

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Gruppo Officine Piccini S.p.A.

v.

Republic of Cameroon

(ICSID Case No. ARB/23/21)

**PROCEDURAL ORDER No. 4
On the Organization of the Hearing**

Members of the Tribunal

Mr. Matthias Scherer, President of the Tribunal
Mr. Constantine Partasides KC
Prof. Andrea Bjorklund

Secretary of the Tribunal

Dr. Laura Bergamini

9 May 2025

I. PROCEDURAL BACKGROUND

1. On 20 January 2025, the Tribunal requested the Parties to provide their comments on the venue and format for the hearing scheduled to take place between 12 and 16 May 2025 (the “**Hearing**”), as well as its anticipated duration.
2. On 27 January 2025, the Claimant informed the Tribunal that while both Parties preferred to hold the Hearing in person, they were unable to reach an agreement on the location. The Claimant also provided the Tribunal with the relevant correspondence exchanged with the Respondent.
3. On 29 January 2025, the Tribunal confirmed that, in the absence of an agreement between the Parties, the Hearing would take place in person in Washington D.C., in accordance with paragraph 10.2 of Procedural Order No. 1 (“**PO1**”). The Tribunal also requested that the Parties verify whether all intended participants would be able to travel to the USA and obtain visas if required. Furthermore, the Tribunal indicated that the duration of the Hearing would be determined in consultation with the Parties after the receipt of the Respondent’s Rejoinder on 17 April 2025
4. On 27 March 2025, the Tribunal followed up on its message from 29 January 2025, and inquired whether, given the current travel situation to the USA and to ensure that the Hearing is not disrupted by potential travel issues, the Parties would be open to considering an alternative locations for the in-person hearing or holding it in a remote or hybrid format.
5. By messages dated 27 March and 3 April 2025, the Parties provided their responses.
6. On 9 April 2025, the Tribunal confirmed that, in light of the Parties' disagreement on holding the hearing at an alternative location or remotely, the Hearing would proceed in person in Washington D.C.

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7. On 16 April 2025, the Tribunal circulated a draft of this Procedural Order for the Parties' comments ("**Draft PO3**").
8. On 22 April 2025, the Claimant indicated that it intended to cross examine at the hearing the witness presented by the Respondent, [REDACTED].
9. On 24 April 2025, the Claimant submitted to the Tribunal the Parties' comments on draft Procedural Order No. 3 regarding the organization of the hearing. The draft comprised both Parties' positions. On the same date the Respondent responded to the Claimant's message clarifying a point of disagreement.
10. On the same date, the Claimant requested to call its expert, Mr. Matthias Cazier-Darmois of HKA, for his presentation at the hearing, and the Respondent requested to cross-examine him.
11. On 28 April 2025, the Respondent wrote to the Tribunal formulating two requests: that the proceedings on the merits be suspended and that the issues of jurisdiction be bifurcated from the merits (the "**Request of 28 April 2025**").
12. Pursuant to paragraph 19.1 of PO1, a pre-hearing organizational meeting between the Parties and the Tribunal was held by video conference on 29 April 2025, at 4:00pm London time (the "**Pre-Hearing Conference**"), to discuss outstanding procedural, administrative, and logistical matters in preparation for the Hearing, as well as the Respondent's Request of 28 April 2025. Participating in the Pre-Hearing Conference were:

President of the Tribunal:

Mr. Matthias Scherer, President of the Tribunal
Mr. Constantine Partasides KC
Prof. Andrea Bjorklund

ICSID Secretariat:

Dr. Laura Bergamini, Secretary of the Tribunal
Ms. Lucie Lacie, Paralegal

On behalf of the Claimant:

Mr. Hussein Haeri KC, Withers LLP
Ms. Floriane Lavaud, Withers LLP
Ms. Camilla Gambarini, Withers LLP
Ms. Clàudia Baró Huelmo, Withers LLP

On behalf of the Respondent:

Mr. Prosper Abega, Counsel
Mr. Jean-Claude Awana, Expert-CAMEC
Dr. Rodrigue Ngando Sandjè, C/DAJ-MINSEP
Dr. Gaston Kenfack Douajni, D/LEG-MINJUSTICE
Mr. Benoit Placide Mevoua, C/DAJ-MINFI
Mr. Honoré Mbang Oliboko, CEA/DAJ-MINFI
Mr. Georges Missango, SDBMM-MINSEP

13. As requested by the Parties, simultaneous interpretation services in French and English were provided during the Pre-Hearing Conference.
14. During the Pre-Hearing Conference, the Parties and the Tribunal discussed Draft PO3, the Parties' comments to it, and the Respondent's Request of 28 April 2025.
15. An audio recording of the Pre-Hearing Conference was made and deposited in the archives of ICSID, and it was made available to the Members of the Tribunal and the Parties on 29 April 2025.
16. On 1 May 2025, the Tribunal issued Procedural Order No. 3 denied the Respondent's Request of 28 April 2025 and ordered the Parties to confer regarding the schedule for the hearing, taking into account the directions provided by the Tribunal during the pre-hearing conference call, and to submit their joint proposal (or their separate proposals) no later than **5 May 2025**.
17. On 5 May 2025, the Parties submitted a revised draft including their respective proposals and the Respondent submitted a letter with comments on the hearing schedule.

18. The Tribunal has considered the Parties' positions and, in the present Order, sets out the procedural rules that the Parties and the Tribunal have agreed upon and/or the Tribunal has determined will govern the conduct of the Hearing.

II. ORGANIZATION OF THE HEARING

A. HEARING SCHEDULE AND ALLOCATION OF TIME

i. Date and Format

19. Pursuant to PO1 and as confirmed by the Tribunal on 9 April 2025, the Hearing will take place in-person, at the ICSID Hearing Centre in Washington D.C. (USA).
20. Pursuant to the amended Procedural Timetable, the Hearing was initially scheduled to be held from 12 to 16 May 2025. As indicated in its message of 29 January 2025, after receiving the Respondent's Rejoinder and consulting with the Parties, the Tribunal confirmed that the Hearing would take place from 13 to 15 May 2025.
21. In light of the current travel circumstances, a Zoom video conference session will also be arranged. Any Hearing participant unable to travel to Washington D.C. will be able to join remotely using the Hearing Platform, which shall be operated by ICSID.
22. The Tribunal will review the travel situation before the start of the Hearing and, if it considers it necessary to do so, will move to a fully remote Hearing.
23. The details to join the Zoom session will be shared by the ICSID Secretariat in advance of the Hearing.

ii. Order of Proceedings and Schedule

24. A total number of 14 hours and 40 minutes are reserved for the Hearing. The Claimant is allocated 5 hours and 55 minutes, the Respondent is allocated 6 hours, and 2 hours and 45 minutes are provisionally reserved for the Tribunal and housekeeping. Each Party may use

the time available to it at each stage of the Hearing in the manner it desires, subject to the following:

- a. *Opening Statement.* Each Party shall be allowed a maximum of two hours for its Opening Statement.
 - b. *Rebuttal Statements.* Each Party shall be allowed a maximum of 30 minutes for its Rebuttal Statement.
 - c. *Witnesses/Expert cross-examinations:* The examinations of the witnesses and the expert shall be allocated the time specified in Annex A.
 - d. *Closing Statement.* Each Party shall be allowed a maximum of one hour and 30 minutes for its Closing Statement
25. The Parties have discussed a detailed schedule for the hearing. The Hearing Timetable as decided by the Tribunal is enclosed as **Annex A** to this Order. The Tribunal requests that the Claimant's first witness be prepared for examination on the first day of the hearing, allowing for the possibility of commencing the examination on that day if time permits.
26. The Tribunal reserves its discretion to adjust the Hearing schedule as needed to accomplish the prescribed agenda and to accommodate any technical disruptions.
27. The Tribunal emphasizes that the Parties are expected to use the Hearing days efficiently and avoid unnecessary slippage (e.g., delays in returning from breaks). In the event of excess slippage, the Tribunal may revisit the length of the sitting day or, in unusual circumstances, the time allocated to the Parties, bearing in mind principles of predictability, equal treatment and a fair opportunity for the Parties to be heard.

iii. Manner of time keeping

28. Time taken by the Tribunal for its own questions during the Parties' presentations and cross-examinations and the answers to those questions shall not be counted against the Parties' time. Time used for housekeeping or to resolve technical difficulties shall be counted against the time reserved for housekeeping or against the Tribunal's reserved time, if needed.
29. The Secretary of the Tribunal shall keep a chess clock account of time and shall advise the Parties of the total daily time used at the end of each Hearing day.

B. EXAMINATION OF WITNESSES AND EXPERTS

i. Witnesses and experts called by the Parties for cross-examination

30. On 22, 24 and 29 April 2025, the Claimant, the Respondent and the Tribunal indicated that they wish to cross-examine / call the following witness and expert.
- Claimant's witnesses: [REDACTED] and [REDACTED].
 - Claimant's expert: Mr. Matthias Cazier-Darmois.
 - Respondent's witness: [REDACTED].

31. The Parties have indicated that all witnesses and expert are expected to testify in person and that the witnesses will provide evidence in French while the expert will provide evidence in English. Simultaneous interpretation service will be provided during the Hearing.

ii. Scope and manner of the examination of witnesses and experts

32. The examination of witnesses and experts will proceed according to paragraphs 18.1-18.6 of PO1 as reproduced here.

18.1. The Tribunal shall at all times have complete control over the procedure in relation to oral evidence, including the right to limit or

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exclude any question, or to prevent a party from examining the witness or experts when it considers that any factual allegation on which the witness is being examined is sufficiently proven, or that the manner of examination of the witness is superfluous, immaterial, unduly burdensome or duplicative.

- 18.2. Each witness and expert shall be available for examination at the hearing, subject to the provisions of this Order and of any subsequent Order issued specifically by the Tribunal for the organization of the hearing.
- 18.3. Shortly after the parties' notifications, the Tribunal will indicate the witnesses or experts not called by the parties whom it wishes to question, if any.
- 18.4. Fact witnesses shall not be present in the hearing room during the hearing of arguments and oral testimony until after they have given evidence. They are not to discuss the arguments and testimony of any other witness, or read any transcript of the arguments or any oral testimony, prior to their examination. Subject to other arrangements, fact witnesses shall be examined prior to expert witnesses. The Claimants' fact witnesses will be examined prior to the Respondent's fact witnesses, followed by the Claimant's expert(s) and then the Respondent's expert(s). Subject to the Tribunal's decision, each party will determine the order of the fact witnesses whom it presents.
- 18.5. At any hearing, the examination of each witness shall proceed as follows:
 - 18.5.1. the Presiding Arbitrator shall direct the witness to state that they will answer truthfully all questions posed by the parties and the Tribunal during the examination;
 - 18.5.2. the party presenting the witness may conduct a brief direct examination of no more than 10 minutes; direct examination may serve to make corrections to the witness statement, and potentially such other matters as directed by the Tribunal;
 - 18.5.3. the other party may then cross-examine the witness on relevant matters that were addressed or presented in the witness statement or during direct examination, or that are demonstrably within the scope of the witness' knowledge;

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18.5.4. the party who has presented the witness may then re-examine the witness with respect to any matters or issues arising out of the cross-examination; and

18.5.5. the Tribunal may examine the witness at any time, either before, during or after examination by one of the parties.

18.6. The examination of each expert shall proceed as follows:

18.6.1. experts may make a presentation of up to 30 minutes instead of examination, for which they may use PowerPoint or other slide presentations, which are to be submitted in accordance with the provisions regarding Demonstrative Exhibits in this Procedural Order;

18.6.2. if any corrections need to be made to an expert's report, an errata sheet of amendments must be circulated by 8h00pm the evening before the Hearing Day on which the expert gives evidence;

18.6.3. the party who has presented the expert may only examine the expert for purposes of asking introductory questions, limited to the scope of the written expert report and matters which have arisen after that expert report was signed, with leave from the Tribunal in exceptional circumstances;

18.6.4. the other party may then cross-examine the expert about the expert report and the expert's knowledge and field of expertise;

18.6.5. the party who has presented the expert may then re-examine the expert (only) with respect to any matters or issues arising out of the cross examination;

18.6.6. the Tribunal may examine the expert at any time, either before, during or after examination by one of the parties; and

18.6.7. an expert can be present in the hearing room during the parties' arguments and the giving of evidence of the witness and experts prior to their examination.

18.6.8. The Tribunal may in its discretion provide that certain witnesses or experts may be examined together ("witness or expert conferencing"), in which case it will give appropriate directions.

iii. Sequestration of witnesses

33. In its comments on draft Procedural Order No. 4, transmitted on 5 May 2025, the Claimant has requested an amendment to paragraph 18.4 of Procedural Order No. 1 regarding the sequestration of factual witnesses and proposed to make an exception for client representatives. The Claimant has explained that this request is intended to allow party representatives, who are also factual witnesses, to attend the hearing before they testify, and enable the Claimant's counsel to have an instructing client present during opening statements. The Claimant explained that the Respondent did not agree with its request, articulating the Respondent's position as follows: "*Le Cameroun considère que les personnes appelées à témoigner doivent présenter leur témoignage et être auditionné sans avoir assisté aux débats, pour une plus grande sérénité de l'audience*".

34. Considering the circumstances and the arguments presented by the Parties, the Tribunal has decided to permit all witnesses to attend the opening statements. Consequently, the Tribunal rules that the Claimant's witnesses may be present during the opening, and the Respondent's witness may also attend if the Respondent desires his presence at the opening statements.

iv. Witness and expert's bundles

35. The Parties have agreed to have physical cross-examination bundles available at the hearing and that the cross-examination bundle can be supplemented by electronic documents if needed.

36. During cross-examination, the Parties will refer to documents that already form part of the record of the case.

37. Prior to the beginning of each cross-examination, the cross-examiner shall provide a cross-examination bundle in electronic format to the opposing Party, each Member of the Tribunal, the Secretary, the Assistant, the interpreters and the court reporter via the BOX

folder created for this case, to be downloaded before the cross-examination and in paper copy to the witness and expert testifying in person. Witnesses and experts testifying remotely will only receive an electronic version of the cross-examination bundle. Electronic cross-examination bundles will be provided at the start of the relevant cross-examination.

38. Witnesses and experts are entitled to be shown a full copy of any exhibit or authority on which they will be questioned (*i.e.*, they are not to be restricted to reviewing excerpts of documents shown on a screen).

v. Rules for remote witness and expert examination

39. To the extent any witness or expert is examined via video conference, the following rules shall also apply.
40. Each Party shall be responsible for ensuring that Hearing Participants in the examination connect to the Hearing Platform through a stable internet connection, offering sufficient bandwidth, and use a camera, microphone, and speaker of good quality, as tested by the ICSID Secretariat before the start of the examination.
41. Witnesses and experts shall be alone in the room from which they participate, except that one technician may be in the same room. At any time, the Tribunal may ask witnesses and experts to orient their camera to provide a 360-degree view of the room in which they are sitting. Each witness and expert shall affirm at the start of the examination that he or she is the only person present in the room and will not receive or make communications of any sort during the course of his or her examination.
42. Any communications by or with the witnesses or experts during their examinations or during breaks are prohibited. Each witness and expert shall affirm at the start of the examination that he or she will not receive or provide communications of any sort during the course of his or her examination.

43. The witness or expert under examination shall remain visible at all times. Witnesses and experts will be connected to the Hearing Waiting Room 30 minutes before their examination to ensure that they are available in time to be brought into the Hearing Room. During the breaks, the witness or expert will be taken to a remote waiting room and shall remain alone in that room.
44. Witnesses or experts shall not use a “virtual background” or in any way prevent or limit the recording of the remote venue from which he or she is testifying.
45. The witness or expert shall be able to view the Tribunal Members, the attorneys conducting the examination, and documents presented by the examining attorney through the Zoom platform/uploaded onto BOX. Except for an unannotated copy of his/her witness statement(s) or expert report(s), notes for the purpose of their presentation and the documents which will be shown on the screen during the examination, the witness or expert shall not be aided by any other documents, notes or otherwise, unless permitted by the Tribunal upon application by a Party.
46. Witnesses and experts are encouraged to have two screens to facilitate simultaneous viewing of the video connection and documents.

C. DOCUMENTS FOR USE AT THE HEARING

i. Electronic Hearing Bundle

47. There shall be a single Electronic Hearing Bundle (PC and Mac compatible), to be prepared *jointly* by the Parties. The Electronic Hearing Bundle shall contain all pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal orders or decisions on file to date, with a consolidated hyperlinked index. It shall not contain any document not previously filed. It shall be organized as follows:

Electronic Hearing Bundle

01. Pleadings

- A. Claimant
- B. Respondent

02. Witness Statements

- A. Claimant
- B. Respondent

03. Expert Reports

- A. Claimant
- B. Respondent

04. Exhibits

- A. Claimant
- B. Respondent

05. Legal Authorities

- A. Claimant
- B. Respondent

06. Tribunal Rulings

48. The Electronic Hearing Bundle indexes shall identify with **RED** material that has been designated as “confidential information”.
49. At the Pre-Hearing Conference, the Parties agreed that the Electronic Hearing Bundle would be uploaded to a designated sub-folder in the BOX filessharing platform no later than Monday May 5, 2025. To ensure proper operation of the hyperlinked index, the entire Electronic Hearing Bundle shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the zip file make the upload to BOX impossible, the Parties shall upload the organized Electronic Hearing Bundle to a designated sub-folder on to the BOX filessharing platform, in sub-folder using the structure indicated at paragraph 47 *supra*, and including a consolidated (non-hyperlinked) index.
50. On May 6, 2025, the Respondent requested permission from the Tribunal to upload to BOX: (i) an amended version of [REDACTED] Witness Statement along with attachments, and (ii) certain documents that were produced during the document production phase but not submitted with the Parties’ briefs. The Parties further discussed this matter on the same day. On May 7, 2025, the Tribunal approved the Parties’ agreement,

allowing the Respondent to add the revised Witness Statement of [REDACTED] and the associated documents to the record. The Tribunal invited the Parties to update the BOX hearing bundle and Rejoinder folders accordingly. In the same communication, the Tribunal authorized the Respondent to file specific documents (identified in its request for leave as RL-49 to RL-76) into the record. Additionally, the Tribunal confirmed that its directive was limited to the documents specified in the Respondent's request, and the rule that documents not previously introduced with the Parties' written submissions are not part of the arbitration record remains in effect.

51. Prior to the Hearing, the Members of the Tribunal, the Secretary of the Tribunal, the Parties, the witnesses and the expert shall download the Electronic Hearing Bundle from BOX into their own devices to have access to it offline during the Hearing. The Court Reporter and Interpreters will also be provided a copy of the Electronic Hearing Bundle via the ICSID Secretariat.

ii. Demonstrative Exhibits

52. Paragraphs 16.9-16.11 of PO1 (as reproduced below) apply.

16.9. At any hearing, the parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, (ii) do not contain information not in the record.

16.10. An electronic copy of each demonstrative exhibit shall be distributed by the party intending to use it via an electronic mail sent to the entire case email distribution for each party, the Members of the Tribunal, the Tribunal Secretary, to the court reporter and to the interpreters as necessary an hour before their use. PowerPoint slides shall be provided (in a form to be determined in due course) to the other party, the Tribunal Members, the Secretary, the court reporter(s) and interpreter(s) at the point in time when the PowerPoint slides are used.

16.11. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit is used, the parties shall upload such demonstrative exhibits and PowerPoint slides to the case folder in the BOX filesharing platform, designating each with the corresponding CD-__ or RD-__ number.

53. Each Party shall provide a hard copy and an electronic copy of the PowerPoint slides to the other party, the Tribunal Members, the Secretary, the court reporters and interpreters before their use at the Hearing.

iii. Electronic Presentation of Evidence at the Hearing

54. Hearing Participants are advised to have the Electronic Hearing Bundle and any demonstrative exhibit previously distributed in accordance with paragraphs 50 and 51 above downloaded into their own devices and available for access offline.
55. Demonstrative exhibits and clean, unannotated electronic copies of documents on the record may be displayed to all Hearing Participants via screens in the Hearing room and via the Zoom videoconference platform. Any Hearing Participant has the technical ability to display a document to all Hearing Participants and such person need not be an active speaker. The Hearing Participant displaying the document will be the only one with the ability to scroll through the document being displayed. The Parties should be aware that overuse of this function via the Zoom videoconference platform will increase pressure on the Internet bandwidth and stability of the connection.
56. Documents that do not form part of the record may not be displayed at the Hearing.

iv. New evidence/exhibits

57. Paragraph 16.4 of PO1 continues to apply during and after the Hearing.

D. AUDIO RECORDING

58. Paragraph 22.1 of PO1 concerning audio recording will apply to the Hearing.

59. Except for the court reporters, who will make their own audio recording of the Hearing, attendees will not otherwise make any audio or video of the Hearing or any part of it.

E. TRANSCRIPTION

60. Paragraph 22.3 of PO1 will apply to the arrangements for the correction of the transcripts.
61. Transcription services (in English and French) will be provided by Ms. Dawn Larson and Ms. Catherine Le Madic (the “**court reporter**”). The court reporter may seek to clarify the record from time to time during the course of the Hearing.
62. The real-time transcription shall be made available to the Hearing Participants via an online link connection to be provided by the court reporter. Hearing Participants connecting remotely shall connect to the transcript by opening this link in a browser window. The details (link, password) and instructions to connect to the streamed transcript shall be provided by the ICSID Secretariat to the Hearing Participants before the start of the Hearing day.

F. POST-HEARING SUBMISSIONS AND STATEMENTS OF COSTS

63. The Parties have agreed that the question of whether post-hearing memorials are needed and, if so, their scope, as well as the timing and contents of the statements of costs will be discussed between the Tribunal and the Parties at the conclusion of the hearing.

G. CLOSED HEARING

64. Paragraph 16 of Procedural Order No. 2 (“**PO2**”) applies:
16. Hearings shall not be open to the public, unless the parties agree otherwise at the latest two months before the hearing. If the parties agree that the hearings shall be open to the public, the Tribunal shall establish a protocol governing public access to the hearing and the non-disclosure of confidential and protected information discussed during the hearing at the latest at the pre-hearing organizational conference.

65. Accordingly, the Hearing shall not be opened to the public.

H. PARTICIPANTS

66. Each Party have provided its respective list of Hearing Participants (“**List of Participants**”) on 5 May 2025, using the template format that provided by ICSID. The List of Participants was subsequently amended on several occasions.

I. IN-PERSON ARRANGEMENTS

67. The ICSID Secretariat has reserved a hearing room and break out rooms for each Party and the Tribunal at the ICSID Hearing Centre in Washington D.C. (USA).

J. VIRTUAL HEARING ARRANGEMENTS

68. The following procedures shall be followed in order to ensure the good conduct of the hybrid hearing.

i. Videoconference Platform, Security and Connectivity

69. A video-conference session will be set up to facilitate the participation of the attendees connecting to the Hearing remotely. The Parties agree to use Zoom as the videoconferencing platform to host the Hearing.

70. The Zoom platform shall be password-protected and restricted to the approved list of Hearing participants.

71. The Parties may not provide the Zoom password to the virtual Hearing room to any person not on the approved list of Hearing participants.

72. If a Party wishes to include an additional person not identified on the approved list, such person may participate only with the agreement of all Parties or at the direction of the Tribunal. In any event, no individual shall be in attendance who is not announced at least 24 hours in advance.

73. Participants should join the Zoom platform using the name and affiliation indicated in the attendance sheet.
74. All Hearing participants shall use the “mute microphone” function when not speaking to reduce background noise and to avoid interference with the audio recording.
- ii. Remote participants*
75. Each Party shall designate the participants that will have an active speaking role (“**Active Participants**”) and those who will be passive attendees (“**Passive Participants**”).
- iii. Testing*
76. The Secretariat will conduct technical tests in advance of the Hearing, to test connectivity to the video conference platform (Zoom) and to the real-time transcription, if need be. The date of the test and the access details will be communicated in due course.
77. Each Party shall consider what additional technical training, if any, their representatives, witnesses and experts may require to be fully prepared for the Hearing.
- iv. Connectivity*
78. Each Party is responsible for ensuring that its participants who will attend the Hearing remotely have reliable, high-speed Internet connections and suitable video and audio capabilities and equipment.
79. To improve operation of the Zoom platform, the Parties are advised to keep the number of video connections to a minimum and to Active Participants only. Passive Participants should preferably join the meeting through their computer but connecting only their audio (*i.e.* turning off their video).

v. *Equipment and Set Up*

80. For optimum sound quality, especially for the audio recording and the transcription, ICSID highly recommends that the main speakers use a headset equipped with a microphone and connected through the USB or “mic” jack of the computer or laptop that they use for the Zoom videoconference. Internal microphones do not give as good a sound quality as external microphones. If not available, Active Participants are asked to speak close to the microphone of the computer or laptop from which they are connected to the Zoom session.
81. While not indispensable, Hearing Participants are advised to have at least two screens, and preferably three (it can be one device with multiple screens or a combination of devices including tablets) to facilitate simultaneous viewing of: (i) the Zoom video connection; (ii) the online real time transcript; and (iii) offline documents.
82. Hearing Participants joining via video shall avoid sitting with a window or source of light behind them because this darkens their image on screen.

vi. *Break-Out Rooms*

83. Break-out rooms separate from virtual Hearing Room, to be used securely by each Party and the Tribunal during breaks, will be arranged by ICSID on the Zoom platform.
84. During the designated Hearing breaks, the Parties will be assigned to breakout rooms within the videoconference platform to enable to promptly reconvene all Participants following breaks.
85. The List of Participants shall indicate the break-out room to which Participants shall be assigned, with [C] for the Claimant’s break out room, [R] for the Respondent’s break out room. Should there be a break in the course of a given witness or expert examination, the testifying witness/expert will be isolated in a separate break out room identified as [W/E].

86. Each Party will make its own separate arrangements for private communication within its team during the Hearing by instant messenger or other appropriate means. The Zoom built-in chat function will be disabled, except for communications with the technical service provider acting as Operator.

K. GENERAL PROVISIONS

i. Reservation of immunities

87. Nothing in this Order shall constitute or be considered to be a limitation upon or a waiver of the privileges and immunities provided in Section 6 of the ICSID Convention, which privileges and immunities are specifically reserved.

ii. Confidentiality

88. This ICSID proceeding, including all communications, is confidential. Participants in the Hearing must continue to comply with any applicable legal and ethical obligations with respect to confidentiality. All participants providing services shall (i) keep confidential all documents and information coming to their knowledge as a result of their participation in the Hearing; (ii) not use, or authorize any other person to use, such documents and information other than for the purpose of performing their work at the Hearing; and (iii) dispose all documents if printed, as confidential material, and delete all electronic copies that might be stored on personal devices when their Hearing-related work has been completed.

iii. Data Privacy

89. Should the List of Participants for the Hearing contain personal data provided to ICSID (including names and contact information, such as business email addresses and telephone numbers), this data is processed for the purpose of the legitimate interests of the Parties in resolving efficiently their dispute and, in particular, to ensure that procedural documents and Hearing arrangements are properly communicated to the Parties, their legal

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representatives, the Members of the Tribunal and other participants providing services for the Hearing.

For and on behalf of the Tribunal,

[signature]

Mr. Matthias Scherer
President of the Tribunal
Date: 9 May 2025

ANNEX A

Hearing Agenda

Day 1:

<i>Hour</i> 00:00	<i>Duration</i> (# hours/min.)	PROCEDURAL STEP
09:30-09:45	15 minutes	Housekeeping
09:45-11:45	2 hours	Claimant's opening statement
11:45-12:00	15 minutes	Break
12:00-13:00	1 hour	Respondent's opening statement
13:00-14:00	1 hour	Lunch break
14:00-15:00	1 hour	Respondent's opening statement (continued)
15:00-15:30	30 minutes	Claimant's rebuttal
15:30-16:00	30 minutes	Respondent's rebuttal
16:00-16:15	15 minutes	Break
16:15-17:15	1 hour	Tribunal's questions

Please note that, as mentioned in paragraph 25 of Procedural Order No. 4, the Tribunal requests that the Claimant's first witness be prepared for examination on the first day of the hearing, allowing for the possibility of commencing the examination of the witness on that day if time permits.

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Day 2:

<i>Hour</i> 00:00	<i>Duration</i> (# hours/min.)	PROCEDURAL STEP
09:30-09:45	15 minutes	Housekeeping
09:45-09:50	5 minutes	██████████, direct examination by the Claimant
09:50-10:20	30 minutes	██████████, cross-examination by the Respondent
10:20-10:30	10 minutes	██████████, re-direct examination by the Claimant (subject to Tribunal approval)
10:30-10:45	15 minutes	Break
10:45-10:50	5 minutes	██████████, direct examination by the Claimant
10:50-11:20	30 minutes	██████████, cross-examination by the Respondent
11:20-11:30	10 minutes	██████████, re-direct examination by the Claimant (subject to Tribunal approval)
11:30-11:45	15 minutes	Break
11:45-11:50	5 minutes	██████████, direct examination by the Respondent
11:50-12:35	45 minutes	██████████, cross-examination by the Claimant
12:35-12:45	10 minutes	██████████, re-direct examination by the Respondent (subject to Tribunal approval)
12:45-13:45	1 hour	Lunch break

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13:45-14:15	30 minutes	Mr. Cazier-Darmois, presentation
14:15-15:00	45 minutes	Mr. Cazier-Darmois, cross-examination by the Respondent
15:00-15:10	10 minutes	Mr. Cazier-Darmois, re-direct examination by the Claimant (subject to Tribunal approval)

Day 3:

<i>Hour</i> 00:00	<i>Duration</i> (# hours/min.)	PROCEDURAL STEP
09:30-09:45	15 minutes	Housekeeping
09:45-11:15	1 hour and 30 minutes	Claimant's closing statement
11:15-11:30	15 minutes	Break
11:30-13:00	1 hour and 30 minutes	Respondent's closing statement
13:00-14:00	1 hour	Lunch break
14:00-15:00	1 hour	Tribunal questions and housekeeping (including discussion of post-hearing items, if any)