

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Esewedy Electric for Transmission and Distribution of Energy S.A.E.**

**v.**

**Republic of South Sudan**

**(ICSID Case No. ARB/23/44)**

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**PROCEDURAL ORDER NO. 4  
ON THE ORGANIZATION OF THE HEARING**

***Members of the Tribunal***

Mr. Baiju S. Vasani, President of the Tribunal  
Prof. Jan Paulsson, Arbitrator  
Prof. Dorothy U. Ufot SAN, Arbitrator

***Secretary of the Tribunal***

Ms. Aïssatou Diop

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April 9, 2025

## **I. PROCEDURAL BACKGROUND**

1. On January 28, 2025, the Tribunal issued Procedural Order No. 3 on Default Procedures (“**PO3**”).
2. In paragraphs 18 and 19 of PO3, the Tribunal “grant[e]d the Respondent a grace period until March 14, 2025, to file its Counter-Memorial” and decided that “the hearing will be held remotely on March 24, 2025, at 10 a.m. Washington, D.C., with March 25, 2025, held in reserve.”
3. On March 10, 2025, the Tribunal provided the parties with the draft procedural order on the organization of the hearing, inviting each party to submit, by **March 17, 2025**, any comments it may have on the procedural, administrative, and logistical matters discussed in the draft order.
4. On March 17, 2025, the Claimant requested the Tribunal to move the hearing to the second week of April 2025, due to working hours during the month of Ramadan. The Tribunal invited the Respondent’s comments on the Claimant’s request to be filed by March 19, 2025. However, no comments were received from the Respondent. On March 21, 2025, the Tribunal vacated the previous hearing date and set April 28, 2025, as the new hearing date, with April 29, 2025, held in reserve. In addition, the Tribunal moved the deadline for the parties to comment on the draft procedural order on the organization of the hearing from March 17, 2025, to April 7, 2025.
5. As of April 8, 2025, neither party submitted comments on the draft procedural order on the organization of the hearing. Therefore, the Tribunal now issues the present Order, which sets out the procedural rules that the Tribunal has determined will govern the conduct of the hearing.

## **II. ORGANIZATION OF THE HEARING**

### **A. DATE, FORMAT AND VIDEOCONFERENCE PLATFORM**

6. As indicated above, the hearing shall be held on April 28, 2025, with April 29, 2025, held in reserve.
7. The hearing shall be held remotely through a videoconference platform via Zoom. The Zoom connection details, and any relevant instructions, are provided in Annex C.
8. Upon request, ICSID will conduct technical tests with either party or both parties for connectivity to the Zoom videoconference platform and to the real-time transcription. Any request for a test should be made **as soon as possible**.

### **B. ORDER OF PROCEEDING, SCHEDULE, TIME ALLOCATION**

9. The hearing will start at 10 a.m. and end at 3:15 p.m. on April 28, 2025. The total hearing time shall be 5 hr 15 mn. Each party will have 1 hour for its opening statement,

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followed by a 1-hour lunch break, then each party will have 30 minutes for its rebuttal. The Tribunal is allotted 1 hour to ask questions but may use more time as needed. The Tribunal may ask questions at any time during a party's presentation of its case. Time used by a party to answer the Tribunal's questions shall not count against that party's time. The agenda for the hearing is set out in Annex A.

10. The Tribunal has discretion to adjust the hearing schedule as needed to accomplish the prescribed agenda and to accommodate any technical disruptions.
11. The Secretary of the Tribunal will track time using the chess-clock method and advise the parties and the Tribunal of the length of time used by each party at the end of the hearing.

**C. PARTICIPANTS**

12. Each party is invited to submit its List of Participants for the hearing to the Secretary of the Tribunal by **April 21, 2025**,<sup>1</sup> using the template provided at Annex B.

**D. DOCUMENTS FOR USE AT THE HEARING**

13. The parties may use PowerPoint or other slide presentations for their oral statements, subject to the below rule on demonstrative exhibits.
14. Demonstrative exhibits shall be used in accordance with Section 16.8 of Procedural Order No. 1 (reproduced below):

16.8. 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, (ii) do not contain information not in the record.

15. An electronic copy of any demonstrative exhibit and/or PowerPoint slides shall be distributed by the party intending to use it *via* an electronic mail sent to the case email distribution for each party, the Secretary of the Tribunal, the Members of the Tribunal and the court reporter as necessary no later than 1 hour *prior* to its first use with a designated CD-\_\_ or RD-\_\_ number. In addition, promptly after the conclusion of the hearing, the parties shall upload such demonstrative to the case folder in the BOX filesharing platform.

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<sup>1</sup> In the List of Participants (Annex B), the parties shall: (i) include the name, e-mail and/or telephone number; that each participant connecting remotely will use in the videoconference; (ii) they shall designate any participant connecting remotely as an the "Active Participant" or "Passive Participant"; (iii) indicate the location from which any participant connecting remotely will join the videoconference; and (iv) indicate if several remote participants will use one and the same camera/connection.

**E. AUDIO RECORDING**

16. The provision of paragraph 21.1 of Procedural Order No. 1 concerning audio recording (reproduced below) applies.

21.1 Recordings shall be made of all hearings and sessions. The recordings shall be provided to the parties and the Tribunal Members.

17. The hearing will be recorded, and the audio recording will be shared with the parties and the Tribunal at the conclusion of the hearing.
18. Except for the court reporter who will make her own audio recording of the hearing, attendees will not otherwise make any audio or video record of the hearing or any part of it.

**F. TRANSCRIPTION**

19. The provisions of Procedural Order No. 1, paragraphs 21.2 and 21.3 concerning transcription (reproduced below) apply:

21.2. Verbatim transcript(s) in the procedural language(s) 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 and the Tribunal on a same-day basis.

21.3. The Tribunal reserved the determination of the deadline for the parties to agree on any corrections to the transcripts for a case management conference prior to the hearing. The agreed corrections may 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 by the court reporter in the revised transcripts.

20. Transcription services will be provided by Ms. Laurie Carlisle (the “court reporter”). The court reporter may seek to clarify the record from time to time during the course of the hearing. Details and instructions for connecting to the real-time transcript are provided in Annex D.

**G. POST-HEARING MEMORIALS AND STATEMENTS OF COSTS**

21. At the conclusion of the hearing, the Tribunal shall determine, in consultation with the parties, whether there will be post-hearing memorials, and if so, their content, sequence, and due date. Likewise, the Tribunal shall determine, in consultation with the parties, when statements of costs will be filed.

**H. CONFIDENTIALITY**

22. In accordance with paragraph 20.7 of Procedural Order No.1, the hearing shall be closed to the public.

On behalf of the Tribunal,

[signed]

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Mr. Baiju S. Vasani  
President of the Tribunal  
Date: April 9, 2025

**ANNEX A**  
**PROVISIONAL HEARING SCHEDULE**

**Monday, April 28, 2025**  
**(Tuesday, April 29, 2025, held in reserve)**

<b>Timeframe</b>	<b>Step of the hearing</b>
10:00 – 10:10 a.m.	Introduction and Housekeeping
10:10 – 11:10 a.m.	Claimant’s opening statement
11:10 a.m. – 12:10 p.m.	Respondent’s opening statement
<i>12:10 – 1:15 p.m.</i>	<i>Lunch break</i>
1:15 – 1:45 p.m.	Claimant’s rebuttal
1:45 – 2:15 p.m.	Respondent’s rebuttal
2:15 – 3:15 p.m.	Tribunal questions

**ANNEX B  
 LIST OF PARTICIPANTS**

TRIBUNAL	
Name	Affiliation to Case
Mr. Baiju S. Vasani,	President
Prof. Jan Paulsson	Co-arbitrator
Prof. Dorothy U. Ufot SAN	Co-arbitrator

SECRETARY OF THE TRIBUNAL	
Name	Affiliation to Case
Ms. Aïssatou Diop	Secretary of the Tribunal
Ms. Phoebe Ngan	ICSID Paralegal

CLAIMANT	
Name	Affiliation to Case / Location / Email Address / Active or Passive
<i>Counsel / Participant:</i>	

Respondent	
Name	Affiliation to Case / Location / Email Address / Active or Passive
<i>Counsel / Participant:</i>	

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<b>COURT REPORTER</b>	
<b>Name and Contact</b>	<b>Affiliation</b>
Ms. Laurie Carlisle	International Arbitration Reporting

<b>TECHNICAL SUPPORT STAFF</b>	
<b>Name</b>	<b>Affiliation</b>
Mr. Petar Tsenkov	World Bank IT Technician



**ANNEX C**  
**ZOOM CONNECTION DETAILS**

[Redacted]

**ANNEX D**  
**CONNECTION DETAILS TO REAL TIME TRANSCRIPTION**

[Redacted]