

International Centre for Settlement of Investment Disputes

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By e-mail

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c/o Mr. Estuardo Saúl Oliva Figueroa
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Re: Railroad Development Corporation v. Republic of Guatemala
(ICSID Case No. ARB/07/23)

Dear Mesdames and Sirs,

The President of the Tribunal has asked me to convey to you the following:

“The Tribunal considers that the parties had sufficient opportunity to exchange views on Procedural Order No. 5. In that respect the Tribunal wishes:

- To confirm that a party may include in its list, witnesses presented by the other party. However, as indicated by Respondent, if one party requests the presence of a witness that is not on the other party’s list of witnesses to be examined, the party that did not list the witness for cross-examination should be limited to cross-examining that witness only on the issues discussed in the witness’ direct examination at the hearing, not on every issue covered by the witness’ written statement.
- To confirm that the hearing will be conducted on an equal time basis.

- To confirm that fact witnesses may not be present in the hearing room except for their own cross-examination. Mr. Posner may attend the opening statements of counsel and be in the hearing room after his testimony.
- Given that each party intends to cross-examine all witnesses presented by the other, to confirm the deadline for the parties to reach agreement on the sequence of witnesses.
- Within its overall allotted time, each party may extend the time allotted to direct examination of its witnesses.”

Sincerely yours,



Natalí Sequeira
Secretary of the Tribunal

By e-mail:

Members of the Tribunal

c/o H.E. Francisco Villagrán De León
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2220 R Street N.W.
Washington D.C. 20008
and
c/o Mr. Mynor Castillo and
Ms. Miriam Eugenia López M.