

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

B-Mex, LLC and others

v.

UNITED MEXICAN STATES

(ICSID Case No. ARB(AF)/16/3)

PROCEDURAL ORDER NO. 20

Organization of the Hearing

Members of the Tribunal

Dr. Gaëtan Verhoosel QC, President
Prof. Gary Born, Arbitrator
Prof. Raúl Emilio Vinuesa, Arbitrator

Secretary of the Tribunal

Ms. Natalí Sequeira, ICSID

7 June 2022

CONSIDERING the letter from the QE Claimants of 28 May 2022 noting that Mr. Rudden, a witness in this case, is currently serving a sentence at a United States Penitentiary in Leavenworth, Kansas;

CONSIDERING that Mr. Rudden will therefore not be able to attend the upcoming merits hearing and give evidence to this Tribunal in person, but that he is amenable to appear remotely from the United States Penitentiary in Leavenworth, Kansas;

CONSIDERING that the other Parties to this arbitration have raised no objection to the remote appearance of Mr. Rudden;

CONSIDERING that the assistance of the North Central Office of the United States Bureau of Prisons in Kansas City, KS (the “US Bureau of Prisons”) is thus required to enable Mr. Rudden’s testimony at the hearing; and

CONSIDERING that the United States of America are a Party to the Washington Convention on the Settlement of Investment Disputes between States and Nationals of Other States; this Tribunal has been constituted in accordance with the Additional Facility Arbitration Rules issued by the ICSID established pursuant to that Convention; and this arbitration is being administered by the ICSID Secretariat;

IT IS HEREBY ORDERED THAT:

1. The QE Claimants shall make Mr. Rudden available during the week of 5 July 2022 to appear at the upcoming hearing and give evidence to this Tribunal via videoconference (including via Zoom, Teams or any other commonly used application) or, should that not be possible, via telephone.
2. The QE Claimants shall transmit to the US Bureau of Prisons this Order and convey this Tribunal’s respectful request for the requisite assistance from the US Bureau of prisons to enable Mr. Rudden’s remote appearance at the hearing.
3. The exact day and time of Mr. Rudden’s appearance will be determined by the Tribunal in coordination with the parties and subject to any limitations imposed by the US Bureau of Prisons.



On behalf of the Tribunal
Dr. Gaëtan Verhoosel QC
President of the Tribunal
Date: 7 June 2022