

PCA Case No. 2023-22

**IN THE MATTER OF AN ARBITRATION UNDER THE UNITED STATES – PERU TRADE
PROMOTION AGREEMENT, ENTERED INTO FORCE ON 1 FEBRUARY 2009**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW, AS REVISED IN 2013 (THE “UNCITRAL RULES”)**

- between -

BACILIO AMORRORTU (USA)

(the “Claimant”)

- and -

THE REPUBLIC OF PERU

(the “Respondent”, and together with the Claimant, the “Parties”)

PROCEDURAL ORDER NO. 15
(Confidential Exhibit R-95)

Tribunal

Hon. Justice Mr. David Unterhalter (Presiding Arbitrator)
Professor Bryan Schwartz
Mr. Hugo Perezcano Díaz

Registry

Permanent Court of Arbitration

10 August 2026

I. PROCEDURAL BACKGROUND

1. On 21 August 2025, the Tribunal issued Procedural Order No. 8 (Claimant's Applications to Admit Documents and Compel Production) ("**PO8**"), whereby it ruled on the Claimant's applications of 16 May and 13 June 2025 concerning, *inter alia* (i) the Claimant's request for admission into the record of certain documents (the "**PO5 Documents**") produced by the Respondent in accordance with Procedural Order No. 5 (Second Decision on Document Production), dated 6 February 2025 ("**PO5**"); and (ii) the Claimant's request for production of additional documents. The Tribunal's ruling in PO8 was as follows:
 - a. The Parties are instructed to confer and attempt to seek agreement on the terms of a confidentiality protocol governing the disclosure, handing, and use of the PO5 Documents in the context of these proceedings in accordance with the Tribunal's directions set out in paragraphs 27-28 above. They should revert to the Tribunal on this matter no later than Thursday, 28 August 2025.
 - b. The Respondent shall produce the following documents to the Claimant: (i) the Calendar Invitation; (ii) Attachment 39; and (iii) and Doc 158. These documents shall be subject to the same level of confidentiality protection foreseen under paragraph 42 of PO5 for the PO5 Documents. The Parties are instructed to seek agreement on an appropriate confidentiality regime, which may be modelled on the First and Second Confidentiality Agreements entered as PO6 and PO7 by the Tribunal. They shall revert to the Tribunal no later than Thursday, 28 August 2025 to report the extent of their agreement, and their reasons for any remaining disagreement.
2. On 18 September 2025, the Tribunal issued Procedural Order No. 9 (Third Confidentiality Agreement), whereby it entered as an order the Third Confidentiality Agreement agreed between the Parties at their request.
3. On 3 October 2025, the Tribunal issued Procedural Order No. 10 (Confidentiality Protocol and Confidentiality Undertakings) ("**PO10**"), whereby, *inter alia* it (i) entered as an order the Confidentiality Protocol enclosed therewith and directed the Parties to abide by its terms; and (ii) directed the Parties and all Authorized Persons (as defined therein) to sign the Confidentiality Protocol and Confidentiality Undertakings, as applicable, set forth in Annexes 2 and 3 of PO10.
4. On 14 July 2026, the Respondent filed its Rejoinder and Reply on Jurisdiction. Together with this submission, the Respondent also sought to file confidential exhibit R-95 ("**Exhibit R-95**")¹ and requested the following (the "**Request**"):

Peru respectfully requests that this exhibit be added to the Confidentiality Protocol and Undertakings entered by the Tribunal in Annexes 1 and 2 of Procedural Order No. 10 of 3 October 2025 ("**PO10**"), and notes that Claimant has agreed to this treatment. Accordingly, Peru respectfully requests that the Tribunal issue a new procedural order incorporating Exhibit R-95 into the

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Confidentiality Protocol and Undertakings entered by the Tribunal in Annexes 1 and 2 of PO10 before Peru uploads it to the Box platform pursuant to the below.

In accordance with paragraphs 9(b) and 10 of Annex 1 of PO10, Peru will upload the relevant unredacted documents to the separate, access-restricted Box subfolder created by the PCA for that purpose. Further, in accordance with paragraphs 9(c) and 10 of the same Annex, Peru will prepare and upload the corresponding redacted documents to the main Box folder created by the PCA within ten (10) business days.

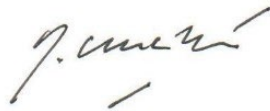
Subject to the above, and pursuant to paragraph 4.6 of PO1, Respondent will upload all supporting documentation and indices to the main Box folder created by the PCA within five (5) business days.

5. On 27 July 2026, the Tribunal sent the Parties a draft version of this order and invited the Parties' comments. Those comments were received on 29 and 30 July 2026.

II. THE TRIBUNAL'S DECISION

6. Having consulted the Parties and taken note of their agreement to incorporate Exhibit R-95 as a Confidential Document in accordance with Annexes 1 and 2 of PO10, the Tribunal:
 - a. DECLARES that Exhibit R-95 shall henceforth be considered a "Confidential Document", in the sense in which this term is defined in Annex 1 to PO10, for purposes of Annex 1 of PO10 and of any Confidentiality Undertakings signed by the Claimant's representatives in accordance with Annex 2 of PO10.
 - b. DIRECTS the Parties and their representatives to abide by the terms of this order.

Place of Arbitration: New York, United States of America



Justice David Unterhalter
(Presiding Arbitrator)

On behalf of the Tribunal