

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Mohammed Saiful Alam and others

v.

People's Republic of Bangladesh

(ICSID Case No. ARB/25/52)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Dr. Laurent Lévy, President of the Tribunal
Dr. Stanimir A. Alexandrov, Arbitrator
Mr. J. Christopher Thomas KC, Arbitrator

Secretary of the Tribunal

Ms. Leah W. Njoroge

Assistant to the Tribunal

Dr. Magnus Jesko Langer

25 June 2026

Contents

1. Applicable Arbitration Rules	3
2. Constitution of the Tribunal and Tribunal Members' Declarations.....	3
3. Fees and Expenses of Tribunal Members	4
4. Presence and Quorum	4
5. Rulings of the Tribunal	4
6. Power to Fix Time Limits	5
7. Secretary of the Tribunal	5
8. Assistant to the Tribunal	6
9. Representation of the Parties	7
10. Advance Payments to ICSID	8
11. Place of Proceeding and Hearings	8
12. Procedural Language(s), Translation and Interpretation	8
13. Routing of Communications	9
14. Number of Copies and Method of Filing of Parties' Pleadings.....	10
15. Number and Sequence of Pleadings	11
16. Production of Documents	12
17. Submission of Documents	14
18. Witnesses	16
19. Experts	18
20. Pre-Hearing Organizational Meetings	19
21. Hearings	19
22. Recordings of Hearings and Sessions	20
23. Post-Hearing Memorials and Statements of Costs.....	20
24. Transparency Matters.....	21
25. Data Privacy and Cybersecurity.....	21
26. Amicable Dispute Settlement	21
27. Disability Inclusion.....	22
28. Artificial Intelligence Tools.....	22
Annex A – Electronic File Naming Guidelines.....	23
Annex B – Document Production Schedule.....	25

Introduction

The first session of the Tribunal was held on 22 June 2026, at 9am EDT (corresponding to 6am Vancouver time, 2pm GMT, 3pm CET, 7pm Dhaka time and 9pm Singapore time), by video conference via Zoom. The session was adjourned at 10am EDT.

A recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the Parties.

Participating in the conference were:

Members of the Tribunal:

Dr. Laurent Lévy, President of the Tribunal
Dr. Stanimir A. Alexandrov, Arbitrator
Mr. J. Christopher Thomas KC, Arbitrator

ICSID Secretariat:

Ms. Leah W. Njoroge

Assistant to the Tribunal:

Dr. Magnus Jesko Langer

On behalf of the Claimants:

Legal Representatives

Mr. Epaminontas Triantafilou, Quinn Emanuel Urquhart & Sullivan UK LLP
Ms. Asa Johansson, Quinn Emanuel Urquhart & Sullivan UK LLP
Dr. Sachintha Dias, Quinn Emanuel Urquhart & Sullivan UK LLP
Mr. Brahmakrit Gadela, Quinn Emanuel Urquhart & Sullivan UK LLP

Other Advisors

Mr. Belal Ahmed
Mr. Patrick Forbes
Mr. Subrata Bhowmik

On behalf of the Respondent:

Mr. Mohammad Arshadur Rouf, Attorney General's Office
Mr. Aneek R Haque, Attorney General's Office
Mr. Abdullah Al Mahmud, Attorney General's Office
Mr. A.S.M. Sayem, Attorney General's Office
Mr. Eakramul Kabir Romel, Attorney General's Office
Mr. Sana MD Mahroof Hossain, Ministry of Law, Justice and Parliamentary Affairs
Dr. Ummey Sharaban Tahura, Ministry of Law, Justice and Parliamentary Affairs
Mr. Farhanul Gani Choudhury, Bangladesh Bank
Mr. Syed Mahbubul Alam, Bangladesh Bank

Legal Representatives

Ms. Andrea J. Menaker, White & Case LLP

Mr. Alexander Sysoev, White & Case LLP

Ms. Abigail Teasdale, White & Case LLP

Ms. Ivy Ganguly, White & Case LLP

The Tribunal and the Parties considered the following:

- The Draft Procedural Order No. 1 circulated by the Tribunal Secretary on 27 May 2026;
- The Parties' comments on the Draft Procedural Order No. 1, received on 17 June 2026, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Having considered the above documents and the Parties' views, the Tribunal now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 27 and 29, this Procedural Order sets out the Procedural Rules that govern this arbitration.

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 1

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of 1 July 2022.

2. Constitution of the Tribunal and Tribunal Members' Declarations

Arbitration Rule 21

- 2.1. The Tribunal was constituted on 24 April 2026, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was properly constituted and that no Party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 19(3)(b). Copies of these declarations were distributed to the Parties by the ICSID Secretariat upon acceptance of each arbitrator's appointment on 20 January 2026 (Dr. Alexandrov), 25 February 2026 (Mr. Thomas), and 24 April 2026 (Dr. Lévy).
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the pendency of this case and that they will use best efforts to meet all time limits for orders, decisions and the award, in accordance with ICSID Arbitration Rule 12(1).

- 2.4. Each Member of the Tribunal confirms that he will abide by his obligations under ICSID Arbitration Rule 19(6).

3. Fees and Expenses of Tribunal Members

Convention Article 60; Administrative and Financial Regulation 14 and 16; ICSID Schedule of Fees; Memorandum on Fees and Expenses

- 3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.
- 3.2. Non-refundable expenses incurred in connection with a hearing as a result of a postponement or cancellation of the hearing shall be reimbursed.

4. Presence and Quorum

Arbitration Rule 33

- 4.1. The presence of all Members of the Tribunal constitutes a quorum for its sittings, including by any appropriate means of communication, except in situations where the Tribunal must deliberate on a matter that requires urgent directions in order to avoid irreparable harm to a Party or to the integrity of the proceedings, and one of the Tribunal members cannot be reached in a timely manner. In these cases, any decisions or directions shall be subject to a possible reconsideration by the full Tribunal.

5. Rulings of the Tribunal

Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35

- 5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.
- 5.2. Orders, decisions and the award may be made by any appropriate means of communication.
- 5.3. Orders, decisions and the award may be signed electronically.
- 5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.
- 5.5. When the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.
- 5.6. The Tribunal's orders and decisions shall indicate the reasons upon which they are made. No reasons need to be provided for non-controversial or minor procedural, administrative and organizational matters, e.g., extensions of time.

- 5.7. The Tribunal will use best efforts to issue all rulings, including the award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it will advise the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2).
- 5.8. Any ruling of the Tribunal, including the certified copy of the award, will be dispatched electronically to the Parties.

6. Power to Fix Time Limits
Arbitration Rules 10 and 11

- 6.1. The President may exercise the Tribunal's power to fix and extend time limits for the completion of each procedural step in the proceeding under ICSID Arbitration Rules 10(1) and 11(3), in accordance with ICSID Arbitration Rules 10(3) and 11(4).
- 6.2. In exercising the power to fix time limits under Arbitration Rule 10(1) and extend time limits under ICSID Arbitration Rule 11(3), the President shall consult the Parties as far as possible. If the matter is urgent, the President may fix or extend time limits without consulting the Parties, subject to possible reconsideration of such decision by the full Tribunal.
- 6.3. Extensions of filing deadlines for pleadings may be agreed between the Parties, or granted by the Tribunal for justifiable reasons, provided that: (i) such extensions do not affect the dates fixed for any hearing or other meeting between the Parties and the Tribunal; and (ii) the request for an extension is submitted as soon as practicable after a Party becomes aware of the circumstances preventing it from complying with the deadline.

7. Secretary of the Tribunal
Administrative and Financial Regulation 28

- 7.1. The Tribunal Secretary is Ms. Leah W. Njoroge, Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the Parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Ms. Leah W. Njoroge
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
United States of America
Tel.: + 1 (202) 473-7727

Fax: + 1 (202) 522-2615
Email: lnjoroge@worldbank.org
Paralegal name: Ms. Colleen Ferguson
Paralegal email: cferguson2@worldbank.org
ICSID case address: ARB/25/52@icsidcases.worldbank.org

- 7.3. For local messenger deliveries, the contact details are:

Ms. Leah W. Njoroge
ICSID
1225 Connecticut Avenue, N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
United States of America
Tel.: +1 (202) 458-1534

8. Assistant to the Tribunal

- 8.1. By ICSID letter of 27 May 2026, the Tribunal noted that it would enhance the efficiency of the proceedings, in terms of cost and time, for the Tribunal to have an assistant (the “**Assistant**”), and provided a description of the Assistant’s duties, which may include assisting the Tribunal or the President (i) in reviewing the case file, including reviewing pleadings and exhibits, preparing summaries and/or notes on specific factual or legal issues; (ii) in preparing decisions on procedural or substantive issues, including by preparing draft procedural orders, decisions and the award or (iii) in providing any other logistical or organizational support, including during hearings and deliberations, which the Assistant may attend. In the same letter, the President proposed Dr. Magnus Jesko Langer, an attorney in the President’s firm, be appointed as Assistant to the Tribunal. Dr. Langer’s *curriculum vitae* and declaration of independence and confidentiality were distributed to the Parties.
- 8.2. The Parties consented to the appointment of Dr. Langer as Assistant to the Tribunal on the terms set out by the ICSID letter referred to in the preceding paragraph.
- 8.3. The Parties also agreed that the Assistant would receive (i) USD 300 for each hour of work performed in connection with the case and (ii) actual expenses of overnight lodging and other charges when traveling to an ICSID hearing, session or meeting held away from his residence up to but not exceeding USD 900 per day; and (iii) reimbursements for the costs of air (at one class above economy class) and ground transportation to and from the city where the hearing, session or meeting is held.
- 8.4. The contact details of the Assistant are:

Dr. Magnus Jesko Langer
Lévy Kaufmann-Kohler

3-5, rue du Conseil Général
P.O. Box 552
1211 Geneva 4
Switzerland
E-mail: magnusjesko.langer@lk-k.com

9. Representation of the Parties
Arbitration Rule 2

- 9.1. Each Party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.
- 9.2. The Tribunal may refuse designation of additional agents, counsel, or advocates if the designation would create a conflict of interest with one or more members of the Tribunal that has not been, or cannot be, waived. In determining the existence of such a conflict of interest, the Tribunal may rely on the IBA Guidelines on Conflicts of Interest in International Arbitration (2024) for guidance, in particular the Non-Waivable Red List and the Waivable Red List.

For the Claimants

Mohammed Saiful Alam and others
c/o Mr. Epaminontas Triantafilou
Mr. Matthew Bunting
Mr. Stephen Jagusch KC
Mr. James Smithdale
Mr. Jack Davies
Dr. Sachintha Dias
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For the Respondent

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alexander.sysoev@whitecase.com

10. Advance Payments to ICSID

Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50

- 10.1. The Parties shall cover the direct costs of the proceedings in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 10.2. Following registration of the Request for Arbitration, by letter of 26 November 2025, ICSID informed the Parties that USD 400,000 will be necessary to cover the estimated costs of the initial phase of the proceeding through the first session of the Tribunal, as well as the subsequent phase, and requested that the Claimants pay USD 200,000. ICSID received the Claimants' payment on 3 December 2025. Upon the constitution of the Tribunal, by letter of 28 April 2026, ICSID requested that the Respondent pay USD 200,000. ICSID received the Respondent's payment on 26 May 2026.
- 10.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

11. Place of Proceeding and Hearings

Convention Articles 62 and 63; Arbitration Rule 32

- 11.1. Washington, D.C. shall be the place of the proceedings.
- 11.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate upon the Parties' agreement. The method of holding a hearing will be determined in accordance with §§21.2 and 21.3.
- 11.3. The Tribunal members may deliberate at any place and by any appropriate means they consider convenient.

12. Procedural Language(s), Translation and Interpretation

Administrative and Financial Regulation 32; Arbitration Rule 7

- 12.1. English is the procedural language of the arbitration.

For Documents and Communications

- 12.2. The Tribunal and the Secretariat shall communicate with the Parties in the English language.
- 12.3. Documents filed in any other language must be accompanied by a translation into English.
- 12.4. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal orders a party to provide a fuller or a complete translation.

Procedural Order No. 1

- 12.5. Translations need not be certified, unless the translation is disputed and the Tribunal orders a party to provide a certified translation.
- 12.6. Documents exchanged between the Parties in a language other than English under §16 below (Production of Documents) need not be translated.

For Hearings

- 12.7. The Parties will notify the Tribunal as soon as possible, and no later than when notifying which witnesses and experts are called for examination at the hearing (to be determined in the procedural calendar), which witnesses or experts require interpretation.
- 12.8. If a witness called for examination during the hearing is required to give evidence in a language other than English, such witness' testimony shall be interpreted, simultaneously if possible.
- 12.9. The costs of interpretation will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

13. Routing of Communications

Arbitration Rule 6

- 13.1. The ICSID Secretariat shall be the channel of written communications between the Parties and the Tribunal.
- 13.2. Each Party's written communications shall be transmitted by email or other electronic means to the opposing Party and to the Tribunal Secretary, who shall send them to the Tribunal and the Assistant.
- 13.3. Electronic versions of communications and pleadings ordered by the Tribunal or agreed by the Parties to be filed simultaneously shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing Party and the Tribunal and the Assistant, once ICSID has received both Parties' communications.
- 13.4. The Tribunal Secretary, the Tribunal and the Assistant shall not be copied on direct communications between the Parties when such communications are not intended to be transmitted to the Tribunal.
- 13.5. The email addresses of the Members of the Tribunal are:

Dr. Laurent Lévy: laurent.levy@lk-k.com;

Dr. Stanimir A. Alexandrov: salexandrov@alexandrovlaw.com; and

Mr. J. Christopher Thomas KC: jcthomas@thomas.ca.

14. Number of Copies and Method of Filing of Parties' Pleadings

Arbitration Rules 4, 5 and 9

- 14.1. By the relevant filing date, the Parties shall submit by email to the Tribunal Secretary and the opposing Party an electronic version of the pleading with witness statements, expert reports and an index of all supporting documentation in their original language ("Electronic Email Filing").¹
- 14.2. Within four business days after the relevant filing date, the Parties shall upload the pleading with witness statements, expert reports and all the supporting documentation in their original language and an updated index to the file sharing platform that has been created by ICSID for purposes of this case ("Electronic Filing Platform").²
- 14.3. Within seven calendar days after the relevant filing date, the Parties shall upload any required translations of documents pursuant to §12 and an updated index to the Electronic Filing Platform.
- 14.4. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (i.e., OCR PDF). Where a document is in the Bengali (Bangla) language, the filing Party shall use their best efforts to ensure that such document is text searchable, in light of known difficulties in OCR processing of Bengali (Bangla) language documents. If, upon reasoned request, a Party seeks from the other Party the native version (if available) of any exhibit filed in the arbitration, and the other Party objects to such request, the Tribunal shall rule on the request.
- 14.5. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the Party has submitted up to the date of the pleading. The index shall indicate the document number, the pleading with which it was submitted, the language of the document, and shall follow the naming conventions contained in **Annex A**.
- 14.6. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the ICSID Secretariat so requests, the Parties shall upload to the file sharing platform, in a format that can be readily downloaded, an electronic copy of the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal decisions and orders to date) with a hyperlinked consolidated index of all documents. The names and reference numbers of the documents included in the

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

² Supporting documentation shall be uploaded as individual files, not in .zip format.

hyperlinked consolidated index must be the same as the name under which they are submitted in the proceedings.³

- 14.7. The official date of receipt of a pleading or written communication shall be the day on which the electronic file is sent to the Tribunal Secretary by email.
- 14.8. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday or a public holiday in any of the United Kingdom, Singapore or Bangladesh, the relevant date is the subsequent business day.

15. Number and Sequence of Pleadings
Arbitration Rule 30

- 15.1. The arbitration shall proceed in accordance with the procedural calendar to be established if the proceedings continue after the Tribunal has resolved the Respondent's application under ICSID Arbitration Rule 41, except if the Tribunal, upon a showing of good cause by either Party, or by mutual agreement of the Parties, amends the procedural calendar.
- 15.2. In the first exchange of submissions on a given matter (in principle Memorial and Counter-Memorial), the Parties shall set forth all the facts and legal arguments and submit all the documentary and written witness and expert evidence on which they intend to rely in support of their respective cases. Allegations of fact and legal arguments shall be presented in a detailed, specified, and comprehensive manner, and shall respond to all allegations of fact and legal arguments made by the other Party.
- 15.3. In their second exchange of submissions (in principle Reply and Rejoinder), the Parties shall limit themselves to responding to factual allegations, legal arguments, and evidence put forward by the other Party in its preceding submission, subject to facts and documents resulting from the document production phase or new facts arising after the filing of the Party's last submission.
- 15.4. Following each factual allegation, the Parties shall, whenever possible, identify the evidence adduced or to be adduced in support of that allegation. Following each legal argument, the Parties shall, whenever possible, identify the legal authority adduced or to be adduced in support of that argument.
- 15.5. The Tribunal shall not be required to consider any evidence on the record that has not been specifically referred to, and the relevance of which has not been analyzed and discussed, in the written or oral submissions of the Party seeking to rely on it.

³ To ensure the full operation of the hyperlinked index, the entire folder shall be housed within one folder and then uploaded to Box (the Electronic Filing Platform) as a single .zip file. Should the size of the .zip file make the upload to Box impossible, the Parties shall upload the organized folder to a designated sub-folder on to the Box filesharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

- 15.6. The Parties shall include in their submissions a list of abbreviations. Each Party shall strive to use the same abbreviations as the other Party and the Parties shall update their list of abbreviations in subsequent submissions.

16. Production of Documents

Convention Article 43(a); Arbitration Rules 5 and 36-40

- 16.1. The Tribunal and the Parties shall be guided but not bound by the 2020 IBA Rules on the Taking of Evidence in International Arbitration.
- 16.2. Within the time limit to be set in the procedural calendar, each Party may request from the other Party the production of documents or categories of documents within the other Party's possession, custody or control, in the form of a Redfern Schedule as attached in **Annex B** hereto, in both .docx (Word) and .pdf format. Such a request shall not be copied to the Tribunal, the Secretary of the Tribunal or the Assistant.
- 16.3. Each request for production shall:
- 16.3.1. Identify with specificity: (i) the type of documents or narrow category of documents whose production is sought (for example, letters, emails, minutes of meetings, memoranda, notes, reports). The Parties shall not use a generic formulation, such as "all documents" or "all records", or use such formulation and then define it to "include" specific types of documents; (ii) the author, sender, recipient, and/or custodian of the requested document or category of documents (i.e., by the name of the individual, department, entity, or organ, as the case may be), being specified that a Party asserting that such identification is not possible must adequately substantiate such assertion; and (iii) a date for individual documents or a narrow and proportionate period for a category of documents;
 - 16.3.2. describe the subject matter in sufficient detail and with necessary particulars to enable an effective search for responsive documents to be carried out;
 - 16.3.3. specify that the documents requested are not in the possession, custody or control of the requesting Party (or explain why it would be unreasonably burdensome for the requesting Party to produce them), and that they are likely to exist and be in the possession, custody or control of the other Party;
 - 16.3.4. explain, with specific references to the record, why the document or category of documents sought is relevant to the case and material to its outcome and, more specifically, which fact alleged in the arbitration the document sought is intended to prove; and

Procedural Order No. 1

- 16.3.5. set out which adverse inference the requesting Party would request the Tribunal to draw if the document sought were ordered to be produced and the other Party did not comply with such order.
- 16.4. If the requested Party does not object to the production of certain requested documents, it shall make its best efforts to produce such documents by the date to be set in the procedural calendar.
- 16.5. If the requested Party objects to production, the following procedure shall apply:
- 16.5.1. Each Party shall state its objections to any request on the date to be set in the procedural calendar. Such responses and objections shall be recorded in the Redfern Schedule (**Annex B**) provided by the requesting Party.
- 16.5.2. Objections to the production of a document or a category of documents shall be justified on one or more of the grounds identified in Article 9(2) of the IBA Rules 2020.
- 16.5.3. Each Party shall reply to the objections referenced in § 16.5.1 on the date to be set in the procedural calendar. Such responses shall be recorded in the Redfern Schedule (**Annex B**) provided by the requesting Party.
- 16.5.4. On the date to be set in the procedural calendar the fully compiled Redfern Schedules (**Annex B**) shall be submitted to the Tribunal in .docx (Word) and .pdf format.
- 16.5.5. Where a Party objects to the production of certain documents, the Tribunal shall make its best efforts to rule on the objections on the date to be set in the procedural calendar. In ruling on the document production requests, the Tribunal will have regard to the requirements of § 16.3 above, the legitimate interests of the Parties and all the relevant circumstances, including applicable privileges. If a request does not meet the requirements of § 16.3 above, in particular if it is insufficiently specific, the Tribunal shall not narrow down the scope of the request on its own initiative.
- 16.5.6. A Party shall make its best efforts to produce the documents ordered by the date to be set in the procedural calendar.
- 16.6. The Parties shall make no submissions in respect of the steps set out in §§ 16.2, 16.4 and 16.5 above other than those incorporated in the Redfern Schedules.
- 16.7. The disclosure of documents under this section shall be made electronically through a file sharing platform which can be accessed by counsel to the Parties, in .pdf format and in native format (e.g. Word, Excel, Outlook, PDF, .jpg). Each document shall be produced with a specific document identifying number.

- 16.8. Interim versions of the Redfern Schedules exchanged in the course of this document production process shall not be copied to the Tribunal.
- 16.9. Decisions on requests for production need not be fully reasoned; they may be summarily reasoned (e.g. by simply referring to the fact that the request is “granted” or “denied” in whole or in part, followed, if appropriate, by a short explanation).
- 16.10. Documents produced by agreement or following an order from the Tribunal shall be communicated directly to the requesting Party without copying the Tribunal and shall not be considered as part of the evidentiary record unless and until the requesting Party subsequently introduces them in the record in accordance with the above procedural rules.
- 16.11. In addition, the Tribunal may order a Party to produce documents on its own initiative at any time. In that case, the documents shall be submitted to the other Party and to the Tribunal in accordance with § 17 below and shall be considered to be on the record.
- 16.12. If a Party fails to produce documents ordered by the Tribunal, the Tribunal shall be entitled to draw such inferences from such failure to produce as it considers appropriate, in light of all circumstances, including the reasons for the non-production.

17. Submission of Documents

Convention Article 44; Arbitration Rule 5

- 17.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.
- 17.2. The documents shall be submitted in the manner and form set forth in §14, above.
- 17.3. Neither Party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other Party.
 - 17.3.1. Should a Party request leave to file additional or responsive documents, that Party may not annex the documents that it seeks to file to its request or transcribe their content in whole or in part.
 - 17.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such document and, after requesting leave, to submit a reasonable amount of evidence in reply thereto.

- 17.4. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).
- 17.5. Documents shall be submitted in the following form:
- 17.5.1. The number of each Exhibit containing a document produced by Claimant shall be preceded by the letter “C-” for factual exhibits and “CL-” for legal exhibits containing authorities etc. The number for each Exhibit containing a document produced by Respondent shall be preceded by the letter “R-” for factual exhibits and “RL-” for legal exhibits containing authorities etc.
 - 17.5.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with “C-001” and “R-001,” and “CL-001” and “RL-001” respectively. The number of the exhibit or legal authority shall appear on the first page of the document, and shall be incorporated into the file name in accordance with §17.5.4.
 - 17.5.3. A Party may, within reason, produce several documents relating to the same subject matter within one Exhibit, numbering each page of such Exhibit separately and consecutively.
 - 17.5.4. Electronic files and the accompanying indices shall follow the naming conventions contained in **Annex A**.
- 17.6. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Tribunal will determine whether authentication is necessary. If only a part of the document is submitted, the Party shall so indicate by adding the word “excerpt” on its updated index.
- 17.7. The Parties shall file all documents only once by submitting them with their pleadings. Documents referred to in the submissions need not be resubmitted with witness statements even if referred to in such statements.
- 17.8. 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, and (ii) do not contain information not on the record.
- 17.9. An electronic copy of each demonstrative exhibit, other than PowerPoint slides containing no demonstratives or purely argumentative slides, shall be distributed by the Party intending to use it by email sent to the entire case email distribution list for each Party, the Members of the Tribunal, the Tribunal Secretary, the Assistant, to the court reporter and to the interpreters in advance, by a deadline to be decided at the Pre-Hearing Organizational Meeting.

- 17.10. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit is used, the Parties shall upload such demonstrative to the case folder in the BOX files sharing platform, designating each with the corresponding CD-__ or RD-__ number.

18. Witnesses

Arbitration Rule 38

- 18.1. Any person may present evidence as a witness, including a Party or a Party's officer, employee, or other representative.
- 18.2. For each witness, a written, signed and dated witness statement, which shall stand as direct testimony, shall be submitted to the Tribunal, unless a person refuses or is unable to provide such a statement. A person who has not submitted a written witness statement may provide testimony to the Tribunal only in exceptional circumstances and upon a showing of good cause; if these conditions are met, the other Party shall be given an appropriate opportunity to respond to such testimony.
- 18.3. Each witness statement shall be signed and dated by the witness and include:
- 18.3.1. the witness' name, date of birth, and involvement in the case;
 - 18.3.2. a disclosure statement detailing any past and present relations of the witness with any Party, counsel or Member of the Tribunal;
 - 18.3.3. a description of the witness' position and qualifications, if relevant;
 - 18.3.4. a full and detailed description of the facts, and the source of the witness' information as to those facts, sufficient to serve as that witness's evidence in the matter in dispute;
 - 18.3.5. any documents on which the witness relies that have not already been submitted (which shall be submitted with sequential numbering as exhibits, not as a new group of numbered documents attached to a witness statement);
 - 18.3.6. a statement as to the language in which the witness statement was originally prepared and the language in which the witness anticipates giving testimony at the Hearing;
 - 18.3.7. a declaration regarding whether the witness received any form of compensation for his or her testimony; and
 - 18.3.8. an affirmation of the truth of the witness statement.
- 18.4. Witness statements shall be submitted in a searchable PDF format and have consecutive numbering on pages, headings and paragraphs.

- 18.5. Witness statements shall be submitted in English or with a translation into English.
- 18.6. It shall not be improper for counsel to meet witnesses and potential witnesses to establish the facts, prepare the witness statements and the examinations.
- 18.7. On the date to be set in the procedural calendar, each Party shall identify the witnesses and experts of its opponent whom it intends to cross-examine. A witness whose cross-examination is not sought shall not testify unless the Tribunal directs his or her appearance.
- 18.8. Each Party shall be responsible for summoning its own witnesses to the hearing, except when the other Party has waived cross-examination of a witness and the Tribunal does not direct his or her appearance.
- 18.9. Each Party shall be responsible for the practical arrangements, cost and availability of any witness it offers. The Tribunal will decide upon the appropriate allocation of any related costs in the Award.
- 18.10. If a witness fails to appear when first summoned to a hearing, the Tribunal may in its discretion summon the witness to appear a second time if satisfied that (i) there was a compelling reason for the first failure to appear, (ii) the testimony of the witness appears relevant, and (iii) providing a second opportunity for the witness to appear will not unduly delay the proceedings.
- 18.11. Whether in the context of an online hearing or otherwise, the Tribunal may hear witnesses by videoconference and will issue appropriate directions.
- 18.12. The Tribunal may consider the written statement of a witness who provides a valid reason for failing to appear when summoned to a hearing, or of a witness who was not called for cross-examination, having regard to all the surrounding circumstances, including the fact that the witness was not subject to cross-examination. The Tribunal shall not consider the witness statement of a witness who fails to appear and does not provide a valid reason.
- 18.13. At the hearing, the examination of each witness shall proceed as follows, subject to further specifications to be addressed in a subsequent procedural order:
 - 18.13.1. Direct examination shall be limited to questions about corrections to the written statement and about any matters which have arisen after the last opportunity for the Party who presented the witness to file witness statements. It shall in principle not last more than 10 minutes;
 - 18.13.2. The other Party may then cross-examine the witness about relevant facts within the witness' knowledge;

Procedural Order No. 1

- 18.13.3. The Party who has presented the witness may then re-examine the witness with respect to any matters arising out of the cross-examination; and
- 18.13.4. The Tribunal may ask its questions at any time, likely mainly at the end.
- 18.14. Subject to other arrangements during the case management conference for hearing organization, (i) fact witnesses shall be examined prior to expert witnesses, the Claimants' fact witnesses being examined prior to the Respondent's fact witnesses and each Party determining the order of the fact witnesses whom it presents, and (ii) expert witnesses shall be grouped by topics, the Claimants' expert for each topic being examined first.
- 18.15. Subject to a different agreement by the Parties, a fact witness shall not be present in the hearing room during oral testimony and arguments, or read the transcript of oral testimony or argument, prior to his or her examination. This limitation does not apply to expert witnesses. The Tribunal and the Parties will discuss during the pre-hearing conference the rules applicable to any Party representatives who are also fact witnesses.
- 18.16. The Tribunal shall, at all times, have complete control over the procedure for hearing a witness. In particular, but without limiting the foregoing, the Tribunal may in its discretion:
- 18.16.1. Limit or refuse the examination of a witness if it deals with facts that are already established by other evidence or are irrelevant;
- 18.16.2. Direct that a witness be recalled for further examination at any time; or
- 18.16.3. Provide that the witnesses may be examined together ("witness conferencing"), in which case it will give appropriate directions.

19. Experts

Arbitration Rule 38

- 19.1. Unless inconsistent with this Section, all the rules set forth in § 18 above shall apply by analogy to experts.
- 19.2. Each Party may retain and produce evidence of one or more experts.
- 19.3. The Tribunal may order experts on the same subject matter on both sides to liaise before the hearing to identify disputed and undisputed issues, and to produce joint expert reports identifying disputed and undisputed issues.
- 19.4. The Tribunal may, on its own initiative or at the request of a Party, appoint one or more experts. The Tribunal shall consult with the Parties on the selection, terms of

reference and conclusions of any such expert. The Tribunal may, on its own initiative or at the request of any Party, take oral evidence of such expert(s).

- 19.5. Expert reports shall be accompanied by any documents or information upon which they rely, unless such documents or information have already been submitted as exhibits with the Parties' submissions, in which case reference to such exhibits shall be sufficient. Such documents or information shall be subject to the rules on language set forth in § 12 above. Spreadsheets prepared by experts and submitted as part of or accompanying their report(s) should also be submitted in their native format with all formulae visible.
- 19.6. Experts shall disclose in their reports, or in attachments to their reports, the documents, data, and other information on which they relied in supporting their opinions.
- 19.7. After consultation with the Parties, the Tribunal may request non-legal experts to give a presentation summarizing their methodology and conclusions in lieu of direct examination.
- 19.8. Drafts, working papers or any other documents (except the expert report submitted along with the pleadings) created by an expert for the purpose of providing expert evidence in the arbitration, and any communications between the expert and a Party or its counsel for that purpose, shall be privileged and shall not be subject to production in the arbitration.

20. Pre-Hearing Organizational Meetings

Arbitration Rule 31

- 20.1. A pre-hearing conference for purposes of discussing hearing organization and logistics will be held on the date to be set in the procedural calendar by way of videoconference.
- 20.2. The Tribunal may convene other case management conferences with the Parties in accordance with ICSID Arbitration Rule 31 if necessary or appropriate.

21. Hearings

Arbitration Rule 32

- 21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 21.2. An in-person hearing shall be held at a place to be determined by the Tribunal in consultation with the Parties, in accordance with §11.1 above.
- 21.3. Having due regard to the views of the Parties and the specific circumstances of the case, including any relevant travel or public health/security restrictions, the Tribunal may decide to hold a hearing remotely or in a hybrid form.

- 21.4. The hearing shall take place on the date(s) to be set in the procedural calendar.
- 21.5. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 21.6. In principle, each Party will have an equal time allocation for examinations and oral arguments, subject to adjustments in the Tribunal's discretion, particularly if there is a material imbalance in the number of cross-examinations. The allocation will be discussed at the case management conference for hearing organization and set by the Tribunal, which may grant short extensions if appropriate under the circumstances.

22. Recordings of Hearings and Sessions

Arbitration Rule 29(4)(i)

- 22.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the Parties, the Tribunal Members, and the Assistant.
- 22.2. Verbatim transcripts in the procedural language shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the Parties or ordered by the Tribunal, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the Parties, the Tribunal and the Assistant on a same-day basis.
- 22.3. The Parties shall agree on any corrections to the transcripts within a time limit to be determined at the end of the hearing. The agreed corrections shall be entered by the court reporter in the transcripts ("**Revised Transcripts**"). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered in the Revised Transcripts by the court reporter.
- 22.4. The costs of any recordings, transcripts and interpretation services shall be paid from the deposits made by each Party, without prejudice to the final cost allocation.

23. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rules 51

- 23.1. In consultation with the Parties, the Tribunal will determine at the end of the hearing whether there shall be post-hearing briefs. If so, the Tribunal will address the time limits for preparing, and the length, format, and content of the post-hearing briefs. No new evidence may be produced together with the post-hearing briefs, except with leave from the Tribunal.
- 23.2. The Tribunal will issue directions on the Parties' statements of costs at the end of the hearing.

24. Transparency Matters

Convention Article 48(5), Arbitration Rules 62-66

- 24.1. Matters of transparency and confidentiality in these proceedings shall be governed by ICSID Arbitration Rules 62 to 66.

25. Data Privacy and Cybersecurity

- 25.1. The Members of the Tribunal, the Assistant, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding. They acknowledge having read ICSID's "Personal Data Privacy Notice – Proceedings" ("Notice").
- 25.2. The Members of the Tribunal, the Assistant, the Parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the arbitration proceeding, where necessary, including witnesses and experts. Should compliance with applicable law require action from another participant in the arbitration proceeding, the Parties are invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.
- 25.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards. If certain documents, information and/or communications required enhanced security measures, the Parties shall confer in order to adopt appropriate security measures for their transmission. Unless instructed otherwise by the Parties, the Tribunal will not take any special measures beyond its standard procedures to ensure the cyber security of information related to this arbitration and the Parties confirm that communications may be sent by email.

26. Amicable Dispute Settlement

- 26.1. At any time during the arbitration, the Parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation under the ICSID Mediation Rules. The Parties may agree to suspend the arbitration for this purpose.
- 26.2. At any time during the arbitration, considering the circumstances of the dispute and the interests at stake, the Tribunal may suggest to the Parties to resort to mediation or other appropriate methods of amicable resolution.
- 26.3. Beyond making such a proposal to the Parties, the Tribunal will not become involved in mediation or other settlement attempts and will continue the arbitration if the Parties do not agree to follow the Tribunal's suggestion or if they agree but the attempts fail.

- 26.4. If the Parties settle the dispute in full, they may request that the Tribunal embody their settlement in its award, pursuant to ICSID Arbitration Rule 55(2). Any agreement pursuant to ICSID Arbitration Rule 54(1), made in order to pursue amicable settlement discussions, should be communicated to the Tribunal.

27. Disability Inclusion

- 27.1. At any point during the proceedings, but ideally as soon as practicable, either Party may advise the Tribunal of a person who, by reason of disability, requires reasonable accommodation to facilitate their full participation in the arbitration, including site visits and oral hearings. In considering such requests, the Tribunal will take account of the privacy rights of such persons against the unnecessary disclosure of their disability. For the purposes of this provision, disability means any physical or mental health condition that, without reasonable accommodation, would significantly impair a person's ability to participate in work related to an arbitration.

28. Artificial Intelligence Tools

- 28.1. The Tribunal may use artificial intelligence ("AI") tools, including generative AI tools to perform tasks such as preparation of summaries, searching documents in the record, and organizing the record. The Tribunal will not delegate any decision-making functions to AI tools.
- 28.2. The Tribunal shall ensure that the AI tools that it uses provide adequate guarantees of cybersecurity and confidentiality.
- 28.3. The Parties may request the Tribunal to refrain from using AI tools in relation to specific documents, or part thereof, submitted in accordance with § 17 if they are not public and contain confidential or protected information within the meaning of ICSID Arbitration Rule 66.

On behalf of the Tribunal,

[signed]

Dr. Laurent Lévy
President of the Tribunal
Date: 25 June 2026

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the indices. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the indices.

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Jurisdiction-FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-###–LANGUAGE
	R-###–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANTS’ FACTUAL EXHIBITS
	<i>C-001-ENG</i>
	<i>C-002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-001-FR</i>
	<i>R-002-SPA</i>
Legal Authorities	CL-###–LANGUAGE
	RL-###–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANTS’ LEGAL AUTHORITIES
	<i>CL-001-ENG</i>
	<i>CL-002-FR</i>
	RESPONDENT’S LEGAL AUTHORITIES
	<i>RL-001-SPA</i>
	<i>RL-002-ENG</i>
Witness Statements	Witness Statement-Name of Witness-Name of Submission-LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	Legal Opinion-Name of Expert-Name of Submission-LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to Witness Statements, Expert Reports, Legal Opinions	WITNESS/EXPERT INITIALS-###
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-001</i>
	<i>MJ-002</i>

Mohammed Saiful Alam and others v. People's Republic of Bangladesh
(ICSID Case No. ARB/25/52)

Procedural Order No. 1 – Annex A

	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-001</i>
	<i>TK-002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-001</i>
	<i>LS-002</i>
INDICES	Consolidated Index
	Index of Exhibits-C-### to C-###
	<i>Index of Exhibits-C-001 to C-023</i>
	Index of Legal Authorities-RLA-## to RLA-##
	<i>Index of Legal Authorities-RLA-001 to RLA-023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-SPA</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimants]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimants]-ENG</i>
	<i>Post-Hearing Brief-[Claimants]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
	<i>Observations to Request for [XX]-[Claimants]-SPA</i>

Annex B – Document Production Schedule

No.	Documents or category of documents requested (requesting Party)	Relevance and materiality, incl. references to submission (requesting Party)		Reasoned objections to document production request (objecting Party)	Response to objections to document production request (requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comments			
1.						
2.						
3.						
4.						
5.						
6.						
7.						