: Okay, you going to be okay  
18 now?

19 THE WITNESS: Yes, I hear okay.

20 LTJG DIAZ-COLON: Perfect, just as a reminder,  
21 you are still under oath.

22 THE WITNESS: Yes.

23 BY LT PROCTOR:

24 Q. Hi, this is LT Jennifer Proctor for the U.S.  
25 Coast Guard. Okay, so we are going to backtrack just a

1 little bit. Can you please tell me which document do  
2 muster station leaders use to determine one hundred  
3 percent accountability of personnel assigned to their  
4 muster station in an emergency. So please describe to  
5 me the process that you would practice during a drill.

6 A. Okay, during the drill we have receptionist go  
7 to the bridge to the safety officer's office, pick up  
8 the board for muster station A, B, and C, the  
9 receptionist to the muster station.

10 So, with that board they go to their location  
11 and they track the crew on that list, they report if  
12 any crew member is missing. On the same board is  
13 attached also the passenger list, which was given to  
14 the safety officer, which was sent to the bridge after  
15 the ship's departure.

16 Q. Now, the list that the receptionist collects  
17 from the bridge, and just to clarify, are you referring  
18 to the box, the wooden box that I showed you in Exhibit  
19 No. 311?

20 A. Yes, that's correct.

21 Q. Now, the documents that she collects, is it  
22 one document, or are they three separate documents, one  
23 for each muster station, A, B, and C?

24 A. It is one for each muster station, A, B, and  
25 C.

1 Q. And --

2 A. Each board -- sorry to interrupt you -- these  
3 boards have a crew list and the passenger list for that  
4 muster station on same board.

5 Q. So each list has the -- lists the passengers  
6 and crew assigned, specifically to that muster station?

7 A. To that muster station.

8 Q. And who generates, or who creates this -- the  
9 list for each muster station?

10 A. I said it before, the passenger list and crew  
11 list are given to the bridge and the safety officer or  
12 whoever they assign, maybe a cadet, or some other  
13 officer on the bridge which I am not sure about, have  
14 to make the same, same arrangements.

15 So it might be three boards, with crew list at  
16 the muster station, and passenger, account for  
17 passengers, if we have three hundred passenger, four  
18 hundred passenger, six hundred passenger, it must be  
19 divided on that three boards.

20 Q. Okay, so someone on the bridge takes the  
21 passenger manifest and splits up into those assigned to  
22 A muster station, those assigned to muster station B,  
23 and those assigned to muster station C?

24 A. That's correct.

25 Q. And how do they know which passengers are

1 assigned to muster station A, muster station B, and  
2 muster station C?

3 A. Well, I assume muster station C passengers are  
4 the passengers which are in the Pullman seats. Pullman  
5 seats is muster station C. So all the passengers who  
6 are located in that location during the cruise are  
7 automatically on muster station C.

8 The passengers which are on muster station A &  
9 B might be the passenger from the cabins. Because in  
10 the cabins in the back of the door the passenger have  
11 the printout of their location, escape route, muster  
12 station assigned to cabin -- assigned to what muster  
13 station, so they have that information on the back.

14 Probably, the same information is used for the  
15 safety officer to divide the passenger from the cabins  
16 in muster station A & B.

17 Q. So --

18 A. I am not a hundred percent aware of how they  
19 do that, because it is not my part, it is their part,  
20 how they want to do it. Our part, in hotel, my  
21 receptionist and people performing their duty are just  
22 there to check the list, and receiving lists, and  
23 report anything like I mentioned before, if any  
24 crewmember missing, or if any passenger missing in case  
25 that you have passenger.

1 Q. Okay, and just so I am understanding this  
2 correctly. The passenger manifest that you received  
3 from the terminal does not list the specific muster  
4 station A, B, or C, that each passenger is assigned to.

5 A. No.

6 Q. That passenger manifest provided by the  
7 terminal is given to the chief purser. Who then  
8 provides that document to someone on the bridge. And  
9 you do not know who that document goes to. And that  
10 person on the bridge, then creates each muster station  
11 list.

12 A. Yeah that should go to the safety officer, the  
13 captain should know about that, the staff captain  
14 should know about that in the first place. The safety  
15 officer is the person because she is the person in  
16 charge for the safety onboard the ship, safety officer.

17 Q. Okay, and you said the passengers without a  
18 cabin are typically assigned to muster station C, is  
19 that correct?

20 A. Yeah, all the people which are located in  
21 muster station C, in the Pullman seats are in the  
22 muster station C, because the Pullman seat area is  
23 muster station C.

24 Q. And do you know how they separate, is it the  
25 passengers on the port side are assigned to muster

1 station A in the cabins? And the passengers in the  
2 starboard side cabins are assigned to muster station B,  
3 do you know if that is the process they use?

4 A. Well, I cannot tell you one hundred percent,  
5 I think that this is the way it is supposed to be, but  
6 I am not, I cannot tell you one hundred percent.

7 Q. Okay, thank you. Okay so I just want to  
8 confirm where we had left off prior to the recess. In  
9 our previous interview with senior receptionist, she  
10 had stated that her emergency duty upon hearing the  
11 general emergency alarm was to go to the reception  
12 desk, collect the passenger manifest, make three  
13 copies, and then distribute them to the muster station  
14 leaders. Is this correct, or was she incorrect? This  
15 is for -- in response to an emergency.

16 A. Well if we follow standard operating  
17 procedure, then all these passenger lists will be given  
18 to bridge after we depart from the port. So bridge  
19 will already have that list, the list will be already  
20 added to the boards, with that updated crew list. And  
21 that is with the updated situation. I don't know why  
22 she was printing another list maybe in such a situation  
23 that she never printed before, she may have print just  
24 in case that it might be needed. I do not see any  
25 other reason for that.

1 Q. So she was incorrect in that?

2 A. Well from that time that she was -- she was  
3 incorrect, yeah.

4 Q. Okay.

5 A. Because it is not necessary to print it in  
6 that moment.

7 Q. Okay, thank you.

8 A. You are welcome.

9 Q. Okay sir, can you please explain to me what  
10 your emergency duty and title is according to the  
11 muster list?

12 A. According to the muster list, I am the  
13 operation team leader. My duties report to on  
14 reception and report to the bridge that we start with  
15 operation, my first call. Next, then I have to wait  
16 until I receive reports from all operation team  
17 leaders. Do you hear me?

18 Q. Yes, I hear you.

19 A. Okay, so when I receive all the lists from the  
20 operation team leaders, which is food manager, bar  
21 manager, ship housekeeper and others, I learn that the  
22 ship is clear, that all people, all crew and passenger  
23 have been evacuated, and I am calling the bridge and  
24 reporting that in this time all passenger and crew have  
25 been evacuated. And then waiting for the next order.



1           So normally, during the drill the next order  
2 is to proceed to evacuation location. So we go to our  
3 location, location which for me is to report to MES on  
4 the starboard side, the starboard side MES, this is  
5 where I am to be as leader of that MES.

6           Q.    Okay so, just to clarify your duties. Upon  
7 hearing the general emergency alarm, is that when you  
8 start?

9           A.    Yes, I do, yes. It is breaking, do you hear  
10 me?

11          Q.    Yes, I hear you.

12          A.    Okay, because my image is going up and down --  
13 so I though the sound may be -- okay, please continue,  
14 sorry for interrupting.

15          Q.    Okay, and how many drills have you  
16 participated in since signing on the Caribbean Fantasy?  
17 On this contract?

18          A.    Yeah, on this contract, which was very short  
19 apparently we have a limited number of drills, because,  
20 like I said before, I joined the ship in (inaudible  
21 word).

22                   From Tunisia we arrived to Santo Domingo and  
23 arrived to San Juan. So in the approximately ten days  
24 during the crossing the few days down in the  
25 Mediterranean, we have, continued training by the staff

1 captain for the crew which was onboard in that time.

2 Arriving to Santo Domingo we collect more  
3 crew, and complete all crew manning, and we stay for  
4 five days when we, approximately five days, I think.  
5 When we have a number of drills and trainings to  
6 refresh all the crew and to improve everything, what  
7 was necessary. Staff captain, safety officer, staff  
8 captain and captain attend to that, to those trainings  
9 and drills to make us ready for next Coast Guard  
10 inspection which we were supposed to have when the ship  
11 arrived in San Juan.

12 So when we arrive in San Juan, our first thing  
13 was to have a Coast Guard inspection, which we passed,  
14 I think without any comments from the crew, crew side.  
15 That the crew did not know, or the crew was not ready  
16 to answer the questions which they were asked.

17 Q. Okay, thank you. And can you please walk me  
18 through a typical drill, what do you do, and include  
19 alarms and notifications that you would receive in the  
20 process of the drill.

21 A. So the drill normally, let me walk you through  
22 the drill. The drill normally starts with Mr.  
23 Skylight. So at that time we learn that we have a fire  
24 drill, and that the fire -- then the location which is  
25 announced from bridge.

1           The bridge says, we have a fire in the galley,  
2 and at this time, we have Mr. Skylight. So all the  
3 crew knows that we have a fire in the galley, to avoid  
4 that location, and to not enter to that fire place.

5           The crew is -- continues to work and doing  
6 their job until they hear seven short one long, and  
7 general alarm, which is telling them that they have to  
8 start their operation. In that time, all the crew goes  
9 to their cabins, collecting their life jackets and  
10 reports to their assigned areas.

11           I am, like I said before, on reception,  
12 waiting for the operations leaders to pick up the  
13 boards, which is the list of their groups, which they  
14 are assigned for. After they finish all evacuation,  
15 and a check of all the areas, and report to me that  
16 everything is clear, that everybody has been evacuated.  
17 I report to the bridge that everybody are evacuated and  
18 that I am waiting for next order from the captain, from  
19 the ship, from the bridge.

20           So, in the few minutes after we hear the  
21 signal, abandon ship, which is one long, the master  
22 order that we have to abandon ship. At that time  
23 everybody proceeds to their assigned location, and to  
24 the abandon ship location. And my part is to go to MES  
25 on the starboard side. I receive all the crew over

1 there, which I have from the raft, the raft leaders,  
2 and the assistant raft leaders, and some extra crew.  
3 And there is a team, there is a team from the deck and  
4 engine crew responsible to operate the MES.

5 So they go to that location, which now the  
6 ship was little bit out in corridor in the small lobby  
7 in front to door. And then, once they were there,  
8 waiting for the order from the bridge.

9 They report to the bridge, they report to the  
10 bridge that they are ready, that everything is under  
11 control from this side. I check my, I have my check  
12 list for the starboard side MES, and I check all the  
13 crew on that side and report any missing crew, this is  
14 how we manage the drill.

15 Q. Okay, thank you. Just some follow-up  
16 clarifications on how the procedure is supposed to  
17 work. So do the three muster station leaders wait in  
18 the reception area for senior receptionist to bring  
19 their lists from the bridge, once they hear the general  
20 emergency alarm?

21 A. Yeah, one of the reception goes -- during our  
22 drills, one of the reception goes and brings all the  
23 boards down, down the board, five boards. So she bring  
24 the boards for muster station A, B, and C, she actually  
25 -- she is down in reception, and she bring board for me

1 I have about five boards, for the evacuation leaders,  
2 yeah.

3 Q. Can you explain what the five boards are?

4 A. One is for the food manager, bar manager,  
5 ship housekeeper, because they are the leaders,  
6 evacuation leaders. And they have the list with the  
7 crew which is assigned to that team. And they have to  
8 take that team to that area and they bring it to me the  
9 report, and I learn from that -- and I think that all,  
10 all area have been evacuated.

11 Q. So you listed three, the food manager, bar  
12 manager, and chief housekeeper who are the --

13 A. Yeah, I have one, actually, I have one, the  
14 ship housekeeper has one, the bar manager, food  
15 manager, the chef have one for the galley.

16 Q. Are these five different lists, or are they  
17 the same?

18 A. Excuse me?

19 Q. So earlier you had described that each muster  
20 station leader receives --

21 A. Yes. The muster station leaders have a  
22 different, a different board, because they have boards  
23 with crew and passengers in the muster station, the  
24 other -- for the leaders, evacuation leaders.

25 So they report to me on that list that area

1 was evacuated, and I receive that list from reception,  
2 and this list stay in reception. So I clarify, okay,  
3 the food manager report his area is clear, bar manager  
4 reports everything is clear, and so forth. So after  
5 learning that all areas are clear and evacuated, I  
6 report to the bridge that all ship is, all ships area  
7 is evacuated.

8 We are breaking down -- can you hear me?

9 Q. Yes, I can hear you, can you hear me?

10 A. Yes, yes I can. It is breaking a little bit,  
11 but no problem here.

12 Q. So can you please confirm that the  
13 accountability that you are doing is for the evacuation  
14 of the spaces, not for the people. Like the entirety  
15 of the --

16 A. Yes, it is just for the evacuation of their  
17 areas, their spaces like you said, yeah.

18 Q. Can you please explain to me the structure of  
19 your evacuation teams? How many evacuation teams do  
20 you have and their locations?

21 A. Okay, chief housekeeper is responsible for all  
22 housekeeping area, so cabins, part of the crew cabins,  
23 officers cabins, passenger, part of passenger  
24 accommodations. The bar manager is responsible for the  
25 bar areas, the bar area. The food manager is

1 responsible for the food areas. The Chef is  
2 responsible for the galley, the galley area. This is  
3 the, this is the things that I'm trying to explain.

4 Q. So how do they use the board that they receive  
5 from the receptionist to identify full evacuation of  
6 their respective areas?

7 A. They come to reception, like when we start the  
8 evacuation, everybody comes to reception, and they  
9 receive their check in list, okay. So they go with  
10 that check in list to their area, to check those areas,  
11 and they get back to me reporting or writing the time  
12 that they started and the time that they finish  
13 evacuation. And from that report I learn that all  
14 areas have been evacuated.

15 Q. And what is on the checklist, is it --  
16 because, how do you know how many people are in a  
17 restaurant, or how, how many people are in the cabins?

18 A. On that list are not listed the -- and so this  
19 list is only the areas where they need to check, for  
20 example bar checked; bar one and pantry, bar two and  
21 pantry, just bar areas, by location.

22 The same thing happen in the galley, the  
23 galley has been checked, everybody has been evacuated,  
24 and he (inaudible few word) and galley and time in when  
25 you start to check, and the time when he finished the

1 check. So, I know from that list, that that area is  
2 evacuated, the names are not (inaudible word) to that  
3 list.

4 Q. Okay, so how do they make sure no one is in  
5 the space? Do they use markers to symbolize that one  
6 space has been cleared?

7 (Brief pause.)

8 CDR CAPELLI: Okay, it looks like we are  
9 having some connection issues again. Why don't we take  
10 a quick recess until we get the connection back up.

11 Thank you.

12 (Brief recess taken 0934 -- 0946.)

13 CDR CAPELLI: Okay, good morning, the time is  
14 0946, we will reconvene, we are going to continue with  
15 questions Lieutenant Proctor.

16 **WITNESS**

17 **HOTEL MANAGER DRAGAN GRUBISIC (cont.)**

18 BY LT PROCTOR:

19 Q. Hi sir, just to remind you that you are still  
20 under oath.

21 A. I understand.

22 Q. And this is Lieutenant Jennifer Proctor with  
23 the U.S. Coast Guard. So to backtrack to where we left  
24 off the conversation.

25 A. Yeah.



1           Q.    I want to clarify, that of the five boards  
2 that you receive and distribute to evacuation leaders  
3 in the reception area, those board only contain the  
4 crew members assigned to evacuate each of those  
5 respective areas.  So the food manager, bar manager,  
6 chief housekeeper, the chef and one for yourself.  You  
7 do not --

8           A.    Yeah, I have all --

9           Q.    Okay, and you do not actually account for  
10 passenger at this time, you only verify that the  
11 evacuation teams are present for their respective  
12 spaces, and that all the accommodation spaces are  
13 evacuated, is that correct?

14          A.    That is correct.

15          Q.    Are you in charge of the accountability of all  
16 passengers and crew during an abandonment?  Or are you  
17 only responsible for the accountability of the  
18 evacuation teams I just listed?

19          A.    My -- only the operation team, only the  
20 operation team, and we check -- report to the -- that  
21 yeah, it's clear, that everything has been evacuated,  
22 so I can proceed, and inform the bridge accordingly.

23          Q.    Do you know who is responsible for accounting  
24 for all persons onboard prior to abandonment?

25          A.    Safety officer, staff captain, captain.

1 Q. So you do not report a hundred percent  
2 accountability to the bridge?

3 A. Only the, the drills which I mentioned.  
4 Evacuation, my duty to evacuate the areas and report to  
5 bridge and then after that, (inaudible word) of their  
6 orders.

7 Q. Okay, and earlier you had described the  
8 process for the muster lists that are kept on the  
9 bridge, one for muster station A, muster station B, and  
10 muster station C. Do you know who the muster station  
11 leaders are?

12 A. Yeah, they are my three receptionists.

13 Q. Three receptionists.

14 A. Three receptionists.

15 Q. And are you responsible for the accountability  
16 reports from those muster station leaders? Or do they  
17 report to someone else?

18 A. They are supposed to report to the bridge. To  
19 me they are only part, the message, through the radio,  
20 okay, muster station, whatever, A, all present, missing  
21 number if any crew member is missing. But, some of  
22 captains, staff captain's request that they report this  
23 to the bridge, not to me.

24 Q. Okay, so the muster station leaders report  
25 directly to the bridge, you just overhear them on the

1 radio.

2 A. Yes.

3 Q. And do you know how the muster station leaders  
4 receive their lists for the personnel assigned to their  
5 stations?

6 A. Yes, because in that time, they have -- like I  
7 mentioned in the very beginning, the three boards, they  
8 contain passenger lists, divided on three different  
9 boards. They are taken, crew lists is divided on three  
10 boards.

11 So muster station A, for example you have  
12 lifeboat number one, or lifeboat number two on the  
13 portside, and they have a crew which area assigned to  
14 that lifeboat, and a number of passenger which can  
15 evacuate to that lifeboat. The number two will be  
16 lifeboat number one and three, and probably two --  
17 which is (inaudible word) there to attend to the  
18 lifeboats, and evacuate the passengers to the  
19 lifeboats.

20 And C is the, C is the muster station C is the  
21 Pullman area, it's with a team of the people evacuation  
22 the passenger through MES if necessary.

23 Q. Okay and do those three muster station leaders  
24 go to bridge to receive their lists? Or do they go --

25 A. They go pick up their list and they go to

1 their location. Because they are three different,  
2 location, yeah.

3 Q. Okay, so I think I have a pretty clear picture  
4 now of how the evacuation and reporting process going  
5 to go. I am going to summarize. And can you please  
6 just acknowledge if what I am saying is correct or  
7 incorrect

8 A. Okay.

9 Q. So, the procedures that you have been  
10 practicing according to the drill is, upon hearing the  
11 general emergency alarm, you assume the duties of the  
12 evacuation leader, and you report to the reception area  
13 along with the food manager, bar manager, chief  
14 housekeeper, and the chef who are your four evacuation  
15 team leaders.

16 The senior receptionist reports to the bridge  
17 to collect the evacuation boards, brings them to the  
18 reception area for you. And your team is responsible  
19 for evacuating the accommodation spaces and only taking  
20 accountability of the crew members assigned to the  
21 evacuation teams.

22 The muster station leaders, the three muster  
23 station leaders, A, B, and C, which are your  
24 receptionists, report directly to the bridge, to the  
25 box that we had previously described, to collect their

1    respective muster station lists. And they proceed to  
2    muster station areas, and they account for crew and  
3    passengers assigned to their areas.

4            They provide their accountability reports  
5    directly to the bridge who then determines a hundred  
6    percent accountability of all passengers and crew  
7    onboard the vessel prior to abandonment.

8            A.    Yeah, only I can add that they report to me if  
9    somebody is missing, the muster station. They report  
10   to me, but after they report to bridge. I can also  
11   add, that during the evacuation time, I am on the  
12   channel, we are all on channel 68, which is hotel  
13   channel, 68, and (inaudible few words) time channel 6  
14   so we don't interfere to their communication, the fire  
15   teams.

16           When everything has been evacuated, I report  
17   to the bridge that all area has been evacuated, and I  
18   inform them that all my (inaudible few words) to -- to  
19   channel six. So from that moment, after confirmation,  
20   the bridge, I receive my message the (inaudible word)  
21   is evacuated, we all go to channel six, because in that  
22   time we are only under captain command, listening all  
23   (inaudible word) from the bridge.

24           Q.    Does this process change with a different  
25   captain or staff captain, regarding reporting passenger

1 counts to you, versus reporting to the bridge?

2 A. No, I think that this is standard operating  
3 procedure on the cruise ships, and on ships in general  
4 this is how it is supposed to work.

5 Q. Okay, and you said --

6 A. Yeah, that's the --

7 Q. Okay, thank you, and you said that sometimes  
8 the muster station leaders will call to you on the  
9 radio if they are mission someone.

10 A. Yeah.

11 Q. If that happens, what are you supposed to do?

12 A. Well, I just acknowledge that, but it is not  
13 really, it is not really my call. So that's why after  
14 they tell me that and report that, they switch  
15 channels, like I said before, they we go from 68 to 6  
16 and they report to the bridge.

17 So after that, we are all on the bridge  
18 command. The bridge know the ship -- hear, they are  
19 told they are ready, they are told crew has been  
20 evacuated, that everybody go up to decks -- abandon  
21 ship location, muster station location A, B, and C, and  
22 the MES port side and starboard side. This is location  
23 where they go.

24 Q. Okay, and during your weekly abandon ship  
25 drills, how is the accountability of passengers and

1 crew practiced? So when you practice an abandon ship  
2 drill with passengers, how do you determine numbers?

3 A. During the drills, during the drills, from the  
4 muster station we learn the numbers which are missing,  
5 and we learn also from MES, the numbers which are  
6 missing. For example, I am the leader on MES starboard  
7 side.

8 My ship housekeeper duty is to be leader on  
9 MES port side. So he have his checklist, and I have my  
10 checklist, and we inform the crew which was missing, we  
11 report the actual -- the same thing is happening from  
12 the muster station A, B, and C, they page the numbers  
13 which are missing at that time.

14 Q. So do they do a head count and is it number,  
15 like they just count people by heads, one, two, three,  
16 or do they go by a list of names?

17 A. That is -- (noise in the background) -- sorry  
18 about that, sorry about that. The list has number from  
19 number one to thirty, forty, whatever is the number,  
20 and there is a name and position of the crewmember. So  
21 we report to the bridge the person which -- seeing  
22 number one is missing on the deck -- so they know the  
23 location of that number.

24 Q. And what about the passengers assigned to the  
25 muster stations? Is it just a list of the cabin number

1 with two personnel assigned? Or do they have a name  
2 list of passengers assigned to each station?

3 A. I cannot tell you that one hundred percent.  
4 Yeah, I cannot tell you what is given, whatever we are  
5 given.

6 Q. Okay. So if someone were to determine that an  
7 individual is missing from their station, what follow-  
8 up actions are required from you, or what happens with  
9 the bridge in communicating that?

10 A. From our part, we did our part and they, we  
11 have no further responsibility to that. The bridge  
12 knows that it is number 20, 26, 25, and the captain,  
13 the staff captain would like to know why these people  
14 didn't attend to that location, that particular time.

15 So they -- if they excuse the people for what  
16 is reason, or whatever has happened, they -- the crew  
17 is called on the bridge and they are investigated what,  
18 or the reason that they are not in that location at  
19 that time, why they didn't report and are missing.

20 Q. Okay, so I'm going to proceed to the day of  
21 the emergency, the -- on August 17<sup>th</sup>, the day of the  
22 fire and abandon ship. How did you know to begin to  
23 carry out your general alarm duties? So how did you  
24 know that there was an emergency going on?

25 A. Yeah I, I know we have a -- Mr. Skylight, I



1 know we have a fire. And I know, not long after, like  
2 a half an hour after we have a general announcement, so  
3 I know that we have to evacuation, that we have to  
4 evacuation passenger and crew.

5 Q. Now, when you say general announcement, can  
6 you please clarify what that general announcement was.  
7 Was it a voice announcement over the public address  
8 system, was it a phone call, was it a radio, was it an  
9 alarm signal?

10 A. It was only alarm signal, only alarm signal,  
11 only alarm signal. (Phone rings) okay sorry -- only  
12 alarm signal, it was no voice, it was no radio, only  
13 alarm signal.

14 Q. So you --

15 A. Emergency alarm signal, general emergency  
16 alarm signal.

17 Q. So you did hear the general alarm of the seven  
18 short, plus one long?

19 A. Yeah, yeah, continuously ringing ships area,  
20 yes.

21 Q. Okay.

22 A. And at the same time I received some verbal  
23 information from reception that the captain has stated  
24 that we abandon, that we were abandon ship. Later I  
25 learned that he did make or order, captain order

1 abandon the ship because he didn't want to create panic  
2 in the passengers. So it was a general alarm, it was  
3 the evacuation and this is how we manage.

4 Q. So you heard the general alarm signal, and  
5 your receptionist told you that the captain had called  
6 her --

7 A. Yeah

8 Q. -- saying, stating that to prepare to abandon  
9 ship? Or just to evacuate (inaudible few words).

10 A. Evacuate and to abandon the ship. Because  
11 when they -- in that time I ran from galley, I called  
12 to my office pick up our jackets, and crew also --  
13 everyone can pick up their life jacket, pick up life  
14 jackets, and this start the evacuation. We have a  
15 procedure for that, and many other crew, and I started  
16 evacuation in that time.

17 Passengers were coming from the cabins with  
18 their luggage and I advised them to leave luggage in  
19 their cabins, or in the reception because it was pretty  
20 late and proceed to the muster station A and B.

21 Q. Were the crew and passenger manifests used on  
22 the day of the abandonment?

23 A. Not to my knowledge, because there was no time  
24 for that.

25 Q. Did you ever make any reports to the captain

1 regarding the status of the evacuation, and  
2 accountability?

3 A. I just mentioned, yes, the captain was on the  
4 radio, extremely busy with his officers, first officer,  
5 second officer, third officer, safety officer, staff  
6 captain, they have a complication, and radio there we  
7 are preparing the boat number one, number two, number  
8 three, and start to lower the boat to embarkation  
9 level. So I did not interfere to their communication.  
10 I just mentioned that we start the evacuation, and  
11 that's what we did, we start the evacuation.

12 Q. Did your evacuation team leaders receive the  
13 boards that you had previously described to me for  
14 their stations?

15 A. Not in that time.

16 Q. So how many different times during the  
17 evacuation process would you say that you updated or  
18 called the bridge reporting the progress, of the  
19 evacuation of your spaces?

20 A. Well we -- I just say that we start the  
21 evacuation and that that was it. And in five, ten  
22 minutes we were up in the deck seven muster station A  
23 and B, because we could not use muster station C.  
24 Muster station C was under smoke coming from the  
25 galley. So they automatically called to go to A and B.

1           And the staff captain, the safety officer was  
2 over there. I see the captain over there from that  
3 point. So everyone come. I did find this necessary to  
4 interfere to identify the complication with them  
5 because they know that we are bringing the passengers,  
6 the boats are going down, people are going to go to the  
7 boats, and so forth, yeah.

8           Q.    So did you ever receive a hundred percent  
9 reports from your evacuation team that everyone was  
10 evacuated from your accommodation spaces?

11          A.    Yes, I am, yes I am, during the lowering of  
12 boats, when they were preparing the boats I was still  
13 down in reception, and I was still waiting for  
14 everybody, from people which are part of the evacuation  
15 team, all the people on this team, to check all areas,  
16 to make sure that all crew and passengers are not in  
17 this area. We check the galleys, toilets, galleys,  
18 storeroom, everything, everything.

19               And then when I went there is nothing is  
20 happening on deck five, I go up to deck six and I saw  
21 passengers and crew (line breaking) -- on the  
22 (inaudible word) I think with the (line fades out).

23          Q.    Did you report to the bridge once you received  
24 the evacuation team reports that the accommodation  
25 spaces were a hundred percent evacuated?

1           A.    Yeah, I understand that all areas are  
2 evacuation, nothing, nothing else.

3           Q.    Did the captain proceed with abandoning before  
4 you reported to him that all spaces were evacuated?

5           A.    Well, passengers were over there on deck  
6 seven, and this happened, probable the same time boat  
7 team was already lowering the boats, lowering the boats  
8 and start with evacuating -- with the lifeboat.

9                    I mentioned before that we have 380  
10 passengers, I think on that time. And we have about  
11 126 crewmembers if I remember, so this was 126  
12 crewmembers assisting 380 passengers on that  
13 evacuation.

14          Q.    Did you ever perform your abandon ship duties  
15 on the day in question?

16          A.    Sorry --

17          Q.    Abandon -- so your abandon ship duties, I  
18 believe you said was the MES starboard side leader.

19          A.    Yeah, I always during drill and I did this  
20 time as well, because it was it was happened that I  
21 learned that boat number two was going to the water --  
22 facing the difficulties, had been rescued by the Coast  
23 Guard.

24                    Then boat number three, I think those having  
25 difficulty, and stuck, when it was going down to the

1 water had been rescued by the Coast Guard, they had  
2 numerous boats, Coast Guard boats, and some other boats  
3 around. And at the same time, all that is happening  
4 almost in the same time.

5 Passengers, boats going down, the officer is  
6 complaining -- difficulties on boat number three. At  
7 the time, I hear that, from Captain that the MES on  
8 port side go to MES. So at that time I went to deck  
9 seven, and I was on seven, going down from deck seven  
10 to six. Going down to deck five the pool area and my  
11 (inaudible few words), called me -- and the team from  
12 the MES on the port side help us, and help me to make  
13 the column of the passenger, which at that time were  
14 assigned to go down to MES on the starboard side.

15 So it was when I saw the people and the  
16 passengers coming from deck seven going to deck six,  
17 and (inaudible few words) on deck five to the MES area  
18 and starting the operation, that was on the starboard  
19 side.

20 Q. Okay. Did you launch the starboard side MES,  
21 or were you involved in the launching of the starboard  
22 side MES?

23 A. No, at that time I was (inaudible word) ready,  
24 MES leader, and we have a lot of teams, because the one  
25 on the port side didn't work -- so all our forces were

1 on the starboard side.

2 Q. And --

3 A. And we have real good control and could  
4 proceed properly, yeah.

5 Q. And what are your duties as a starboard side  
6 MES leader, your normal duties that you would practice  
7 during --

8 A. My normal duty is to check, to have a  
9 checklist and check my crew, if they are there. And  
10 evacuate the passengers in the groups, as (inaudible  
11 few words line breaking up). So whenever that raft is  
12 ready, my order should be given to the raft number one,  
13 number one okay -- go (Line breaking up, in audible).  
14 To the side, go to and move on.

15 And I proceed with number 3, number 5, number  
16 7, all the odd numbers. So I call 3, 5, 7, 9, 11, 13,  
17 15, 17 that is supposed to be the procedure. But in  
18 this time we could not follow that.

19 So what happened, the team which was assigned  
20 to operate the MES on the starboard side, was there,  
21 they opened the doors, they inflated the slide -- the  
22 platform opened down there and we are ready to start  
23 the debarkation.

24 At that time I called the names of the crew  
25 leaders, prepare the boat, (inaudible few words) for

1 the water. Passengers, they were asking what to do  
2 with the dog. And so many things were happening at  
3 that time.

4           It was sufficient for me to be down there and  
5 do what I (inaudible word) do, with the boat in this  
6 kind of emergency, there was no time to follow standard  
7 procedure. So the procedure was to open the slide, to  
8 make (inaudible few words), manage the people, and  
9 start to launch the MES on the starboard side, more or  
10 less.

11           Q. Do -- as the MES starboard side leader, do you  
12 receive accountability of passengers or crew from your  
13 muster station leaders?

14           A. No, nothing, there is nothing.

15           Q. Are you supposed to?

16           A. This time I don't think they have any lists  
17 with them. In that kind of emergency, with the short  
18 time, and situation that we have, we just act  
19 according, the best we can. You know, bring the people  
20 to safe place, all of the people to (inaudible word) in  
21 the most safe way is to use the MES on the starboard  
22 side. It was no lists, record, or presented in that  
23 emergency.

24           Q. Have you ever seen an MES, Marine Evacuation  
25 System, deployed before, either on board the Caribbean



1 Fantasy or at a shore side training facility, prior to  
2 this incident?

3 A. Yeah I -- I didn't hear that clearly, and I  
4 apologize, I didn't hear, can you please repeat?

5 Q. Yes, have you ever witnessed in person a  
6 marine evacuation system deploy either on board the  
7 Caribbean Fantasy or shore side at a training facility?

8 A. I saw that in shore side training facilities.  
9 But I also saw -- in our, the Caribbean Fantasy and the  
10 other ship. It is a practice that when MES expire  
11 date, after expire date has to be sent to the service.  
12 The captain organized a presentation/demonstration for  
13 all the crew. They open the slides, they send all the  
14 crew down to have this, hearing how to slide. They go  
15 to the boats, they do that presentation very well.

16 And I think that in my time on this ship and  
17 the other ship I saw that at least six to seven times  
18 during my career time.

19 Q. When you saw this, was this in person,  
20 physically? Or did you watch the deployment from a  
21 video?

22 A. I -- they open the slides, they inflate in  
23 front of everybody. They ask all the crew, including  
24 me to go down to the slides. So we go down to the  
25 slides, we go down to the platform, we go down to the

1 raft, and we have a training of how, how is to slide,  
2 how is to be in the raft, when we are in the ship,  
3 demonstration. So you can only imagine how in the  
4 rough sea.

5 Q. So you slid down the marine evacuation system  
6 slide from the Caribbean Fantasy at a previous date?

7 A. Yes ma'am, yes. During inspection I  
8 participated together with the crew.

9 Q. Do you recall when this occurred?

10 A. The date?

11 Q. Yes.

12 A. Well, I cannot tell you the date, but they  
13 should have records of that, because they have records  
14 of repairing of rafts service and MES in the Puerto  
15 Rico in the service station, where they service rafts  
16 and MES.

17 Q. Do you recall which year this happened? Was  
18 this this year, last year, a couple years ago?

19 A. The last year, I think they did 2016 no. But  
20 I think it was sometime in 2015 was the last time.

21 Q. So just to confirm, in -- around 2015, you  
22 personally witnessed the deployment of the marine  
23 evacuation system slides from the Caribbean Fantasy and  
24 you slid down the slide yourself?

25 A. Yes, and also the raft demonstration as well.

1 Q. Were any of the current crew that was on board  
2 the ship during the incident, do you recall if any of  
3 them were leading or directing this training at that  
4 previous deployment?

5 A. Well, I'm sure they come, all the crew came. I  
6 can't remember the same, the same thing like I  
7 mentioned. But now, I cannot remember the names, it  
8 was a whole bunch of them.

9 Q. And who trains the evacuation teams on board  
10 the Caribbean Fantasy?

11 A. Safety officer is responsible for training all  
12 the crew, from inflation, training of the crew, and  
13 everything else dealing with safety.

14 Q. How do you evaluate your evacuation team's  
15 proficiency?

16 A. I think they were very good, and I think I  
17 recall my five years during one inspection (Inaudible  
18 word) ever for everything (inaudible few words) I  
19 recall that the inspection this is for, the covered by  
20 the inspection is one year. Five years, I saw almost  
21 twenty-four inspections when this crew (inaudible word).  
22 And we have people with minimum performance comments,  
23 write-ups, comments.

24 Q. Okay. All right thank you. That is all the  
25 questions I have for now.

1 CDR CAPELLI: Okay hotel, Adam Tucker will be  
2 asking the next questions.

3 **WITNESS**

4 **HOTEL MANAGER DRAGAN GRUBISIC**

5 **EXAMINATION**

6 BY MR. TUCKER:

7 Q. Good day, sir.

8 A. Good day to you, sir.

9 Q. My name is Adam Tucker and I am with the  
10 National Transportation Safety Board. I'm going to be  
11 asking a few general questions, and then a couple more  
12 specific questions. And I hope you can bear with me,  
13 there may be a few pauses while I take a few notes as  
14 well.

15 First of all, I understand you are the hotel  
16 director on board the Caribbean Fantasy, and I believe  
17 you have the largest amount of crew under your area of  
18 responsibility, is that correct?

19 A. Yes, that is correct. We have around eighty  
20 to ninety high season crew members in hotel, in hotel.

21 Q. And just so I can be familiar, can you tell me  
22 roughly, just generally, sorry, what is the  
23 organization of the hotel department, how it is  
24 organized?

25 A. Hotel department, all the time like in any

1 other cruise ships, when you have a hotel manager,  
2 hotel director, hotel manager who is responsible for  
3 entire operation of the hotel. So, I hire the crew, I  
4 hire the managers, and I work with crew together with  
5 managers, with department head, which is the food  
6 manager, bar manager, chief housekeeper, chief purser,  
7 those are the department leaders. Which are  
8 supervising training, and (inaudible word) and working  
9 with their team on a daily basis.

10 So, food manager is responsible for the food  
11 operation, restaurant, buffet, crew mess, officer's  
12 mess, and so forth.

13 Bar manager is responsible for the bar service  
14 in the passenger bars, and in the crew bar.

15 The ship housekeeper is responsible for  
16 passenger accommodation, passenger cabins and crew  
17 cabins.

18 Ship purser is the person which is taking care  
19 of administration so she (inaudible word) all the  
20 papers (inaudible few words) to the arrival to the  
21 port, after departure of the port, all financial  
22 reports, payroll, sign on crew, sign off the crew and  
23 any other crew matters.

24 On the ship is also the doctor, which is part  
25 of our team, and his responsibility is to work in the

1 infirmary, and check our crew and passenger, in case  
2 they need something.

3           There are a number of those operations and  
4 policies on board the ship when all the managers,  
5 starting from myself down to the (inaudible word)  
6 management and then the crew have to have their basic  
7 safety training certificates.

8           Then we are, must be very knowledgeable and  
9 experienced to work with age, it's limitations,  
10 practice on daily basis, we need to meet all (inaudible  
11 word) and other requirement, whatever coming from  
12 shore.

13           Especially in American ports, where you have -  
14 - (inaudible word) they have passenger evacuation, an  
15 embarkation, loading, we are loading the food and  
16 beverages in the U.S. Everything is (inaudible word),  
17 crew, and this is where we do our loading of beverages  
18 and any material from that port.

19           Maybe you can -- need to ask some questions to  
20 that, so I will give you more information.

21           Q.    Thank you. No, that was a good general  
22 overview, I appreciate it. But in that, you mentioned  
23 the crew, they are required to have, I believe you  
24 mentioned basic safety training.

25           A.    Yes, we all have to have basic safety

1 training. So it is basic. It is not the training  
2 which are receiving the officers and crew which are  
3 working on deck and engine. They are more heavier, and  
4 more safe on their certificate.

5 For us, as a hotel crew we assist deck and  
6 engine crew in case of any emergency. The duties  
7 limited, and are more limited. Be we attend to this,  
8 safety training and they help still pay for basic  
9 training, for survival on the sea and so forth, so  
10 security of MES, that's what (inaudible word) have.

11 Beside I have to be -- I have attend  
12 (inaudible word) courses, which I did three times in  
13 Miami to qualify for U.S. (inaudible word) inspection,  
14 together with my crew manager, bar manager, if they are  
15 not attending to that, to bring them to assure that we  
16 are able to pass those inspection.

17 The other trainings which we receive on board  
18 the ship, considering the safety are provided by the  
19 safety officer when the crew comes on board the ship  
20 must have all necessary paperwork, and document. And  
21 the safety officer is the one that check expiration  
22 date of the documents, and provide daily training to  
23 the crew, and weekly training as the captain requests,  
24 staff captain requests a drill schedule. So to  
25 organize the drills, to organize the training as they

1 wish.

2 Q. Is there -- have you ever seen a circumstance  
3 or a situation in your tenure with the company where a  
4 crewmember arrives to the vessel and they do not have  
5 the basic safety training certificate? What happens  
6 then, or has it ever happened?

7 A. Well, this can happen, because according to  
8 the policy the crewing manager, before they arrange any  
9 crewmember to join the ship must check that that  
10 crewmember has all certificates, all documents,  
11 medical, health, emergency, fire up to date, passports  
12 and everything else. We just -- whatever is on the  
13 list, check them, and make sure crewmember have  
14 everything up to date in order to join the ship.

15 So, now double check is made down in the  
16 safety office, and she check and confirm that with the  
17 crew manager, they are on the same page, they are  
18 communicating together to see who will be receiving --  
19 what is the verification of the crewmember, if they  
20 have certificates, do they have everything what we  
21 need. And then we approve his sign on, and he can  
22 join.

23 Q. Understood. Thank you.

24 A. You are welcome.

25 Q. And in your time as hotel director, hotel



1 manager, what is your experience, are the crew very  
2 regular, or are you getting a lot of new crewmembers,  
3 with respect to turnover of crew.

4 A. Yeah we do have turnover, but it is not that  
5 high, maybe twenty-thirty percent of the crew which  
6 move around. But majority of the crew love to work on  
7 the ferry and they stay there for longer time. I have  
8 crew with me, which had been there for five years, or  
9 even eight years if I am connected to the (inaudible  
10 word) ship, you know, yeah.

11 Q. Thank you.

12 A. Yeah, you are welcome.

13 Q. You also mentioned the bar. Do you recall  
14 what time the bars close on board the ship for the,  
15 both the crew and passengers bar?

16 A. The crew bar closes at eleven o'clock, eleven  
17 o'clock in the evening, which is not very attended,  
18 because -- and it is very limited to the beverage  
19 service. When we are out, crew to have only two, two  
20 drinks, so you can have two beers, or two vodka per  
21 person in the crew bar.

22 The passenger bar closes, one closes at eleven  
23 o'clock, and open in the morning at six o'clock, that  
24 is my hotel bar out by the pool bar and (inaudible  
25 word) bar was open until midnight, one o'clock in high

1 season, maybe a little bit longer, it depends on  
2 passenger attendance. If we have passengers there was  
3 stay open, if not we close.

4 Q. Understood.

5 A. (Inaudible.)

6 Q. And the connection got a little bad. Can you  
7 verify the time for crew bar closing?

8 A. Eleven o'clock.

9 Q. Eleven, eleven p.m., 2300.

10 A. Eleven p.m., 2300, correct, sir -- yeah the  
11 connection is getting a little bit down -- do you hear  
12 me?

13 Q. I hear you fine now, thank you.

14 A. Okay, thank you.

15 Q. Okay. Just another clarification. You  
16 mentioned earlier Pullman six, I believe, and I just  
17 wanted to verify --

18 A. Pullman.

19 Q. -- that's the main passenger lounge with all  
20 the airline type chairs, is that correct?

21 A. That's the Pullman seat area with airline type  
22 chairs, yes sir.

23 Q. Thank you.

24 A. You are welcome.

25 Q. The other question I have, is how many

1 passenger cabins does the Caribbean Fantasy have?

2 A. A hundred and forty-eight for passenger, for  
3 passenger, hundred forty-eight.

4 Q. One forty-eight, and are they double  
5 occupancy, or quad?

6 A. Well you have a master suites which have a  
7 double bed, and bunk bed, you have twenty-seven junior  
8 suited, which have four beds, they are bigger, but they  
9 have four beds inside, and the rest -- do hear me?

10 Q. I can hear you.

11 A. Okay, because I do not see you anymore, and  
12 the picture is gone. No problem, but I can continue --  
13 and the rest of the cabins are four bed cabin except a  
14 few maybe one, two, three cabins which are tow bed  
15 cabins, three two bed cabins.

16 Q. Thank you very much.

17 A. And then, of course, you have outside cabins  
18 and inside cabins, yeah, that's the breakdown.

19 Q. Thank you.

20 A. You are welcome, sir.

21 Q. And we spoke earlier on the -- quite a lot on  
22 the passenger manifest and the muster lists. I wanted  
23 to clarify one thing, is there a separate list that you  
24 have on board, or maintain on board for any children,  
25 or passengers with either disabilities, or are limited

1 in mobility?

2 A. This is the list which we receive after  
3 departure from the port of San Juan, or port of Santo  
4 Domingo. And it is a passenger list with handicapped,  
5 disabled people. And also you can see the kids are  
6 listed by age, and so forth, yeah, we have that list.

7 Q. This information given to the bridge and the  
8 safety officer?

9 A. Yes, captain, staff captain, safety officer,  
10 chief purser distribute that list to all concerned.

11 Q. Okay.

12 A. On a daily basis, on a daily basis.

13 Q. And I understand that there is also a kennel  
14 on board for the dogs, is there a list of how many  
15 pets, or how many animals are on board?

16 A. We learn that, I think verbally, we don't have  
17 a list of how many dogs we have. We get verbally, you  
18 have fifteen dogs, twelve dogs, and so forth. But all  
19 the dogs are checked before they come on board the ship  
20 through their medical and other certificate which is  
21 dog supposed to have. But we don't have the dog list.

22 Q. Okay.

23 A. We only learn the number.

24 Q. How many dogs on, did you have on board during  
25 the accident voyage?

1           A.    Well, exactly I cannot remember now, I'm  
2 sorry, I cannot remember.

3           Q.    Okay.

4           A.    Maybe six, seven dogs or something, some small  
5 -- and I remember that I have a couple small dogs like  
6 type Chihuahua, and that is all I can remember, but I  
7 cannot tell you the number, I don't remember.

8           Q.    Understood. And as the hotel manager on board  
9 and the biggest number of crew, we've understood that a  
10 lot of the crew speaks Spanish. Do you speak Spanish?

11          A.    Si senior.

12          Q.    Si senior.

13          A.    Comprende mucho.

14          Q.    Okay, si.

15          A.    Yeah, yeah.

16          Q.    So you, as the department head, you are able  
17 to communicate well with the crewmembers that speak  
18 Spanish?

19          A.    We are able communicate with the crew who  
20 speak Spanish.

21          Q.    Okay, and of course you can speak well with  
22 the passengers in Spanish as well?

23          A.    Yeah, I can speak with passenger, we can  
24 communicate, you know, I'm not a hundred percent  
25 Spanish speaking guy but we can communicate, yeah.

1 Q. Understood. And with that, I understand  
2 sometimes the hotel department, they make announcements  
3 to the passengers. Is there a specific person that  
4 makes the announcements in different languages on  
5 board?

6 A. We have, eighty percent of our announcements  
7 including the safety announcement it is a recorded  
8 announcement. It is recorded. So very clearly in  
9 English and Spanish. Do you hear me?

10 Q. I can hear you fine. Sorry, I was just making  
11 a note.

12 A. Okay, yeah.

13 Q. And these recorded announcements are they  
14 broadcast from the bridge, or from another location?

15 A. From reception, we do that from reception.

16 Q. From reception, okay.

17 A. Yeah.

18 Q. The other question I have is with respect to  
19 evacuation, how do -- I believe you mentioned the chief  
20 housekeeper is responsible for the evacuation of  
21 passenger cabins.

22 A. Yes, correct.

23 Q. Once the cabin has been determined to be  
24 evacuated, is there like a way -- a marking for the  
25 cabin, or any type of system used to show that the

1 cabin has been checked, and has been evacuated?

2 A. Yeah, we have every person which is assigned  
3 to check cabin areas have a bag with a flashlight and  
4 charcoal inside. So when they check the cabin, they  
5 mark X on entrance door, which means that cabin was  
6 totally checked.

7 Q. And you said they have, each person checking  
8 has a bag and a flashlight.

9 A. Flashlight and charcoal, and this is how --  
10 the purpose of charcoal is to mark the door, to make x  
11 that this cabin has been checked.

12 Q. Okay, charcoal, X, and flashlight, thank you.

13 A. You are welcome.

14 Q. And you mentioned recorded announcements. I  
15 wanted to know what do you, is the announcement for the  
16 passenger safety briefing, before the ship gets  
17 underway, is that made from the reception, and is it  
18 recorded?

19 A. Yeah that announcement is recorded, and it is  
20 made from reception in English and Spanish.

21 Q. In English and Spanish.

22 A. Yes.

23 Q. Do you remember the details of what that  
24 announcement are?

25 A. It's telling the people in the same time that

1 we have that announcement, we make a lifejacket  
2 demonstration in the various areas of the ship. So you  
3 have a person in reception making lifejacket  
4 demonstration. You have four person in Pullman area,  
5 because it is divided with walls, so every section has  
6 one person showing them the lifejacket demonstration.

7           The other person is in the bar area, showing  
8 the people -- we stop all activities when we make  
9 announcement, the music, everything stop, we make  
10 announcement and the demonstration, like I said before,  
11 on English and Spanish.

12           Q.    Thank you. Do you -- in addition to the  
13 announcement, do the passengers have the opportunity  
14 tohear the seven short and one long alarm?

15           A.    Yes, yes we improvise that from reception  
16 during the announcement, which is recorded. But then  
17 when it comes to the point, and now pay attention to  
18 the signal, because this is the signal for evacuation.  
19 Then reception has recorded signal and put on the mic  
20 so the signal is improvised to the whole ship area,  
21 through the whole PA system.

22           Q.    Okay, so I just wanted to be clear, you  
23 actually have signal sounded from the recording, it  
24 doesn't actually come from the alarm system on the  
25 bridge?



1           A.    No, it, no it doesn't come from alarm system  
2 on bridge.

3           Q.    Okay.  And we talked about training, and I  
4 understand as the hotel manager you are the most senior  
5 hotel officer on ship.  Is there any other training  
6 that you have, or that you are required to have for  
7 your position?

8           A.    Well, when it comes to safety and security I  
9 am not, because I am the hotel person, and I manage  
10 hotel.  I assist the captain and his officers together  
11 with my crew in case of any emergency, this is our  
12 part.

13                    But like I said, our certificate and the  
14 requirement, it is limited like any other crews.  I  
15 have my certificates and trainings for my jobs, but  
16 this is the hotel part, this is for the hotel  
17 operation.

18           Q.    Do you have a certificate or training in  
19 survival craft?

20           A.    Yes, I have, I have recognition before, for  
21 basic certificate, it is survival craft, it is survival  
22 certificate, it is security, crowd management, crisis  
23 management, first aid, firefighting all these  
24 certificate I do have.

25           Q.    Okay.  The other question I have is do you

1 work directly for Baja Ferries, or are you working for  
2 another company, a crewing agency or anything?

3 A. I work for the charter, which charters the  
4 ship in that time.

5 Q. And the charter is?

6 A. The charter is ACF, American Cruise Ferries.

7 Q. Okay, and are all the hotel crew working for  
8 American Cruise Ferries?

9 A. Yes, sir.

10 Q. Thank you.

11 A. You are welcome.

12 Q. Just bear with me one second.

13 A. No problem, anytime, anytime you need it, no  
14 problem.

15 Q. Back to manifests. If there is any type of  
16 medical evacuation prior to departure, can you explain  
17 to me the procedure for if a passenger, or passengers  
18 are landed prior to getting underway? How that  
19 information is updated and communicated?

20 A. You mean -- if I understand you, if we have an  
21 emergency on board, then we have to disembark the  
22 passenger which have a medical emergency?

23 Q. Yes, correct.

24 A. Okay, in case that we have a medical  
25 emergency, the doctor on board the ship is attending to

1 the passenger. They -- call it a code blue and the  
2 team, which belong to the medical team, they go with  
3 the stretcher and they bring the passenger, if it is  
4 possible to the infirmary.

5 Or if not, to the disembarkation location if  
6 it is going to be by the boat through the pilot  
7 station, or it is going to be by helicopter, then they  
8 have to bring it up to the helo.

9 So we coordinate shore side, either in U.S.  
10 port, or Dominican port is it the same procedure.

11 Reporting, doctor report, make his report to the  
12 captain, and the captain and doctor are organizing  
13 evacuation of that passenger.

14 Q. Okay.

15 A. Yeah.

16 Q. And --

17 A. Okay, so then when this happens, chief purser  
18 is sending a report to the -- the doctor's report to  
19 the officials that this passenger will not arrive to  
20 that port where we are going. If we are going to  
21 Dominican port, that report will go to the DR. Or if  
22 we are going San Juan, that report would be presented  
23 to San Juan official, to our office and to San Juan  
24 official.

25 Q. Understood. So it is reported to the

1 officials in either port, it is reported to the office.  
2 Is there, are there any changes made on board to the  
3 manifest because you have decreased the passenger  
4 count?

5 A. Yeah, well we don't make changes on the  
6 manifest, it is just a report, we automatically we make  
7 that change to the -- on shore, because the shore, on  
8 shore will know that that particular person which is  
9 manifested have a medical condition and has been  
10 evacuated from the ship, and is not on the ship no  
11 more.

12 Q. Okay, and with respect to manifest  
13 communication, I understand it goes to the authorities,  
14 does it go to anybody ashore, or to -- within the  
15 company?

16 A. It is going to the company, and the company  
17 will inform all concerned, accordingly. But if this is  
18 the helicopter coming to ship, which happened, then  
19 Coast Guard will know automatically about that. The  
20 office will communicate they also know that that person  
21 is evacuated by helicopter, or with the boat, and is  
22 not on board no more.

23 Q. Understood, thank you.

24 A. You are welcome, sir.

25 Q. And again in a senior position onboard the

1 ship, I'm just wondering do you meet with other senior  
2 positions on board the ship to discuss just ship  
3 operations and safety?

4 A. We do have our weekly senior manager meeting  
5 with the captain, staff captain, chief engineer, and  
6 myself. And sometimes participation of safety officer  
7 or any officer which is invited by the captain. Or  
8 from my side, depends on the subject which will be  
9 discussed. And we have records of our meetings, or our  
10 weekly meetings, this is the must, this is the SOP,  
11 Standard Operating Procedure.

12 We do have a safety meetings together with all  
13 the, the captain, staff captain, chief engineer, some  
14 of the deck hands, all hotel, officers and  
15 representatives attending to the monthly safety meeting  
16 where we discuss all safety methods.

17 We have safety drills, weekly drills, where  
18 after the drills, captain, staff captain, call all the  
19 crew to the -- big lunch, and present to them, what was  
20 good during that drill and what was not good enough to  
21 crew, and that's how we manage those things.

22 Q. Thank you.

23 A. You are welcome. But of course, I meet the  
24 captain every day, I meet the staff captain every day  
25 and we have coffee all the time and we discuss

1 officially and unofficially things, and the operation  
2 for during the voyage as well.

3 Q. And staying to that, I understand you've been  
4 on -- with the Caribbean Fantasy, and with the company  
5 for a few years. And how is it with the turnover of  
6 the marine crew? So for example is the -- are the  
7 captain and the staff captain, and the chief engineer  
8 are they the same faces you see all the time? Or are  
9 you seeing more new faces coming to the ship?

10 A. Well there are many old faces. But regardless  
11 of new or old, they do have almost two weeks and over  
12 from one to another. I think in two weeks there is  
13 sufficient time for them, being professionals on the  
14 ship to learn what is happening on our ship.

15 Q. Okay.

16 A. Yeah.

17 Q. Just one second.

18 A. All right.

19 Q. I wanted to clarify something else, you  
20 mentioned the hotel working frequency on the radio is  
21 channel 68, is that correct?

22 A. Yes, on channel 68.

23 Q. And what is the emergency frequency, or the  
24 frequency that you use to communicate with the bridge  
25 in an emergency?

1           A.    Yeah, number six is the bridge, deck area, is  
2 number six.

3           Q.    Okay.

4           A.    And number twelve is the engine, number twelve  
5 is the engine room.

6           Q.    Okay. And during an emergency either in the  
7 actual emergency, or during a drill, are you  
8 communicating with your staff, the hotel staff, the  
9 evacuation control personnel, are you talking with them  
10 on channel 68, or are you talking with them on channel  
11 six?

12          A.    I am talking to them on channel 68. But after  
13 we learn everything, all the crew, all crew and  
14 passengers have been evacuated, we change the channel  
15 to channel six, because at that time, they have to  
16 proceed to our assigned stations and receive the orders  
17 from the bridge, from the captain.

18          Q.    Okay. With respect to passengers with any  
19 disabilities, do you recall during the accident voyage,  
20 if you had any people with mobility issues, or  
21 disabilities on board?

22          A.    I have few, over eight people which had been  
23 evacuated through helicopter, and some overweight went  
24 down with the slide, but they were not really, really  
25 heavy, they were a little bit more heavy, but not that

1 much. And some others which have difficulty during  
2 that emergency, overweight, or high blood pressure  
3 situation, those passenger had been evacuated with  
4 helicopter.

5 Q. Thank you.

6 A. You are welcome, sir.

7 Q. And with respect to children, and kids, how  
8 was that handled during the emergency?

9 A. Well, they go together with their parents.  
10 Like I said, you know, to evacuate 380 passengers with  
11 the assistance of 126 crew was enough crew to manage  
12 any difficulties. So if we have a higher number maybe  
13 things might be more difficult, but with low passenger  
14 count and high crew count we managed without any  
15 issues.

16 Q. Okay.

17 A. Yeah, it was not a (inaudible word) crowd, the  
18 people was running around, that kids were running and  
19 so forth. You know, things were pretty much under  
20 control.

21 Q. Okay.

22 A. And it was not too many kids at that time if I  
23 remember it was not too many kids at that time all.

24 Q. One second.

25 A. Yes, sir.



1 Q. All right, and just so I understand the ship  
2 to shore communications, you work for American Cruise  
3 Ferries, so who is your -- do you primarily contact  
4 representative from American Cruise Ferries, in your  
5 day to day communications with shore, or do you contact  
6 Baja Ferries?

7 A. We contact our, we report, hotel operation  
8 report to the operation manager of our charter, we  
9 report to our head office, to our operation manager.

10 Q. Okay.

11 A. We communicate, and report necessity to Baja  
12 Ferries, which is the management and owner of the ship.  
13 And we communicate to the captain, staff captain, chief  
14 engineer, with various matters when necessary on board,  
15 yes.

16 Q. Thank you.

17 A. You are welcome.

18 Q. All right, now I'm going to move to the  
19 emergency, to the actual accident.

20 A. Um-hmm.

21 Q. And in particular I want to ask about the  
22 evacuation and the checking of the passenger cabins.  
23 Do they, does someone have like a master key to go into  
24 the passenger cabins and check?

25 A. Which I mentioned before the group which have

1 the assignment to check the cabins, they do have a bag  
2 with a flashlight, charcoal, and I forget to mention  
3 they have a master key issued from reception at that  
4 particular time, only for that purposes.

5 Q. Okay.

6 A. After they -- the master key has to be  
7 returned to the reception, we have to (inaudible few  
8 words).

9 Q. Okay, and is this a metal key, or a plastic  
10 key?

11 A. We have only metal keys on board.

12 Q. Understood. And if for any circumstance, a  
13 crewmember does not manage to get their bag with the  
14 flashlight, and the charcoal, is there another means  
15 to, for this particular emergency, to identify the --  
16 to indicate what cabins have been searched, and what  
17 have not been searched?

18 A. Well, the ship housekeeper, assistant  
19 housekeeper, myself, we do have a master key, we are  
20 entitled to have a master key all the time with us. So  
21 we can assist and check any of these cases, if they  
22 cannot go in, and make double check, or give the key to  
23 the crew, with the only (inaudible word), so they  
24 clarify everything okay in that area.

25 Q. Okay. For this particular -- for the actual

1 emergency, itself.

2 A. Yeah.

3 Q. Were you informed that some crewmembers did  
4 not have the charcoal they had to use tissue to  
5 identify the cabins being searched?

6 A. No sir. This emergency posed such a situation  
7 that we had a very short time, and everything was  
8 managed as fast as we can when the checklist and our  
9 procedures which you mentioned before, didn't take  
10 place because there was no time for that.

11 So we, the crew check everything, they report  
12 to me by housekeeper, by some other leaders and crew  
13 around that everything is checked, there is nobody down  
14 there.

15 And I left the deck five going down to deck  
16 six after I learned that. And I see that everybody was  
17 already to deck seven and muster station A and B. So,  
18 this is how, how they manage that moment of emergency.

19 Q. Understood. And during the emergency and  
20 during your time at the muster station and observing  
21 the people on deck, what was your general feeling for  
22 the mood amongst the passengers, were they -- was it  
23 calm, was there order, was there panic, what are some  
24 of the things that you remember?

25 A. I can say that some people were upset and

1 nervous and didn't feel comfortable, but seeing that  
2 situation, that we are all in the same situation, then  
3 people just accept the condition and cooperated well  
4 with the requirement at that time. To the lifeboat,  
5 after that, go -- order, in order, and MES area all the  
6 people were calm, I didn't see any problem.

7 I have only a few situations like I mentioned  
8 before with some heavy people, and some high pressure  
9 people, which I personally sit down on the pool area  
10 and they were waiting to be evacuated until helicopter.

11 Q. Thank you.

12 A. You are welcome.

13 Q. And during your time at the MES, I understand  
14 you are in charge of MES on the starboard side.

15 A. Yes.

16 Q. As the people were going down the slide was  
17 anybody keeping a count for a number of the people  
18 going down?

19 A. No sir.

20 Q. Okay. There's also, within the company  
21 policies it mentions a specific duty of the hotel  
22 manager, oversight of the safety pamphlet that is in  
23 the passenger cabins. Do you know what, specifically,  
24 is in the safety pamphlet?

25 A. In the passenger cabin?

1 Q. Yes.

2 A. In the passenger cabin is a demonstration of  
3 lifejackets, and how to use the lifejackets, and  
4 location of escape route and muster station, is their  
5 muster station A or B to have escape route together,  
6 that is more or less on that template.

7 Q. Okay, and my last question for you, and I  
8 forgot to ask it earlier, is, how many passengers, what  
9 is the maximum number of passengers that are allowed to  
10 be seated in the Pullman six area?

11 A. Pullman seat area I have four hundred 450  
12 seats.

13 Q. Okay that's all the questions I have.

14 A. Okay.

15 Q. I am going to turn it over to one of my  
16 colleagues. And again, a big thank you for your time.

17 A. Thank you sir, no problem.

18 Q. Thank you.

19 A. Thank you.

20 **WITNESS**

21 **HOTEL MANAGER DRAGAN GRUBISIC**

22 **EXAMINATION**

23 BY MS. BELL:

24 Q. Good afternoon sir.

25 A. Good afternoon.

1 Q. My name is Carrie Bell, I am with the NTSB as  
2 well. So I want to make a couple of clarifications.  
3 Can you tell me, did you say that you worked for Baja  
4 Ferries, or American Cruise Ferries?

5 A. No, I work for American Cruise Ferries.

6 Q. Okay, and when you were hired, were you hired  
7 directly with that company, or through a crewing  
8 company?

9 A. No, we are hired through the crewing agency.

10 Q. Okay. And have you ever experienced a fire on  
11 board a vessel, previously?

12 A. Yes, in the last thirty years on the ships, I  
13 experienced all kind of fires, but thank God they were  
14 small and easy to manage. I never have had this kind  
15 of experience.

16 Q. And have, what about an abandon ship event?

17 A. No, nothing like that, nothing, nothing, this  
18 was the first time that we have such a situation that  
19 we have to abandon ship in the way we did, yeah.

20 Q. And a question about the muster lists, I know  
21 we've gone on about that a lot, but can you explain why  
22 all the muster lists are kept on bridge and there are  
23 not copies kept in the reception area?

24 A. Why these lists are kept in (inaudible word)  
25 which I mentioned before, for muster station A, B, and

1 C?

2 Q. Correct.

3 A. Yeah, they are kept on the bridge, because  
4 like I mentioned before, after the ship's departure it  
5 is the duty of the ship purser to send this report to  
6 all concerned. A duty of reception is to bring that  
7 passenger manifest, and bring the bridge, to the safety  
8 officer.

9 And then our safety officer should be the one  
10 dividing this passenger account to muster station after  
11 her (inaudible few words). This trip, things that  
12 occurred, I can't tell you much about that, because it  
13 is not my, my part, yeah.

14 Q. So at the point when she assigns all of the  
15 passengers to their different muster stations, why  
16 would those not be distributed to the different areas  
17 so that they wouldn't have to go all the way back to  
18 the bridge in an actual emergency, it seems like that  
19 would take more time.

20 A. Well this was the set up, and this was the  
21 procedures, and I cannot tell you why, or anything  
22 else. This is what it is, because it has always been  
23 like that and would never happen, the thing which has  
24 happened. So maybe next time they will -- something  
25 different. But in this particular time, they stay the

1 bridge.

2 Q. So from your perspective, would it save time  
3 if those would be distributed to the different areas  
4 after they were assigned to the passengers?

5 A. It depends on the situation. You know, if a -  
6 - if you keep it down in the -- I think the ship, the  
7 bridge is the most important, the most safest place.  
8 But you never know where you can have a fire, this can  
9 happen down in (line breaking up), have to leave the  
10 reception for an alternative station. So I think this  
11 -- for one keep by the -- it is important everything is  
12 -- the bridge, you know.

13 Q. Okay.

14 A. I cannot tell you the reason for, like I said  
15 it is not my call to -- about that. I can only tell  
16 you where they are and they are managed, and why,  
17 that's a captain call, that's a safety officer call.

18 Q. Understood, thank you.

19 A. You are welcome.

20 Q. And you state earlier that you do speak some  
21 Spanish. What is your native language?

22 A. My native language, I am from Latvia, so I  
23 speak Polish (inaudible word), is my mother language.

24 Q. And on the ship in your department, in the  
25 hotel department, what is the working language? Say



1 for example you have a meeting --

2 A. On the ship it is officially -- yeah,  
3 officially, it is English, so I, if I have a meeting  
4 with the crew, I always use English, officially. And I  
5 always have interpreter, one of the Spanish speaking  
6 crew, which speak better Spanish than me, so they  
7 interpret, and translate everything to Spanish and they  
8 communicate -- that's how we manage.

9 Q. Okay, thank you.

10 A. You are welcome.

11 Q. Do you recall if the passenger evacuation  
12 information in the cabins, on the back of the doors is  
13 in English and/or Spanish?

14 A. I think that there is the double language. I  
15 cannot guarantee now, now I really don't know, but I  
16 think they are in both.

17 Q. And what about the safety pamphlet that you  
18 were discussing earlier, that demonstrates the  
19 lifejackets, what language was that?

20 A. Yes, you are talking about safety  
21 announcement, yeah?

22 Q. The safety pamphlet, the brochure in the  
23 cabins.

24 A. We are talking what is on the back of the  
25 door, yeah?

1 Q. It is my understanding that there is, there is  
2 something on the back of the door, but there is also a  
3 pamphlet that describes the safety, the safety  
4 equipment such as lifejackets, is that correct?

5 A. No, it is only, it is only that on the back of  
6 the door where you have an evacuation station, and  
7 muster station, and safe route to muster station.

8 Q. Okay. And are the drills that you have on  
9 ship, are they conducted in both English and Spanish?

10 A. No the drills are only English, but trainings  
11 are provided by the safety officer in English and  
12 Spanish.

13 Q. Okay, and do you do any of the training for  
14 your staff?

15 A. I do some of the training for the staff, but  
16 not safety training. I do the training which is  
17 considered my management my crew operations for the  
18 hotel and so forth, but (inaudible word) training, but  
19 not the safety training, only for operation and hotel  
20 training.

21 Q. And do you do your training in English?

22 A. My training, yes.

23 Q. Of the staff.

24 A. Yes, because my training to the department  
25 head, which is food manager, bar manager, housekeeper,

1 they are all speaking very well English, so we can  
2 communicate in English very good.

3 Q. And you were talking earlier about the  
4 passenger safety briefing, and you said that that is  
5 done from reception. Can that be heard throughout the  
6 ship?

7 A. Yeah, this you can hear through the PA system  
8 inside and outside on the open decks.

9 Q. So you can hear that outside as well?

10 A. Yeah, I do have a -- there are speakers are on  
11 the open decks, and you can hear that from the outside  
12 as well, yes.

13 Q. And on that day of the incident did you hear  
14 any announcement over the PA system?

15 A. Yeah, I said before, I heard Mr. Skylight and  
16 after that general announcement, so everybody hear the  
17 general announcement because it was seven short,  
18 continuously on the ship, in all ship areas. So you  
19 can clearly hear that announcement.

20 Q. And do you know is that was a recorded PA  
21 announcement, or if the captain was actually speaking?

22 A. This was -- this was not announcement, this  
23 was a signal coming from the bridge without any  
24 information.

25 Q. So -- just to clarify, you don't recall

1 hearing the captain make an announcement, you just  
2 heard the alarm signal?

3 A. Only the alarm signal that is correct.

4 Q. And you said that you had taken a proficiency  
5 in survival craft and rescue boats training in the  
6 past. Can you tell me where you took that training and  
7 when? Do you recall?

8 A. Well, in the many years of being on the ships  
9 there were trainers coming onto ships and training on  
10 the ships. The last training I had updated was in the  
11 Dominican Republic, in the training center, (inaudible  
12 word) training center in the Dominican Republic, in  
13 Santo Domingo.

14 Q. And do you recall when that was?

15 A. Safety training (Inaudible name) training  
16 center.

17 Q. Do you remember the date? Or what year?

18 A. Well, the last issue was 2016, the updated  
19 certificate.

20 Q. 2016?

21 A. No, I cannot tell you the date.

22 Q. Okay.

23 A. But the year was 2016.

24 Q. It was in the year 2016, is that correct?

25 A. Well, the beginning of the year 2016.

1 Q. Okay, thank you.

2 A. Yeah. Because we do have the certificate, but  
3 they need to be updated again, and again, the idea it  
4 have an updated certificate, yeah.

5 Q. Um-hmm.

6 A. Some of them, not all, it depends on when  
7 certificate is expired.

8 Q. Okay, and a little while ago we were talking  
9 about the launching of starboard MES, and you said that  
10 you did not launch that. Do you know who did?

11 A. I know, because we have a team, which have a  
12 leader, and there are four crew members, the team which  
13 is assigned for that job. So their duty is to report  
14 to MES and to operate MES. That includes, opening the  
15 doors, inflate, secure slide, make sure that the  
16 platform is in place, everything is in place.

17 They are the ones which are going down to the  
18 platform to be ready to receive the rafts which need to  
19 be tied to the platform in order to start the  
20 evacuation.

21 Q. Okay, so you are the starboard MES commander,  
22 correct?

23 A. Yes, I am commander of the starboard side MES.  
24 But I am not commanding to MES, I am commanding,  
25 managing the crew which I have in front of me. But I

1 have the raft commanders, raft commander number one,  
2 two, three, five, seven, nine -- (inaudible few words).  
3 And their assistants, which will assist the passengers  
4 when we start the evacuation to that MES.

5 Q. Just to clarify, though you -- were you  
6 present when they launched the MES?

7 A. No, I was coming down, I was on deck six when  
8 this happened. And the team was already opening and  
9 launching the MES directed by the captain. They are on  
10 channel six and they report to the bridge already, so  
11 they get the order from captain, and they were starting  
12 that, (inaudible word) already when I was coming down.  
13 At the same time.

14 Like I mentioned before, the port side was  
15 closed, and people from port side come to the starboard  
16 to handle the passenger, and assist the passengers to  
17 go down the slide. It was no time, it was no time that  
18 you have procedures like have number one go assist  
19 passengers to the slide and the start (inaudible word).  
20 And then have (Line breaking up, inaudible few words),  
21 with three to four.

22 The situation was a little bit difficult  
23 because bad weather and the rough sea, when the vessel  
24 was shaking it was very difficult to tie the raft. And  
25 they have -- they manage, I think the raft to be tied

1 up and embarking the passenger. But they would not be  
2 able to manage that without Coast Guard help.

3           So the Coast Guard boats would stay close, and  
4 they were helping them to do that. After that raft has  
5 been released, all the passenger had been taken out to  
6 the Coast Guard boats, and all other passengers later  
7 were (inaudible word) straight to boats or to  
8 (inaudible word) -- so the raft was not in use.

9           Q. Okay, thank you. And so eventually you made  
10 it to the starboard MES then, did you spend most of the  
11 time there once the abandon ship started?

12           A. Yes, I was on deck six, which is a deck above.  
13 But you can see the, you can see the area, the  
14 embarkation area and crew and passenger when that are  
15 going down to the slide. So for me I have at that time  
16 reporting what are we going to with the dogs. The  
17 passengers were asking for the water, so many other  
18 things are happening.

19           So I see that the line is going down, the  
20 passengers are sliding one by one, everything goes  
21 okay. I see many Coast Guardboats from that point  
22 helping and come out to the ship. And I organize the  
23 water, for the passenger open the bunker and find the  
24 water, accomodate some disabled and high pressure, and  
25 waiting for the helicopter to take the passenger in the

1 helicopter.

2           At the same time, when I was (inaudible word),  
3 was coming the fire brigade, I think, firefighter and  
4 he told me this passenger we will be taking with  
5 helicopter. So he was the one organizing all that,  
6 with the help of my crew to take passenger up to helo  
7 deck.

8           And after that we have a situation with the  
9 dogs, when I also had to arrange the crew to take the  
10 cages, and bring the cages with the dogs to deck seven,  
11 so that is what we were doing at that moment of the  
12 evacuation of the boat.

13         Q.    Okay, thank you for that. And just a couple  
14 more questions. You -- can you tell me how you  
15 evacuated the ship?

16         A.    I evacuated the ship last, I was the last one.  
17 After I see that all passengers and all the crew are  
18 going out, I was the one, the last one together with  
19 the safety officer, security -- the sanitation officer,  
20 we were last to slide to the platform. And I was taken  
21 down by the Coast Guard from platform to the boat and  
22 they bring us to the land.

23         Q.    Okay.

24         A.    Yeah, but for me there were no more passengers  
25 on board the ship, it was only some deck and engine



1 crew on ship at that time, captain, staff captain, and  
2 safety officer and some other crew.

3 Q. Okay. And one last question. Earlier you  
4 were talking about the weekly shipboard safety  
5 meetings, and you mentioned that you keep, or that logs  
6 are kept, or minutes, meeting minutes.

7 A. Yeah, they have that, yeah every week we have  
8 a senior management meeting with the captain, staff  
9 captain, ship engineer, myself, the chief purser, and  
10 invited -- there is, are crew which we call to that  
11 meeting.

12 Q. Are the notes from that meeting sent to the  
13 company?

14 A. The meeting, the ship board meeting it is  
15 sent to the company. Yeah, captain have that, staff  
16 captain have that in his office, and computer, and they  
17 are sending that to their companies. I have a copy of  
18 that, I receive a copy so I am aware of an update of  
19 everything what is happening, happening to that matter.

20 Q. All right, thank you.

21 A. Then, yeah, we also have a safety meeting,  
22 like I mentioned before, once a month. This is also  
23 recorded, and filed. We have a captain, staff captain,  
24 chief engineers, and deck and engine officers, the  
25 hotel officers. The session is preventative, it is a

1 big group of crew attending to the safety meeting when  
2 we discuss the safety matters, in all department areas,  
3 and they know, have questions, somebody have something  
4 to report, that safety, safety matter. Some  
5 accommodation, the duration and so forth.

6 Q. Okay, so the monthly meeting, the crew is  
7 involved in those meetings.

8 A. Yes, the crew is involved on those meetings.

9 Q. Okay.

10 A. Then we have weekly drill where the --  
11 (inaudible few words), boat drill, fire drill and boat  
12 drill, and after that finish we all come to big lounge  
13 with the captain, and the staff captain presenting what  
14 is good and what needs to be improved on that drill  
15 performance.

16 Q. Okay, thank you for that detail. That is all  
17 the questions I have, thank you.

18 A. You are welcome, you are welcome.

19 **WITNESS**

20 **HOTEL MANAGER DRAGAN GRUBISIC**

21 **EXAMINATION**

22 BY LT PROCTOR:

23 Q. Hi, just a couple follow-up questions, this is  
24 Lieutenant Jennifer Proctor with the U.S. Coast Guard.

25 A. You are welcome.

1           Q.    How did you know to abandon the ship and  
2 proceed to the starboard MES after you accounted for  
3 the evacuation teams?

4           A.    Well, when we finish evacuation all the  
5 passengers were brought to the muster station A and B.  
6 During that process, I was, like I said before, I  
7 remain on deck five just to make sure that everything  
8 is a hundred percent evacuated.

9                    So when this was reported by chief housekeeper  
10 and some other crew that we are okay. We proceeded to  
11 deck six to help with the passengers, evacuating the  
12 passengers. We were -- we come out to deck six and I  
13 see on deck seven, port side and starboard side crew  
14 and passengers on the boat stations.

15                   At that time I learned, because the captain  
16 communicated with the staff captain, with the safety  
17 officer, with the first officer, third officer, they  
18 have communication, I learned that they want to open  
19 the slide.

20                   So I saw from that point that the slides  
21 are opening. So the captain gave the order to the crew  
22 of the slides, the slide team, the MES team to open the  
23 slides. Like I mentioned earlier, I was, at that time  
24 I was still on channel 68, and captain probably gave  
25 the order on channel six, because they were on channel

1 six.

2 I switched to channel six when I come up, and  
3 I was sure that everything is okay (inaudible line  
4 breaking, inaudible few words), said, we are going to  
5 channel six, so we were on channel six.

6 Q. So earlier, you had stated that during a drill  
7 after you receive a hundred percent evacuation from  
8 your team leaders, you wait in the reception area until  
9 you hear the abandon ship alarm from the captain --  
10 from the bridge, and the -- and then that's proceed to  
11 your abandon ship station, which is the starboard side  
12 MES. Was there any -- did you hear any alarm that  
13 triggered you to proceed to the upper decks? Or did  
14 you just go, or did you hear on radio ...

15 A. What I mentioned before, it was a procedure  
16 during our drill. So, I stay in reception, I receive  
17 all these things, like I mentioned before, and then I  
18 proceed to my starboard side, during our drill, weekly  
19 drills.

20 But now in that emergency, it was a different  
21 situation. We -- with a general alarm we all start to  
22 evacuate the passengers, it was time to move the  
23 passengers to the safest area. So, I said to the ship  
24 housekeeper and his crew, come to reception and help me  
25 to move the passengers to deck seven.

1           So, I learned that the MES starboard side,  
2 port side didn't open when I was coming already up to  
3 deck six and seven, forward. The MES teams were in  
4 that location already operating, they operate the MES.

5           Q.    Okay, so you believe that the way that  
6 incident, the evacuation and abandon ship procedures  
7 were handled on the day of the incident was different  
8 than the way you normally conducted them during the  
9 drills?

10          A.    Yes, they were different, because during the  
11 regular drill we have time and we go with the, our  
12 standard operating procedures, step by step and we  
13 always follow the same routine. This was out of any  
14 routine, and it was just a situation that I could see  
15 and act accordingly.

16          Q.    Okay, on the day of the incident, did you  
17 receive any reports of missing crew prior to you going  
18 to the starboard side MES?

19          A.    No, I did not. Because no checklist procedure  
20 in that emergency time.

21          Q.    And you had stated earlier, that your  
22 evacuation team leaders did not receive their boards  
23 for checking -- evacuation in their areas, to include  
24 the crew assigned to their evacuation team. How did  
25 they know that their evacuation team crewmembers were

1 present if they did not receive the boards to tally  
2 that?

3 A. You are talking about an emergency situation  
4 which has happened, the fire?

5 Q. Yes, on the day in question.

6 A. Yeah on that, on that particular moment we  
7 didn't have no checklist, we don't go with -- like I  
8 said before all the crew was up, so all areas were  
9 evacuated, and we were line up from deck seven to deck  
10 five to have the passenger to disembark as soon as  
11 possible, that is what happened.

12 Q. Right, but you had stated that the evacuation  
13 team leaders received the board that say, okay, we have  
14 four team members assigned to evacuate all the  
15 housekeeping areas.

16 A. This is during the -- our regular drills. So  
17 we -- our, I am mixing up, maybe I am mixing up, I  
18 apologize. Our regular drills, the regular situation  
19 is one situation. This emergency was totally different  
20 situation.

21 Q. I understand that. So during the actual  
22 emergency, the fire, you know, on the day in question.  
23 Without those boards how did evacuation team leaders  
24 account for the crewmembers that were assigned to  
25 evacuate those spaces?

1           A.   Well, they didn't do that, they didn't have no  
2 time for that.  When the group of people, crew go to  
3 the hotel and search everything, they just came down  
4 and reported that nobody was there, and the smoke was  
5 coming up.

6                    So all the crew from the aft to the forward,  
7 and participate in the passenger evacuation, and rescue  
8 going up to deck six and going up to deck seven.  So it  
9 was not any checklist or something like that in that  
10 time.  There was no time for that.

11           Q.   So you never actually had a hundred percent  
12 accountability of your evacuation team crewmembers on  
13 the day of the incident?

14           A.   During the emergency no, we did not have.

15           Q.   Okay, and you had also stated that due to the  
16 smoke, people were not mustering in muster station C,  
17 they went up to deck seven?

18           A.   That is correct, that is correct.

19           Q.   How did they know not to go to muster station  
20 C, the crew and passengers?

21           A.   Well the crew already knows if there is smoke  
22 they don't go to this area, and they know that they  
23 have alternative stations.  So if any passenger was  
24 confused -- which I don't think it was, because nobody  
25 wanted to go to the smoke area -- the crew just sends

1 them up to the open area where there was no smoke. We  
2 have alternative area for all our muster station.

3 Q. Was there smoke in other accommodation spaces  
4 that prohibited personnel from being in there?

5 A. Well, if we have smoke we all learn do not go  
6 to that area because it is not that you are prohibited,  
7 it is dangerous. We all train, and we all learn people  
8 that people don't die from fire, they die from smoke,  
9 from intoxication.

10 Q. So, your evacuation team -- if there is smoke  
11 in an area that they are supposed to be evacuating, do  
12 they still proceed to that area, to check that no one -  
13 -

14 A. No.

15 Q. -- is unconscious, or no one is trapped in  
16 that area?

17 A. This area had been checked, because at that  
18 time the smoke was not really, really heavy. But if we  
19 have heavy smoke, then the firefighting teams have  
20 masks and they have all equipment to enter any fire, or  
21 any smoke, or smoky section. At that time, on deck  
22 five, crew and passenger accommodation there was some  
23 smoke, but not that heavy smoke. But even that small  
24 smoke was enough not to send people and crew in that,  
25 in muster station C.



1 Q. So was there any announcement via radio, or on  
2 the public address system to the crew or passengers not  
3 to proceed to muster station C?

4 A. No, there is not, there was not. Probably,  
5 the little muster station C, and crew which is supposed  
6 to be there, were already moving passenger to deck, to  
7 open deck on deck six and seven.

8 Q. Okay, all right thank you.

9 A. You are welcome.

10 CDR CAPELLI: Good morning hotel director,  
11 Commander Mike Capelli, U.S. Coast Guard.

12 THE WITNESS: Hello Commander.

13 CDR CAPELLI: I have no further questions, I  
14 have no questions, but I am going to call on our  
15 parties-in-interest, and substantially interested  
16 parties, if they have any questions. Panama do you have  
17 any questions for the witness?

18 MR. ARENAS: (No audible response.)

19 CDR CAPELLI: Panama has no questions for the  
20 witness. American Cruise Ferries?

21 MS. LUZ: No questions.

22 CDR CAPELLI: American Cruise Ferries has no  
23 questions for the witness. Does Baja Ferries have any  
24 questions for the witness?

25 MR. BLASINI: No questions.

1           CDR CAPELLI: Baja Ferries has no questions  
2 for the witness. Sir, thank you for your time, you are  
3 now released as a witness at this hearing, thank you  
4 for your testimony and cooperation. If I later  
5 determine that we need additional information from you,  
6 I will contact you through counsel. If you have any  
7 questions about this investigation you may contact the  
8 recorder, LTJG Grade Diaz-Colon.

9           THE WITNESS: Okay, I understand all that you  
10 mentioned, and I thank you very much.

11           CDR CAPELLI: At the hearing the time is 1141,  
12 we are going to take a recess now, we won't start with  
13 the master until -- we are going to give ourselves an  
14 hour, so we will try and start at 1300. The hearing is  
15 now in recess until 1300.

16           THE WITNESS: So you will need my  
17 participation at 1300?

18           CDR CAPELLI: No, I will not need your  
19 participation at 1300, thank you very much.

20           THE WITNESS: So, I am released now from the  
21 hearing?

22           CDR CAPELLI: Yes, you are released, thank  
23 you.

24           THE WITNESS: Okay, thank you very much, sir,  
25 thanks to all.

1 (Whereupon a luncheon recess was taken.)

2 CDR CAPELLI: Good afternoon the time is 1304  
3 we will reconvene the hearing. We are going to hear  
4 testimony from the master of the Caribbean Fantasy at  
5 the time of the casualty. If you don't mind, would you  
6 please stand, and LT Diaz-Colon with administer the  
7 oath and ask you some preliminary questions.

8 LTJG DIAZ-COLON: Good afternoon captain, can  
9 you please stand?

10 THE WITNESS: It is okay for you?

11 LTJG DIAZ-COLON: Yes captain, can you please  
12 raise your right hand for me.

13 THE WITNESS: It's okay.

14 (Administers oath to the witness.)

15 **WITNESS**

16 **CAPTAIN JACQUES LEON CASABIANCA**

17 **WITNESS**

18 **ALLAN LAGRONE**

19 A witness called on behalf of the Coast Guard was  
20 sworn on their oath and testified as follows:

21 THE WITNESS: Yes, what did you say?

22 LTJG DIAZ-COLON: For the record, please  
23 state your full name, and spell your last name.

24 THE WITNESS: Okay, my name Casabianca, my  
25 family name is Casabianca, my first name is Jacques.

1           LTJG DIAZ-COLON: Can you spell your last name  
2 for me, please?

3           THE WITNESS: My family name I spell is C-A-  
4 S-A-B-I-A-N-C-A, Casabianca.

5           LTJG DIAZ-COLON: Thank you, captain. And for  
6 the record will the counsel please state your full name  
7 and spell your last name.

8           COUNSEL FOR THE WITNESS/MR. RODRIGUEZ: Good  
9 afternoon, yes, it is Jay Rodriguez, last name is R-O-  
10 D-R-I-G-U-E-Z, and I am acting as counsel for Baja  
11 Ferries as well as for the captain as a representative  
12 of the company.

13          LTJG DIAZ-COLON: Okay, thank you sir.

14          MR. RODRIGUEZ: Thank you.

15          LTJG DIAZ-COLON: Okay captain, can you please  
16 tell me where you are currently employed and what your  
17 position is?

18          THE WITNESS: I am currently employed by Baja  
19 Ferries, on the (inaudible word) ship, the Caribbean  
20 Fantasy as the captain, on the ship to represent my  
21 owner, and the shipyard in the Bahamas.

22          LTJG DIAZ-COLON: Okay and prior to working on  
23 the Caribbean Fantasy can you briefly describe or  
24 discuss what your previous work experience is?

25          THE WITNESS: Before Baja Ferries?

1 LTJG DIAZ-COLON: Before Baja Ferries.

2 THE WITNESS: I was working for, I was  
3 working together as training master in training center  
4 in Marseille, and also -- the sound is not good -- and  
5 also as captain of the (inaudible word) ferry between  
6 France and Morocco for two years, and for as captain on  
7 accommodation barge in Aprica. Before as a captain on  
8 a salvage (inaudible word). And before I was officer,  
9 of course until I'm working -- I am sixty-two, and I  
10 have been at sea including my navy (inaudible word),  
11 until 1974.

12 LTJG DIAZ-COLON: Sorry sir, your total sea  
13 experience has been since 1974?

14 THE WITNESS: Yes, that is when I started to  
15 navigate, go to school to get it.

16 LTJG DIAZ-COLON: Okay thank you. And what is  
17 the highest level of education that you have completed?

18 THE WITNESS: In spite of the naval academy,  
19 you say?

20 LTJG DIAZ-COLON: Yes, captain.

21 THE WITNESS: I don't know if you are familiar  
22 with (inaudible word), bacheloria, it is bachelor, I  
23 don't know what you how you call that.

24 LTJG DIAZ-COLON: It's the same, bachelor's  
25 degree.

1 THE WITNESS: Bachelor's degree, yes.

2 LTJG DIAZ-COLON: Okay, and do you hold --

3 THE WITNESS: (Inaudible word) University.

4 LTJG DIAZ-COLON: Okay.

5 THE WITNESS: And I did one year at the

6 university, but it is beside.

7 LTJG DIAZ-COLON: Okay, thank you. And do

8 you hold any professional licenses or certificates in

9 addition to your captain's license?

10 THE WITNESS: No, no.

11 LTJG DIAZ-COLON: Okay thank you.

12 THE WITNESS: I mean -- that -- sorry -- you

13 mean captain's license, you know in France you know

14 that it is different, with are engineer and captain,

15 but we are both for the navy we used to train as engine

16 officer, and technician.

17 LTJG DIAZ-COLON: So you have a professional

18 engineer's license as well?

19 THE WITNESS: As well, but not valid anymore

20 because you need to -- renew every five years.

21 LTJG DIAZ-COLON: Okay, thank you.

22 THE WITNESS: The only license I have valid

23 today is captain.

24 LTJG DIAZ-COLON: Okay, I appreciate it, so

25 now I am going to turn over the floor to Mr. Jason

1 Yets, who is going to continue with questions, okay?

2 THE WITNESS: Okay.

3 LTJG DIAZ-COLON: Thank you.

4 **WITNESS**

5 **CAPTAIN JACQUES LEON CASABIANCA**

6 **EXAMINATION**

7 BY MR. YETS:

8 Q. Captain, good afternoon.

9 A. Good afternoon.

10 Q. What was your sign on date on the Caribbean  
11 Fantasy as the captain for this last contract?

12 A. What was my?

13 Q. Sign-on date, when did you join the vessel?

14 A. On the fifth of August, for the second time,  
15 on the fifth of August.

16 Q. All right, so you were on board for just under  
17 two weeks then, is that correct?

18 A. Yes.

19 Q. I want to talk to you about your handover.

20 A. Yes.

21 Q. What is the company's policy on the captain's  
22 handover. And what I mean by that, is there a  
23 prescribed time period that you are supposed to have  
24 when you are a new captain on board a ship?

25 A. Yes, there is.

1 Q. Okay, and what is that time period, what does  
2 the safety management system require for a minimum  
3 handover for a new captain?

4 A. Okay, I was not a new captain, because I  
5 joined the ship before in the dry-dock in Tunisia, so  
6 it was my second time.

7 Q. Okay.

8 A. So that was what your question is, what was my  
9 handover on the fifth of August?

10 Q. No --

11 A. The company, the company, the company, hires  
12 (inaudible inaudible word) for forty-eight hours, two  
13 days of handover, plus the document, of course, signed  
14 with old captain handover, which is a document included  
15 in the ISM book.

16 Q. Okay, thank you.

17 A. Um-hmm.

18 Q. Was there any information that you feel that  
19 you did not receive during the handover that you had to  
20 learn on job?

21 A. No.

22 Q. Okay, I'd like to talk to you briefly about  
23 your crew muster lists.

24 A. Yes.

25 Q. On board the Caribbean Fantasy. If I use the



1 term incident codes, do you know what I mean?

2 A. If I go back to the, on the date of the  
3 incident, you mean.

4 Q. No, no, let me rephrase.

5 A. Oh.

6 Q. You have different codes that you use on board  
7 the ship for fire, for grounding, for pollution.

8 A. Yes, yes, yes.

9 Q. Could you explain what those different codes  
10 are, what each one of them means?

11 A. Okay, for instance, for the fire it is Mr.  
12 Skylight. For the man overboard it is MOB. For  
13 (inaudible word), and I don't recall but it was stated  
14 on the muster list. But a fire, in that case, it was  
15 Mr. Skylight.

16 Q. Okay, thank you. Have you ever heard of the  
17 code red, red, red?

18 A. What do you mean exactly, because I don't  
19 understand what does it mean, red, red.

20 Q. Okay, let me ask the question a different way,  
21 so you just stated that for a fire, you would call Mr.  
22 Skylight.

23 A. Yes.

24 Q. Is there any incident on board the ship where  
25 you would use the code red, red, red?

1           A.    No, no, no, but I understand what you mean,  
2 but no, no, no. It was still Mr. Skylight.

3           Q.    Okay.

4           A.    This code red, was maybe something proposed by  
5 the new muster list to be approved?

6           Q.    All right, at this time I'd like to call  
7 Exhibit E012, so if you would just give us a moment,  
8 captain, we are going to be pulling up a document on  
9 the computer and sharing it with you so you can see it.

10          A.    Yeah.

11          (Brief pause.)

12          A.    At the moment I don't see it, nothing.

13          Q.    We are pulling it up right now.

14          (Brief pause.)

15          A.    Ah -- okay, yes, I can see the muster list,  
16 okay.

17          Q.    All right.

18          A.    But I have to remove my -- I have to remove my  
19 -- now it is okay, right, stop sharing -- means stop  
20 sharing because, okay, now it is okay. Red, muster -  
21 green, okay.

22          Q.    Captain have you ever seen this crew muster  
23 list before, or ever used this crew must list before on  
24 the Caribbean Fantasy?

25          A.    Yes, it looks like it is the same, but as far

1 as I can -- wait a minute -- I cannot stop that. I  
2 have a problem with my computer with the -- okay,  
3 anyway. Yes, this is the same, yes it is the one we  
4 used to have displayed in the corridor officer, and in  
5 the crew mess.

6 Q. Okay, so this is an old station bill that has  
7 since been replaced with an updated station bill?

8 A. I can't tell you, because I am not -- it is --  
9 no, because the -- this one is red, red, red. That is  
10 what -- okay, it is fire incident red, red, red, was  
11 not applied. It is probably the one -- to be applied  
12 afterwards -- the validation with the RINA, with class  
13 society, because this one did not get in (inaudible  
14 word). It is the new one. The one that we had, had  
15 Mr. Skylight still, this one was not.

16 Q. Okay, so this was not the approved muster list  
17 for the Caribbean Fantasy at the time of the incident?

18 A. During -- can you repeat, please?

19 Q. I said, so this was not the approved crew  
20 muster list at the time of the accident on the  
21 Caribbean Fantasy?

22 A. No, not to my knowledge, no.

23 Q. Okay.

24 A. It was not yet approved.

25 Q. Okay. Captain would there be any situation in

1 an emergency where a crewmember could have two  
2 different abandon ship duties. Perhaps, a captain's  
3 standing order, a policy or procedure within your SMS?

4 A. Is it possible that a crewmember, can ask, a  
5 role upon request, regarding a procedure, because for  
6 (inaudible word) as work as guidelines mainly. And in  
7 an emergency situation, those are not useful, but  
8 sometimes you can adapt. So, it is possible that  
9 somebody -- they are not exactly the same function as  
10 on the muster list, it is possible.

11 Q. At this time I'd like to call two exhibits,  
12 E313 and E314.

13 A. Okay.

14 Q. So just give us a moment captain, we are just  
15 going to pull up a couple more documents.

16 A. Yes, I understand. I can see, it's the crew  
17 list (inaudible few words), crew list. It is clear.

18 (Brief pause.)

19 A. Yeah, okay.

20 Q. Captain can you see the picture that we have  
21 up on the screen?

22 A. Yes.

23 Q. Of the crew emergency card?

24 A. Yes, yes, yes, I can see.

25 Q. Is this your crew emergency card, emergency

1 number one?

2 A. Yes, yes it is.

3 Q. All right, so on this crew emergency card, it  
4 shows that your survival craft is lifeboat number one,  
5 and your role is the commander is that correct?

6 A. Yes, in a survival craft, yes it is.

7 Q. Okay, I'd like now to call Exhibit No. 313.

8 Captain this is the MES port side life raft crew muster  
9 list.

10 A. Yes.

11 Q. Crew accountability list. You see under  
12 emergency number one, there is your name, rank is  
13 master, and then it states your job as life raft #24  
14 Commander.

15 A. Yes, that is what the last -- yes, that was  
16 the list between the (inaudible few word), or at least  
17 I think. This one is the (inaudible word), and  
18 lifeboat, life raft, last life raft, yes. It is the  
19 last one. And lifeboat #1 is probably on the new  
20 muster list which was not validated.

21 Q. Okay so can you explain how you can serve as  
22 lifeboat #1 Commander and a life raft #24 Commander?

23 A. I cannot explain that. It is just because the  
24 crew lists were superseded me, during this regular  
25 time. It should have been, probable corrected quickly.

1 Q. Okay, so this is a, this is incorrect  
2 information?

3 A. This is an improper -- yeah. This is an  
4 adjustment to be -- must be done within a short time,  
5 because we were servicing again and starting on the  
6 service, again for a short time. So it should have  
7 been modified shortly. Unfortunately before we have  
8 the fire.

9 Q. Okay, thank you. Captain is there any --  
10 again, standing order, a policy, a procedure, or  
11 otherwise that would allow two different people to have  
12 the same abandon ship duty? So for example, could two  
13 people be the commander of the same lifeboat?

14 A. After that, after what you showed me I would  
15 say no, but after what you showed me, it could be  
16 possible, because those two muster lists have  
17 supersede. So for I don't know.

18 Q. Okay.

19 A. Nobody know, but --

20 Q. All right, at this time I'd like to call  
21 Exhibit No. 314, again.

22 (Brief pause.)

23 Q. All right Captain, this is the same exhibit  
24 that I just showed you, and this is your safety card,  
25 emergency number one?

1 A. Yes.

2 Q. Okay.

3 A. Yeah, but frankly speaking I am a little bit  
4 (inaudible word), because I didn't have time when you  
5 have that, to when I went up to the bridge, I didn't  
6 have that with me. So, but it is -- it is written.

7 Q. Okay.

8 A. Captain, and it is -- yeah it is mine, yeah

9 Q. Okay. At this time I'd like to call Exhibit  
10 No. E315.

11 A. (Reading the exhibit unintelligibly.) Okay.

12 Q. So Captain, this is a crew safety card that we  
13 had found in third officer, the third officer's cabin.

14 A. Yeah.

15 Q. And as you can see, this also states that he  
16 is the lifeboat #1 Commander.

17 A. Yeah, it is -- it was what -- this is what has  
18 been done, in fact he was, he was the -- because I  
19 think that life boat #1 for me is a mistake, I will  
20 tell you that. Because the lifeboat, I'm not supposed  
21 to leave, to quit the ship at this period. I'm  
22 supposed to quit, to leave the ship at the last moment.

23 And the life raft #24 sounds more logical, and  
24 it is probably something like typing mistake or double,  
25 it is a mistake, obviously. But this one is good,

1 because the -- Javier Boliver was in command on the day  
2 of the fire, and was in command of lifeboat #1.

3 Q. Okay, thank you very much. Captain are you  
4 aware of what your staff captain's duties are during  
5 the general emergency alarm, according to the crew  
6 muster list?

7 A. Yes, yes, yes.

8 Q. Can you please explain what the staff  
9 captain's duties are in accordance with the crew muster  
10 list?

11 A. The staff captain must be my first assistant.  
12 So, for that reason, I sent him wherever I think I  
13 needed him. So, he can be sent anywhere. He can be  
14 sent, like I did the last time, on the fire, first to  
15 support investigation, inspection, and give me some  
16 report.

17 I can send him, like I did to the drencher  
18 afterwards, to cool down, to operate the drencher. I  
19 can send him to the CO2, to operate the CO2 upon my  
20 orders. And I can send him, like I did this time on  
21 the -- as an on scene commander, local for the MES,  
22 that's what I did. For instance, this person can be  
23 used several -- upon my request.

24 Q. All right.

25 A. Not only for communication on the bridge,



1 because communication on the bridge was handled, easily  
2 handled already, and it was not the main aim, the main  
3 target.

4 Q. Okay, so according to the crew muster list on  
5 the, on the Caribbean Fantasy, the staff captain's duty  
6 in a general emergency alarm, is to go around the ship  
7 and do the things that you tell him to do?

8 A. No, it is to -- he is on the bridge team. But  
9 this team is at my disposal to do what I expect them to  
10 do. It is my decision, that is the way that procedure  
11 is there to be a (inaudible word), to be a (inaudible  
12 word), and not just it, according -- it is not a drill,  
13 it is a real case.

14 So we are prepared, and not (inaudible few  
15 words), to that all along. I mean, I need this, I need  
16 that, I need that, it is changing so fast, that you  
17 know already, and you have seen how the fire was big,  
18 and brutal, and fast. Okay, so it was necessary to  
19 adapt my orders and instruction, respecting as far as  
20 possible, the procedure.

21 Q. Okay, and is there any standing order, policy,  
22 procedure or otherwise that would allow for this  
23 deviation? Because you say he is supposed to report to  
24 the bridge, and then when he gets to the bridge you  
25 send him out to do these other tasks. Is that what the

1 crew muster list says? Report to the bridge, and then,  
2 you know take directions from the captain as assigned?

3 A. No, no is that what I (inaudible word), on him  
4 as staff captain.

5 Q. Okay, so in a real emergency, if I understand  
6 correctly, you -- it is okay to deviate away from the  
7 emergency plan, crew muster list if you feel that a  
8 part task takes priority over another?

9 A. According to my experience, my age and my  
10 experience as officer, firefighting officer, training,  
11 master and master, you must adapt. And it is, of  
12 course sometimes some deviation can be more useful than  
13 respecting point and point the procedure. It is my  
14 opinion, and it is validated. To save the people, my  
15 target was only to do that. To have no casualties, no  
16 deceased, no -- it was -- I was just guided by this.

17 And the procedure was for me like support to  
18 sometimes come back to the track. Let's follow the  
19 procedure, but let's adapt, because I am -- my target  
20 is to put all the people out as fast as possible from  
21 the moment I make the decision, I give the order, and  
22 not before.

23 Q. Okay, so you had mentioned, a few different  
24 tasks that you may use the staff captain for during an  
25 emergency. You had mentioned drencher.

1 A. Yes.

2 Q. You had mentioned marine evacuation system,  
3 and you had mentioned the CO2 system.

4 A. Yes.

5 Q. So, I'd like to address each of those  
6 individually, if I may. Are you aware in the crew  
7 muster if there is a safety position assigned to  
8 energize or activate the CO2 system?

9 A. If there is any procedure --

10 Q. Let me rephrase the question.

11 A. (Inaudible.)

12 Q. Is there any crewmember on board whose  
13 specific duty according to the crew muster list is to  
14 release the CO2?

15 A. I don't recall that, I don't recall that. But  
16 to me it sounds -- it certainly an (inaudible word) of  
17 I -- but I don't recall.

18 Q. Okay. For the marine evacuation system, are  
19 there people that are individually assigned to operate  
20 the marine evacuation system? Besides the staff  
21 captain?

22 A. They were assigned by the staff captain?

23 Q. Let me rephrase. You have said that you may  
24 send him down to do something with the MES, launch the  
25 MES whatever it may be. Are there not already people

1 assigned to the marine evacuation system to launch that  
2 system in an emergency?

3 a. Yes, there are some -- all the people are  
4 assigned, yes.

5 Q. Okay.

6 A. Yes.

7 Q. And the drencher system, is there a specific  
8 position whose emergency duty is to release the  
9 drencher system?

10 A. Probably, but I don't recall which one is  
11 this.

12 Q. Thank you. Would you receive the call,  
13 Captain, from the engine room, regarding the fuel  
14 leak/fire in the engine room. Did you order the staff  
15 captain to leave the bridge and go down to the fire, or  
16 did he inform you that he was going to be going down to  
17 the fire?

18 A. No, it was not like that. The sequence is not  
19 proper, appropriate. And I can give you the sequence,  
20 but -- was we called the engine room to slow down.  
21 Then we get the information that they have a leak. So  
22 we hang up the call, they recall -- they call us back  
23 saying we have a fire, okay?

24 And at this moment I sent the safety officer,  
25 the safety officer was reaching the bridge as --

1 during. I said to him, I sent all the people  
2 (inaudible word) and on the bridge, safety officer to  
3 go, on scene commander. Staff captain to give me  
4 information and support to give me some information,  
5 and I sent him to do that.

6 It was similar to, I say okay, you know, when  
7 he says, Captain can I go -- yes you go, you give me a  
8 report, report and go and do it as fast, as soon as  
9 possible, very fast please. That's it.

10 Q. Okay, so if I understand you correctly, the  
11 staff captain said or implied, that you know, I'm going  
12 to go down to the fire, to check on things, and you  
13 agreed with his decision to go down and do that, is  
14 that correct?

15 A. I could have been that but in fact, if I don't  
16 agree he, he doesn't do, because it is on my command  
17 and my responsibility so in that -- that is such a  
18 heavy case, a question fire plus passenger means you  
19 are in a dangerous situation, and you have to act  
20 properly, rapidly, and you have to save the people.

21 It was to -- knowing that by my experience and  
22 training, I know that I have to control everything as  
23 much as possible, and of course keep person like staff  
24 captain.

25 Q. Okay thank you. Did you perform any duties

1 the day of the incident that were the responsibility of  
2 another crewmember? So, for example, something needed  
3 to be done, but the crewmember assigned to do that job  
4 on the crew muster was not available, and so you had to  
5 complete the task? Or you had to do the job?

6 A. Me, personally?

7 Q. Yes, sir.

8 A. No, I did my job staying on the bridge and  
9 giving instruction, and follow-up, the situation  
10 evolution. I don't recall any other discrepancy about  
11 -- regarding the muster list.

12 Q. Okay.

13 A. Like I said, the muster list is there a --  
14 let's say support, a guideline.

15 Q. Okay, thank you. Captain I'd like to talk to  
16 you briefly about some of the announcements that were  
17 made the day of the incident.

18 A. Yes.

19 Q. Is there anyone specific on the ship who is  
20 responsible for making announcements from the bridge  
21 during an emergency? Is that a position on the crew  
22 muster list that their job is to make announcements?

23 A. Don't know if it is on the muster list, but it  
24 is the officer on duty. And in that case it was the --  
25 Mr. Ricardo (inaudible last name) was on duty. Made

1 the announcement after sending Mr. Skylight on the PA,  
2 plus the alarm, the general alarm. It is -- he was  
3 making the announcements, in both languages, because he  
4 speaks both languages, French -- not French, sorry --  
5 English and Spanish.

6           So, it was explaining that Mr. Skylight was  
7 expected at the garage A, because that is the code,  
8 secret, and say secret to avoid panic among the  
9 passengers. To avoid you saying, fire, fire, fire, or  
10 something like that you could -- we could start a panic  
11 among the passengers. So it was done by the officer on  
12 duty, Mr. Ricardo (inaudible last name).

13           Q.    So Ricardo -- so Mr. -- so the officer that  
14 was on the bridge with you, he was the only person that  
15 made any announcements on the bridge that day?

16           A.    Yes, to the best of my knowledge, I recall  
17 yes, I think so.

18           Q.    All right.

19           A.    But -- I didn't do that, but I know that he  
20 did.

21           Q.    Were the announcements made -- were the  
22 announcements made using a scripted sheet, with  
23 translations for both English and Spanish, for each  
24 emergency signal?

25           A.    I don't know -- I don't know, because this,

1 this officer is, mother language is Spanish, and he  
2 speaks very good English, so he made it spontaneously  
3 in English before, and in Spanish to help, of course,  
4 because as you know already, working language, I'm told  
5 compulsory by the flag state is the English.

6 But we have a lot of Spanish speaking, Spanish  
7 people and almost, and mainly all the passengers are  
8 generally speaking Spanish. So it was a way to  
9 communicate better, to avoid any panic.

10 Q. All right so, so there are no scripted  
11 announcement sheets that you would use during  
12 emergencies to announce --

13 A. I don't recall sir, I don't recall that, I  
14 don't recall.

15 Q. All right, at this time I'd like to call an  
16 Exhibit, and it is going to be a VDR recording.

17 A. Yes.

18 Q. And we are going to go to a very specific time  
19 within the VDR.

20 A. Yeah. To listen? It's a tape? It's a --

21 Q. Exhibit number E173, and we are going to call  
22 the time 7:46:25 --

23 CDR CAPELLI: Captain, at this time we are  
24 going to take a quick recess for five minutes to make  
25 sure that this comes up properly, so we don't waste



1 your time. So we are going to take a five minute  
2 recess.

3 (At 1:38 a brief recess was taken.)

4 CDR CAPELLI: Good afternoon, the time is  
5 1346 and we are reconvened after a short recess. We  
6 were testing some technology to try and see if we can  
7 get the witness to hear something. So we are not going  
8 to use that exhibit, we are going to continue with  
9 questions from Mr. Jason Yets.

10 **WITNESS**

11 **CAPTAIN JACQUES LEON CASABIANCA**

12 **EXAMINATION (cont.)**

13 BY MR. YETS:

14 Q. This is Jason Yets, of the United States Coast  
15 Guard. Captain, I just want to remind you that you are  
16 still under oath.

17 A. Yes, I'm --

18 Q. So the VDR clip that I was going to play for  
19 you Captain, was the announcements that were made  
20 during the emergency on board the Caribbean Fantasy.  
21 And what I wanted you to hear, was that two  
22 announcements were made.

23 One announcement was made in English and one  
24 announcement was made in Spanish. What I want to point  
25 out, and see if you can explain for me, is the

1 announcement that was made in English was the  
2 announcement that said the fire is out of control  
3 follow the instructions of the crew.

4           And the announcement that was made in Spanish  
5 was that you have determined that we are going to  
6 abandon ship. Do you consider those two announcements  
7 to be the same thing, do they translate differently, or  
8 why were the announcements, why were two different  
9 languages?

10           A. I didn't know that, because I don't understand  
11 Spanish. But it should have been the same, normally.  
12 It should, normally should have been fire and gather at  
13 the -- the first one.

14           The original abandon the ship in Spanish, were  
15 made -- it is not appropriate. If it has been done at  
16 the same time or one after the other it is improper, I  
17 did not notice that, because I don't speak Spanish, a  
18 word of Spanish, sorry.

19           Q. Okay, thank you Captain. I'd like to move on  
20 now, and talk about lifeboat #3.

21           A. Lifeboat #3.

22           Q. Your fully enclosed lifeboat on the starboard  
23 side.

24           A. Um-hmm.

25           Q. When you released your third officer from the

1 bridge, and directed him to proceed to lifeboat #3.

2 A. Um-hmm.

3 Q. Were you informed by anybody on the boat deck,  
4 perhaps a preparation team, or someone else, that  
5 lifeboat #3 was manned, fully manned, loaded with  
6 passengers and ready to launch?

7 A. When I sent my officer?

8 Q. Yes, sir.

9 A. I sent -- as far as I remember, I sent my  
10 officer before, a little bit ahead, that the lifeboat  
11 was fully, full of -- I think I sent him a little bit  
12 ahead, how long time I don't know. But not at the last  
13 minute. He was there before.

14 So I raised him, I raised him from bridge,  
15 let's say as far as I remember, after all announcements  
16 have been done, after I -- activation, so I made all  
17 the people viable for preparing the abandon. So, it was  
18 there a little bit before.

19 Q. Okay. Did you ever receive any reports that  
20 lifeboat three was ready to launch? Did any reports  
21 ever come to the bridge that said lifeboat three is  
22 ready, it's full of passengers, all the crew are here,  
23 we just need the commander? Did anything, did any  
24 information like that come across?

25 A. No, not, I don't recall that, no, no. Because

1 of course they were ready to launch, because I have  
2 asked for, but they were not launched because they were  
3 launched upon my order, so they were ready to launch,  
4 but not launched. When we start to release it, after I  
5 give the order to launch the boat, but I don't recall  
6 what you are -- during the operation, no, actually no.

7 Q. Okay.

8 A. No, no, no.

9 Q. All right so when your officer arrived at  
10 lifeboat #3, did he ask for permission to launch the  
11 boat?

12 A. Yes -- he did not ask for permission, because  
13 I gave the instruction to launch the boat. So there is  
14 no asking, and no way of asking for permission or not.  
15 He launched the boat because I gave the permission to  
16 do it.

17 Q. Okay.

18 A. So I don't really know how I did that, by  
19 voice, because the lifeboat #3 was very close to me --  
20 it was in my voice range, by sign, or by -- I don't  
21 know, you usually, you have to -- okay.

22 Q. Okay, so --

23 A. And I don't, I don't remember.

24 Q. Okay, so he didn't ask for permission to  
25 launch lifeboat #3, you gave him the order to launch

1 lifeboat #3?

2 A. That is probably the case, that was probably  
3 the case, yes.

4 Q. Okay.

5 A. Was probably the case.

6 Q. Were you aware at the time that the second  
7 commander and the assigned engineer for lifeboat #3  
8 were not present in the boat at the time that it  
9 launched?

10 A. Well, I was informed that who?

11 Q. So each lifeboat has two commanders, a primary  
12 commander and a second commander, correct?

13 A. Yeah, no, I was not informed that the second  
14 was not in. No.

15 Q. Were you informed that the engineer was not in  
16 the boat?

17 A. I was informed that the engineer was in the  
18 boat, yes he was in the boat, I think.

19 Q. Okay.

20 A. Okay, three lifeboats, generally, I can't  
21 recall which one -- now it is seven months ago -- I  
22 will say yes, but I am not sure. I will say yes, I was  
23 informed that they have an engineer, obviously, but I  
24 don't know. Yes, yes.

25 Q. Explain to me how that process works when you

1 are -- when you are that point in the emergency where  
2 the boats are loaded up with people, and they are just  
3 waiting for their, you know, the last few crew to get  
4 there so they can launch the boats. How do you know  
5 as the captain, that that boat has its full complement  
6 of crew and passengers prior to giving permission to  
7 launch the boat?

8 A. Because I was informed by the officer himself,  
9 that everything was ongoing properly. I was informed  
10 that he count one hundred person on board, and that may  
11 come in another questions, but he told me that he was  
12 equipped with everything that one hundred person on  
13 board, including or plus the crew I don't remember  
14 that.

15 But one hundred persons were on board this  
16 lifeboat #3. It was the same about -- the same amount  
17 on those, on those -- on the two other lifeboats, one  
18 hundred, one hundred, on hundred, it was an approximate  
19 amount, approximated, yes.

20 Q. So now I'm going to talk to you about each of  
21 the lifeboats, lifeboat #1, lifeboat #2, and lifeboat  
22 #3.

23 A. Um-hmm.

24 Q. Was there any lifeboat, out of the three  
25 lifeboats, that you -- let me think how I want to

1 phrase this -- were you aware of any lifeboats that  
2 were launched without their full capacity of  
3 passengers?

4 A. No.

5 Q. Or without their full complement of crew?

6 A. No. The full capacity, yes because the full  
7 capacity is one hundred and fifteen on the one, on the  
8 one and two. And I am sure they were not full. So  
9 there were around one hundred and five for lifeboat #2  
10 and around one hundred for the #1, something like that.  
11 I'm not -- but they were not full obviously, not full  
12 capacity. I -- I was not informed but this was my  
13 direction.

14 Q. So you were aware that the boats were  
15 launching with less people than they were able to hold?

16 A. Yes.

17 Q. Okay.

18 A. Yes.

19 Q. And as far as you were aware before you gave  
20 permission to launch any boats, you were under the  
21 understanding that they each had their full complement  
22 of crew inside, is that correct?

23 A. I was reported that it was, every crew -- each  
24 boat was complete, and ready to (inaudible word), yes I  
25 was reported.

1 Q. Did each of the lifeboat commanders report to  
2 you, or to anyone else on the bridge the total number  
3 of persons on each lifeboat prior to launching?

4 A. The one hundred and five was reported to me by  
5 one official, I can't, I will not tell you which one,  
6 maybe the secure officer, and one-o-five on the  
7 lifeboat #2, and one hundred was reported by the  
8 lifeboat #3 and I suppose around one hundred or so on  
9 the lifeboat #1, but I am not sure. I don't remember  
10 exactly.

11 Q. Okay, thank you Captain. Did you have any  
12 radio communications with lifeboat #3 regarding the  
13 fact that the boat needed to be hoisted back out of the  
14 water, when they were unable to launch it?

15 A. Yes. Yes, I made the decision to re-hook, and  
16 re-(inaudible word) the boat to avoid lifeboat to hit  
17 the hull, because it was starting to be critical.

18 Q. Okay, so you --

19 A. And I lost communication with the officer.

20 Q. Okay, so you gave the permission, or order to  
21 raise lifeboat #3 back up?

22 A. Yes, yes.

23 Q. Okay.

24 A. Go ahead.

25 Q. Captain were you aware that the davit for



1 lifeboat #3 was only designed to hoist with a crew of  
2 six, and not with a full complement of crew?

3 A. Honestly, it was a crew of six, and then when  
4 we -- it is strange but no, no, no, I don't' recall  
5 that, I don't remember.

6 Q. Okay. Were you aware when you gave permission  
7 to hoist boat #6, that if it was raised with more than  
8 a crew of six, that it would trip the circuit breaker  
9 and cause a failure of the winch?

10 A. No but it didn't, it didn't do that, because  
11 it was working.

12 Q. All right, give me one second, Captain.

13 A. Yeah.

14 (Brief pause.)

15 Q. All right Captain we are going to go, I have  
16 to pull up an exhibit, so if you will just give me a  
17 moment to pull it up.

18 A. Yeah.

19 (Brief pause.)

20 Q. All right Captain, while we are pulling up  
21 this document, do you know -- okay, when I -- I just  
22 asked you that did you know that the circuit breaker  
23 was going to trip, for the winch on lifeboat #3 davit  
24 if it was hoisted with more than a crew of six for  
25 which it was designed. And you had stated that that is

1 not what happened. Do you know why the winch stopped  
2 hoisting lifeboat #3?

3 A. I think that it was enough it was enough over  
4 the water level to keep the boat safe, the lifeboat  
5 safe. We start, I think that they stopped -- you don't  
6 see me?

7 Q. No, I can see you -- I'm looking at this  
8 report trying to find the section I want to reference.  
9 All right Captain, we are going to share our screen  
10 with you here in a moment.

11 A. Okay.

12 Q. All right sir, can you see this report?

13 A. Yes, yes, yes.

14 Q. All right, so at this time I'd like to --

15 A. I am (inaudible word).

16 Q. -- call Exhibit number E281, and I'd like to  
17 reference line 5.5. (READS) "The W120 R2 winch"

18 A. Yeah, okay.

19 Q. (Reading) "The W120 R2 winch used to lower  
20 lifeboat #3 is designed to hoist with a crew of six and  
21 not with a fully loaded boat. The excess weight on the  
22 electrical motor caused the circuit breaker to trip and  
23 prevent further hoisting."

24 A. Un-hmm, yeah, okay, I can see that now. But  
25 I, I didn't know that at that moment. It was something

1 I didn't notice before. I was not informed of that at  
2 this moment, for this lifeboat.

3 Q. What was your understanding, Captain as to why  
4 the lifeboat stopped hoisting?

5 A. When they stopped hoisting, my understanding  
6 was that the ship was high enough to -- the lifeboat  
7 was high enough to protect it from the swell and from  
8 hitting the hull. Which was done, in fact. It is  
9 probably a mistake, but it was done, I mean, it works  
10 because the ship was more in danger by floating than by  
11 hanging. And we saved these passengers because it  
12 wasn't hit again.

13 Q. So were --

14 A. We save one hundred passengers because of that  
15 action, which is apparently a discrepancy.

16 Q. Okay, so you were not aware that the winch for  
17 lifeboat #3 davits stopped hoisting. You just thought  
18 that that is where they stopped hoisting the boat, is  
19 that correct?

20 A. Yes, yes that's correct.

21 Q. Okay.

22 A. I wasn't aware that it was an emergency stop.

23 Q. All right, thank you.

24 A. Because I have a lot of things to do besides  
25 that, also. I was not focused on that.

1 Q. Okay, thank you Captain. Now I'd like to talk  
2 about evacuation. Captain are you responsible for the  
3 overall accountability of all the passenger and crew  
4 during an abandonment?

5 A. Of course, but I have to delegate. Mainly to  
6 the hotel manager, chief purser, and hotel crew, okay,  
7 mainly to people.

8 Q. Correct.

9 A. And also, yeah.

10 Q. But is it ultimately your decision to say yes,  
11 we have all passengers and crew accounted for. Or no  
12 we do not have all the passengers and crew accounted  
13 for prior to abandoning ship?

14 A. Frankly speaking, on this day the count was  
15 after a certain period of time was not a priority  
16 because the ship was starting to be safe again. I mean  
17 the floater was starting to be safe again.

18 As soon as I evaluate that more or less three  
19 hundred people were evacuated, most of them passengers,  
20 excluding the crew boat, the crew for the boat was  
21 remaining two hundred on board. Those were evacuated  
22 by helicopter, by different way, some by helicopter,  
23 dog, pets, owner, these, some disabled person. Some  
24 were evacuated by the -- also by the MES. Okay?

25 So the account, the -- (inaudible word)

1 commission of counting of all the people was coming for  
2 me close to end of the abandon, because the floater was  
3 safe. I have dropped the anchor, unfortunately we were  
4 just touched the ground, and the ship at this moment  
5 was safe, in two brackets, okay? So the accounting was  
6 to me important before I leave myself, the ship.

7 Before I receive the order from USCG to leave the ship.

8 And I start to ask for what I call POB person on board  
9 a lot of times.

10 Q. All right, thank you for that.

11 A. Remaining people, yeah.

12 Q. Thank you for that.

13 A. Yeah.

14 Q. So in a real emergency, captain, how would you  
15 determine the overall accountability of the passengers  
16 and the crew, for the total POB? Can you explain that  
17 process, how do you do it during drills, what  
18 checklists you use, you know, what communication takes  
19 place, how does that, that whole process work of  
20 accounting --

21 A. Yeah.

22 Q. -- for all the, for the total POB of the ship  
23 prior to abandonment?

24 A. That is the main difference between the drill  
25 and the real. The drill is organized with boards, you

1 have names, you have a muster list, you have the  
2 people, you have the roles we can prepare, we can call  
3 the people, go to this muster station, this one, A, B,  
4 C. It goes -- so it is really easy because we are  
5 working ahead of the let's say incident we are ready  
6 program.

7           Which is completely different from the  
8 emergency, the real. Because as I told you at the  
9 beginning we have to adjust from minute to minute with  
10 several issues at the same time. You just were talking  
11 to me about the issue of the lifeboat #3. I have this  
12 to manage, with the accounting, where is the smoke,  
13 plus my people still in the engine room fighting trying  
14 to find out, before CO2, of course releasing.

15           And it was a lot of preoccupation for me, so  
16 that the -- in a normal situation, the count is very  
17 simple, you count the people, you can name them because  
18 you have the passenger lists, because the boards has  
19 been completed by the safety officer, and on each list,  
20 on each muster they have the list of Mr. D., Mr. Z, Mr.  
21 A, Mr. -- and you can call and count. This one is  
22 missing.

23           Or for the crew -- that is for the passenger -  
24 - for the crew it is more simple, because they know  
25 everybody, more or less know each other so it is very

1 fact, they go very fast. This, Z is missing, oh, where  
2 is he? So it is very fast. But for the passenger, of  
3 course, we don't know, so that is why we use that. We  
4 gather them, and we count and we say okay, we totalize,  
5 we summarize and we have five hundred and twelve, five  
6 hundred and eleven, for that case.

7           Because you remember we forgot one which was  
8 the day before releasing in Santo Domingo for a heart  
9 attack. And this passenger was supposed to be on  
10 board. The manifest was not updated, it was -- again,  
11 a small mistake, but we had an issue because one person  
12 was missing. And when we found out, finally we were  
13 relieved, because all of the five hundred and eleven  
14 were safe. And I still, and they are still, I hope for  
15 them, and are still alive.

16           Q.    Okay.

17           A.    But the way we proceeded is what I tell you.

18           Q.    Okay, thank you for explaining that to me.

19 Now can you -- so you are saying that the way it  
20 happens during a drill is different than the way it  
21 would happen in a real emergency. So, if you could for  
22 me, explain to me how the accountability process for  
23 the POB works during the drill?

24           A.    During the drill?

25           Q.    Yeah, during the drill how do you guys

1 practice accounting for all the passengers and crew  
2 prior to abandonment?

3 A. Each muster, each head of group got a board  
4 which is updated by the safety officer. They take this  
5 small board, this -- on the bridge on the safety  
6 officer office, and go like that and they call the  
7 people, that's what I'm telling you, I told you, they  
8 call the people one by one, or they count. If you can  
9 call the people, because you cannot count, you say  
10 station A, I have 27, station B I have 72. Which is  
11 like that on a general drill.

12 So at the end, we make the count on the bridge  
13 and say, okay, I have the total, summarize is okay.  
14 That's it. That is the way we proceed usually on the  
15 drill.

16 Q. All right, so if I understand you correctly,  
17 captain. During the drills, you -- you just simply do  
18 a headcount. Each station reports how many people they  
19 have at their station, and you just need to get to that  
20 total POB number that you have recorded up on the  
21 bridge wipe board?

22 A. Okay, but on this Caribbean Fantasy, I think  
23 that names were printed on the -- they put names on the  
24 -- they used to put names on the boards, but I am not  
25 sure. I cannot tell you now, but it is the way we



1 proceed on all (inaudible few words sounds like  
2 rollback and cutteries), that the best way to be sure  
3 that nobody is missing.

4 Q. Okay, so you just have head counts reported to  
5 the bridge, and you are working towards a number. You  
6 are not counting individual persons based on the name -  
7 -

8 A. Of course we -- of course if you have  
9 (inaudible word) you cannot -- it is the case, that was  
10 the case for me before, but you know, but normally you  
11 might know that it is okay.

12 Q. Okay, thank you for that. So what are the  
13 different kind of manifests that the ship uses for the  
14 total accountability of the total persons on board?

15 A. Excuse me, can you repeat -- excuse me, can  
16 you repeat please?

17 A. Yes, of course. So what type of manifests do  
18 you use whether manifests are provided to you or  
19 manifests that you generate, that you use to verify the  
20 accountability of all the passengers and crew on board  
21 prior to an abandonment during a drill?

22 A. This, in the hand of the hotel manager. They  
23 are dealing with this, mainly. But -- sorry, but on  
24 the bridge the officer on duty, and myself of course,  
25 we always have the total amount of PAX, and trucks, and

1 cars we have on board.

2 So this manifest is just an account okay. We  
3 know the quantity we have. And it is still on the  
4 bridge now, on our mission, it is still written on the  
5 board.

6 Q. But what manifest do you receive that account  
7 for the passengers individually, and what manifest or  
8 list do you have for the crew, so that way you can --

9 A. Personally I have crew list, I sign crew list.  
10 But I don't have in hands a manifest of passengers with  
11 names. I don't used to have that, it is the hotel  
12 managers, department, and business. But I know the  
13 amount of people, I don't know the details.

14 Q. Okay.

15 A. I know the list for the crew, I have a crew  
16 list.

17 Q. So were there any passenger or crew manifests  
18 in place on the day of the abandonment of the Caribbean  
19 Fantasy?

20 A. In place where?

21 Q. In place wherever they are supposed to be to  
22 allow for the crew that are responsible for accounting  
23 for the passengers, say muster assembly stations, were  
24 those lists in place, and were they used to account for  
25 the passengers?

1           A.    I assume it was, but I am not sure they used -  
2   - because regarding the way it was going on they  
3   probably didn't use.  Because we were using another  
4   measure to be sure that nobody -- I used, and made a  
5   lot sweeping, several hundred, a lot of people, hotel  
6   crew, and after that marine crew to be sure that nobody  
7   was remaining in the ship way.  It's a way of being  
8   sure that nobody is there.

9                    And at the end, several passages, after  
10   several sweeps, that's what I call sweep, or you know,  
11   several -- how you call that inspection, investigation,  
12   done by the people knowing, of course.  Not by somebody  
13   out of the crew, like people knowing the place, and  
14   accommodation, after several of that I was sure that  
15   nobody was remaining on board.  But me and -- I was the  
16   last to leave the ship.

17           Q.    All right, thank you, Captain.

18           A.    But it was a group mission, I was not  
19   reported, yes, I was not reported of the exact figure.

20           Q.    Okay.  Did you ever receive any reports of a  
21   headcount from each of the three muster assembly  
22   stations?

23           A.    Did I receive some reports from the -- the  
24   headcount from the muster?  Responsible from the muster  
25   station, no, I did not, no I did not.  After my -- as

1 far as I remember I did not. Like that, after seven  
2 months I didn't. But I don't think I received, I don't  
3 think. Because people was, were traveling from one  
4 place to the other, because we have had some issue with  
5 the wind, and the smoke, and the MES on the port side  
6 too.

7 Q. Captain how did you begin the process of the  
8 evacuation of the Caribbean Fantasy?

9 A. Please clarify this, because it is an open  
10 question, I cannot clarify it. What do you mean to  
11 say? What do you want --

12 Q. I'll rephrase the question. When you had made  
13 the decision that you thought the fire was too big, and  
14 it was time to start evacuating the passengers to their  
15 muster stations. How did you-- how did you inform all  
16 of the teams on board that are in charge of that  
17 accountability that it is time to start doing our  
18 emergency duties?

19 A. Okay, I inform on channel six which is usually  
20 the emergency channel on board, working channel when we  
21 have an emergency. I advise my officers and everybody  
22 by my voice to evacuate, give the order. But in, ahead  
23 of that -- it is the result -- something ahead of that,  
24 I had done a lot of things before, okay? Because this  
25 evacuation has to be done properly because the people,

1 and that's why I look at the -- the counting was more  
2 easy for me.

3           The people who were gathered before, just when  
4 I made my decision with the question, fire, for a  
5 passenger ship -- fire in the engine like that, for a  
6 passenger ship means, translation equal evacuation.  
7 That was on my, in my mind. After I will see what I  
8 will do, and when I will give the order.

9           In between I have to fight a fire, to try to  
10 (inaudible word). And the people were gathered because  
11 ahead -- or not ahead, in parallel to the announcement.  
12 I personally, personally call the chief receptionist  
13 and said to that girl, please start to gather the  
14 passengers, to gather the passengers, explain to them  
15 that we are on a ship having a problem, it is under  
16 control. But we need them to be gathered.

17           And it was easy because the ship was entering  
18 -- it was not in the middle of the night, everybody was  
19 ready with a suitcase to go ashore. The people were  
20 ready to go ashore.

21           So it was really easy to proceed with that,  
22 induce person, all the hotel crew, all the personnel  
23 from the reception, and housekeeper, and everything,  
24 they proceed with that, very smoothly upon my  
25 instruction.

1           And after that -- we make the announcement,  
2 and all that you know by VDR and everything. Maybe I  
3 call, you have on the VDR I don't know. But, I  
4 (inaudible few words). So my decision was made before.

5           And when I gave the order it was when  
6 everything and everybody was ready to go. Plus, when I  
7 said, I forgot that one important asset is on the water  
8 plan the USCG rescue team and support. And not only  
9 U.S. Coast Guard but police, tugs, a lot of craft  
10 there, so for me it was an asset and a relief, so that  
11 my decision more easy too because I knew that due to  
12 that fact, I was, let's say comfortable is not the word  
13 -- but quite, a little bit more comfortable that --  
14 about the call.

15           Q.   Okay so, if I understand you correctly, you  
16 initiated the evacuation by making a phone call to the  
17 senior receptionist, is that correct?

18           A.   No not the evacuation. I initiate the  
19 gathering of the people, which is different.  
20 Preparation, let's call that preparation for  
21 evacuation, but don't evacuation, prepare the people,  
22 be there, be ready, be there, put your jacket, put  
23 everything, be there, don't evacuate.

24           Because the order came maybe thirty minutes  
25 later -- not -- when I did, did call it was at the

1 beginning. And when I start the evacuation, maybe you  
2 have the schedule. I don't have my documents here, I  
3 just have a paper to -- but I don't have my documents,  
4 I don't remember the time between the beginning. I  
5 remember the schedule 724 yes, but I don't remember  
6 when I gave the order to evacuation, I don't remember,  
7 I don't recall that.

8 Q. All right so when you say you wanted to gather  
9 everybody together, you wanted to get everybody to  
10 their muster stations, get their lifejackets on, get  
11 them ready, but not, not at that point abandon the  
12 ship, is that correct?

13 A. Yeah, and it was not exactly the muster  
14 station, it was just to gather. But, but naturally I  
15 mean, the crew was going to the muster station, which  
16 was an initiative, a good initiative, finally, they  
17 extrapolate, I say, it's correct? Extrapolating, I  
18 don't know the English. Okay? And it was good, for  
19 them gathering was gathering to the muster it was -- I  
20 was a little bit ahead of evacuation, it was okay for  
21 me.

22 Q. Captain, why did you make the decision to  
23 begin the process of gathering up the passengers by  
24 making a phone call and not utilizing the general  
25 emergency alarm?

1           A.    To avoid any panic movement.  If you say  
2 something like abandon, we have a fire.  I cannot  
3 imagine for one minute, let's make one minute silent,  
4 and let's imagine you are on a craft/ship, or something  
5 like that, and you hear voice you don't know saying  
6 that on the public address.  It is a beginning of the  
7 panic for sure.

8                    So, according to my experience, according to  
9 my experience as master, and as also as training  
10 master, seeing the people, panic comes quickly when you  
11 become again -- you don't see, you don't even know your  
12 name, you just speak your mother language, you don't  
13 understand nothing.

14                   But you know, you don't see any color but  
15 yellow.  You know, you know all these crisis  
16 description, when you are in that situation, it is very  
17 difficult to manage, and people can be aggressive.  If  
18 you surround the people with kind words, if you go  
19 smoothly, and in that point Spanish speaking people was  
20 an asset also.  Because the clients, the passengers are  
21 Spanish and most of the hotel people they speak  
22 Spanish, it was really a good asset for me to calm, and  
23 there was no panic.

24                   Of course some people were a little bit  
25 nervous, like usually.  But no panic was reported to



1 me, and no panic was observed by myself. And the  
2 result is there, in fact, there was no panic was my,  
3 the reason why I didn't sound this general alarm. But  
4 it was sent also --

5 Q. Are the passengers aware before you sail of  
6 what the general emergency alarm is, and what it does,  
7 and what they should do if they hear it?

8 A. Normally it is done during the induction, when  
9 they come on board during that induction. And as far  
10 as I know it is specified, but it should be, it should  
11 have been specified during the induction of passenger,  
12 which is a five minute induction showing how to put the  
13 jacket, how to -- where to go, what to do in case of.

14 Q. Okay, thank you for that. Did you ever  
15 receive any reports regarding the status of the  
16 evacuation and accountability from the hotel manager?

17 A. I don't remember that, maybe, but I don't  
18 remember. Maybe, yeah I don't, I have no -- I don't  
19 know, I don't have nothing -- I tried to come back,  
20 because seven months from now, but. No.

21 Q. Captain at any point did you ever have one  
22 hundred percent accountability of the total persons on  
23 board, prior to abandoning the vessel?

24 A. Myself do it?

25 Q. Yes, sir. Did you ever have a hundred

1 percent accountability of all the passengers and crew  
2 on board?

3 A. No, no, it was a deduction from me. No, I  
4 didn't have any count. But, but I left the ship, I  
5 don't know how long time, you could know in your  
6 schedule. But I left the ship really long time after  
7 everybody was off, okay?

8 And at this time, the ship was under control,  
9 the fire was with the fire brigade people coming from  
10 the shore, the response teams, police, helicopters and  
11 USCG command center gave me the instruction to abandon  
12 -- to my abandon, to abandon the ship. I didn't want  
13 to, but I got, I received this instruction from police  
14 captain several times, go away. So I want to be -- but  
15 I was sure that nobody was remaining on board, and in  
16 case of --

17 Q. Captain who --

18 A. Okay, and I was comfortable because I knew  
19 that the ship was safe.

20 Q. Okay, did -- I'm not sure if I understood you  
21 correctly or not. Did you say that somebody had  
22 requested, or told you that you needed to abandon the  
23 ship?

24 A. Well yes, it was your instruction coming from  
25 the Coast Guard.

1 Q. Okay.

2 A. You have to go. I didn't want to go because I  
3 wanted to stay, but you know, you have to -- I don't  
4 know maybe the on scene commander, I don't, I don't  
5 remember who it was. But it was the -- somebody saying  
6 that it was the Coast Guard team like (inaudible word)  
7 or commander, or something like that. You have to  
8 leave the ship.

9 Q. Okay, thank you Captain. Captain I would  
10 like to talk to you now, and it is -- we are going to  
11 switch topics. We are going to talk about your  
12 decision support system?

13 A. My decision --

14 Q. Are you familiar with the term, decision  
15 support system?

16 A. Decision what? Can you -- decision? What?

17 Q. Decision support system.

18 A. Ah, support system. Yes, yes, I am familiar  
19 yes. But, we don't have, I don't think we have that on  
20 board.

21 Q. Okay.

22 A. But I know this, I know that exists, I have on  
23 my British ship I have that, yes, of course.

24 Q. But you did not have a decision support system  
25 on the Caribbean Fantasy?

1           A.    I don't think so, I didn't have time to  
2 notice, because it was short between my first day and  
3 the day of this accident happened it was very, very  
4 short.

5                    So have had a lot of things to, of course to  
6 go through. The details, and it was the kind of  
7 details that is not the priority. This kind of  
8 instruction is far away from a priority. Priority is  
9 lifesaving plans, firefighting equipment, squad  
10 firefighting teams, emergency response team, everything  
11 is -- and drills, and that's the priority. I have to  
12 go through so many things. This was not my priority.  
13 That's why maybe, if it is was a listing, I didn't  
14 notice that.

15           Q.    Okay, thank you. And all right the last, the  
16 last thing I'd like to talk to you about, Captain, is  
17 the rescue boat.

18           A.    Yes.

19           Q.    Is the rescue boat supposed to be used to  
20 assist in the deployment of the marine evacuation  
21 system?

22           A.    Yes, it is part of the MES.

23           Q.    Who made the decision to not use the rescue  
24 boat?

25           A.    Me.

1           Q.    Do you want to speak to that?  What your  
2 thought process was, why you made the decision to not  
3 use the rescue boat for launching the MES.

4           A.    Yes.

5           Q.    Knowing that the MES is an integral part of  
6 the successful launching of the marine evacuation  
7 system?

8           A.    Yes, I tell you that, and maybe we can reach  
9 another point.  But, because I wanted to use, use two  
10 people supposed to be on the MES, supposed to be in the  
11 rescue boat, I prefer to have them on the ship board  
12 team for evacuation, and then to use -- because I told  
13 you before, USCG crafts, on the plan, was for me an  
14 asset.

15                        So I was asking several times to the USCG  
16 crafts to do what the MES, what the -- excuse me --  
17 the fast rescue boat was supposed to do, that being to  
18 pull platform, and to gather the life rafts.  And it  
19 took time because between the on scene commander from  
20 USCG and myself, we didn't have good communication, and  
21 we didn't, identify each other.  Maybe me, I was  
22 identified as Captain, of course.

23                        But I didn't identify the commander, the on  
24 scene commander because anytime I was calling this on  
25 scene commander, which is the -- let's say the GMDSS,

1 the person responding on the radio was giving me a  
2 name, like I don't know (inaudible name). And this  
3 name, in fact, was the ship of the U.S. Coast Guard.  
4 And we waste time with that.

5 But after -- when they got it, the craft from  
6 the -- zodiac, the small dingy, I think it was from the  
7 U.S. Coast Guard came and do (inaudible few words).  
8 And I was really in need of arms to support my  
9 passenger, my electrician, and my, all my lifeboat was  
10 older issue, you mentioned, before. That's the reason  
11 why I made this choice.

12 Q. All right Captain, thank you very much, that  
13 concludes my questioning for right now. I am going to  
14 pass the microphone on to the next investigator. Thank  
15 you very much for your time.

16 THE WITNESS: You are welcome.

17 CDR CAPELLI: We are going to take a quick  
18 recess before the next set of questions, the time is  
19 1432 this hearing is now in recess.

20 (At 1432 a brief recess was taken.)

21 CDR CAPELLI: Good afternoon, the time is  
22 1450, we will now recommence the hearing, we are going  
23 to continue questions to the master of the Caribbean  
24 Fantasy, and Adam Tucker has the floor.

25 THE WITNESS: Okay.

1 LTJG DIAZ-COLON: Good afternoon Captain, we  
2 have commenced the hearing, I just wanted to remind you  
3 that you are still under oath.

4 THE WITNESS: Yeah.

5 LTJG DIAZ-COLON: Okay, and I am going to pass  
6 the floor over to Mr. Adam Tucker who will continue  
7 with questions, okay?

8 THE WITNESS: Okay.

9 LTJG DIAZ-COLON: Thank you.

10 **WITNESS**

11 **CAPTAIN JACQUES LEON CASABIANCA**

12 **EXAMINATION**

13 BY MR. TUCKER:

14 Q. Good afternoon Captain.

15 A. Good afternoon Adam.

16 Q. Bonjour.

17 A. Bonjour.

18 Q. My name is Adam Tucker, I am with the National  
19 Transportation Safety Board. Captain I'm -- I do have  
20 a couple of questions for you as well. Some of them  
21 are rather pointed, and some of them are a little more  
22 lengthy. I will try and keep it as short and to the  
23 point as possible for you. Captain I also may take a  
24 few pauses, just to go over my notes, and my list of  
25 questions so there may be a short pause of a couple

1 seconds.

2 A. Okay. One observation Adam, please.

3 Q. Yes, sir.

4 A. Again, you know that English is not my mother  
5 language. I can speak and understand English more or  
6 less. But if you can speak with -- slowly and clear  
7 for me it is an asset, it is (inaudible word). Thank  
8 you.

9 Q. Yes, Captain I will speak slowly. If I do  
10 speak too fast, please let me know, I will slow down  
11 for you.

12 A. Okay, thank you.

13 Q. All right. Captain one thing I just wanted to  
14 confirm was who is your employer? Is it Baja Ferries,  
15 or are you employed by like a crewing or manning  
16 agency?

17 A. The selection is done by the crewing agency,  
18 but I am of course a representative, paid by this, Baja  
19 Ferries through this crewing agency.

20 Q. Understood. Captain I understand as well that  
21 you were on board the Caribbean Fantasy during the dry-  
22 dock period. During that time was there any type of  
23 sea trail that took place after leaving dry-dock?

24 A. Yes, but I was not on board on this period.

25 Q. Okay. Do you have any recollection of, maybe



1 from your reliever if there was a crash stop, or  
2 anything conducted?

3 A. I don't have exact, no, I don't have exact  
4 report for that, but I know that they did some things,  
5 but I don't know exactly what.

6 Q. Okay. Captain another question that I have  
7 for you, is with respect to general alarm, I understand  
8 the button to activate the general alarm, the seven  
9 short and one long, that is located on the bridge.

10 A. Yes.

11 Q. In your experience, either with this emergency  
12 or past drills, when that alarm is activated do you  
13 hear that on the bridge? Is it audible on the bridge?

14 A. Yes, it is.

15 Q. It is?

16 A. Yeah.

17 Q. Okay. In addition to the -- go ahead Captain.

18 A. It is if there is not too much noise in back -  
19 - it was at that time, it is clearly heard, you can  
20 open, you can listen from the outside deck, from the  
21 inside, yes it is.

22 Q. Okay. But so the alarm does not come over the  
23 speakers inside bridge?

24 A. No, no.

25 Q. Okay. And do you know, does the alarm go

1 through the ship's whistle as well? Or does it just  
2 ring in the accommodation?

3 A. No. Accommodation and all decks, all outer  
4 deck, all the decks outside and inside in  
5 accommodation, crew accommodation, inside and outside,  
6 everywhere, but not (inaudible two words).

7 Q. Okay, and for the day of the accident, do you  
8 remember when or who activated the general alarm, the  
9 seven short and one long?

10 A. It is the, the one who made the announcement  
11 it is Mr. Campbell, Mr. Ricardo Campbell made it.

12 Q. Okay, thank you. Captain another  
13 clarification I just wanted to get an understanding of,  
14 is with respect to announcements. In particular, Mr.  
15 Yets had made reference to two different announcements  
16 that you had mentioned you were not aware of.

17 A. Um-hmm.

18 Q. I'm going to ask my colleague to bring up  
19 Exhibit No. 176, E176.

20 A. Okay. Um-hmm, drill announcement, Mr.  
21 Skylight, that is -- okay. May I have your attention,  
22 okay. It disappear okay.

23 Q. Just one second Captain, there is a little bit  
24 of a communication delay.

25 A. I'm reading the book yes?

1 (Brief pause.)

2 A. Okay -- (reading), okay I got it, yes.

3 Q. Okay.

4 A. Yeah.

5 Q. Thank you, Captain. The, my question is, do  
6 you recall either one of these announcements being made  
7 the day of the accident?

8 A. For me, the first one on top, I don't see now,  
9 but the first one on top it was the one I instructed  
10 (reading) "Ladies and gentlemen may I have your  
11 attention, I would like to inform you" -- (reading  
12 announcement) "In the engine control we have a problem,  
13 request to remain calm", and of course, transcription  
14 in -- okay, that's the one I asked for. I didn't know  
15 that this was already, this was already printed. Okay,  
16 the first one I said. I would say the first one, I  
17 don't know.

18 Q. Okay, so the first one, Item Number one is the  
19 one that you requested to have announced, is that  
20 correct?

21 A. Yes, that's correct, yes.

22 Q. Okay, and how about item number two, Captain,  
23 do you remember anybody making that announcement? I  
24 understand you don't speak Spanish, but do you remember  
25 anyone making that announcement in English?

1 A. No.

2 Q. Okay.

3 A. No, I don't remember because at this time I  
4 was so -- no I don't remember. For sure that's not  
5 what I ordered for. Fire, I didn't want to see this  
6 word spread.

7 Q. Okay, and last, Captain is item number 3.

8 A. Um-hmm. We didn't do it.

9 Q. Do you remember hearing that announcement?

10 A. No, no, no, no I don't remember.

11 Q. Okay. So the announcement, what we learned  
12 from the VDR, Captain, was that the announcement given  
13 the -- the announcement that was announced in English  
14 was actually number two. That was the English that was  
15 given over the PA, it was made by the cadet. However,  
16 immediately after, the Spanish announcement was number  
17 three. That is the announcement that, "We have  
18 determined to abandon the vessel", that came  
19 immediately after.

20 A. Yeah, it is also the cadet?

21 Q. No, that was done by another individual who  
22 spoke Spanish.

23 A. I didn't -- immediately after?

24 Q. Immediately, well within second, yes.

25 A. It is not normal, it is -- do you have the

1 time please, what time was it?

2 Q. I do not have that in front of me right now,  
3 Captain, I can get that for you.

4 A. Okay. Because it was exactly opposite to my  
5 willing -- it was not --

6 Q. Okay.

7 A. Which was not my instruction, but for --

8 Q. Understood. I just wanted, really your  
9 clarification of that. I understand you didn't make  
10 those announcements.

11 A. No.

12 Q. Thank you very much for clarifying that. Bear  
13 with me one minute Captain.

14 A. Yes.

15 Q. My next question, Captain, understanding that  
16 your role as master is also management of the vessel  
17 is, who did you routinely communicate with shore side?  
18 Did you communicate with management at Baja Ferries, or  
19 your crew management, or with the charter? Who was  
20 your kind of day to day communication shore side?

21 A. All of them, all of them. Baja Ferries for  
22 DPA, and owner, owner as representative owner business.  
23 Crew management for relief, and some issues we have, or  
24 some needs we may have, and of course American Cruise  
25 Ferries the charter for daily business. With the --

1 our agent and everybody, all of them on my daily  
2 conversation.

3 Q. Understood. And Captain back to the  
4 maintenance of the vessel, in particular safety  
5 equipment and operational readiness of equipment. Were  
6 you aware of during your command, of any problems with  
7 any of the survival craft prior to the accident?

8 A. No, no, there were supposed --

9 Q. I'm sorry --

10 A. They were serviced during the dry-dock, and I  
11 have got all documentation that you can witness in the  
12 safety officer, office, and my office. And they were  
13 serviced and some of them been replaced, thirteen, I  
14 think of them have been replaced, brand new. So it  
15 was, for me it was okay, ready to work, ready to  
16 operate.

17 Q. Okay, thank you. The next question is similar  
18 and related. Operational readiness of firefighting  
19 equipment and firefighting systems, Captain, before the  
20 accident were there any problems that you were aware  
21 of?

22 A. I connect to some maintenance, current  
23 maintenance, no. Why because one week ahead of the  
24 accident we passed through the PSC, and COC, POC is  
25 Port State Control, COC is Certificate of Compliance

1 for the ship to navigate in the U.S. water, and this  
2 certificate is delivered after the USCG -- there was  
3 shop inspection.

4           So we have been making all that, drills,  
5 demonstration, documentation, inspections, certificates  
6 for the crew, everything was clearly inspected before.  
7 And in spite of some discrepancies shown in the COC no  
8 particular things. It was mentioned as routine  
9 maintenance, nothing special, and everything was  
10 working according to what we expect, what I expect,  
11 what we expect in the rules of the SOLAS, because we  
12 were inspected SOLAS rules.

13           Q. Understood, thank you. Captain were you aware  
14 of any problems with any of the emergency shutoffs, or  
15 emergency shutdowns in particular in the engine control,  
16 or sorry, in the engine room?

17           A. No.

18           Q. Okay. Any problems with the ventilation or  
19 ventilation systems, in particular on the car deck?

20           A. On the car decks, no. There was an  
21 observation from the U.S. Coast Guard, the dampers on  
22 the -- one or two dampers, we corrected and I sent some  
23 pictures to the Officer MacMillan, was supposed to be  
24 re-controlled and re-inspected by RINA. But everything  
25 was corrected within 48 hours after the observation was

1 made. So except that, no.

2 Q. Understood. Captain, one thing I wanted to  
3 ask, we understand your always a starboard side ship  
4 and of course you have been on board Caribbean Fantasy  
5 for a limited time. But was there any type of standard  
6 procedure or process for putting the starboard side  
7 lifeboats in the water and operating them?

8 A. Yes, starboard side, no, no, no, starboard  
9 side is not very often because it is the side we go  
10 alongside. So we cannot lower during normal operation,  
11 we cannot lower those lifeboats without taking a lot of  
12 risk, we don't do that, okay. It was done during the  
13 dry-dock, they were lowered during the dry-dock,  
14 lowered, inspected, and serviced.

15 Q. Understood. Captain, what I'm going to ask  
16 now, is in general, can you take me through a typical  
17 drill, a typical crew drill that you do. So for  
18 example you have there's a --I understood from previous  
19 interviews there is fire, and then it kind of escalates  
20 into the last thing, the typical abandon ship. Can you  
21 just walk me through how that is run, just in general?

22 A. Okay, we have several type, we have  
23 instruction, induction, and drills. You are talking  
24 about drills. For drills, the preparation is done with  
25 the concerned people. Because we don't want to make



1 surprise which is usually, the target being to train  
2 the people not to trap the people.

3           So there is a pre-instruction, it will be a --  
4 there will be a -- so it gave the occasion to the  
5 person in charge, the officer, the person in charge.  
6 To prepare themselves, and it is positive the question  
7 is safety is to be positive. So we prepare the drill,  
8 determined, the safety officer, determine generally  
9 with one officer of his choice. Maybe the engine room  
10 it is the first engineer who is the safety responsible  
11 for the engine room. And we say, okay, there will be a  
12 fire, there and there.

13           For instance, let's say there is fire in the  
14 engine room, like we have it. So they organize, so  
15 that step one they send the preparation, of course,  
16 send the alarm, Mr. Skylight. Okay?

17           Of course Mr. Skylight is for drill, or real,  
18 because if you don't say for drill, you can make a  
19 mistake, it is for drill, for drill Mr. Skylight, which  
20 is fire. Mr. Skylight in the garage B, or in the  
21 engine room. Mr. Skylight is in the engine, is asked,  
22 is requested in the engine room. For that the people  
23 gather, they know that there is a fire in engine room,  
24 and they are to reach the muster station.

25           For the response team, say okay, we go over

1 there, you will be the investigator, you will be the  
2 support, you will be in charge of closing the dampers,  
3 and so everything is pre-organized, and they know what  
4 they have to do.

5           And once it gets done, the simulation and the  
6 -- you -- the U.S. Coast Guard have been attending this  
7 type of (inaudible word) one week before and they were  
8 satisfied, I think, otherwise we -- they didn't, then  
9 we are not given the COC.

10           After that, the people are gathered, we  
11 simulate an attack, we use the different, they talk  
12 about the different -- and after there is, afterward,  
13 there is a debriefing.

14           This debriefing is done for people to ask  
15 questions, to have more details and for the officers in  
16 charge to explain what was wrong, what was good, what  
17 was -- that is the usual way of proceeding. This is a  
18 period of time of between twenty and forty-five  
19 minutes. It must not exceed that, because otherwise  
20 you harass the people with that, and they don't --  
21 it is contraproductive. So it is the way, or it is  
22 not.

23           Is it good?

24           Q. Yeah, but just in particular, so we -- you  
25 mentioned the fire, and the simulated attack and the

1 de-brief. But, after --

2 A. I forgot communication, I forgot  
3 communication, sorry.

4 Q. Okay. And then after the fire is -- do you go  
5 typically, again, do you go to like, seven short and  
6 one long and then lowering the boats during drills?

7 A. We go to general with one long. For fire, I  
8 don't think -- let me check, but I don't remember that.  
9 Because we make one during the COC, we were supposed to  
10 make another one on the day that we have the accident.  
11 Because it was -- the frequency is weekly,  
12 approximately weekly, so I can't tell you if it is --  
13 we used the general or the long, just the long one for  
14 -- I can't remember.

15 Q. Okay.

16 A. I don't -- for that, yeah, sometimes we make -  
17 - after the fire, in order to make complete, we make  
18 another one, sometimes. Sometimes, not any time, so  
19 that we use the seven plus long.

20 Q. Okay, and now to the bridge, to the operation  
21 on the bridge, and I understand that during any event,  
22 and most events similar to this are very unpredictable,  
23 and as you mentioned earlier, they are changing in a  
24 very short period of time. I'm wondering if you can  
25 just tell me what the command, I believe they call the

1 bridge the command center. What's the role of the  
2 command center during an emergency? What happens with  
3 the command center and whose running the command  
4 center?

5 A. You mean on board the ship?

6 Q. Correct, yeah, on board the ship. So during -  
7 - so I guess even in radio communications back and  
8 forth they call the bridge, they call it command  
9 center. What's the role of the command center?

10 A. You are talking about during a drill, or  
11 during this period, or generally speaking?

12 Q. Generally speaking.

13 A. So general --

14 Q. Yeah.

15 A. Okay, the role of the command center is to  
16 gather that information, to analyze, and to response,  
17 and to give, if necessary, instruction. But to collect  
18 information to analyze, and to give back, to feedback -  
19 accordingly with action, that's my, that's the command  
20 center.

21 Q. Okay. And who is usually a part of the  
22 command center, is that you, or is that another officer  
23 with an emergency duty, or is it multiple people?

24 A. No. During the drill I am not alone on the  
25 bridge. There is the duty officer, depending on what I

1 need or what they need, of course. But there is the  
2 staff captain, and for communication, there is myself,  
3 there is all the bridge team, there is the helmsman,  
4 there is the officer, the bridge team which is  
5 described on muster station, muster list, it is the  
6 bridge team composing the command center, I am not  
7 alone. Like I was on the D-day, not, not all, but at  
8 the end of the fire, at the end of the period.

9 Q. Okay.

10 A. And the beginning of (inaudible few words).

11 Q. And do you, does the command center, does it  
12 use any type kind of tools to help with responding or  
13 analyzing the situation at hand? Like do you use  
14 drawings or markers or anything to, to --

15 A. We have -- we have a fire plan, a big fire  
16 plan on the bridge which is deployed. And we can use  
17 as -- which is on the Plexiglas, and we can use with  
18 drawings showing what is the evolution of the  
19 situations. We can use the draft paper.

20 But we have this big table in the middle of  
21 the bridge which is very useful to see where is the  
22 fire, what are the means, what we have close, do we  
23 have some hydrants, do we have some extinguisher, what  
24 matter are you, what are the way out, escape routes and  
25 everything. This fire plan on the bridge is displayed

1 on the table, and it is available for making that.

2 Q. Understood. And in addition to that, it is  
3 going back to a question that was asked to you  
4 previously by Mr. Yets, was do you have any other  
5 tools, I'm not going to use the word system, but do you  
6 have any other things, tools to assist you or the  
7 command center in decision-making, checklists, quick-  
8 reference cards, anything like that?

9 A. To my knowledge no. I have my experience and  
10 my usual training on fire, on emergency, on response  
11 team, bridge management team, all my management and --  
12 and I don't understand what you mean by tools, could  
13 you please paraphrase?

14 Q. Sure, for example do you have any type of  
15 checklists that you follow for fires, any type of cards  
16 that give guidance to people as to actions, or quick  
17 actions to take, anything like that?

18 A. I -- frankly speaking I don't remember I had  
19 that.

20 Q. Okay, anything like an emergency management  
21 checklist?

22 A. It does not come to me, no, no.

23 Q. Okay, understood. My next question Captain, I  
24 forgot to ask this earlier, was do you recall any  
25 problems, or any issues with voyage data recorder on

1 your vessel at the time?

2 A. No.

3 Q. Okay. Just give me one second.

4 A. Please.

5 (Brief pause.)

6 Q. Captain, another question I have is -- I don't  
7 have it in front of me, I just wanted -- do you recall  
8 maximum number of passengers according to you PSSC?

9 A. A maximum was around eight, close to nine  
10 hundred, something like that, close to nine hundred,  
11 sorry I don't know the exact number. Maximum, it is  
12 around nine hundred and eighteen maybe, I don't know, I  
13 am not sure.

14 Q. That's okay, I know it's been a while since  
15 the accident, so no worries, here.

16 A. Um-hmm.

17 Q. But with that rough figure, you were nowhere  
18 near maximum capacity for passengers on the ship at  
19 that time, is that correct?

20 A. No, we were not at the maximum capacity, and  
21 but maybe less, no, no, it is yes, because the maximum,  
22 the maximum is one thousand and fifteen including the  
23 crew, so it is less, it is closer to eight hundred and  
24 fifteen or something like that, because when we have  
25 the maximum crew, passenger capacity we have -- the

1 crew is a little bit more, it is around one hundred and  
2 fifty, something like that.

3 Q. Okay.

4 A. Used to be, um-hmm.

5 Q. Okay, thank you, Captain. The other question  
6 I have is with respect to announcements, and I know on  
7 board the Caribbean Fantasy the official language is  
8 English, however a lot of the crew speak Spanish,  
9 especially on the hotel side. And most of the  
10 passengers, as I understand speak Spanish. The  
11 question is, during an emergency, do you have anyone  
12 designated to you or your bridge team specifically for  
13 making announcements in Spanish?

14 A. During, you mean during (inaudible two words),  
15 or what?

16 Q. During --

17 A. Announcement? What?

18 Q. During an emergency, during say for example a  
19 Mr. Skylight, or a general emergency.

20 A. That was my first experience, and the  
21 announcement was done by the -- and I didn't recall  
22 that we have a book, you show me this book is probably  
23 also on the bridge, and the announcements is done by  
24 the officer on duty. Or -- and otherwise it can be by  
25 the reception, chief of reception.



1 Q. Okay, so you mentioned the officer on duty,  
2 and if the officer on duty at the time did not speak  
3 Spanish, what would happen?

4 A. Yeah, well what would happen if they had the  
5 book that you showed me, it's okay, you can -- some --  
6 you can, you don't speak very well, but you can read.  
7 But most of the -- all of the deck officers were  
8 speaking Spanish also, that was the case on this ship  
9 because the crew is also from Central America, and the  
10 marine crew, most of the marine crew, except the engine  
11 crew and the staff, engine crew, most of the mariner  
12 crew speaks Spanish also.

13 Q. Understood. And just for clarification, you  
14 don't -- do you speak Spanish at all?

15 A. No, no, so very poor.

16 Q. Okay.

17 A. No, no, nothing, nothing.

18 Q. All right Captain, I'm going to ask now, we  
19 are going to get to the accident now. It's, I know  
20 it's not fresh in your memory, it's been quite a few  
21 months, and if you don't know, if you forget that's  
22 fine.

23 But -- and I only have specific questions  
24 regarding this for you. My first question with respect  
25 to the emergency is, do you remember at any time when

1 the ship went into a transition of power? So it left  
2 the main power and went to the emergency generator, do  
3 you remember if that happened, or what time it  
4 happened?

5 A. No, no I don't.

6 Q. Okay, and you were asked earlier about the  
7 launching of the fast rescue boat, and the decision not  
8 to launch the fast rescue boat.

9 A. Um-hmm.

10 Q. And understood that there were many Coast  
11 Guard assets on scene at the time to assist.

12 A. Um-hmm.

13 Q. But, I wanted to clarify one thing.

14 A. Um-hmm.

15 Q. We listened to audio on the VHF, on the -- the  
16 communications between both yourself and Coast Guard.

17 A. Yeah.

18 Q. And I wanted to clarify one thing, when you  
19 say close the life rafts what does that mean? When you  
20 say close the life rafts? If you remember.

21 A. Approach.

22 Q. Hm?

23 A. I say approach, close is, close -- approach  
24 the life rafts.

25 Q. Approach?

1           A.    That is what I want to say, maybe it is a  
2 language, it is a problem of communication, language.  
3 Obviously the first problem, when you are under stress  
4 sometimes you cannot find the right words. And for me  
5 you can imagine that it was a day of stress, not that  
6 one, I mean, I was managing that but it was difficult.  
7 But it was, the meaning was approach the life raft from  
8 the platform, that's what -- maybe you hear that on  
9 beginning?

10          Q.    No, it was a clarification, and thank you for  
11 letting me know, and I understand it is a -- it was a  
12 stressful day and you had a very big pair of shoes for  
13 that, so we understand.

14                Captain, do you remember ever giving any order  
15 to stop the drencher, or stop any part of the drencher  
16 on the car decks?

17           A.    Yes, to avoid too much water, because we  
18 started to list. And to evacuate because we start to  
19 list because the -- probably the scuttles were  
20 obstructed by debris. So the ship was starting to have  
21 a list of four, and come back to two, so that's why I  
22 start the drenchers, I decided.

23          Q.    Understood, so you said up to four, that's  
24 four degrees in what direction?

25           A.    Port side.

1 Q. Four degrees to port, okay. And after the  
2 drencher was stopped it came back to two?

3 A. Came back, yeah slowly, yeah.

4 Q. Okay. And Captain during this accident did  
5 you have any, any indication on the bridge that the  
6 water mist system in the engine room was working?

7 A. You mean the high fog?

8 Q. Yeah I -- the crew members call it the high  
9 fog, yeah.

10 A. Yeah.

11 Q. Did you have any indication that the water  
12 mist was working?

13 A. There is a panel, but the panel on the  
14 starboard side which indicates the engine alarm. But  
15 not the high fog system, I don't recall if it is -- the  
16 high fog system, or the ship alarm. I am not sure,  
17 because now it is far away.

18 Q. Understood. Do you have any indication of the  
19 dampers being closed on the bridge?

20 A. No.

21 Q. Okay.

22 A. Dampers no.

23 Q. And still staying with the accident.

24 A. Yes.

25 Q. What -- as you were approaching pilot station

1 and as you received the call from the ECR, from the  
2 chief engineer that there was a leak, and then there  
3 was a fire, who had control of the propulsion was that  
4 -- did you, did the bridge have control, or was it down  
5 with the ECR?

6 A. It was just at the, what you call the -- just  
7 the time to change, we were under standby, we were  
8 under standby period, that means that we transfer the  
9 command to the engine, okay? That is the intermediate  
10 period just exactly when we must change. So, I can't  
11 tell you exactly. We still have, already they have in  
12 the engine room. But what I know is that we put, I  
13 put, or we put, I say I, but on the bridge, put the CPP  
14 to zero to stop the ship.

15 Q. And when you put it to -- the CPP to zero,  
16 controllable pitch propeller --

17 A. Yeah.

18 Q. Was that on both engines, or just on the port  
19 engine?

20 A. Both engines.

21 Q. Both, okay.

22 A. Yeah, on the bridge I put CPP zero, both  
23 engines, that's right.

24 Q. Okay. During the emergency, Captain, I am  
25 wondering if you can tell me, who did you contact shore

1 side? Who was the first person you contacted shore  
2 side with the company to advise of the situation?

3 A. On the -- you mean -- okay. First it is MRCC,  
4 NRCC, and U.S. Coast Guard together, knowing that is it  
5 the same, the MRCC of San Juan is head by the Coast  
6 Guard, okay by the USCG, okay. So I call into the  
7 GMDSS instruction and SOLAS instruction, that is the  
8 first contact happen. But ahead of that, of course it  
9 was the pilot, because he was the first, I was talking  
10 to. Because when he saw me after entering my course to  
11 port, and going north, hey what is happening. I told  
12 him I have a fire, so I getting away from the  
13 (inaudible word), he was the first informed.

14 Second MRCC, the Coast Guard in San Juan, the  
15 MRCC San Juan, okay. And from the company, you mean.  
16 So, I have -- that's for me now, I can't remember,  
17 because you know, you obviously know that I reached  
18 something afterwards.

19 But I don't remember if I was calling the  
20 company (inaudible word), for the non-tank vessel  
21 response plan. We have a subcontractor, which was  
22 (inaudible word) and this I contact the company for  
23 that. But I don't remember the management saying  
24 please contact the DPA, and (inaudible word) for me,  
25 because we are having a fire, and we may have some

1 spill, some pollution, something like that, so I want  
2 the response team, as soon as possible, activate the  
3 response plan for non-tank vessel.

4 I cannot tell you, because now it is a little  
5 bit mixed up, I say something, I say something else,  
6 and you know, it is after while I am sure that I made  
7 confusion. So, that the confusion is still there. Or  
8 maybe it was (inaudible word), but -- okay, I won't  
9 extend.

10 Q. Understood. So just to clarify, you did  
11 contact someone shore side and activate the vessel  
12 response plan?

13 A. Sure, of course.

14 Q. Okay.

15 A. Yes, it is an asset --

16 Q. Captain, you mentioned earlier with Mr. Yets,  
17 and again, staying in the emergency, staying in the  
18 response. You highlighted that it was difficult to --  
19 no, not difficult, but you mentioned there were some  
20 challenges with talking with U.S. Coast Guard vessels.

21 A. Yes.

22 Q. Can you just refresh, just go back in memory  
23 on that. What were those challenges, did you -- what  
24 was the problem?

25 A. The problem was to identify, you know, for me

1 the procedure is the current procedure, the described  
2 procedure. And I know that procedures are sometimes  
3 diverted, not to be -- but when the GDMSS, you are a  
4 specific person whose name is not Mr. So and Mr. So.  
5 This guy, this person is on scene commander, okay.

6 So I was trying to call the on scene  
7 commander, and identify myself as the Captain of the  
8 Caribbean Fantasy, which is easy, me. But the guy  
9 replying to me was using the name of ship which was the  
10 on scene commander.

11 So, let's say that this name is Captain  
12 Labiger, and I would say Captain Labiger, I don't know  
13 what it is, who is that Labiger, I don't know, I don't  
14 remember the name. But it was something like that, and  
15 after twenty minutes, after a certain period of time I  
16 understood that this Captain (inaudible name), was the  
17 on scene commander.

18 But during it was a communication, again, it  
19 was a misunderstanding between myself, it is shared, of  
20 course, I use on scene commander, the person was  
21 responding something else.

22 And as soon as I understand I say okay, the  
23 name -- I cannot because it was a Spanish name, and it  
24 was difficult for me to pronounce properly. When I  
25 identify this, this is a big white ship in San Juan,



1 when I identify that, I say okay, it is the on scene  
2 commander, but it took time. Yeah, that is what the  
3 main issue, I mean -- with that, okay.

4 Q. Captain, do you remember that vessel ever  
5 identifying themselves as the on scene commander? Did  
6 they ever say, we are the on scene commander, do you  
7 remember?

8 A. No, but they reply on -- and each time I was  
9 calling on scene commander, this person was replying  
10 with the same name. That is why my direction was, it  
11 is the on scene commander. But they never, maybe they  
12 -- I don't recall that-- I recall they say, we are the  
13 on scene commander, that I don't recall now, for sure.  
14 But it was not so easy to -- for me the connection  
15 between on scene commander and the ship was not clear.

16 Q. Thank you. Do you remember any other  
17 challenges in communication with the Coast Guard?

18 A. With the Coast Guard? No, no because in spite  
19 of that, it was, for general communication was the  
20 noise, you know, and helicopters around, you can maybe  
21 check on the video, it is, it is awful, you have a lot  
22 of noise, and it was several communications, several  
23 channels, some people talking at the same time. Some  
24 people making some long sentences.

25 In spite of say, okay, they say -- it was,

1 communication was an issue. I would say it was -- the  
2 main think on which I would, if I had to work on that,  
3 I would say, okay I have to make a -- to work on  
4 communication because it was not so easy. Can you  
5 understand, I can understand that because of stress,  
6 but it is the main point, I experience several times,  
7 it is not the first time I experienced that,  
8 communication problem.

9 Q. Thank you. How many people in addition to  
10 yourself were on the bridge with you?

11 A. From the beginning, let me count, officer on  
12 duty, helmsman, and the AB, (inaudible word), staff  
13 captain and safety officer joined later on because we  
14 were entering the port. All of the usual deck crew,  
15 because we used to have a smaller, because the safety  
16 officer is in charge, the (inaudible word).

17 The officer on duty is in charge of the  
18 navigation up to the point we have the POB, the pilot  
19 on board, so at that time, he used to go at the pilot  
20 station, the aft mooring station. And the staff  
21 remained with me, and of course the helmsman as well,  
22 and the cadet, of course it was (inaudible word). So  
23 that my usual staff and the usual crew on the bridge on  
24 each arrival and departure.

25 Q. And then during the emergency, after the Mr.

1 Skylight announcement, who remained with you?

2 A. Okay, we were rapidly three, officer on duty,  
3 myself, the cadet and myself. And because I released  
4 the order to go on sight and to take their -- and I  
5 ordered the staff captain to go on scene to see and to  
6 control, to double check with the fire, what was  
7 possible to do, and to report.

8 And I gave the order to go and give a hand to  
9 the rest of the crew, not to stay with me on the  
10 bridge, which was best. And once the officer on duty  
11 stayed around and made all the announcements before  
12 going to the evacuation.

13 He was leaving, we were three, and I thought  
14 two. I just keep the cadet with me, and at the end, -  
15 I was alone because I released the cadet, maybe, but  
16 when I released the cadet, no more crew was anymore on  
17 board, I was alone with the, not alone, but I was with  
18 the electrician, the chief engineer, the chief  
19 engineer, the staff captain and the safety officer and  
20 myself.

21 When I released the cadet we were five on  
22 board five of the crew on board. So I was alone for  
23 maybe, I don't know, but a very short time, for maybe  
24 twenty, twenty-five minutes, not more. I don't  
25 remember exactly, it was long, it was a long day.

1           Q.    I'm sure it was, sounds like a long day.  And  
2 you mentioned they -- that you were ordered, or you  
3 were told to leave the vessel.

4           A.    Yeah.

5           Q.    Who told you that, how did you get that  
6 information to leave?

7           A.    Phone, yeah, for me, it was the Coast Guard,  
8 you have to leave the ship.  Who I don't know, but it  
9 was an instruction from the Coast Guard, you have to --  
10 and I was ready to stay, because I wanted to stay with  
11 my short team, staff, safety, engineer, and -- in order  
12 to help the rest of the shore response team, to guide  
13 them, help them as far as possible.

14                    But I was instructed, for me, it was the Coast  
15 Guard, because it is the authority.  The on scene  
16 commander who, I mean, is the authority, and I have to  
17 respect those instruction, and I was trying to find a  
18 way -- because, no, no, I say, okay Captain, you have  
19 to go now.  No, no, no, I stay.  Captain you have to  
20 go.

21                    So I don't, I can't certify that it was the  
22 Coast Guard but it presented as this otherwise, of  
23 course I would not have, I would have stayed on board.

24           Q.    Was this by radio, that you received the  
25 instruction?

1 A. Yes.

2 Q. Or by phone, or --

3 A. By VHF, no, no, on VHF.

4 Q. VHF, okay.

5 A. On six or sixteen, but probably six.

6 Q. And at that time, were all the passengers and  
7 all the remaining crew ashore?

8 A. For long, for more than a half an hour  
9 probably.

10 Q. Okay.

11 A. And there were already, have take, I think,  
12 there were already counted, okay, because when I  
13 reached the shore by the helicopter, the first question  
14 who came up, was, Captain do you have 512 or 511? I  
15 say I don't recall, and one cadet, or somebody, they  
16 say, it was on the manifest says 512, say okay. So the  
17 manifest says 512.

18 So someone was missing, it was the big issue.  
19 And of course, we determine, afterwards that this  
20 person, this missing was the person we disembark the  
21 day before in Santo Domingo. So, the count was right,  
22 and everybody safe.

23 Q. Yes, they are. Do you need a minute, Captain?

24 A. Excuse me?

25 Q. Are you okay? Do you need a minute? Okay.

1 A. Okay.

2 (Brief pause.)

3 Q. I understand that there were people put on  
4 your vessel during the actual emergency.

5 A. Yeah, yes.

6 Q. I believe they were firefighters.

7 A. Yes.

8 Q. Were you aware, or did you request them to  
9 come on board?

10 A. No, no, no, no. They came, no I did not  
11 request but did not obstruct -- I do not make any  
12 obstruction because it was in my interest to let them  
13 act. I was not capable to handle it, so it was a good  
14 initiative. Maybe not respecting the process, but it  
15 sounded good to me, so I have the support, professional  
16 fire brigade, it was okay for me. It was a kind of a  
17 gift, I mean, let's say a support, an asset, an asset.

18 Q. When you left the vessel did they remain on  
19 board?

20 A. Yes, yes they remain on board a long time,  
21 yes, yes probably a long time. Because I left, I was  
22 the last one with the safety officer, and after the  
23 crew and me. The crew, staff commander, and nobody  
24 else was on board but this response team, and the fire  
25 brigade from San Juan. Maybe some type of police also,

1 maybe.

2           Because they were -- they were dealing with  
3 the helicopter traffic. Which was a -- we had a lot of  
4 helicopters to take care of the pets, and of the some  
5 disabled people, and some people were, as far as the  
6 counting was difficult to control. Because I have  
7 several ways out, MES, lifeboats, and helicopters. But  
8 at the end I was -- when I left that, nobody was  
9 remaining on board, but this crew, this guys from fire  
10 brigade.

11           Q.    And you mentioned many helicopters, what  
12 helicopter did you leave -- did you leave on a Coast  
13 Guard helicopter?

14           A.    I leave on -- I later identify police and the  
15 Coast Guard, two times.

16           Q.    Okay.

17           A.    The police and the Coast Guard, nothing else.

18           Q.    Well, what one did you leave on?

19           A.    The police, the police.

20           Q.    Police.

21           A.    I left the police, yes. Because it was a  
22 small one. The Coast Guard one was a little big, and  
23 it was not landing. This one was just staying away  
24 from the deck, let's say twenty meters above because it  
25 prefer not to land. It was just limit for this --

1           Q.    I also wanted to ask, I believe you were  
2 informed that there were explosions on the ship.

3           A.    Yes, yes.  That's why I decided to, at this  
4 period, I decide -- that's when I decide to send the  
5 drencher, it was in the beginning, it was the tires, of  
6 the trucks, of the trailer tires.  Because of the over  
7 (inaudible word) of the (inaudible word), and when you  
8 afterwards see the deformation of the (inaudible word)  
9 on the video you understand why they explode.

10                   But I cannot discern, I cannot sort if this  
11 explosions was this thing or this thing.  But  
12 obviously, the tires, and afterwards we observed that  
13 it was that, mainly that, because we have had several  
14 explosions.

15           Q.    Thank you.  The other question I have is I  
16 believe at some point during the emergency the chief  
17 engineer came to the bridge.  What update did the chief  
18 engineer give you at that time that he came to the  
19 bridge, if you remember?

20           A.    I remember he came at the beginning, at the  
21 very beginning, but after I didn't see him anywhere.  
22 It came, the information that we have to stop, we have  
23 a fire, something like that.  It was very -- it was  
24 just tic tac, I can't remember, it was not a report, it  
25 just a word, as far as I remember the sequence.



1           Q.    So he didn't tell you what he witnessed, or  
2 any of the problem?

3           A.    No, no detail. A leak, a fuel leak, that's  
4 it.

5           Q.    Okay.

6           A.    And after, of course, you can make some  
7 conjectures, but he didn't tell nothing more at this  
8 time. After all, yes, we talk a lot. But not before.

9           Q.    The ah -- and with that, what information do  
10 you remember getting about the smoke, and where the  
11 smoke was throughout the ship?

12          A.    By my own observations, and you cannot miss  
13 that, because it was important, really important,  
14 sudden and thick, and black. It was a big thick smoke,  
15 soot, and learn that, you know, like very, very big  
16 (inaudible two word) -- so it was the indication that a  
17 lot of fuel was, for me, it is of course when you know,  
18 with your experience, a lot of fuel was probably a lot  
19 of quantity, enough quantity to make this kind of  
20 smoke.

21                    So that's what I observed from the bridge, and  
22 an obvious, that's what I saw from the bridge, went out  
23 from the door, the funnel, from the aft doors, from  
24 everywhere. You can see this smoke, immediately.

25                    Because it was very sudden, the problem is --

1 there is fire, the fire is an accident, of course. And  
2 we manage it more or less the best that we can. But  
3 this accident was sudden, brutal, and important, very,  
4 very important, it was close to the explosion. So you  
5 obviously see the smoke, and the time to react was very  
6 short.

7 Q. Understood. And with that, were you--  
8 informed of any smoke going into the hotel, into the  
9 accommodation? Were you aware of any smoke intrusion?

10 A. Not at the beginning, not at the beginning, it  
11 came later on, it came later on. And it came later on  
12 in which proportion I don't know, but it came later on.  
13 And I think that when this smoke came the passenger  
14 were already gathered and on the muster points and  
15 gathered out. And the hotel crew made the, already the  
16 swift operation of controlling that nobody was  
17 remaining, that nobody was remaining.

18 I think it was ahead. And the smoke, come  
19 later, and as you have been observing yourself, you  
20 have seen the Pullman seats were soot, coming by  
21 probably by the air intakes of AC and it was going  
22 everywhere.

23 Q. Thank you.

24 A. Mainly on the stern parts, or everywhere, but  
25 mainly on the stern part. After -- they probably,

1     displace to the -- because of the draft, the natural  
2     air draft, huh? Because those were open and so  
3     obviously.

4           Q.     And Captain, you mentioned earlier about the  
5     dogs as well, I believe there were some dogs on board.

6           A.     Yes.

7           Q.     Were you aware, prior to the accident how many  
8     dogs you had on board the vessel?

9           A.     Prior to the accident, no. I learn it after.

10          Q.     Okay.

11          A.     No.

12          Q.     And what do you remember of the dogs, and how  
13     they were evacuated?

14          A.     They were evacuated by helicopter, they were  
15     in the kennel, because the kennel is on the deck six,  
16     seven, and that, deck six, six or seven, okay, six or  
17     seven, six.

18                 Anyway, and they were evacuated by helicopter,  
19     and with their owner. And the hotel crew gave the dogs  
20     and the cages, and everything to the owner. And take  
21     them by helicopter, and there were six, except those  
22     two, we don't know -- we didn't know they were there.  
23     That -- they should not have been there, but we didn't  
24     know they were there -- the poor two dogs, remaining in  
25     the garage.

1 Q. And you didn't know they were there until  
2 after when you were ashore?

3 A. Ah yes, after, I learn that after. For me,  
4 all the dogs, all the pets were clear. I learn that  
5 because the owners were complaining, they made it --  
6 and of course they made that clear, some noise about  
7 that.

8 And we, of course, really disappointed, and of  
9 course we were trying to do our best, but the poor, the  
10 poor pets that were in such a situation nobody could  
11 have them, and, no, no, it was -- nobody noticed that,  
12 nobody knew about that.

13 Q. Okay. And back to the question that I had  
14 earlier about the number of people you had on the  
15 bridge, and I know that number changed, and eventually  
16 dwindled to when you were by yourself shortly before  
17 Coast Guard requesting you to leave the vessel.

18 A. Um-hmm.

19 Q. But, I believe you had mentioned that there  
20 was during the emergency it was the, yourself, the  
21 cadet, the watch officer --

22 A. Um-hmm.

23 Q. And the helmsman.

24 A. The helmsman and the staff captain, and  
25 joining -- but joining and going back because it was

1 similar to an, obviously, the safety officer. We were  
2 maximum six, but not for long becoming, becoming four  
3 because the safety and the staff went on scene.

4 Q. Okay, and with the number of people that were  
5 helping you manage that, did you feel that that was  
6 adequate to manage the emergency?

7 A. Yes, at the beginning, all along, yes, of  
8 course, helmsman to steer, and to put the ship away  
9 from the (inaudible word), way. Cadet to acknowledge  
10 the alarm, officer to make the announcement, and  
11 acknowledge, and order preparation. Yes it was useful,  
12 of course, of course.

13 Q. Okay.

14 A. The more you got, the best it is, but you  
15 adapt.

16 Q. Thank you. And my last question Captain, and  
17 I forgot to ask this earlier when we were talking about  
18 the drills.

19 A. Yes.

20 Q. Is, do -- during the drills, do you ever  
21 simulate missing persons, like a missing passenger,  
22 missing crewmember, do you simulate that during drills?

23 A. I was not enough on the ship to say that. But  
24 it is, of course, one of the exercise we have to do  
25 like the bomb, the terrorist attack, the security --

1 all those things we have to do.

2 But we have to, to the best of my knowledge,  
3 just before that -- I didn't do this, and the direct to  
4 me as well, you, even with the -- with activity  
5 officer, you may know that, not with me. Sure not, we  
6 didn't do that, no. At this time, with me. Under my  
7 command, I mean with me under my command it was not  
8 done.

9 Q. Okay.

10 A. It was foreseeable, it was not done.

11 Q. Thank you.

12 A. You are welcome.

13 A. And that's all the question that I have,  
14 Captain, and I appreciate your time, I appreciate your  
15 openness, and I understand that this is, you know, the  
16 memory fades over time.

17 A. Bad memory too.

18 Q. Yeah, and this is -- but you know, there was a  
19 positive outcome, everyone is alive, so that's very  
20 important, the most important. So thank you again. I  
21 appreciate your time, and I'm going to let my next  
22 colleague ask you a few questions.

23 A. Okay.

24 CDR CAPELLI: Captain, actually, we will take  
25 a quick recess, a ten minute recess before we start

1 asking some more questions, thank you.

2 THE WITNESS: Okay.

3 CDR CAPELLI: The hearing is now in recess.

4 (At 3:57 a brief recess was taken.)

5 CDR CAPELLI: Good afternoon, the time is  
6 1613 and the hearing has reconvened. We are going to  
7 continue questions with the master of the Caribbean  
8 Fantasy, Ms. Carrie Bell will be doing the questions.

9 LTJG DIAZ-COLON: Captain, I just want to  
10 remind you you are still under oath.

11 THE WITNESS: Yes.

12 **WITNESS**

13 **CAPTAIN JACQUES LEON CASABIANCA**

14 **EXAMINATION**

15 BY MS. BELL:

16 Q. Good afternoon Captain.

17 A. Good afternoon.

18 Q. I am Carrie Bell with the NTSB, good to see  
19 you again.

20 A. Um-hmm.

21 Q. I just have a few questions about your  
22 experience in the past, as a Captain, have you ever had  
23 a fire on a ship?

24 A. Yes.

25 Q. Yes?

1 A. Yes.

2 Q. Have you ever had an abandon ship event?

3 A. No.

4 Q. And you said that you were new to Caribbean  
5 Fantasy, just a few months prior to incident, correct?

6 A. That's correct.

7 Q. Did you receive any kind of familiarization  
8 training on the ship?

9 A. Yes, yes.

10 Q. Do you recall who, who gave you that  
11 familiarization training?

12 A. The former Captain, information and okay, it  
13 is the way we proceed, for Captain, we -- when we have  
14 a handover, you have a specific handover which is  
15 foreseen, of course by the regulation, and ISM.

16 But for Captain it is a little bit different,  
17 it creates something more, and the opportunity for us  
18 was very good to have the dry-dock, because he had  
19 spent more time than necessary together around the  
20 ship, which is an asset for us to make, complete this  
21 (inaudible word) of the ship, of the crew, it is a ship  
22 (inaudible word) okay. So it was done, yes, of course.

23 Q. Okay, and did that include going through the  
24 station bill and your emergency station information?

25 A. Yeah, also more or less also yes. And we --



1 but this is done on a time, time basis. And it is we  
2 are creating our own experience through of course, the  
3 priority is not given to that, so that we know that we  
4 have to go through that, and we go (inaudible word)  
5 through that with the safety officer, with all the  
6 officers on board, when you take a new ship as Captain,  
7 you have to be familiar with the habits of the ship,  
8 and the crew also. Not only to take over that. So,  
9 it takes time, yeah.

10 Q. Okay, and I know we have talked a lot about  
11 the station bill, and your position. Do you remember  
12 specifically, if you were assigned, when you, when you  
13 went through that training, if you have been assigned  
14 to life raft #24 or lifeboat #1?

15 A. No, because the training was not including  
16 that. The training was just between myself and the  
17 other Captain, okay. It is not the training, it is a  
18 long handover. It is not training like you say, I  
19 don't know, I will teach you to drive my car. No, it  
20 is something else, it is more general, and we go to the  
21 place, we check people and these places such as  
22 firefighting equipment, the fire -- lifesaving  
23 appliance, all the (inaudible word).

24 Is the ISM code respected, is everything, all  
25 the certificates -- the documentation is very huge on a

1 ship, huh, it is something like big piles. So we have  
2 to check, go over across all that. Which is our  
3 private -- I mean our private guard, so it is already  
4 huge. But of course we go through a lot of things  
5 together, and we cannot see everything it takes. So I  
6 didn't notice -- I wasn't 24 no. But I learn that yes,  
7 it is now, in fact it was the former muster bill, the  
8 new muster station is still what the other, the second  
9 one. The first one was of course the life raft #24,  
10 which is, I believe, more logical.

11 Q. Okay, thank you, for that. And in previous  
12 testimony when we have talked to you, you had mentioned  
13 that bridge resource management was required by Baja  
14 Ferries, when you -- and so you had when you were  
15 hired, is that correct? In addition to what you already  
16 had to have, the company required you to have that  
17 training?

18 A. Yes, being a Captain on a ferry, on a roll  
19 ship, on a passenger ship generates that you need one  
20 to be or manage the bridge, be bridge pressure  
21 management, which is training during five days in  
22 agreed training center.

23 For me it was in Nicaragua, and not in  
24 (inaudible few words), from the first (inaudible word)  
25 it was in (inaudible town) in France on the Naval,

1 French National Academy. French National Marine  
2 Academy.

3 Q. And when was that training?

4 A. Maybe July or September 2016, something like  
5 that, just before -- no -- yea -- no, sorry. We are in  
6 2017, so the fire was in 2016, no it was in 2015,  
7 because I joined the ship it was in 2016. Yeah, okay,  
8 sorry.

9 Q. Okay, no, that's fine.

10 A. Um-hmm.

11 Q. And in that training does it include going  
12 through communications with the bridge team during  
13 emergencies?

14 A. Communication is the point. But during this  
15 training, mainly, the main target is to control the  
16 stress and avoid act under stressful conditions. So,  
17 for instance you raise, you can come something, you  
18 find some higher, like you are saying (three words in  
19 French), something like that, which is very hard to  
20 avoid the stress. It is the main target of this.

21 Of course, communication is, of course,  
22 (inaudible word), and it is also including -- but the  
23 main thing to learn to -- because this training session  
24 is coming from the airport authority, generally, and it  
25 comes to the navy, but before it was for the air -- for

1 the aircraft commanders and everything.

2           So it came to me like that, in duress, like  
3 that, to learn to control the stress within a very  
4 short time of the pilot, or the aircraft, commander,  
5 pilot. And for us, of course, it was a benefit. And  
6 of course, communication also with the outside/inside  
7 and everything.

8           Q. And was that training useful for you during  
9 this emergency?

10          A. Oh yes, very good, yes, it was, yes, for sure.  
11 For sure, because in training you must renew/refresh  
12 each and five years, I think.

13          Q. Yes.

14          A. You must refresh, it is compulsory, you cannot  
15 go if you do not have this, you have to refresh like  
16 medical, like basic safety training, like everything.  
17 You must refresh that on regular basis, which is  
18 described in the STCW regulation.

19          Q. Okay, I want to just clarify, when I asked  
20 originally the question I -- in your other testimony  
21 previous to this, when we were still in San Juan, you  
22 had stated that the company also required you to have  
23 that as something in addition to what you already had,  
24 that's how I understood it.

25          A. No it's, it is a point on which that --

1 insists, if you don't have that you cannot be recruited  
2 as a Captain. Okay? It is -- you can say it is not  
3 valid, today, but no, no, it must be refreshed and  
4 valid, it is compulsory for all, but it is not -- in  
5 ship or not, what is required in ship from the company,  
6 SSO, safety, ship safety officer, security officer, I'm  
7 sorry, ship security officer, which is in addition to  
8 the requirement from the STCW.

9 Q. Okay, thank you.

10 A. You are welcome.

11 Q. And we also talked a lot about language, and  
12 some of the language barriers. Have you discussed with  
13 the officers or your company, any of the issues related  
14 to crew competency in the English language, your crew?

15 A. When, when, when? Before or afterwards?

16 Q. Before.

17 A. Before, no, I didn't do that -- but it is  
18 known that this is, can be an issue. But we have a --  
19 no, I did not talk about that with the company.

20 Q. And what about since the incident?

21 A. Since the incident -- of course, a lot of  
22 discussion about that. And it is, but I will tell you  
23 I think, I already told you that Spanish speaking was  
24 not permitted because the working language was English.  
25 But afterwards, I observed that the Spanish speaking by

1 the crew, in (inaudible few words), in fact was a  
2 relief, and was really one of the main reason for what  
3 no panic was emerging. That's my opinion. This is not  
4 a (inaudible word), it is my opinion. And this is  
5 because I have experienced, that before with some other  
6 language, afterwards.

7 Q. So you think that, I -- let me just clarify  
8 what you said. You think that because they were able  
9 to speak Spanish, that it eliminated some of the panic  
10 of the passengers?

11 A. Yes, that's my opinion, yes.

12 Q. Okay, thank you. A couple of questions about  
13 the passenger and crew manifest. The original  
14 passenger manifest comes from the terminal, is that  
15 correct?

16 A. Yes, that's correct.

17 Q. And who is that emailed to?

18 A. Oh, it is e-mailed, it is transmitted to the  
19 to the staff captain, to the general -- to the hotel  
20 manager, to me probably to me, to safety officer  
21 probably, they spread it, it is spread, yeah on board.  
22 But main, the main concern is for the hotel manager.

23 Q. I'm sorry, for the what?

24 A. The main concern for the hotel manager,  
25 because of the feeding, of the restaurant, of the

1 cabin, of the partition of seats, and for the control  
2 of the tickets and everything.

3 Q. And so once the safety officer has gone in and  
4 assigned the muster stations to the passengers that was  
5 discussed this morning, with the hotel manager, is that  
6 list then sent to the company, or anywhere else?

7 A. I don't know, madam.

8 Q. So I have a question about -- we heard, we  
9 listened to the VDR and one of the things early on,  
10 around seven in the morning we heard you speaking with  
11 the staff captain about your sleep the night before,  
12 and --

13 A. About what? Sorry?

14 Q. About your sleep, your rest the night before.  
15 And you said for me it was not so good, and I was  
16 wondering if you could -- I know it has been a few  
17 months since the incident. But, if you could remember  
18 that?

19 A. No, I don't remember that, because sometimes,  
20 you know, it is a little bit too chop, so, I mean, you  
21 know, what I can regularly, you are -- but I was  
22 rested, I was comfortable, I was, it was not something  
23 I would be disturbed by something and wake up in the  
24 night for some reasons, I wouldn't say that, in  
25 between, in front of you. I really don't remember,

1 that's it. Something really human.

2 Q. So no, no specific incident that kept you --

3 A. No, no, no.

4 Q. -- from sleeping that you recall?

5 A. No pre-occupation I was really -- what you say  
6 -- comfortable with the crew, with the ship, my crew  
7 was good, they demonstrate they were good, by  
8 (inaudible word) the people. Everything was good for  
9 me, comfortable. I felt good.

10 Q. Okay.

11 A. I felt --

12 Q. And while we are on that topic, can you  
13 describe to me how you keep track of work/rest on the  
14 ship?

15 A. The work/rest? It is the staff captain's  
16 business to deal that with the marine crew. And I  
17 think for the hotel manager, the purser is also  
18 recording that, because the resting hours, the extra  
19 hours, you know, the overtime and everything is handled  
20 by them.

21 So, at the end of month before the payroll  
22 delivered, they have to account everything for resting  
23 hours, what you, those main people, they handle that.  
24 The staff captain and the hotel manager with the  
25 purser. And the records, the records on board.



1 Q. I'm sorry?

2 A. They have some records on board, records.

3 Q. There are records on board?

4 A. Yeah, they are.

5 Q. Is there a software program that you used to  
6 keep track of your rest and work hours?

7 A. Myself?

8 Q. Yes.

9 A. Oh no, it is not possible because as the  
10 manager you can be, that's my, that is what I am paid  
11 for to be called, it is my, and my standing orders, and  
12 night orders, if you need me you call me whenever. So  
13 okay, I try to rest maximum time, I do it, and I try to  
14 rest maximum as possible, but normally it is okay,  
15 (inaudible word), okay, I have time to rest.

16 Q. So about how much sleep do you -- were you  
17 getting per night, do you recall?

18 A. What -- I have to do it --

19 Q. Sorry.

20 A. Could you repeat the question?

21 Q. About how much sleep do you typically get per  
22 night?

23 A. Except on the weekend, when we are on call on  
24 the Santo Domingo, so we have two days rest completely.  
25 Or -- I go to sleep around between nine and ten o'clock

1 in the evening, let's say ten o'clock, at least, latest  
2 is ten o'clock, and I wake up at 630.

3 Q. And so you don't keep a record of your work  
4 hours?

5 A. No.

6 Q. Okay, thank you.

7 A. I would like because I would make more money,  
8 but this is not included in my contract.

9 Q. Understood. And I wanted to get a  
10 clarification, earlier Mr. Yets had mentioned something  
11 about the decision support system. And then Mr. Tucker  
12 had mentioned the emergency management checklist, and  
13 you didn't recall either of those, but just -- I am  
14 curious if you have, you have checklists for various,  
15 when you are doing drills on board there are, are there  
16 checklists that you use for those drills?

17 A. Yes, there are checklist for induction, and  
18 checklists for drills, you have a bunch for induction  
19 of four or five steps, for induction. There are  
20 checklists for drills, everything is recorded,  
21 everything is -- all the remarks of inspection, you  
22 have checklists for instruction, and so a report of  
23 comments, it is done, yes.

24 Q. Okay.

25 A. And then the monthly report, of course I have

1 to write that on the captain's monthly report, to  
2 report all incidents, near misses, so and so from this  
3 department, from the from everywhere, I collect. Which  
4 is, of course important. Not the details, but even the  
5 details are -- some details like incident with the  
6 (inaudible two words) something like that is reported,  
7 yeah, yeah.

8 Q. And those are sent to the company?

9 A. Oh yes, on a regular basis, monthly or maybe -  
10 - depending on the degree. If it is an emergency,  
11 urgent topic or not. If it is something like urgent it  
12 is sent on the hour. It is very, with the  
13 communication level we have, internet, everything, the  
14 chief, the head of departments. And for your  
15 information I was in copy of all exchanges between,  
16 department engine and the company, everything is coming  
17 to my desk also, was coming to my desk, to my computer.

18 Q. And going back to the day of the incident,  
19 when you were in communications with the Coast Guard on  
20 radio do you recall any specific questions that were  
21 asked of you or your team that you didn't understand?  
22 Let me just give you an example, like using acronyms or  
23 anything like that, that made it hard to understand?

24 A. Yes, not because only of that, because of the  
25 noise, and all of the things, and the radio even went,

1 it is VHF, sometimes it is very weak. And a lot of  
2 people, and it is not because of the Coast Guard or us,  
3 because some people are around. But also, you know  
4 that -- it was a good that they wanted to help, but  
5 they speak, they talk over.

6 So it makes some interferences, and of course,  
7 that makes the communication level a little bit tough.  
8 Plus the mother language, plus, you know, that is  
9 something that to be integrated. That on international  
10 ships you have several languages, and that when you  
11 speak English, this is basic, you have to -- radio, to  
12 be slow, like I asked from the beginning, if you speak  
13 to me.

14 If you sort of speak like you speak to your  
15 family or -- maybe I will understand you. But now I  
16 understand you very clearly. That is distinct, I want  
17 to point out, that communication, is quite significant,  
18 tough.

19 Q. That is all the questions I have for you,  
20 thank you very much for your time. I am going to pass  
21 it on to someone else, hang on just a minute.

22 THE WITNESS: Okay.

23 **WITNESS**

24 **CAPTAIN JACQUES LEON CASABIANCA**

25 **EXAMINATION**

1 BY CDR CAPELLI:

2 Q. Good afternoon Captain, this is Commander Mike  
3 Capelli with the U.S. Coast Guard.

4 A. Good afternoon commander.

5 Q. I don't believe we addressed the port side  
6 MES. Some people had said that the port side MES did  
7 not activate as it was designed, is that what you saw?

8 A. That's what I observed, yes, afterwards. But  
9 on the moment for me, it was deployed, and not that.  
10 Afterwards, I observed that it was not what was  
11 expected due to the certificate and all of the  
12 documents, and the thing was supposed to be serviced  
13 one year later, so to me it was okay, it was not -- and  
14 that was on the report. Hopefully, it was the wrong  
15 side.

16 Q. Okay, and so during the casualty what was the  
17 reason that you didn't use the port side MES?

18 A. I was reported by the staff captain that there  
19 was some smoke and heat, okay? And also that the slide  
20 was a little bit too much -- the angle was a little bit  
21 too much important. And due to smokes, smoke and heat  
22 on this, the radius was alongside the hull, and the  
23 people were afraid to prepare, to send them to the  
24 starboard side.

25 Observing that there were, at this time not

1 that much people to be evacuated. Because most of the  
2 people as was already been evacuated through lifeboats  
3 and helicopters. So it was very few people remaining  
4 to be evacuated by the MES.

5 Q. Okay, Captain, keeping with the evacuation,  
6 what do you recall about having people jumping over the  
7 side from lifeboat #2?

8 A. No, not -- from lifeboat #2?

9 Q. Yes.

10 A. I don't recall that I was not -- we -- the  
11 only people reported going, jumping at sea was from one  
12 of my crew afterwards he told me, because he was on the  
13 slide, and it was a hotel crew, a cook, a young guy and  
14 before -- close to the platform it was going too fast,  
15 and there was a lady who was not (inaudible word), and  
16 to avoid to hit this lady, he decided to jump in the  
17 water, it was from the MES. I was not reported that  
18 somebody was going overboard in the lifeboat, or not.

19 Q. So you, did you receive any reports of people  
20 in the water, on the bridge?

21 A. Except this one, no.

22 Q. Okay.

23 A. I didn't know who that was. I knew that it  
24 was this guy on the crew afterwards. But at the  
25 beginning I didn't know. I was not reported, I listen

1 to that through the radio, I was listening that  
2 somebody was in the water. But I was not reported.

3 Q. Okay. And at the end of the evacuation you  
4 said the small police helicopter, and the Coast Guard  
5 helicopter were evacuating people, and you specifically  
6 said, owners with their dogs. Did the helicopters  
7 evacuate other people too, or just owners and dogs?

8 A. No, no, no, some other people, some other  
9 people, because, I don't remember exactly, but some, a  
10 little bit disabled people, you know by the weight.  
11 And because I saw that. And some, and after myself, of  
12 course, some of the crew, myself in the end, in the  
13 police helicopter. The changing of some of the crew,  
14 the firefighters were evacuated.

15 But I don't know, I cannot tell you exactly  
16 how many people were evacuated, because for the Coast  
17 Guard it was not -- the Coast Guard helicopter, it was  
18 not easy to land. And they use this stretcher, you  
19 know, this thing, this basket so of course, so one  
20 people at the same time. It was not so easy.

21 And I was not concentrating on that, because I  
22 was concentrating on my water plan. And have my eyes  
23 going in all the directions. So -- but I know that  
24 there were evacuating some, a lot of -- some people  
25 from the helicopter, both Coast Guard and police.

1 Q. And you, at that time you said a fire team had  
2 joined the vessel, do you know how many people on the  
3 fire team joined your vessel?

4 A. I cannot tell you an exact figure. I would  
5 say around ten.

6 Q. Around ten?

7 A. Something like that, around ten.

8 Q. And, was that a local fire department, or was  
9 that a salvage team?

10 A. No, it was local, no, no, no, it was a local  
11 fire department equipped with breathing -- with  
12 everything, the material, the breathing material. That  
13 they know they are with the helicopter bringing  
14 material, and breathing apparatus to the people,  
15 equipped, they went down to inspect, to control, and  
16 finally to --

17 Q. So they came with all their own equipment,  
18 right?

19 A. Yes, yes, their own equipment.

20 Q. Did they use any of the ship's equipment while  
21 they were trying to help?

22 A. I don't know, I don't think so, but I don't  
23 know, frankly speaking, I don't know who bring it,  
24 afterward, we make an inquiry of what was used, maybe,  
25 maybe. I don't recall that, the safety officer, and



1 (inaudible word) could tell you that, but that, no, I  
2 don't know how many equipment were used, if it was ours  
3 or not.

4 Q. And you said after you evacuated the vessel  
5 the fire team stayed on board.

6 A. Yes, yes.

7 Q. When did you return to the vessel, and how?

8 A. Never, because I was not, never, I returned to  
9 the vessel after (inaudible few word), come alongside.  
10 But never because the response team I was not suitable  
11 person on board. For what reason I don't -- I can't  
12 tell you, I cannot tell you. But they prefer to have  
13 the staff captain, bosun, and electrician, and I was  
14 staying on shore with restaurant team supervisor. How  
15 that commander decided, I don't remember his name now.  
16 I was not.

17 Q. So after the casualty did you interact with  
18 the salvage teams at all?

19 A. After?

20 Q. Yes.

21 A. No.

22 Q. No?

23 A. No, no, no, no.

24 Q. So do you know who the salvage companies  
25 interacted with?

1           A.    Could you repeat please?

2           Q.    The salvage companies, who did they interact  
3 with?

4           A.    The salvage company was Ardent Company from  
5 Vito Brand, the subcontractor.  But do I know what?  If  
6 they went on board with?

7           Q.    Well they didn't speak to you as the Captain.  
8 Who were they working with?

9           A.    They speak to me, they speak to me, of course,  
10 they spoke to me.  But I was not, they did not want me  
11 on board, I was not -- and it was like that.  So, okay,  
12 I didn't want to disturb their own action, okay?  So I  
13 was staying on the command center on shore, and they  
14 sent, I send, they asked me, they asked me of course.

15                   I could have been insisting, but I saw that  
16 the guy was -- preferred to have the staff captain, and  
17 the electrician, and the chief engineer.  So that, I  
18 accept my position on shore, the fire was under  
19 control, under control why?  Because everything to be  
20 burned, was burnt, probably.  And some action must be  
21 taken, but they took the action, and they made it  
22 properly.  They were -- that was under control from my  
23 site.

24           Q.    Okay.  When we went on board, and we looked at  
25 the vessel, we saw that your safe in your cabin had

1 been broken into. Did you authorize somebody to go in,  
2 and retrieve stuff from your safe?

3 A. No, no. It is before, no, no, no, the safe is  
4 an incident reported before. We have been, have been  
5 subject to a thief, and it was ahead of that, it was  
6 ten days before. The safe box has been, the key was  
7 lost, and I was obliged to make it open.

8 Q. Okay.

9 A. By a locksmith. So that is the reason why, it  
10 is nothing related to the incident.

11 Q. Okay.

12 A. It was before.

13 Q. Thank you.

14 A. You are welcome.

15 Q. And while you were on board did -- how did  
16 you, how did the SMS, or the safety management system  
17 on the vessel, how did it operate?

18 A. Could you clarify, please?

19 Q. Was it as designed? Or did you make any  
20 changes since you were on board?

21 A. Ah no, no because it is not permitted. The  
22 SMS is approved, an approved document by the class, by  
23 the company, and you cannot modify this, it is not  
24 possible. Okay, for this document is to be followed.  
25 If you have -- if you, when I made a Captain review,

1 okay, of the SMS, you can make some proposing the this  
2 document must be amended, or this one is useless, or  
3 this one is to be refreshed, or something like that.  
4 But you cannot do that on your own.

5 Q. Yes, did you make --

6 A. I have no permission to do that.

7 Q. Okay, did you make any recommendations to  
8 change your SMS?

9 A. I was not old enough in the company to proceed  
10 with that, but yes it was something to come. I have my  
11 idea, and I was of course aware of some simplifications  
12 some reduction, but I didn't make note at this moment.

13 Q. And --

14 A. No, remarks.

15 Q. And who is your primary person ashore that you  
16 dealt with?

17 A. For SMS it is the DPA.

18 Q. No, for all issues, anything that you needed,  
19 did you always go through the DPA?

20 A. No, no, no, because if I need some, for  
21 instance, some I'm sorry -- if I need some extra crew,  
22 for instance, I go to the management, the crew  
23 management, the crew management company, okay? If I  
24 need some staff to be assembled, or let's say like  
25 consumables, I go through the agent, I go through the

1 representative in the head office, I go to the  
2 technical manager, or ship technical manager, doing the  
3 (inaudible word) action sometimes.

4           And the DPA only for the -- of course, the DPA  
5 is in the middle of all the things. Because the  
6 quality assurances, the provider (inaudible word), and  
7 everything, so of course the SMS in the middle, of  
8 course. But the DPA, I deal with him only with  
9 documents, and SMS.

10           Q.    Okay.

11           A.    And ISM topics, I mean.

12           Q.    And was the communication good? Did you  
13 receive what you requested in a timely manner?

14           A.    Perfect, it was perfect. Some discrepancies,  
15 I go, sometimes you can find. But as far as I know,  
16 and you knew, during the COC, the PSC, everything was  
17 normal, everything was clear, transparent in there like  
18 it was -- I won't say perfect, but it was respecting  
19 the rules and the usual professional business practices  
20 in that topic.

21           Q.    And sorry to change topics, thank you. But we  
22 are going to go back to at the end of the casualty the  
23 tug boat put a line on your vessel.

24           A.    Um-hmm.

25           Q.    And but it never really took it on taught, or

1 actually pulled on the vessel. Was that your decision  
2 or the tug boat's decision?

3 A. What to send a line? Before? You mean before  
4 we leave the ship, during the -- no, no, it was the tug  
5 boat -- as far as I remember, it was the tug boat's  
6 proposal, submitted, but I was accepted, but why not,  
7 but it was not important to me. Say okay, we can have  
8 a line, why not? But it is not important, because I  
9 dropped the anchor. And after they let go the line,  
10 and this, this was not used, this was not used.

11 Afterwards --

12 Q. Okay.

13 A. -- when I was not on board, it was during the  
14 salvage, okay, they made some other jobs with the tug,  
15 but I was not on board.

16 Q. And when you dropped the anchor, did you  
17 already have an anchor team pre-positioned, or did you  
18 -- did you have to send, find a new team to do that?

19 A. For dropping the anchor, you mean? The team  
20 who dropped the anchor?

21 Q. Yes, did you have a team on standby?

22 A. No, no, no, no. I just asked the bosun to go  
23 because he prepared the ship, I say please go and drop  
24 five shackle, please. Five shackle or four shackle, or  
25 four shackle in the water, as soon as possible. And he

1 dropped it.

2 Q. Okay.

3 A. It was very, it is very, it is an operation,  
4 it is quick, you don't need to, you just unbreak, you  
5 undo the -- you remove the sleeves, and -- you open the  
6 brake, you leave four shackle, and you close the  
7 brakes, that's it, it was no put the engine on and --  
8 no, it was just drop it and go back to your duty. It  
9 was at least, a maximum ten, less than ten minutes  
10 operation, five minutes, something very quick.

11 Q. Okay, thank you. When you arrived at pier  
12 six, where all the passengers were gathering after the  
13 casualty, was there a manifest there, at the pier?

14 A. Yes, yes because you mean once everybody was  
15 on shore? Yes, because I went to the command car, I  
16 don't know if you were in, but I don't remember the  
17 people. And there were a lot of people and the first  
18 question coming out was 511/512, so obviously they have  
19 a manifest, and we also compare the manifest, and we  
20 observe that 511 person were accounted, and the  
21 manifest say 512. So we are -- had one person gap.  
22 And finally we solved that this person in San Juan was  
23 released the day before.

24 Q. Okay. Thank you. Where did that MES document  
25 come from? That -- the one that they had at the pier?

1 A. What, could you tell it again, please?

2 Q. You had mentioned that you had the manifest at  
3 the pier, on pier six, where did that document come  
4 from?

5 A. The passenger manifest?

6 Q. Yes.

7 A. Maybe it could have been from ACF, it could  
8 have been from the hotel manager, I don't know, but  
9 they have that.

10 Q. Okay, thank you. Does anyone from the  
11 investigative team have any more questions?

12 MR. BOWLING: Commander I have a few, please.

13 CDR CAPELLI: Okay, thanks Captain I am going  
14 to turn you over to Larry Bowling from the NTSB.

15 **WITNESS**

16 **CAPTAIN JACQUES LEON CASABIANCA**

17 **EXAMINATION**

18 BY MR. BOWLING:

19 Q. Captain good afternoon, Larry Bowling with the  
20 National Transportation Safety Board, and I'll be as  
21 brief as I can. A quick question related to the safety  
22 management system, can you just describe --

23 A. Sorry sir, sorry, to which system?

24 Q. The safety management system on board the  
25 vessel, can you describe your familiarity with.



1 A. The safety, what did you call --

2 Q. The safety management system.

3 A. The safety management system you mean?

4 Q. Yes, sir.

5 A. SMS, okay, ISM, yes, yes, okay, okay.

6 Q. Yes, can you tell me about your familiarity  
7 with the system, and your involvement, how you became  
8 familiar with that safety management system. Did you  
9 read through it, walk me through that.

10 A. This question, sir, is very huge. Can be, can  
11 take a book. I mean, the ISM system has been installed  
12 after the (inaudible word) accident/incident in 1995  
13 something like that. And this ISM system, generally  
14 speaking has been included in the SOLAS obligation,  
15 mainly for passenger ship in 1995 or 1996.

16 And all the system, and you have chapters and  
17 recommendations and each company adapts its own, like  
18 an insurance creating, like it has all what you would  
19 always do. But that is procedure to the system. And  
20 we have operation forms, safety form, generally we have  
21 the books, the forms all describing with an exhaustive,  
22 as far as possible way, what is done on board, what re-  
23 board, everything is classified.

24 You have a form for such a report, the near  
25 misses, the accident, the disciplinary, the --

1 everything which is going on on board, the safety  
2 meetings, the -- all the meetings we have to do, the  
3 frequency, of course, that the Captain -- it is one of  
4 the main concern of the Captain to make this respected,  
5 which is not so simple, it's a big deal.

6 But it is our -- private gardener (sounds  
7 like), we saw to ensure that everybody is respecting  
8 that with the support, of course of the staff captain  
9 and the chief engineer, and all of the head of  
10 departments, with whom we have weekly/monthly and when  
11 necessary, on purpose meetings.

12 Q. Yes sir, thank you. My question was actually  
13 specific to how you became familiar with the system  
14 that Baja Ferries had in place that was approved, and  
15 signed off on by RINA, who issued the safety management  
16 certificate to the vessel.

17 A. Because on all companies it is quite the same,  
18 and it is very easy to come through, because like it is  
19 another edition of the same book you have on the -- the  
20 naval company, and the same company for the same type  
21 of ship, it is always the same thing. So some details,  
22 some names, of course, some things are different, but  
23 it is very easy to come through in a short time, when  
24 you have my experience, of course.

25 If you start you have to go through this book,

1 but you know the general lines. And these days it is  
2 common, it is a common application on each and every  
3 company. It is different from company A to company B,  
4 but it is very, very close. So to be familiar with  
5 that, it is not a big deal to know this system by  
6 (inaudible word). It is something else, you need some  
7 more time. But to be familiar with the system is not a  
8 big deal.

9 Q. Okay.

10 A. That is why you -- so, I go through my, for  
11 instance I can tell you one example, the monthly report  
12 that the first, the handover, everything you describe,  
13 so in fact you take this instrument, and you fill out,  
14 the -- you know what to -- which step you have to go  
15 and what you have to do, what -- and it is, everything  
16 is explained, and it is the same for most of the  
17 companies dealing with the same business. I mean, all  
18 the (inaudible word) companies should be different from  
19 the rollback, from a passenger ship, of course. But in  
20 spite of these difference, the spirit remains the same,  
21 and then the forms are very similar.

22 Q. Okay, thank you Captain. The next question is  
23 related to a term, the mass rescue operation, or mass  
24 rescue operation planning MRO. Do you have any  
25 training with regard to that particular specialty, can

1 you tell me, if you do, where it came from, and what  
2 your experience is?

3 A. Yes, I did. I did that on some different,  
4 ramp on the Viking, on some other brands I have been  
5 attending some real trials. Also with the video  
6 training, video training, which is very comfortable  
7 with, very easy to handle. Yes, I have been managing  
8 that on several ships. And passenger ships, I think  
9 the same system, okay?

10 The same MES system which you don't have on  
11 the old ships but now, which is compulsory. For  
12 instance, in the passenger, in passenger ships like  
13 your rollbacks in the united, in the U.S. waters, if  
14 you want to have your COC you must have an MES, which  
15 is not, obviously compulsory for all ships, all over  
16 the world. But I experience this, material several  
17 times, yes. And I have had.

18 Q. Thank you Captain. Do you know if Baja  
19 Ferries has any planning, or contingencies drafted,  
20 that are in place to handle such an event as a mass  
21 rescue operation, or an event like happened on the  
22 Caribbean Fantasy in August?

23 A. I'm sorry, I didn't understand the question,  
24 could you come back again, please? I'm sorry.

25 Q. No problem Captain, thank you. Are you aware

1 of any contingency plans or other documents that are  
2 planning related that Baja, which indicate the Baja  
3 Ferries has addressed a potential situation, such as a  
4 mass rescue operation, for many of its vessels? The  
5 Caribbean Fantasy, or any other vessels?

6 A. No, I'm not.

7 Q. All right, thank you. Captain the -- earlier  
8 in some of your statements you used the term, on scene  
9 commander, and I think you referenced, a Spanish name.  
10 Would the Coast Guard cutter, Joseph Tezanos be that  
11 vessel?

12 A. Yes, yes.

13 Q. Okay.

14 A. That is the -- for me it was difficult to  
15 understand that.

16 Q. I understand, Captain. And my question is  
17 related to VHF radio communications from the Coast  
18 Guard cutter Joseph Tezanos, to the Caribbean Fantasy  
19 do you recall any VHF transmissions from the Coast  
20 Guard cutter to your ship, asking you to address issues  
21 with passengers entering the water from any of the  
22 lifesaving appliances?

23 A. I'm sorry, I don't get exactly what you mean,  
24 but I am sorry -- if I learned from the U.S. Coast  
25 Guard that -- question, is? The U.S. Coast Guard asked

1 me a question?

2 Q. Let me --

3 A. Asked some people onto the sea? No?

4 Q. Let me rephrase the question.

5 A. Yes, please.

6 Q. Specifically to radio communications, prior to  
7 the, and prior to the abandonment of the ship, during  
8 the abandonment of the ship

9 A. Yes.

10 Q. Do you recall any radio communication, channel  
11 sixteen VHF, coming to you from the Joseph Tezanos,  
12 from the on scene commander, and asking you to address  
13 passengers who were jumping into the water from  
14 lifeboats, or life rafts, or any other appliances that  
15 were in the water?

16 A. No, no, no, I have been in touch with this  
17 ship, I don't know, I can't say the name. But on scene  
18 commander, what I call on scene commander is not my  
19 choice, it is the GMDSS compulsory language to be used,  
20 okay.

21 On scene commander is not an invention, it is  
22 like ISM, or it is something you must use. When you  
23 don't, I don't, I cannot remember your name because I  
24 am not familiar with English, but I know that you are  
25 from NTSB, and an investigator, that's identify you

1 clearly, identify very clearly. But that is the same  
2 from on scene commander, but I don't recall any, any  
3 conversation like you say asking me to address a  
4 passenger that is going --

5 Q. Okay, thank you Captain very much. I have no  
6 further questions, thank you.

7 A. Thank you.

8 **WITNESS**

9 **CAPTAIN JACQUES LEON CASABIANCA**

10 **EXAMINATION**

11 BY LTJG DIAZ-COLON:

12 Q. Good afternoon Captain this is Lieutenant  
13 Junior Grade Carlos Diaz from the Coast Guard. I had  
14 one follow up question. To (inaudible word) that you  
15 had said earlier. You had said that they ah, as a  
16 company they require you to submit monthly near misses,  
17 and depending on the severity, you will do it more  
18 frequently for any near miss that you have on the  
19 vessel, is that correct?

20 A. That's not correctly, that the company, the  
21 ISM we make monthly report, on the Captain monthly  
22 report. Okay? And that report, we attached some  
23 complementary document. Okay, but for instance, near  
24 misses, if there are some images, we send it directly  
25 to the DPA.

1           Whether I have near misses for (inaudible  
2 word), or something like that, for instance. I wrote  
3 in my, I send to the officer is in trouble that -- make  
4 a report. We make a proposal, while we study them  
5 together and then we send this to the company, it is  
6 sent to the company immediately, and attached to the  
7 report, I say, this near miss, for so, so and so, on  
8 the monthly report, is a reminder of the, what we have  
9 had. That's what -- and it is compulsory, the report  
10 is, it is something that you have to do monthly, on a  
11 monthly basis.

12           Q.    Okay, thank you for the clarification. So, my  
13 question is, the week prior to the fire, I believe it  
14 was August seventh, the fire was on August seventeenth.

15           A.    Um-hmm.

16           Q.    On August 12<sup>th</sup> the starboard engine had a  
17 similar issue that caused a fire in the port engine.  
18 Which was a failure to the flange on fuel rail. Was  
19 that reported to you?

20           A.    No.

21           Q.    Would you consider that a near miss the  
22 padding?

23           A.    No, no. No, no, I am not considering a near  
24 miss, it is not mine, a near miss something like the  
25 rain, it is the rain, it rains, a near miss is



1 something like that. Near miss that you have close to  
2 an accident. And nothing was reported to me regarding  
3 this topic.

4 Q. So you are saying --

5 A. No flanges, no nothing.

6 Q. Okay.

7 A. It is an engine issue. And I am not dealing,  
8 I am not chief engineer, I am the Captain. So, if  
9 there is something which is important, that the chief  
10 engineer thinks is important, of course, he will report  
11 to me this, something like that. And if this technical  
12 problem becomes a near miss, it's possible, so okay,  
13 oh, we have to consider that is a near miss. And in  
14 the yellow sheet of the -- what you call that -- the  
15 tree, in the tree of the document you have to, of  
16 course, address to the company a near miss due to an  
17 engine problem. But it is something different,  
18 separate, I was not informed no near miss on this,  
19 though, no.

20 Q. Okay, thank you for that, Captain.

21 LTJG DIAZ-COLON: I don't have any further  
22 questions.

23 CDR CAPELLI: Good afternoon Captain.  
24 Commander Capelli U.S. Coast Guard. The investigative  
25 team has no more questions. I am going to go around

1 the room and make sure the parties-in-interest don't  
2 have any questions. Panama, do you have any questions  
3 for the witness?

4 MR. ARENAS: Yes.

5 CDR CAPELLI: Panama has questions for you, he  
6 will be here in a second.

7 THE WITNESS: Um-hmm.

8 **WITNESS**

9 **CAPTAIN JACQUES LEON CASABIANCA**

10 **EXAMINATION**

11 BY MR. ARENAS:

12 Q. Good afternoon Captain, my name is Gaspar  
13 Arenas, I am from Panama Maritime Authority.

14 A. Yes.

15 Q. Just to clarify, I understand that you have a  
16 short time on Caribbean Fantasy, but you have knowledge  
17 of the recommendation that, of who make a  
18 recommendation to change the muster list and why?  
19 Because you have two muster lists, right, the old one  
20 and the new one.

21 A. Apparently, yes.

22 Q. Yes.

23 A. And it is apparently, yes? And it is, I told  
24 already, it is to my, in my opinion that's a mistake.  
25 And the recommendation is coming from RINA, because it

1 is RINA who approved, and representing, RINA is  
2 representing your county, the flag ship, the flag, and  
3 say okay we prefer this to this. So (inaudible few  
4 words), but it was not yet in application. And that is  
5 why, supersede and make this mistake of course. And  
6 that's a mistake. Of course, that is a reason, not a  
7 real mistake, a misunderstanding I'd say.

8 Q. Okay, and why this new muster list was, that  
9 wasn't approved was on board the ship, why?

10 A. I don't know, it is a question of time.

11 Q. Okay, on the duty and time that this two  
12 muster lists affect directly, or make confusion to the  
13 response, or in this case of this incident do you think  
14 that --

15 A. No, it didn't make any confusion except for  
16 the investigator, I can understand that. But for us,  
17 the muster or the former one, because this was a  
18 question of time, it was under process to change this.  
19 And all the crew react to Mr. Skylight, and that muster  
20 list was before. So, it was not -- no confusion, no  
21 confusion, sorry, on behalf on the crew. Who was to be  
22 active, and action and brave to save all the people,  
23 all the bodies. That is why we have this (inaudible  
24 word), because the -- as I told people, muster list is  
25 a procedure, it is a guideline, sometimes you have to

1 adapt.

2 A. Okay, thank you Captain.

3 Q. Okay.

4 CDR CAPELLI: American Cruise Ferries, do you  
5 have any questions?

6 MR. BAYRON: (No audible response.)

7 CDR CAPELLI: American Cruise Ferries has no  
8 questions.

9 CDR CAPELLI: Baja Ferries, do you have any  
10 questions?

11 MR. CHENAULT: No questions.

12 CDR CAPELLI: Baja Ferries has no questions.

13 Okay, Captain at this time, you are now released as a  
14 witness at this hearing, thank you for your testimony  
15 and cooperation.

16 CAPTAIN/THE WITNESS: Is that the --

17 CDR CAPELLI: If I later determine that you  
18 are needed -- if we need additional information from  
19 you, we will contact you through counsel. If you have  
20 any questions for us or this investigation, you may  
21 contact the recorder, LTJG Diaz-Colon. Thank you for  
22 your time.

23 THE WITNESS: Thank you, thank you Captain.

24 That's -- thank you, commander, that is what we did  
25 from the beginning, and we cooperate fully with the,

1 all the authorities, and we will continue, sure.

2 CDR CAPELLI: Thank you sir, thank you very  
3 much.

4 The time is 1710 the hearing will now recess  
5 until tomorrow morning, 0800.

6 THE WITNESS: Thank you again, stop the  
7 communication?

8 CDR CAPELLI: Yes.

9 THE WITNESS: Okay, by to everybody.

10 CDR CAPELLI: By Captain, thank you.

11 (At 1710 the proceedings concluded.)

12

13

**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 the Formal Investigation of the Caribbean Fantasy Marine Casualty, heard in the Hilton Caribe, San Juan, Puerto Rico, Wednesday March 22, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to two hundred thirty-seven 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 18<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
[REDACTED]

Sally S. Gessner, Court Reporter