

**INTERNATIONAL COURT OF ARBITRATION OF THE
INTERNATIONAL CHAMBER OF COMMERCE**

ARBITRATION

BETWEEN

A GROUP OF CLAIMANT

IMMOBILIEN PARTNER GMBH

AN DER KRONENEIKE 14, BELM 49191 GERMANY

AND

GOE ENGENHARIAS

273 Rua J. Paulo II, Guimaraes, Braga, 4810-229, Portugal

AND

MEKOLOR JOINT STOCK COMPANY

24/11/4 Ly Tu Trong Street, An Cu Ward, Ninh Kieu District, Can Tho City, Vietnam

- Claimant -

AND

A GROUP OF RESPONDENT

GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

01 Hoang Hoa Tham street, Ba Dinh District, Hanoi, Vietnam

AND

STATE BANK OF VIETNAM

49 Ly Thai To Street, Hoan Kiem District, Hanoi, Vietnam

AND

**VIETNAM JOINT STOCK COMMERCIAL BANK FOR INDUSTRY
AND TRADE**

108 Tran Hung Dao street, Hoan Kiem District, Hanoi, Vietnam

- Respondent -



BRAGA, DATE: 29/11/2022

I. THE PARTIES TO THE ARBITRATION

1. CLAIMANT GROUP INCLUDES:

- a) IMMOBILIEN PARTNER GMBH, a company duly organized and existing under the law of GERMANY and with the following contact:

Company	IMMOBILIEN PARTNER GMBH
Address	AN DER KRONENEIKE 14, BELM 49191, GERMANY
Represented by	MR BRAUN ALEXANDER LUOWIGOVIC
Position	CEO
Passport	L2JNTTT46
Date of Issued	22APR2017
Date of Expired	26APR2027
Place of Issued	GERMANY

- b) GOE ENGENHARIAS, a company duly organized and existing under the law of PORTUGAL and with the following contact:

Company	GOE ENGENHARIAS
Address	273 Rua J. Paulo li, Guimaraes, Braga, 4810-229, Portugal
Represented by	DR CARLA MARIA DA SILVA MAIA
Position	CEO
Passport	C 778684
Date of Issued	06MAR2018
Date of Expired	06MAR2028
Place of Issued	PORTUGAL

- c) MEKOLOR JOINT STOCK COMPANY, a company duly organized and existing under the law of the Socialist Republic of Vietnam and with the following contact:

Company	MEKOLOR JOINT STOCK COMPANY
Address	41 CÁCH MẠNG THANG TÂM STREET, AN HOA WARD, NINH KIEU DISTRICT, CAN THO CITY, VIETNAM
Represented by	DR VO XUAN TRUONG
Position	CEO
Passport	C 719 86 95
Date of Issued	19APR2019
Date of Expired	19APR2029
Place of Issued	VIETNAM

2) RESPONDENT GROUP INCLUDES:

- a) GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM, a Government duly organized and existing under the law of VIETNAM and with the following contact:

ORGANIZATION	GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
Address	01 HOANG HOA THAM STREET, BA DINH DISTRICT, HANOI CITY, VIETNAM
Represented by	MR PHAM MINH CHINH
Position	PRIME MINISTER

- b) STATE BANK OF VIETNAM, a government organization duly organized and existing under the law of VIETNAM and with the following contact:

ORGANIZATION	STATE BANK OF VIETNAM
Address	49 LY THUONG KIET STREET, HOAN KIEM DISTRICT, HANOI CITY, VIETNAM
Represented by	MR NGUYEN THI HONG
Position	GOVERNOR

c) VIETNAM JOINT STOCK COMMERCIAL BANK FOR INDUSTRY AND TRADE, a BANK duly organized and existing under the law of the Socialist Republic of Vietnam and with the following contact:

BANK	VIETNAM JOINT STOCK COMMERCIAL BANK FOR INDUSTRY AND TRADE (VIETINBANK)
Address	108 TRAN HUNG DAO STREET, HOAN KIEM DISTRICT, HANOI CITY, VIETNAM
Represented by	MR TRAN MINH BINH
Position	CHAIRMAN

Claimant Group and Respondent Group will be jointly referred to as the “Parties”.

II. SUMMARY OF ARBITRIAL

- Mekolor Joint Stock Company (Mekolor JSC. Or Reciever Or Developer) was established with the goal of focusing on promoting economic development, increasing income for people and businesses investing in each specific region and industry, in which focusing on culture, education, transportation, infrastructure, real estate, tourism, human resources, health, finance, commerce, agriculture, logistics, engineering ...
- Mekolor JSC. is ready and able to receive this Pay Order as a joint venture investments for all parties herein for the execution of various infrastructure development projects, Real Estate projects, ICT projects, Media projects and other project in Vietnam,
- Mekolor JSC. with the support of GOE Engenharias, a well-know Portugal Consultant, signed and received a large of Investment from two Germany company, IMMOBILIEN PARTNER GMBH.




- On 22th June 2021, IMMOBILIEN PARTNER GMBH requested Duetsche Bank to make a transaction to transfer €10,000,000,000.00 (Ten billion Euro) from Account number DE265700240038813200, In the name of company IMMOBILIEN PARTNER GMBH to company account holder MEKOLOR JOINT STOCK COMPANY, Account number: 114002875630, SWIFT code: ICBVNVX with Transferred transaction reference: DEUTHEBA37890672. This transaction was confirmed on delivering sucessfully by Deutsche Bank on 23 JUNE 2021.
 - However, Mekolor JSC. was not credit €10.000.000.000,00 (Ten Billion EURO) in their account and We found that VietinBank with State Bank of Vietnam's support have appropriated and used the above investment for illegal purposes.
 - On 07 August 2021, We have send complaints to Prime Minister Pham Minh Chinh, President Nguyen Xuan Phuc, Governor of State Bank of Viet Nam Nguyen Thi Hong and Chairman of Vietinbank Tran Minh Binh to to warn of illegal actions for misappropriating our investment funds and request the immediate date of crediting the above amount into the account of our partner, MEKOLOR JSC.
 - Untill now, Our Investment was not still credited by Respondent Group. They are still using our fund for illegal PPP Trade.
 - Following up the Investment Protection Agreement between the European Union and the Socialist Republic of Vietnam (EVIPA), We request on Arbitration with Respondent Group as in the following:
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- a) Request on Government of Social Republic of Vietnam and State bank of Vietnam a fine with €1,000,000,000,000.00 (One Trillion EURO) for for the violation of the signed Investment Protection Agreement which includes the act of assisting a Vietnamese commercial bank to appropriate our investment money and ignoring the investigation and assisting us and our partner to credit our investment for our partner, MEKOLOR
- b) Request on Veitinbank a fine with €11.520.000.000.000,00 (Elevent trillion five hundred billion Euro) for illegally appropriating our investment fund and using it for illegal PPP Trade with 1 year and 6 months

III. ELEMENTS FOR ARBITRIAL

- The Investment Protection Agreement between the European Union and the Socialist Republic of Vietnam (EVIPA)
- Article 14 chapter 2 of LAW 61/2020/QH14 of Law of Investment of THE NATIONAL ASSEMBLY of Vietnam
- Oder/Request payment document
- Bank confirmation letter was issued by Duetsche Bank
- SWIFT Transaction
- SWIFT TRACKS –DB.56049-2021
- GPI payment tracker
- Payment processed successfully document was issued by DB
- Final Receipt was issued by Deutsche Bank

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- Balance sheet of account which have IBAN: DE20265700240038813200 , Account No: 00240038813200, Account Name: IMMOBILIEN PARTNER GMBH was issued by Duetsche Bank
 - Certificate Bank Proof Of Fund Delivery was issued by Deutsche Bank

IV. VALUE OF ARBITRIAL

- Total face value of arbitrial:
- Request on Government of Social Republic of Vietnam and State bank of Vietnam a fine with €1,000,000,000,000.00 (One Trillion EURO) for for the violation of the signed Investment Protection Agreement which includes the act of assisting a Vietnamese commercial bank to appropriate our investment money and ignoring the investigation and assisting us and our partner to credit our investment for our partner, MEKOLOR
- Request on Veitinbank a fine with €11.520.000.000.000,00 (Elevent trillion five hundred billion Euro) for illegally appropriating our investment fund and using it for illegal PPP Trade with 1 year and 6 months

V. OTHER ISSUES

- About Language, Claimant Group suggests the referee language is English
- About Location of the referee's place, Claimant Group suggests the referee is Paris, France

- About Law, Claimant Group suggests that it shall be governed by and construed in accordance with the laws of the Paris, France
- Please do not hesitate to contact with Representative of Claimant Group at the following:

GOE ENGENHARIAS

DR CARLA MARIA DA SILVA MAIA

Email: Carla.maia@goe.com.pt

- The email of Repondent Group:
 - (i) Email address of Government of Socialist Republic of Vietnam: webmaster@president.gov.vn , vpcp@chinhphu.vn
 - (ii) Email Address of State bank Of Vietnam: dung.nguyenviet@sbv.gov.vn , phongtonghop.qlnh@svb.gov.vn
 - (iii) Email of Vietinbank: nhuyvh@vietinbank.vn , cskh@vietinbank.vn, contact@vietinbank.vn

Representative of Claimant Group

GOE ENGENHARIAS

CEO



ENG. CARLA MARIA DA SILVA MAIA