

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Latam Hydro LLC and CH Mamacocha S.R.L.

v.

Republic of Peru

(ICSID Case No. ARB/19/28)

PROCEDURAL ORDER No. 3

On the Production of Documents

Members of the Tribunal

Prof. Albert Jan van den Berg, President of the Tribunal

Prof. Dr. Guido Santiago Tawil, Arbitrator

Prof. Raúl E. Vinuesa, Arbitrator

Secretary of the Tribunal

Ms. Ana Constanza Conover Blancas

1 April 2021

Procedural Order No. 3

I. INTRODUCTION

1. On 23 March 2021, following exchanges between the Claimants and the Respondent (collectively, the “Parties”), the Parties submitted an application to the Tribunal to decide on production of documents. The Parties’ applications were filed in a Redfern Schedule format, as described in Sections 15.2 to 15.4 of Procedural Order No. 2.
2. This Order is made pursuant to Section 15.5 of Procedural Order No. 2, by which the Tribunal is required to rule on any requests for document production, having regard to the legitimate interests of the other party, applicable rules of law, and all of the surrounding circumstances.

II. ORDER

3. The Tribunal has carefully considered the applications of the Parties. The Tribunal decides each document production request as stated in the last column of the completed versions of the Parties’ respective Redfern Schedules, incorporated as Annex A (“Tribunal Decisions on Claimants’ Document Production Requests”) and Annex B (“Tribunal Decisions on Respondent’s Document Production Requests”) to this Order.
4. In accordance with the procedural calendar of the arbitration, as revised by letter of 25 January 2021, the Parties shall produce the documents ordered by the Tribunal by **13 April 2021**.
5. In respect of documents withheld or redacted on the basis of privilege or other alleged confidentiality, also by **13 April 2021** the Parties shall produce a privilege log identifying any documents or redactions in respect of which a claim of privilege is asserted and the legal basis for such claim. In the event that the receiving Party disputes a claim of privilege identified in the privilege log, it may apply to the Tribunal by **20 April 2021**, following which the Tribunal shall issue further directions.

On behalf of the Tribunal,

[Signed]

Prof. Albert Jan van den Berg
President of the Tribunal
Date: 1 April 2021