

**INTERNATIONAL CENTER FOR RESOLUTION OF DISPUTES
RELATING TO INVESTMENTS**

AVZ International Pty Ltd, Dathcom Mining SA, Green Lithium Holdings Pte Ltd.

vs.

Democratic Republic of Congo

(ICSID Case ARB/23/20)

PROCEDURAL ORDER No. 1

Members of the Tribunal

Mr. Prof. Jan Paulsson, President of the Tribunal Mr
Salim Moollan KC, Arbitrator Mr
Mohamed Shelbaya, Arbitrator

Secretary of the Tribunal

Mrs Aurélia Antonietti

November 20, 2023

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Introduction

The first session of the Tribunal was held on November 6, 2023 by videoconference, at 8:30 a.m. Washington time. The session was adjourned at 9:52 a.m.

An audio recording of the session was made and entered into the ICSID archives. The recording has been distributed to the members of the Tribunal and the Parties.

Participated in the session:

Members of the Tribunal

Prof. Jan Paulsson, President of the Tribunal Mr
Salim Moollan KC, Arbitrator Mr
Mohamed Shelbaya, Arbitrator

ICSID Secretariat: Dr.

Jonathan Chevry, Acting Secretary of the Tribunal

Participants on behalf of the Claimants:

Me Michael Ostrove, DLA Piper France LLP
Me Ruxandra Lazar, DLA Piper France LLP
Me Théobald Naud, DLA Piper France LLP
Me Teodora Kovacevic, DLA Piper France LLP

Participants on behalf of the Defendant:

Me Olivier Pardo, SELAS OPLUS
Me Nathalie Makowski, SELAS OPLUS
Me Elisa Sauron, SELAS OPLUS
Me Honoré Mitshabo Tshitenge, Cabinet Adombe & Associés
Me Dani Oleko Yanana, Mulenda Law Firm

The Tribunal and the Parties have consulted on the following points:

- Draft Procedural Order No. 1 transmitted to the Parties by the Secretary of the Court on October 17, 2023; And
- The Parties' comments on draft Procedural Order No. 1 dated November 2, 2023, indicating the points of discussion on which the Parties have agreed and their respective positions concerning the points on which they could not find All right.

Following this session, the Court issues the following Order:

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Prescription

Pursuant to Articles 19 and 20 of the ICSID Arbitration Rules, this First Procedural Order sets out the procedural rules that govern this arbitration. The schedule appears in **Appendix A**.

1. Applicable Arbitration Rules
Article 44 of the Convention

1.1. This proceeding is conducted in accordance with the ICSID Arbitration Rules in its version of April 10, 2006.

2. Constitution of the Tribunal and declarations of its
Members Article 6 of the Arbitration Rules

2.1. The Tribunal was constituted on September 28, 2023 in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was duly constituted and that none of them had any objection to the appointment of each of its members.

2.2. The members of the Tribunal submitted their signed declarations in accordance with Article 6(2) of the ICSID Arbitration Rules. A copy of these declarations was distributed to the Parties by the ICSID Secretariat on September 28, 2023.

2.3. The members of the Tribunal confirmed that they had the necessary availability over the next 24 months to devote themselves to this case.

3. Fees and expenses of the Members of the
Tribunal Article 60 of the Convention; Article 14 of the Administrative and Financial Regulations; ICSID Fee Schedule; Memorandum on Fees and Expenses

3.1. The fees and costs of each arbitrator shall be fixed and paid in accordance with the ICSID Fee Schedule and the ICSID Memorandum on Fees and Costs in effect at the time they are incurred.

4. Presence and
quorum Articles 14(2) and 20(1)(a) of the Arbitration Rules

4.1. The presence of all members of the Tribunal constitutes quorum for the sessions, including those held by any appropriate means of communication.

5. Decisions of the Tribunal

Article 48(1) of the Convention; Articles 16, 19 and 20 of the Arbitration Rules

- 5.1. The decisions of the Tribunal are taken by a majority of votes of all members of the Tribunal. Court.
- 5.2. Article 16(2) of the ICSID Arbitration Rules applies to decisions taken by correspondence except for urgent procedural matters, for which the President may make decisions without consulting the other members, subject to a possible review of this decision by the entire Court.
- 5.3. The Tribunal will draft all decisions, including the award, within a reasonable time. If a procedural decision, or relating to a procedural incident or to the granting of a precautionary measure, has not been rendered within the month following the last writing of the Parties relating to this question, the Court will communicate to the Parties the progress of its work every month. With regard to the award, if it has not been rendered within three months after the last writing of the Parties or the final hearing in the absence of subsequent writings, the Court will communicate to the Parties the progress of its work every month.
- 5.4. The President has the power to make procedural orders on behalf of the Court.
- 5.5. The Tribunal's decisions on procedural matters may be communicated to the Parties by the Secretary of the Tribunal in the form of a letter or email.
- 5.6. Any decision of the Tribunal, including the certified copy of the Award, will be communicated to the Parties electronically.

6. Delegation of authority to set deadlines

Article 26(1) of the Arbitration Rules

- 6.1. The President has the power to set and extend deadlines for the accomplishment of different stages of the procedure.
- 6.2. In exercising this power, the President will consult the other members of the Tribunal. In urgent situations, the President may set or extend deadlines without consulting the other members, subject to possible review of this decision by the entire Tribunal.

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6.3. The Parties agree that a deadline is met if a procedural act is completed or if a document is received by the Secretary of the Tribunal on the relevant date, or the next working day if that date falls on a Saturday or Sunday. A deadline is calculated from the date on which the deadline is announced, the day of the announcement being excluded from the calculation.

7. Secretary of the Tribunal

Article 28 of the Administrative and Financial Regulations

7.1. The Secretary of the Tribunal is Ms. Aurélia Antonietti, Senior Legal Advisor, or any other person designated by ICSID to the Tribunal and the Parties from time to time.

7.2. For sending communications by email, courier/parcel delivery to the ICSID Secretariat, please use the following contact details:

Ms. Aurélia Antonietti
ICSID
MSN C3-300
1818 H Street, NW
Washington, DC 20433
United States of America
Tel. : + 1 (202) 458-7603
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Email: aantonietti@worldbank.org
Paralegal email: jalidjae@worldbank.org

8. Representation of the Parties

Article 18 of the Arbitration Rules

8.1. Each party is represented by its counsel (below) and may designate other agents, advisors or attorneys by promptly informing the Tribunal and the Secretary of the Tribunal of such appointment.

For the Claimants

Me Michael Ostrove
Me T. Alexander Brabant Me
Ruxandra Lazar Me
Théobald Naud Me
Maxime Desplats Me
Teodora Kovacevic

For the Defendant

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and 1 Mr. Peter N. Mantas

¹ The following names of the representatives of the Respondent were communicated to the Tribunal on November 15, 2023.

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Nabila Abdul Malik Mr.

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And

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And

Mr. Kwete Mikobi

Cabinet KWETE MIKOB

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Democratic Republic of Congo
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9. Distribution of the costs of the procedure and payment of advances paid to the ICSID

Article 61(2) of the Convention; article 15 of the Administrative and Financial Regulations; article 28 of the Arbitration Rules

9.1. The Parties cover the direct costs of the proceedings in equal shares, without prejudice to the final decision of the Tribunal on their distribution between the Parties.

9.2. Following the registration of the Request for Arbitration, by letter dated June 9, 2023, the ICSID required the Claimants to pay the sum of 150,000 US dollars to cover the initial costs of the arbitration. instance until the first session. ICSID received a payment of 150,000 US dollars from the Claimants on July 5, 2023. When the Tribunal was constituted, by letter dated September 29, 2023, ICSID requested the Parties to pay the sum of 300,000 US dollars to cover the costs. estimated costs of the next phase of the procedure. The ICSID also indicated that the payment made by the Claimants on July 5, 2023 should be considered as an advance payment of this sum. During the first session, the Respondent indicated that it was working to ensure that payment of its share of the requested funds advance on September 29, 2023 was made as quickly as possible.

9.3. The ICSID will request, when necessary, the payment of additional deposits. These requests will be accompanied by a detailed interim financial statement. At the end of the procedure, the account relating to the proceeding will include a breakdown of the arbitrators' fees and expenses.

10. Location of the procedure

Articles 62 and 63 of the Convention; Article 13(3) of the Arbitration Rules

10.1. Paris will be the location of the procedure.

10.2. The Tribunal may hold hearings at any other location it considers appropriate if the Parties consent to this.

10.3. The Court may deliberate at any place it considers appropriate.

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11. Language of the proceedings, Translation and Interpretation

Articles 20(1)(b) and 22 of the Arbitration Rules

- 11.1. French is the language of the proceedings.
- 11.2. Documents submitted in another language must be accompanied by a translation into French, except for documents written in English, with the exception of witness statements and expert reports which must be communicated with a translation into French.
- 11.3. If a long document is only relevant in part, it is sufficient that only the relevant parts be translated, the Tribunal may nevertheless require a more complete or integral translation of the document at the request of one of the Parties or on its own initiative.
- 11.4. There is no need to certify translations unless there is a dispute over their content and that the Tribunal requires it at the request of either Party. In addition, the Court may request, at any time during the procedure, a sworn translation.
- 11.5. Documents exchanged between the Parties in a language other than French in accordance with §15 below (Production of documents) must not be translated.
- 11.6. During hearings, witnesses and experts who prefer to testify in a language other than French benefit from simultaneous interpretation.
- 11.7. The Parties shall notify the Tribunal, as soon as possible, and at the latest during the conference relating to the organization of the hearing (see §19 below), which witnesses or experts require simultaneous interpretation as well as the language that the witness or expert will use.
- 11.8. The costs of the interpreters are covered by the Parties in equal shares, without prejudice to the decision of the Court as to which party will ultimately bear these costs.

12. Means of communication

- 12.1. The ICSID Secretariat will be the intermediary for all written communications between the Parties and the Tribunal.
- 12.2. Written communications from each party must be transmitted by email or any other electronic means to the opposing party and to the Secretary of the Tribunal, who will transmit them to the Tribunal.

12.3. Electronic versions of simultaneous communications ordered by the Tribunal will only be transmitted to the Secretary of the Tribunal, who will transmit them to the opposing party and to the Tribunal once the second communication is received.

12.4. The Secretary of the Tribunal will not be copied on direct correspondence between the Parties, when these are not intended to be transmitted to the Tribunal.

13. Number of copies and method of transmission of the Parties' briefs

Articles 20(1)(d) and 23

13.1. By the deadline, the Parties must:

13.1.1. send by email to the Secretary of the Tribunal and the opposing party an electronic version of their brief accompanied by witness statements (excluding possible translations), expert reports (excluding possible translations) and the updated list of supporting documents (list of factual documents and list of legal sources) attached to the brief², and upload these same documents to the file sharing platform that was created by ICSID for this case.

13.2. No later than two working days following electronic sending, the Parties must:

13.2.1. upload all supporting documents (ie, factual documents and legal sources) to the file sharing platform that was created by ICSID for this case;

13.2.2. send by quick mail to the teacher. Paulsson and Mr. Moollan paper copies (A4 double-sided) of the briefs, witness statements (without possible translation) and expert reports (without the accompanying documents and possible translations); And

13.3. No later than five working days following electronic submission, the Parties must send by email to the Secretary of the Tribunal and the opposing party (and upload to the file sharing platform) an electronic version of any translations of the statements of the witnesses and expert reports.

13.4. Electronic versions of briefs, witness statements, expert reports, and where possible factual and legal documents will be sent in a searchable format (e.g.

² The World Bank server does not accept emails larger than 25 MB.

example, OCR PDF or Word).

13.5. All briefs shall contain consecutively numbered paragraphs and shall be accompanied by an updated listing of the supporting documents the party has submitted up to the date of the brief. This list must indicate the document number and the brief with which it was submitted, and will follow the document nomenclature convention contained in **Appendix C**.

13.6. At the end of the written phase of the procedure, on a date that the Tribunal will determine, or on any other date indicated by the Tribunal or the Secretariat, the Parties will send by rapid mail to the ICSID Secretariat at the address indicated in § 7.2 above - above and to each member of the Tribunal at the address indicated in § 13.7 below a USB key containing an electronic copy of the entire file (including briefs, witness statements, expert reports, factual materials, legal materials, and decisions and orders of the Tribunal to date) with a consolidated list of all documents.

13.7. The addresses of the members of the Tribunal are as follows:

Mr. Prof. Jan Paulsson
Gudaibiya Palace
Bani Otbah Avenue
Building 101, Road 351,
Block 325
Manama
Bahrain
Such. : + 973 36 76 76 76

Mr. Salim Moollan KC
1 Denham Close
Singapore 589544
Tel. : +65 8349 1461

Me Mohamed Shelbaya
GBS Disputes
46, rue Copernic
75116 Paris
France
Such. : +33 1 79 35 90 00

13.8. The official date of receipt of a writing or communication will be the day on which its electronic version is sent to the Secretary of the Tribunal by email.

13.9. A submission will be considered timely received if sent by a party before midnight, Washington, DC time, on the allotted date. If the submission of an entry falls on a Saturday or Sunday, the date to be taken into account is the following business day.

14. Number and order of dissertation submissions

Articles 20(1)(c), 20(1)(e), 29 and 31 of the Arbitration Rules

14.1. The Parties will submit their briefs or written submissions in accordance with the procedural schedule provided in **Annex A** as well as the rules established below.

14.2. During the first exchange of briefs, the Parties will in principle present all the facts and legal arguments as well as all the evidence (including factual documents,

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legal sources, witness statements and expert reports) that they intend to invoke in support of their position in this arbitration.

14.3. During the exchange of replies and rejoinders, the Parties will limit themselves in principle to respond to the allegations of fact and legal arguments put forward by the other party, to produce evidence in support of these responses, and possibly, to present new allegations of fact, arguments of law and evidence, when these result from documents obtained during the document production phase.

15. Production of documents

Article 43(a) of the Convention; articles 24 and 33-36 of the Arbitration Rules

15.1. Within the time limit established in **Annex A**, a party may require the other to produce documents or categories of documents which are in the possession, custody or control of the second. The request will identify each document or category of documents referred to precisely, by means of a Redfern Schedule as attached in **Annex B**, in Word and .pdf formats, specifying why the requested documents are relevant to the dispute and decisive as to its outcome. The request will not be transmitted to the Tribunal, to the Secretary of the Tribunal or to the Court Assistant.

15.2. Within the time period set out in **Annex A**, using the Redfern Schedule provided by the first party, the other party must either produce the requested documents or present its objections to the requested production of documents.

15.3. Within the time period set out in **Annex A**, the requesting party will respond to the objections of the other part in the same Redfern Schedule.

15.4. On or about the date set out in **Annex A**, the Tribunal will decide on the production of the requested documents or categories of documents taking into account the legitimate interests of the other party and all relevant circumstances. The Tribunal may use the IBA Rules on the Administration of Evidence in International Arbitration (2010 edition), without them being binding on it, as guidelines.

15.5. The documents will be communicated within the time limit established in **Annex A** directly to the party who requested them without copying the Court. Documents so communicated will not form part of the record unless and until the party requesting them subsequently submits them as exhibits in accordance with § 16 below.

16. Submission of documents

Article 44 of the Convention; article 24 of the Arbitration Rules

- 16.1. The Memorial and the Counter-Memorial will be accompanied by the documentary evidence on which the Parties rely, including factual documents and legal documents. New documentary evidence may be introduced, in response, by the Parties with the Response and Rejoinder.
- 16.2. The documents must be presented in the manner and form described in §13 above.
- 16.3. Neither Party will be permitted to submit additional documents or response documents after the filing of their respective final submissions, unless the Tribunal determines that exceptional circumstances exist, based on a reasoned written request, followed by the observations of the opposing party.
 - 16.3.1. In the event that a party requests permission to submit additional documents or response documents, such documents will not be attached to that request.
 - 16.3.2. If the Tribunal authorizes a request to submit a supplementary document or a response document, the Tribunal will ensure that the opposing party has the opportunity to present its observations regarding this document.
- 16.4. The Court may require the Parties to produce other documents or means evidence in accordance with Article 34(2) of the Arbitration Rules.
- 16.5. Documents must be presented in the following format:
 - 16.5.1. The number of each part containing a document submitted by the Applicants is preceded by the letter "C-" for factual documents and the letters "CL-" for legal documents. The numbers of the factual documents submitted by the Defendant will be preceded by the letter "R-" for factual documents and the letters "RL-" for legal documents etc.
 - 16.5.2. Exhibits will be numbered consecutively throughout the proceeding, beginning with "C-0001" and "R-0001," and "CL-0001" and "RL-0001," respectively. The number of the factual and legal documents must appear on the first page of the document, and must appear in the title of the document in accordance with §16.5.4.

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16.5.3. A party may produce several documents relating to the same subject in a single exhibit, by numbering each page of that exhibit separately and consecutively.

16.5.4. Electronic files and corresponding lists will follow the nomenclature convention in **Appendix C**.

16.6. Copies of documentary evidence are deemed to be authentic unless specifically objected by a party, in which case the Court will determine whether authentication is necessary.

16.7. The Parties will produce their documents only once with their submissions.

16.8. The Parties may use demonstrative documents at the hearing (diagrams, graphs, tables, etc. compiling information which is in the case file but which is not presented in this form), provided that they (i) identify the source in the instance record from which the information came and (ii) do not contain information not contained in the record of the proceeding. The *PowerPoint*-type presentation materials, used at the hearing to present the Parties' arguments, do not in themselves constitute demonstrative documents.

16.9. An electronic copy of each demonstrative document will be distributed by the party who intends to use it by means of an electronic mail sent to all the email addresses of each party, to the members of the Tribunal, to the Secretary of the Court, stenotypists and interpreters, within the deadlines which will be decided at the end of the conference relating to the organization of the hearing.

16.10. In addition, promptly after the end of the hearing day during which the corresponding demonstrative exhibit is used, the Parties must upload this demonstrative exhibit into the case file on the BOX file sharing platform, designating each them by the corresponding CD-__ or RD-__ number.

17. Witness statements and expert reports

Article 43(a) of the Convention; article 24 of the Arbitration Rules

17.1. Any person may be a witness, including a party, an officer, an employee, an official or any other representative of a party.

17.2. Witness statements and expert reports will be submitted at the same time as the Parties' submissions. Witness statements and expert reports must be submitted in the language of the arbitration. Witness statements and expert reports written in a language other than French will be submitted

accompanied by a French translation.

17.3. Neither Party will be permitted to present oral witness or expert testimony that has not been submitted with the pleadings, unless the Tribunal determines that exceptional circumstances exist, based on a written request and reasoned followed by observations from the opposing party (following the procedure described in §16.3).

17.4. Each witness statement and each expert report will be signed and dated by the witness or expert. They will include a copy of their CV, as well as a passport photo. Expert reports will also include a declaration of independence.

17.5. It will not be inappropriate for counsel to meet with witnesses and experts to establish the facts or prepare witness statements, as well as to prepare them for their hearing at the hearing.

18. Interviews of witnesses

Article 35 and 36 of the Arbitration Rules

18.1. Each witness must make himself available for questioning at the hearing, subject to the provisions of this Order. Each Party will ensure the presence of its witnesses at the hearing, unless the other Party has waived the cross-examination of a witness and the Tribunal does not require this witness to appear.

A witness who has not been called for cross-examination will not be heard at the hearing, unless the Tribunal uses its powers mentioned in § 18.4.

18.2. The facts mentioned in the attestation of a witness who has not been cross-examined due to a waiver by the other party will not be considered established simply because of the absence of cross-examination. Unless the Tribunal determines that the witness must be heard, it will assess the value of the written statement, taking into account the entire file and all relevant circumstances.

18.3. Each party will bear the logistics and costs associated with the presentation of its witnesses, and will be responsible for their availability. The Tribunal will decide the appropriate allocation of costs in the final award.

18.4. If necessary, the Court may, in a discretionary but justified manner, allow the hearing of a witness by videoconference and give instructions to this effect.

- 18.5. The Tribunal may take into account the written statement of a witness who provides a valid reason explaining his absence from a hearing at which he has been summoned to appear, taking into account all the circumstances, in particular the fact that the witness does not was not subjected to cross-examination. If the Court considers it necessary in view of the circumstances, it may also set a new date to hear this witness. The Tribunal will determine whether it is appropriate to take into account the written attestation of a witness who does not appear at the hearing without providing a valid reason given the circumstances. In this regard, it is specified that a witness who has not been called to testify in person has a valid reason for not appearing, and that a witness to whom the Court allows to testify by videoconference is considered to be be presented at the hearing.
- 18.6. During the hearing, the hearing of each witness will take place as follows:
next :
- 18.6.1. The witness will read the statement set out in rule 35(2) of the Rules arbitration.
- 18.6.2. The party presenting the witness may question the witness briefly for the purpose of asking preliminary questions, including to confirm and/or correct the written statement of that witness and to address facts that occurred after that statement was written ("direct examination"). "). In principle, the direct examination will not exceed 10 minutes.
- 18.6.3. The opposing party may in turn cross-examine the witness. The cross-examination will relate to the content of the written statement of this witness, to the answers given during his direct examination, and, subject to the authorization of the Tribunal, to other facts of which the witness has direct knowledge and which are relevant ("cross-examination").
- 18.6.4. During cross-examination, if the party questions the witness about a document or exhibit, the document or exhibit must be presented to the witness.
- 18.6.5. The party who presented the witness may question the witness again on any matter arising from the cross-examination ("redirect examination").
- 18.6.6. The Tribunal may question a witness at any time, either before, during or after the examination by one of the Parties.
- 18.6.7. The Court may order the examination of two or more witnesses simultaneously ("confrontation of witnesses").
- 18.7. Subject to a different agreement between the Parties or a different decision of the Tribunal, a witness of fact may not be present in the courtroom

during testimony and pleadings, nor read the transcripts of oral testimony or pleadings, before questioning.

18.8. If the examination of a witness is interrupted by a break or suspension of the hearing, the witness questioned will remain isolated and will have no contact with the parties' counsel, other witnesses or experts or representatives of the Parties who may be present. at the hearing.

19. Questioning of experts

Articles 35 and 36 of the Arbitration Rules

19.1. The rules established in §§ 18.1-18.9 above apply by analogy to experts of the Parties, with the following exemptions:

19.1.1. Any expert will have the opportunity to present his report orally at the hearing, even in the event that a Party waives the cross-examination of this expert.

19.1.2. Before giving oral testimony, the expert will read the statement set out in article 35(3) of the Arbitration Rules.

19.1.3. Subject to a different agreement of the Parties or a different decision of the Tribunal, the restrictions set out in § 18.8 will not apply to experts

20. Conference relating to the organization of the hearing

Article 13 of the Arbitration Rules

20.1. A conference relating to the organization of the hearing will be held on a date determined by the Tribunal after consultation with the Parties. It will include a teleconference or videoconference between the Tribunal and the Parties and will address all outstanding procedural, administrative and logistical issues (including interpretation and transcription arrangements) in preparation for the hearing.

20.2. On a date that the Tribunal will determine, and in any event no later than the date of the conference relating to the organization of the hearing, the Parties must submit to the Court, jointly – or, if they cannot agree, separately – a proposed daily program indicative of the hearing.

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21. Hearings

Articles 20(1)(e) and 32 of the Arbitration Rules

21.1. The oral phase will consist of a hearing dedicated to the questioning of witnesses and experts, if any, as well as the pleadings.

21.2. The hearing may be held in person or by any other means of communication determined by the Tribunal after consultation with the Parties. If applicable, the in-person hearing will take place at the location determined in §10 above.

21.3. Taking into account the position of the Parties and the specific circumstances of the case (including any restrictions relating to travel, public health or security), the Tribunal may decide to hold a hearing remotely or in a hybrid form.

21.4. The hearing will take place on the date determined in the procedural calendar in **Annex A**.

22. Minutes of hearings and sessions

Articles 13 and (20)(1)(g) of the Arbitration Rules

22.1. All sessions and hearings will be audio recorded. The sound recordings will be transmitted to the Parties and to the members of the Tribunal.

22.2. Verbatim transcripts will be made in the language of the proceedings for all hearings and sessions other than sessions relating to procedural matters. Unless otherwise agreed by the Parties or ordered by the Tribunal, verbatim transcripts will be prepared using a real-time system such as LiveNote, or a similar system, and electronic versions of the transcripts will be provided to the Parties and the Tribunal on the same day.

22.3. The Parties will agree on corrections to be made to the transcripts within 30 days from the later of the dates of receipt of the sound recordings and transcripts. Corrections agreed upon by the Parties may be introduced by the stenotypist into the transcripts ("revised transcripts"). The Tribunal will rule on any disagreement between the Parties and any correction adopted by the Tribunal will be introduced into the transcripts revised by the court reporter.

23. Post-hearing briefs and submissions relating to costs of arbitration

Article 44 of the Convention; Article 28(2) of the Arbitration Rules

23.1. At the end of each hearing, the Tribunal will decide, after consulting the Parties,

if there is a need for post-hearing briefs. If necessary, he will set the deadlines and give any useful instructions concerning the length and the subjects to be covered. In principle and unless authorized by the Court, post-hearing briefs will not be accompanied by new factual documents.

23.2. At the same time, the Court will give any useful instructions on the submissions concerning costs.

24. Publication

Article 48(5) of the Convention; article 29 of the Administrative and Financial Regulations; Article 48(4) of the Arbitration Rules

24.1. The ICSID Secretariat will publish the award and any other decision or order rendered in this matter when both Parties consent to publication. Otherwise, the ICSID will publish extracts of the award, in accordance with Article 48(4) of the Arbitration Rules, and will include bibliographical references to decisions made public by other sources on the ICSID website, and in his publications.

25. Data protection and cybersecurity

25.1. The members of the Tribunal, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.

25.2. The members of the Tribunal, the Parties and their representatives agree to comply with any applicable regulations regarding the protection of personal data and privacy, including by appropriately informing the persons whose personal data will be processed in the context of the arbitration procedure, if necessary. If compliance with applicable law requires any action on the part of another participant in the arbitration proceedings, the Parties are invited to bring it to the attention of that other participant and/or to request the Tribunal to in place specific measures to protect personal data.

25.3. The Parties and their representatives shall ensure that the storage and exchange of personal data processed in connection with this arbitration is protected by appropriate technical and organizational safeguards.

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26. Amicable resolution of disputes

26.1. The Tribunal notes that the Parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation conducted under the ICSID Mediation Rules, at any time during the proceedings. The Parties may agree to suspend the proceeding for this purpose. If the Parties terminate the dispute in its entirety, they may request the Tribunal to incorporate their settlement into its award, in accordance with Article 43(2) of the Arbitration Rules.



On behalf of the Arbitral Tribunal

Mr. Prof. Jan Paulsson
President of the Court
November 20, 2023

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Procedural Order No. 1 – Appendix A

ANNEX A

Procedural timetable

No.	Description	By	Date	Number of intermediate days
1.	First session	All	November 6, 2023	/
2.	Response to the request for interim measures	Defendant	November 23, 2023 ³	17 days
3.	Reply to the request for interim measures	Plaintiffs	November 30, 2023 ⁴	7 days
4.	Rejoinder to the request for interim measures	Defendant	December 7, 2023 ⁵	7 days
5.	Telephone hearing on the request for interim measures	All	December 11, 2023	7 days
6.	Memory	Plaintiffs	March 1, 2024	116 days (after first session)
7.	Counter-Memorial and Memorial on jurisdiction	Defendant	June 21, 2024	112 days
8.	Document production requests	Plaintiffs and Defendant	July 12, 2024	21 days
9.	Production of documents / Objections	Plaintiffs and Defendant	July 26, 2024	14 days
10.	Response to objections to production of documents	Plaintiffs and Defendant	August 9, 2024	14 days
11.	Decision on production of documents	Court	September 27, 2024	49 days

³ Date decided by the Court on November 19, 2023.

⁴ Date decided by the Court on November 19, 2023.

⁵ Date decided by the Court on November 19, 2023.

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12.	Production of documents ordered by the Court	Plaintiffs and Defendant	October 11, 2024	14 days
13.	Reply and counter-memorial on jurisdiction	Plaintiffs	December 20, 2024	70 days
14.	Rejoinder and reply on competence	Defendant	March 7, 2025	77 days
15.	Rejoinder on competence	Plaintiffs	April 11, 2025	35 days
16.	Identification of witnesses and experts for cross-examination	Plaintiffs and Defendant	May 5, 2025	28 days before the hearing
17.	Conference relating to the organization of the hearing	All	May 12, 2025	21 days before the hearing
18.	Hearing	All	June 2-4, 2025 (June 5 in reserve)	

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Procedural Order No. 1 – Appendix B

APPENDIX B

Redfern Schedule for Plaintiffs/Defendants' Requests for Production of Documents

REQUEST NO.	
DOCUMENTS OR CATEGORIES OF DOCUMENTS REQUIRED	
RELEVANCE OF THE QUERIES (PART APPLICANT)	REF. IN MEMORIES
	COMMENTS
OBJECTIONS TO REQUESTS DOCUMENT PRODUCTION (REQUIRED PART)	
RESPONSE TO OBJECTIONS (REQUESTING PARTY)	
DECISION OF ARBITRAL TRIBUNAL	

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Procedural Order No. 1 – Appendix C

APPENDIX C

Electronic document nomenclature convention

Please follow the guidelines below to name your electronic documents and consolidated lists containing hyperlinks. The examples (in italics) are provided for illustrative purposes only and should be adapted to the relevant stage of the case.

All submissions and accompanying documents must indicate the LANGUAGE in which they are submitted (for example, FRE=French; ENG=English). This indication must be reflected both (i) in the name used to identify each electronic file and (ii).

Please note that for our internal archiving system, document names must appear in English as indicated below.

KIND OF SCRIPTURES	CONVENTION ON THE NOMENCLATURE OF ELECTRONIC DOCUMENTS
SCRIPTURES MAIN	Name of thesis in English – LANGUAGE
	<i>Memorial on Jurisdiction-FRE</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Cancellation-FRE</i>
	<i>Join on Quantum-ENG</i>
DOCUMENTS SUPPORTING SUPPORT Factual pieces	C-####-LANGUAGE
	R-####-LANGUAGE
	<i>To be produced consecutively throughout the case.</i>
	PLAINTIFF'S FACTUAL DOCUMENTS
	<i>C-0001-ENG</i>
	<i>C-0002-ENG</i>
	FACTUAL EXHIBITS OF THE DEFENDANT
	<i>R-0001-ENG</i>
	<i>R-0002-ENG</i>
Legal documents	CL-####-LANGUAGE
	RL-####-LANGUAGE
	<i>To be produced consecutively throughout the case.</i>
	LEGAL DOCUMENTS OF THE PLAINTIFF
	<i>CL-0001-ENG</i>
	<i>CL-0002-ENG</i>
	LEGAL DOCUMENTS OF THE DEFENDANT
<i>RL-0001-ENG</i>	
<i>RL-0002-ENG</i>	
Witness Attestations	CWS-####-Witness Name- LANGUAGE
	RWS-####-Witness Name- LANGUAGE

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	<i>CWS-1-Maria Jones- FRE</i>
	<i>RWS-1- Maria Jones- ENG</i>
Expert reports	CER-####- Name of Expert-Type--LANGUAGE
	RER-####- Name of Expert-Type--LANGUAGE
	<i>CER-1-Lucia Smith-Valuation-ENG</i>
	<i>RER-1-Lucia Smith-Valuation-ENG</i>
Legal opinions	Legal Opinion-Name of Expert-Name of English Scripture-LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FRE</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FRE</i>
	INITIALS OF THE WITNESS/EXPERT-###
Documents accompanying the witness statements	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001</i>
	<i>MJ-0002</i>
Expert Reports and Legal Opinions	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001</i>
	<i>LS-0002</i>
LISTS CONSOLIDATED PIECES FACTUAL OR LEGAL	Consolidated list containing hyperlinks
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RLA-### to RLA-###
	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
OTHERS REQUESTS	English Scripture Name-[Party: Claimant/Respondent]-LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-ENG</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-FRE</i>
	<i>Request for Production of Documents-[Claimant]-FRE</i>
	<i>Request for Stay of Enforcement-FRE</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-FRE</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
	<i>Observations to Request for [XX]-[Claimant]-FRE</i>