

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Churchill Mining PLC v. Republic of Indonesia
(ICSID Case No. ARB/12/14)**

PROCEDURAL ORDER NO. 1

Professor Gabrielle Kaufmann-Kohler, President of the Tribunal
Mr. Michael Hwang S.C., Arbitrator
Professor Albert Jan van den Berg, Arbitrator

Secretary of the Tribunal
Mr. Paul-Jean Le Cannu

Table of Contents

1.	Applicable Arbitration Rules	4
2.	Constitution of the Tribunal and the Tribunal Members' Declarations.....	4
3.	Fees and Expenses of the Tribunal Members	5
4.	Assistant to the Tribunal	5
5.	Presence and Quorum	6
6.	Decisions of the Tribunal.....	6
7.	Delegation of Power to Fix Time Limits	6
8.	Representation of the Parties	6
9.	Apportionment of Costs and Advance Payments to ICSID.....	7
10.	Place of Proceeding.....	8
11.	Procedural Language(s)	8
12.	Means of Communication and Copies of Instruments.....	8
13.	Written and Oral Procedures.....	10
14.	Schedule for Submission of Pleadings.....	10
15.	Document Production	11
16.	Evidence: Witnesses and Experts, Written Statements and Reports, Supporting Documentation.....	13
17.	Hearings (including Pre-Hearing Organizational Meetings)	14
18.	Records of Hearings.....	14
19.	Publication	15
20.	Other Matters	15

Introduction

The first session of the Arbitral Tribunal was held on November 27, 2012, by video link.

Participating in the video conference were:

Members of the Tribunal

Professor Gabrielle Kaufmann-Kohler, President of the Tribunal
Mr. Michael Hwang S.C., Arbitrator
Professor Albert Jan van den Berg, Arbitrator

Assistant to Mr. Michael Hwang S.C.

Mr. Jawad Ahmad

ICSID Secretariat

Mr. Paul-Jean Le Cannu

Participating on behalf of Claimant

Mr. Michael Davison, Hogan Lovells International LLP
Ms. Julianne Hughes-Jennett, Hogan Lovells International LLP
Mr. David Earnest, Hogan Lovells International LLP
Ms. Deirdre O’Leary, Hogan Lovells International LLP
Mr. Nicholas Smith, Churchill Mining
Mr. Russell Hardwick, Churchill Mining
Mr. Kevin Stewart, Lavan Legal, Advisor to Churchill Mining

Participating on behalf of Respondent

Dr. Amir Syamsuddin, Minister of Law and Human Rights of the Republic of Indonesia – Coordinator of Legal Representative Team of the President of the Republic of Indonesia
Mr. Isran Noor, Regent of East Kutai
Mr. Didi Dermawan, LL.M, Legal Representative of the Regent of East Kutai
Dr. Freddy Harris, Secretary of Team Churchill Mining Case - Ministry of Law and Human Rights of the Republic of Indonesia
Mr. Richele S. Suwita, LL.M, Advocate at DNC Advocates at Work – Supporting Legal Team Member of Legal Representative Team of the President of the Republic of Indonesia
Mr. Riyatno, Head of Legal Affairs, Investment Coordination Board of the Republic of Indonesia
Mr. Yuliot, Director of Deregulation of Investment, Investment Coordination Board of the Republic of Indonesia
Mr. Tambok Nainggolan, Attorney General of the Republic of Indonesia

Mr. Herry H. Horo, Attorney General of the Republic of Indonesia
Mr. Budi Surjono, Assistant (Adjunct) to the Regent of East Kutai

The President of the Tribunal (President) opened the session at 7:00 am (EST) and welcomed the participants. The President introduced the Tribunal and the Secretary of the Tribunal (Secretary) and invited the parties to introduce their respective representatives.

The Tribunal and the parties considered the following:

- The Agenda adopted by the Tribunal (Annex 1) that corresponds to the Draft Agenda circulated by the Secretary on November 19, 2012; and
- The Draft Procedural Order No. 1 (Draft PO1; Annex 2) circulated by the Secretary on the same date.

The Tribunal and the parties discussed the items on the Agenda as they appear in the Draft PO1.

The session was adjourned at 8:45 am (EST).

An audio recording of the session was made and deposited in the archives of ICSID. The recording was subsequently uploaded to the FTP server established for the case for access by the Members of the Tribunal and the parties.

Following the session, the Tribunal now issues the present

Order

Pursuant to ICSID Arbitration Rule 19, this first Procedural Order sets out the Procedural Rules that govern this arbitration.

1. **Applicable Arbitration Rules**
Convention Article 44

1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of April 10, 2006.

2. **Constitution of the Tribunal and the Tribunal Members' Declarations**
Arbitration Rule 6

2.1. The Tribunal was constituted on October 3, 2012, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The parties confirmed that the Tribunal was properly constituted and that no party has any objection to the appointment of any Member of the Tribunal.

2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 6(2). Copies of these declarations

were distributed to the parties by the Secretary on September 20 and 21, and October 3, 2012.

3. Fees and Expenses of the Tribunal Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees

3.1. The fees and expenses of each arbitrator shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses of ICSID Arbitrators in force at the time the fees and expenses are incurred.

3.2. Under the current Schedule of Fees, each arbitrator receives:

3.2.1. US\$3,000 for each day of meetings or each eight hours of other work performed in connection with the proceedings or *pro rata*; and

3.2.2. subsistence allowances, reimbursement of travel, and other expenses pursuant to Regulation 14 of the ICSID Administrative and Financial Regulations.

3.3. The Members of the Tribunal shall submit their claims for fees and expenses to the ICSID Secretariat on a quarterly basis.

3.4. Each Member of the Tribunal shall receive a fee equivalent to 25% of the hearing time reserved but not used due to postponement or cancellation of a hearing at the request of one or both parties less than 30 days prior to commencement of the hearing. Non-refundable expenses incurred in connection with the hearing as a result of such postponement or cancellation shall be reimbursed.

4. Assistant to the Tribunal

4.1. The President explained to the parties at the First Session that she considered that it would greatly assist the overall cost and time efficiency of the proceedings if the Tribunal had an assistant. The President proposed, with the approval of the other Members of the Tribunal, that a lawyer of Lévy Kaufmann-Kohler be appointed as assistant to the Tribunal. That lawyer's *curriculum vitae* will be sent to the parties shortly together with a declaration of confidentiality.

4.2. The President further explained that the assistant would undertake only such specific tasks as are assigned to her/him by the Tribunal or the President. The assistant would be subject to the same confidentiality obligations as the Members of the Tribunal and would sign a declaration to that effect.

4.3. The parties approved the appointment of an assistant to the Tribunal. If after having received the cv of the prospective assistant, they have any objection to raise, they will do so promptly. Otherwise, the appointment will become effective. It was also agreed that the assistant would receive an hourly fee of US\$150 (one hundred and fifty United States dollars) for her/his participation in the Tribunal's sessions or for other work performed in connection with the proceedings. She/he would also receive subsistence allowances and be reimbursed for her/his travel and other expenses within the limits prescribed by the Administrative and Financial Regulation 14.

5. Presence and Quorum

Arbitration Rules 14(2) and 20(1)(a)

5.1. The presence of all Members of the Tribunal constitutes a quorum for its sittings, including by any appropriate means of communication.

6. Decisions of the Tribunal

Arbitration Rule 16

6.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.

6.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence except that where the matter is urgent, the President may issue procedural decisions without consulting the other Members, subject to possible reconsideration of each such decision by the full Tribunal.

7. Delegation of Power to Fix Time Limits

Arbitration Rule 26(1)

7.1. The President has the power to fix and extend time limits for the completion of the various steps in the proceeding.

7.2. In exercising this power, the President shall consult with all Members of the Tribunal except that where the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.

8. Representation of the Parties

Arbitration Rule 18

8.1. Each party shall be represented by its respective counsel listed below and may designate additional agents, counsel, or advocates by notifying the Tribunal and the ICSID Secretariat promptly of such intended designation.

For Claimant

Mr. Michael Davison
Mr. David Earnest
Ms. Julianne Hughes-Jennett
Ms. Deirdre O’Leary
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deirdre.o’leary@hoganlovells.com

For Respondent

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Minister of Law and Human Rights
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Jakarta 12980
Indonesia
Tel: +6221 8370 7777
Fax: +6221 8371 7777
Email: ddathome@indosat.net.id

9. Apportionment of Costs and Advance Payments to ICSID

Convention Article 61(2); Administrative and Financial Regulation 14; Arbitration Rule 28

- 9.1. The parties shall defray the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 9.2. By letter of October 8, 2012, ICSID requested that each party pay US\$100,000 to defray the initial costs of the proceeding. By letter of October 18, 2012, ICSID confirmed receipt of Claimant’s share of the initial advance payment. By letter of November 6, 2012, ICSID confirmed receipt of Respondent’s share of the initial advance payment.
- 9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by an interim statement of account providing details of the direct costs of the proceeding, including the total fees and expenses of all arbitrators. At the end of the case, the financial statement will include a breakdown of each arbitrator’s fees and expenses.

10. Place of Proceeding
Convention Articles 62 and 63; Administrative and Financial Regulation 26; Arbitration Rule 13(3)
- 10.1. Washington, D.C. shall be the place of the proceeding. The Tribunal can hold hearings at any other place that it considers appropriate after consulting with the parties. The Tribunal may deliberate at any place it considers convenient.
11. Procedural Language(s)
Administrative and Financial Regulation 30(3) and (4); Arbitration Rules 20(1)(b) and 22
- 11.1. English is the procedural language of the arbitration. Documents filed in any other language must be accompanied by a translation into English. If the document is lengthy and relevant only in part, it is sufficient if only the relevant parts, which must be precisely specified, are translated, provided that the Tribunal may require a fuller or a complete translation at the request of any party or of its own initiative. Translations need not be certified, unless there is a dispute as to the content of a translation provided and the party disputing the translation specifically requests a certified version.
- 11.2. A witness may testify in a language other than the procedural language with simultaneous interpretation into the procedural language.
- 11.3. Simultaneous interpretation shall be arranged by the ICSID Secretariat and charged to the case account, without prejudice to the Tribunal's final allocation of costs. The parties shall inform the ICSID Secretariat of interpretation requirements at least four weeks in advance of the hearing.
12. Means of Communication and Copies of Instruments
Administrative and Financial Regulations 24 and 30; Arbitration Rules 20(1)(d) and 23
- a) Communications:
- 12.1. ICSID shall be the channel of written communications among the parties and the Tribunal. Written communications shall be transmitted by email or other electronic means to the ICSID Secretariat, which shall send them to the Tribunal and to the parties. The Secretary shall not be copied on direct communications between the parties when such communications are not intended to be transmitted to the Tribunal.
- b) Instruments/Submissions:
- 12.2. The parties shall:
- 12.2.1. by the relevant filing date, submit by email to the ICSID Secretariat an

electronic version [without exhibits] of pleadings, witness statements, and expert reports,¹ and upload these documents with exhibits to the FTP server created for this case;

12.2.2. courier to the ICSID Secretariat by the following business day:

- 12.2.2.1. one unbound hard copy in A4/Letter format of the entire submission, including signed originals of the pleading, witness statements, and expert reports, together with exhibits (but not including legal authorities);
- 12.2.2.2. six hard copies in A4 or, if possible, A5 format of the entire submission, including the pleading, witness statements, expert reports, and exhibits (but not including legal authorities); and
- 12.2.2.3. seven USB drives, or CD-ROMs or DVDs, with full copies of the entire submission, including the pleading, witness statements, expert reports, exhibits, and legal authorities.

12.3. For email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Mr. Paul-Jean Le Cannu
ICSID
MSN U3-301
3301 Pennsy Dr.
Landover, MD 20785-1606
USA
Tel.: + 1 (202) 473-0737
Fax: + 1 (202) 522-2615
Email: pjlecannu@worldbank.org

12.4. For local messenger deliveries, the contact details are:

Mr. Paul-Jean Le Cannu
1800 G Street, NW (“U Building”)
3rd Floor
Washington, D.C. 20006
Tel.: + 1 (202) 473-0737

12.5. The Tribunal may request hard copies of any document submitted electronically at any time.

12.6. Legal authorities shall be submitted in electronic version only, unless specifically requested by the Tribunal.

12.7. Electronic versions of pleadings and exhibits shall be text searchable (i.e.,

¹ Please note that the World Bank server does not accept emails larger than 10 MB.

OCR PDF or Word).

- 12.8. Pleadings shall be accompanied by an index hyperlinked to the exhibits and legal authorities.
 - 12.9. The official date of receipt of a pleading or communication shall be the day on which the electronic version is sent to ICSID.
 - 12.10. A filing shall be deemed timely if sent by a party by midnight (Washington, D.C.) on the relevant date.
 - 12.11. The Tribunal's decisions on procedural matters may be communicated to the parties through the Secretariat in the form of a letter if needed.
13. Written and Oral Procedures
Arbitration Rules 20(1)(e) and 29
- 13.1. The proceeding shall consist of a written phase followed by an oral phase.
14. Schedule for Submission of Pleadings
Arbitration Rules 20(1)(c) and 31
- 14.1. Having heard the parties' views on the schedule of submissions for the jurisdictional phase of this arbitration, the Tribunal has decided that the schedule shall be as follows (see also Annex 3):
 - 14.1.1. Claimant shall file its Memorial by March 1st, 2013;
 - 14.1.2. Respondent shall file its Objections to Jurisdiction by March 22, 2013;
 - 14.1.3. Claimant shall file a Response to the Objections to Jurisdiction by April 12, 2013;
 - 14.2. In the event that the parties have filed any witness statements and expert reports in respect of jurisdiction together with their submissions above, they shall identify which witnesses and experts they intend to cross-examine at the hearing by no later than April 19, 2013;
 - 14.3. The Tribunal (or its president by delegation of her co-arbitrators) will hold a telephone conference with the parties on April 24, 2013, at 7:00 am EST to address all outstanding matters in relation to the organization of the hearing on jurisdiction.
 - 14.4. A hearing on jurisdiction will take place on May 13, 2013, May 14 being kept as a reserve day (see paragraph 17 below).

14.5. Taking into consideration Respondent's Request for Document Production of November 22, 2012, and Claimant's undertaking to produce the requested documents with its Memorial in its letter of November 26, 2012, the Tribunal decides, in order to facilitate the prompt resolution of the jurisdictional phase after the filing of Claimant's Memorial, that Claimant shall produce the requested documents together with a brief explanatory note by December 17, 2012.

15. Document Production

Convention Article 43(a); Arbitration Rule 34

15.1. The Tribunal has taken note that in principle the parties will have no document production requests in connection with jurisdiction other than Respondent's Request for Document Production of November 22, 2012, which is dealt with in paragraph 14.5 above.

15.2. In the event that in the course of the arbitration there were additional requests for production of documents, the following rules shall apply.

15.3. Articles 3 and 9 of the International Bar Association Rules on the Taking of Evidence in International Arbitration (2010) shall guide the Tribunal and the parties regarding document production.

15.4. The parties shall exchange requests for production of documents simultaneously, if any, by a date yet to be determined. Every request for production of documents shall identify with precision each document or category of documents sought and establish its relevance. The requests shall be recorded in a joint schedule (populating columns 1 through 4) in the form below. Such requests shall not be sent to the Tribunal or the ICSID Secretariat.

15.5. Each party shall produce the requested documents requested that are in its possession, custody or control and to which it does not object by a date yet to be determined.

15.6. Each party shall state its response to each request and any objections to any request by a date yet to be determined. Such responses and objections shall be recorded in column 5 of the joint schedule following the format below:

1	2	3	4		5	6	7
No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Responses/ Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			

- 15.7. Each party shall respond to these objections by a date yet to be determined. Such responses shall be recorded in column 6 of the schedule above. Each party shall provide the other party and the Tribunal with the completed schedule (in both Word and PDF formats).
- 15.8. The Tribunal will then rule on the objections, after which the parties shall produce those documents for which no objection is sustained by the Tribunal by a date yet to be determined.
- 15.9. The failure to produce as ordered may result in adverse inferences drawn by the Tribunal as regards the merits of the defaulting party's case.
- 15.10. Further requests for the production of documents sought by either party, if any, shall be permitted only at the discretion of the Tribunal. The request must be substantiated with reasons.
- 15.11. Introduction by a party of evidentiary materials following the filing of the last written submission will be permitted only in exceptional circumstances at the discretion of the Tribunal upon a reasoned written request followed by observations from the other party. Any such request shall not attach the new evidentiary materials. If the Tribunal admits the new evidentiary materials, the opposing party shall be allowed to submit evidence in rebuttal.
- 15.12. For the avoidance of doubt, Power Point slides, demonstrative exhibits and charts or other similar materials in aid of argument may be used by either party during any oral hearing, subject to the direction of the Tribunal and, provided always that such slides or materials reflect evidence on the record (with citations to such evidence) and do not constitute or introduce any new evidence, whether directly or indirectly.
- 15.13. The Tribunal may call upon the parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 34(2).

16. Evidence: Witnesses and Experts, Written Statements and Reports, Supporting Documentation
Convention Article 43(a); Arbitration Rules 24 and 33-36
- 16.1. The parties shall include all of the evidence on which they intend to rely, including written witness statements, expert opinions or reports, and other evidence in whatever form, with their written submissions.
- 16.2. Duly certified copies of documents are not required unless the authenticity of the copy is contested and the Tribunal considers the certification necessary.
- 16.3. Each party shall number the accompanying documentation consecutively throughout the entire proceeding (C-001 or R-001 for documentary evidence and CLA-001 or RLA-001 for legal sources) and shall number the paragraphs of each of their written pleadings. Any documents previously submitted to which the parties wish to refer shall not be refiled but referred to using the earlier number.
- 16.4. In their second written submissions, the parties shall include only additional written witness testimony, expert opinion testimony, documents or other evidence that responds to or rebuts matters raised by the opposing party's prior written submission subject to documents obtained in the course of the document production phase.
- 16.5. The Tribunal shall not admit any testimony or other evidence that has not been filed with the written submissions, unless the Tribunal determines that exceptional circumstances exist.
- 16.6. All witness statements or expert reports shall be signed and dated by the submitting factual witness or expert witness.
- 16.7. By the date set out in paragraph 14.2 above, the parties will identify the witnesses and experts of the opposing party (having filed written statements and expert reports) whom it intends to cross-examine. Shortly after the parties' notifications, the Tribunal will indicate the witnesses or experts not called by the parties whom it wishes to question, if any.
- 16.8. Examination by video-conference may be permitted for justified reasons at the discretion of the Tribunal.
- 16.9. The Tribunal may disregard the testimony of a witness or expert called to testify at the hearing who fails to appear at the hearing without justified reasons.
- 16.10. Witnesses and experts shall be examined by each party under the control of the Tribunal. Before giving evidence, witnesses shall make the declaration set out in ICSID Arbitration Rule 35(2), and experts shall make the declaration set out in ICSID Arbitration Rule 35(3). The Tribunal may examine the witness or expert at any time during the oral procedure.

- 16.11. The direct examination is given in the form of witness statements and expert reports. However, the party presenting the witness may conduct a brief direct examination. Subject to the direction of the Tribunal, there shall be no limitation on the scope of the cross-examination to the contents of the witness statement or expert report. Re-direct examination shall be limited to the subject of cross-examination.
- 16.12. Unless the parties and the Tribunal agree otherwise, witnesses of fact shall not be allowed in the hearing room before giving their oral evidence with the exception of party representatives. Where a party presents one or more of its representatives as a witness of fact, one of these party representatives shall be allowed in the hearing room at all times provided that she/he gives her/his oral evidence first when the examination of witnesses of her/his party starts. Experts shall be allowed in the hearing room at any time.
- 16.13. Other matters regarding hearings shall be addressed at the pre-hearing telephone conference.

17. Hearings (including Pre-Hearing Organizational Meetings)
Arbitration Rule 13(2)

- 17.1. While the parties agreed that two days should be reserved for the hearing on jurisdiction, they made diverging proposals on the place of the hearing. The issue was left for the Tribunal to decide.
- 17.2. On the basis of the agreed language of paragraph 10.1 and having consulted with the parties in the course of the first session, the Tribunal decides that the hearing shall be held in Singapore on May 13, 2013, and that May 14 shall be kept as a reserve day.
- 17.3. The Tribunal shall hold a pre-hearing telephone conference with the parties to address any outstanding matters regarding the organization of the hearing on the date specified in paragraph 14.3 above.

18. Records of Hearings
Arbitration Rule 20(1)(g)

- 18.1. Sound recordings shall be made of all sessions. The sound recordings shall be provided to the parties and the Tribunal Members.
- 18.2. The Secretary may prepare summary minutes of hearings or sessions upon request.
- 18.3. Verbatim transcript(s) in the procedural language shall be made of any sessions other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Tribunal, the verbatim transcripts shall be

available in real-time using LiveNote or similar software and electronic transcripts shall be provided to the parties and the Tribunal on a same-day basis.

18.4. The parties shall attempt to agree on any proposed corrections to the transcripts within 15 days of the later of the dates of receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). In case of disagreement between the parties, the Tribunal shall decide upon such disagreement and any correction adopted by the Tribunal shall be entered by the court reporter in the revised transcripts.

19. Publication

Convention Article 48(5), Administrative and Financial Regulation 22, Arbitration Rule 48(4)

19.1. ICSID shall publish all procedural orders, decisions, and award related to the proceeding.

20. Other Matters

20.1. The Petition of the Government of the Regency of East Kutai

20.1.1. The Tribunal referred at the start of the session to the Petition of the Government of the Regency of East Kutai to participate as a party in this arbitration dated November 20, 2012 (the “Petition”), and Claimant’s comments on the Petition dated November 26, 2012. The Tribunal asked the parties whether they wished to make any additional submissions with respect to the Petition. Both Claimant and Respondent indicated that they had nothing further to add. The issue was left for the Tribunal to decide.

20.1.2. The Tribunal shall revert to the parties with a decision on the Petition in due course.

20.2. Respondent’s Request for Provisional Measures

20.2.1. The Tribunal also referred to Respondent’s Request for Provisional Measures dated November 22, 2012, and invited the parties to agree on a schedule of submissions. The following schedule was agreed upon at the session:

- Claimant shall file a Response to the Request for Provisional Measures by December 17, 2012;
- Respondent shall file a Reply by January 7, 2013; and
- Claimant shall file a Rejoinder by January 21, 2013.

20.3. Respondent's Request for Document Production

20.3.1. The Tribunal referred to Respondent's Request for Document Production dated November 22, 2012, and Claimant's comments of November 26, 2012. Claimant reiterated at the session its undertaking to produce the requested documents but the parties disagreed as to when Claimant ought to produce these documents. The issue was left for the Tribunal to decide. The Tribunal's decision is set out at paragraph 14.5.

For and on behalf of the Tribunal

[Signed]

Gabrielle Kaufmann-Kohler
President of the Tribunal
Date: December 6, 2012

ANNEX 1

Churchill Mining PLC

v.

Republic of Indonesia

(ICSID Case No. ARB/12/14)

First Session of the Arbitral Tribunal

Date: November 27, 2012

By video link

**Time: 7:00 am (Washington, D.C. time); 12:00 noon (London time);
1:00 pm (Geneva and Brussels time); 7:00 pm (Jakarta time); and 8:00 pm (Singapore time)**

Draft Agenda

1. Applicable Arbitration Rules (Convention Article 44)
2. Constitution of the Tribunal and Tribunal Members' Declarations (Arbitration Rule 6)
3. Fees and Expenses of the Tribunal Members (Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees)
4. Assistant to the Tribunal
5. Presence and Quorum (Arbitration Rules 14(2) and 20(1)(a))
6. Decisions of the Tribunal (Arbitration Rule 16)
7. Delegation of Power to Fix Time Limits (Arbitration Rule 26(1))
8. Representation of the Parties (Arbitration Rule 18)
9. Apportionment of Costs and Advance Payments to the Centre (Convention Article 61(2); Administrative and Financial Regulation 14; Arbitration Rule 28)
10. Place of Proceeding (Convention Articles 62 and 63; Administrative and Financial Regulation 26; Arbitration Rule 13(3))
11. Procedural Language(s) (Arbitration Rules 20(1)(b) and 22)
12. Means of Communication and Copies of Instruments (Administrative and Financial Regulations 24 and 30; Arbitration Rules 20(1)(d) and 23)
13. Written and Oral Procedures (Arbitration Rules 20(1)(e) and 29)
14. Schedule for Submission of Pleadings (Arbitration Rules 20(1)(c) and 31)
15. Document Production (Convention Article 43(a); Arbitration Rule 34)
16. Evidence: Witnesses and Experts, Written Statements and Reports, Supporting Documentation (Convention Article 43(a); Arbitration Rules 24 and 33-36)
17. Hearings (including Pre-Hearing Organizational Meetings) (Arbitration Rule 13(2))

18. Records of Hearings (Arbitration Rule 20(1)(g))

19. Publication (Convention Article 48(5), Administrative and Financial Regulation 22, Arbitration Rule 48(4))

ANNEX 2

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Churchill Mining PLC v. Republic of Indonesia
(ICSID Case No. ARB/12/14)**

[DRAFT PROCEDURAL ORDER NO. 1]

Professor Gabrielle Kaufmann-Kohler, President of the Tribunal
Mr. Michael Hwang S.C., Arbitrator
Professor Albert Jan van den Berg, Arbitrator

Secretary of the Tribunal
Mr. Paul-Jean Le Cannu

Table of Contents

1. Applicable Arbitration Rules	4
2. Constitution of the Tribunal and the Tribunal Members' Declarations.....	4
3. Fees and Expenses of the Tribunal Members	5
4. Assistant to the Tribunal	5
5. Presence and Quorum	6
6. Decisions of the Tribunal.....	6
7. Delegation of Power to Fix Time Limits	6
8. Representation of the Parties	6
9. Apportionment of Costs and Advance Payments to ICSID.....	7
10. Place of Proceeding.....	7
11. Procedural Language(s)	8
12. Means of Communication and Copies of Instruments.....	8
13. Written and Oral Procedures.....	11
14. Schedule for Submission of Pleadings.....	11
15. Document Production	12
16. Evidence: Witnesses and Experts, Written Statements and Reports, Supporting Documentation.....	14
17. Hearings (including Pre-Hearing Organizational Meetings).....	15
18. Records of Hearings.....	15
19. Publication	16

Introduction

The first session of the Arbitral Tribunal was held on [insert date], by video link.

Participating in the video conference were:

Members of the Tribunal

Professor Gabrielle Kaufmann-Kohler, President of the Tribunal
Mr. Michael Hwang S.C., Arbitrator
Professor Albert Jan van den Berg, Arbitrator

ICSID Secretariat

Mr. Paul-Jean Le Cannu

Participating on behalf of Claimant

Mr. Michael Davison, Hogan Lovells International LLP
Ms. Julianne Hughes-Jennett, Hogan Lovells International LLP
Mr. David Earnest, Hogan Lovells International LLP
Ms. Deirdre O’Leary, Hogan Lovells International LLP
Mr. Oliver Shafe, Hogan Lovells International LLP
Mr. Nicholas Smith, Churchill Mining
Mr. Russell Hardwick, Churchill Mining

Participating on behalf of Respondent

Mr. DR. Amir Syamsudin, Minister of Law and Human Rights of the Republic of Indonesia – Coordinator of Legal Representative Team of the President of the Republic of Indonesia
Mr. Isran Noor, Regent of East Kutai
Mr. Didi Dermawan, LL.M, Legal Representative of the Regent of East Kutai
Mr. DR. Freddy Harris, Secretary of Team Churchill Mining Case - Ministry of Law and Human Rights of the Republic of Indonesia
Mr. Richele S. Suwita, LL.M, Advocate at DNC Advocates at Work – Supporting Legal Team Member of Legal Representative Team of the President of the Republic of Indonesia

The President of the Tribunal (President) opened the session at [insert time] and welcomed the participants. The President introduced the Tribunal and the Secretary of the Tribunal (Secretary) and invited the parties to introduce their respective representatives.

The Tribunal and the parties considered the following:

- The Agenda adopted by the Tribunal (Annex 1) that corresponds to the Draft Agenda circulated by the Secretary on [insert date]

Or

that includes the items proposed by the parties in addition to the ones of the Draft Agenda circulated by the Secretary on [insert date];

- The Draft Procedural Order (Annex 2) circulated by the Secretary on [insert date].

The Tribunal and the parties discussed the items on the Agenda in order.

The session was adjourned at [insert time].

An audio recording of the session was made and deposited in the archives of ICSID. The recording was subsequently uploaded to the FTP server established for the case for access by the Members of the Tribunal and the parties.

Or

CD-ROM(s)/USB drive(s) containing the recording was/were subsequently distributed to the Members of the Tribunal and the parties.

Following the session, the Tribunal now issues the present

Order

Pursuant to ICSID Arbitration Rule 19, this first Procedural Order sets out the Procedural Rules that govern this arbitration.

1. Applicable Arbitration Rules
Convention Article 44

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of April 10, 2006.

2. Constitution of the Tribunal and the Tribunal Members' Declarations
Arbitration Rule 6

- 2.1. The Tribunal was constituted on October 3, 2012, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The parties confirmed that the Tribunal was properly constituted and that no party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 6(2). Copies of these declarations were distributed to the parties by the Secretary on September 20 and 21, and October 3, 2012.

3. Fees and Expenses of the Tribunal Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees

- 3.1. The fees and expenses of each arbitrator shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses of ICSID Arbitrators in force at the time the fees and expenses are incurred.
- 3.2. Under the current Schedule of Fees, each arbitrator receives:
 - 3.2.1. US\$3,000 for each day of meetings or each eight hours of other work performed in connection with the proceedings or *pro rata*; and
 - 3.2.2. subsistence allowances, reimbursement of travel, and other expenses pursuant to Regulation 14 of the ICSID Administrative and Financial Regulations.
- 3.3. The Members of the Tribunal shall submit their claims for fees and expenses to the ICSID Secretariat on a quarterly basis.
- 3.4. Each Member of the Tribunal shall receive a fee equivalent to [25%] of the hearing time reserved but not used due to postponement or cancellation of a hearing at the request of one or both parties less than 30 days prior to commencement of the hearing. Non-refundable expenses incurred in connection with the hearing as a result of such postponement or cancellation shall be reimbursed.

4. Assistant to the Tribunal

- 4.1. The President explained to the parties [at the First Session] that she considered that it would greatly assist the overall cost and time efficiency of the proceedings if the Tribunal had an assistant. The President proposed, with the approval of the other members of the Tribunal, that [insert name] of [insert name of firm if any] be appointed as assistant to the Tribunal. [insert name]'s *curriculum vitae* was distributed to the parties.
- 4.2. The President further explained that the assistant would undertake only such specific tasks as are assigned to him/her by the Tribunal or President. The assistant would be subject to the same confidentiality obligations as the Members of the Tribunal and would sign a declaration to that effect.
- 4.3. The parties approved the appointment of [insert name] as assistant to the Tribunal. It was also agreed that s/he would receive an hourly fee of US\$[280] (US dollars 280) for his/her participation in the Tribunal's sessions or for other work performed in connection with the proceedings. S/He would also receive subsistence allowances and be reimbursed for his/her travel and

other expenses within the limits prescribed by Administrative and Financial Regulation 14.

5. Presence and Quorum

Arbitration Rules 14(2) and 20(1)(a)

5.1. The presence of all Members of the Tribunal constitutes a quorum for its sittings, [including by any appropriate means of communication].

6. Decisions of the Tribunal

Arbitration Rule 16

6.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.

6.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence except that where the matter is urgent, the President may issue procedural decisions without consulting the other Members, subject to possible reconsideration of each such decision by the full Tribunal.

7. Delegation of Power to Fix Time Limits

Arbitration Rule 26(1)

7.1. The President has the power to fix and extend time limits for the completion of the various steps in the proceeding.

7.2. In exercising this power, the President shall consult with all Members of the Tribunal except that where the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.

8. Representation of the Parties

Arbitration Rule 18

8.1. Each party shall be represented by its respective counsel listed below and may designate additional agents, counsel, or advocates by notifying the Tribunal and the ICSID Secretariat promptly of such intended designation.

For Claimant

Mr. Michael Davison
Mr. David Earnest
Ms. Julianne Hughes-Jennett
Ms. Deirdre O’Leary
Hogan Lovells International LLP
Atlantic House
Holborn Viaduct
London EC1A2FG
United Kingdom
Tel: +44 (0) 20 7296 2000
Fax: +44 (0) 20 7296 2001
Emails: Michael.davison@hoganlovells.com
david.earnest@hoganlovells.com
julianne.hughes-jennett@hoganlovells.com
Deirdre.O’leary@hoganlovells.com

For Respondent

Dr. Amir Syamsuddin, S.H., M.H.
Minister of Law and Human Rights
Kementerian Hukum dan
Hak Asasi Manusia RI
JI. H.R. Rasuna Said Kav. 6-7
Kuningan Jakarta 12940
Indonesia
Tel: +6221 525-3004
Fax: +6221 525-3095
+6221 529-64842
Email: menteri@kemenkumham.go.id

9. Apportionment of Costs and Advance Payments to ICSID
Convention Article 61(2); Administrative and Financial Regulation 14; Arbitration Rule 28

- 9.1. The parties shall defray the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 9.2. By letter of October 8, 2012, ICSID requested that each party pay US\$100,000 to defray the initial costs of the proceeding. By letter of October 18, 2012, ICSID confirmed receipt of Claimant’s share of the initial advance payment. By letter of November 6, 2012, ICSID confirmed receipt of Respondent’s share of the initial advance payment.
- 9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by an interim statement of account providing details of the direct costs of the proceeding, including the total fees and expenses of all arbitrators. At the end of the case, the financial statement will include a breakdown of each arbitrator’s fees and expenses.

10. Place of Proceeding
Convention Articles 62 and 63; Administrative and Financial Regulation 26; Arbitration Rule 13(3)

- 10.1. [Insert city and state/province] shall be the place of the proceeding. The Tribunal can hold hearings at any other place that it considers appropriate after consulting with the parties. The Tribunal may deliberate at any place it considers convenient.

11. Procedural Language(s)
Administrative and Financial Regulation 30(3) and (4); Arbitration Rules 20(1)(b) and 22
- 11.1. English is the procedural language of the arbitration. Documents filed in any other language must be accompanied by a translation into English. If the document is lengthy and relevant only in part, it is sufficient if only the relevant parts are translated, provided that the Tribunal may require a fuller or a complete translation at the request of any party or of its own initiative. Translations need not be certified, unless there is a dispute as to the content of a translation provided and the party disputing the translation specifically requests a certified version.
- 11.2. A witness may testify in a language other than the procedural language with simultaneous interpretation into the procedural language.
- 11.3. Simultaneous interpretation shall be arranged by the ICSID Secretariat and charged to the case account, without prejudice to the Tribunal's final allocation of costs. The parties shall inform the ICSID Secretariat of interpretation requirements at least four weeks in advance of the hearing.
12. Means of Communication and Copies of Instruments
Administrative and Financial Regulations 24 and 30; Arbitration Rules 20(1)(d) and 23
- a) Communications:
- i. Option 1 (All communications via ICSID Secretariat)**
- 12.1. ICSID shall be the channel of written communications among the parties and the Tribunal. Written communications shall be transmitted by email or other electronic means to the ICSID Secretariat, which shall send them to the Tribunal and to the parties. The Secretary shall not be copied on direct communications between the parties when such communications are not intended to be transmitted to the Tribunal.
- ii. Option 2 (Direct communication between parties)**
- 12.2. ICSID shall be the channel of written communications between the parties and the Tribunal. Each party's written communications shall be transmitted by email or other electronic means to the opposing party and to the ICSID Secretariat, which shall send them to the Tribunal. [Electronic versions of communications ordered by the Tribunal to be filed simultaneously shall be transmitted to the ICSID Secretariat only, which shall send them to the Tribunal and to the parties.] The Secretary shall not be copied on direct

communications between the parties when such communications are not intended to be transmitted to the Tribunal.

b) Instruments/Submissions:

i. Option 1 (Instruments/submissions via ICSID Secretariat)

12.3. The parties shall:

12.3.1. by the relevant filing date, submit by email to the ICSID Secretariat an electronic version [without exhibits] of pleadings, witness statements, and expert reports,¹ and upload these documents with exhibits to the FTP server created for this case;

12.3.2. courier to the ICSID Secretariat by the following business day:

12.3.2.1. one unbound hard copy in A4/Letter format of the entire submission, including signed originals of the pleading, witness statements, and expert reports, together with exhibits (but not including legal authorities);

12.3.2.2. six hard copies in [A5] format of the entire submission, including the pleading, witness statements, expert reports, and exhibits (but not including legal authorities); and

12.3.2.3. seven USB drives, or CD-ROMs or DVDs, with full copies of the entire submission, including the pleading, witness statements, expert reports, exhibits, and legal authorities.

ii. Option 2 (Direct transmission of instruments/submissions between parties)

12.4. The parties shall:

12.4.1. by the relevant filing date, submit by email to the ICSID Secretariat and the opposing party an electronic version [without exhibits] of pleadings, witness statements, and expert reports,² and upload these documents with exhibits to the FTP server created for this case;

12.4.2. courier to the ICSID Secretariat by the following business day:

12.4.2.1. one unbound hard copy in A4/Letter format of the entire submission, including signed originals of the pleading, witness

¹ Please note that the World Bank server does not accept emails larger than 10 MB.

² Please note that the World Bank server does not accept emails larger than 10 MB.

statements, and expert reports, together with exhibits (but not including legal authorities);

12.4.2.2. five hard copies in [A5] format of the entire submission, including the pleading, witness statements, expert reports, and exhibits (but not including legal authorities); and

12.4.2.3. six USB drives, or CD-ROMs or DVDs, with full copies of the entire submission, including the pleading, witness statements, expert reports, exhibits, and legal authorities.

12.4.3. at the same time, courier to the opposing party:

12.4.3.1. one hard copy in [A5] format of the entire submission, including the pleading, witness statements, expert reports, and exhibits (but not including legal authorities); and

12.4.3.2. one USB drive, or CD-ROMs or DVDs, with a full copy of the entire submission, including the pleading, witness statements, expert reports, exhibits, and legal authorities.

12.5. For email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Mr. Paul-Jean Le Cannu
ICSID
MSN U3-301
3301 Pennsy Dr.
Landover, MD 20785-1606
USA
Tel.: + 1 (202) 473-0737
Fax: + 1 (202) 522-2615
Email: pjlecannu@worldbank.org

12.6. For local messenger deliveries, the contact details are:

Mr. Paul-Jean Le Cannu
1800 G Street, NW (“U Building”)
3rd Floor
Washington, D.C. 20006
Tel.: + 1 (202) 473-0737

12.7. The Tribunal may request hard copies of any document submitted electronically at any time.

12.8. Legal authorities shall be submitted in electronic version only, unless

specifically requested by the Tribunal.

- 12.9. Electronic versions of pleadings and exhibits shall be text searchable (i.e., OCR PDF or Word).
- 12.10. Pleadings shall be accompanied by an index hyperlinked to the exhibits and legal authorities.
- 12.11. The official date of receipt of a pleading or communication shall be the day on which the electronic version is sent to ICSID.
- 12.12. A filing shall be deemed timely if sent by a party by midnight (Washington, D.C.) on the relevant date.
- 12.13. The Tribunal's decisions on procedural matters may be communicated to the parties through the Secretariat in the form of a letter if needed.

13. Written and Oral Procedures
Arbitration Rules 20(1)(e) and 29

- 13.1. The proceeding shall consist of a written phase followed by an oral phase.

14. Schedule for Submission of Pleadings
Arbitration Rules 20(1)(c) and 31

[Tribunal note: in any event, the schedule will have to be further discussed at the first session]

a) Fixed Date Filings

- 14.1. The schedule shall be as follows:
 - 14.1.1. Claimant shall file a Memorial by [insert date];
 - 14.1.2. Respondent shall file a Counter-Memorial by [insert date];
[Possibly, documents production phase]
 - 14.1.3. Claimant shall file a Reply by [insert date]; and
 - 14.1.4. Respondent shall file a Rejoinder by [insert date].

b) Filings with Jurisdictional Objections

- 14.2. [In the event that the Respondent raises jurisdictional objections, the schedule may be as follows]

- 14.2.1. Claimant shall file a Memorial on [insert date];
- 14.2.2. Respondent shall file a Counter-Memorial and any objections to jurisdiction by [insert date]. It shall also state in the submission whether it requests the bifurcation of the proceeding into jurisdiction and merits phases.
- 14.2.3. Claimant shall reply to the request for bifurcation, if any, by no later than [insert date].
- 14.2.4. The Tribunal shall decide on bifurcation by [insert date].
- 14.2.5. If the Tribunal decides not to bifurcate and to join the objections to jurisdiction to the merits (“scenario 1”), the schedule shall be as follows:
[possibly, document production phase]
- (i) Claimant shall file a Reply on the merits and Counter-Memorial on jurisdiction by [insert date];
 - (ii) Respondent shall file a Rejoinder on the merits and Reply on jurisdiction by [insert date]; and
 - (iii) Claimant shall file a Rejoinder on jurisdiction by [insert date].
- 14.2.6. If the Tribunal decides to bifurcate (“scenario 2”), the schedule shall be as follows:
- (i) Claimant shall file a Counter-Memorial on jurisdiction by [insert date];
 - (ii) Respondent shall file a Reply on jurisdiction by [insert date]; and
 - (iii) Claimant shall file a Rejoinder on jurisdiction by [insert date].

15. Document Production
(*Convention Article 43(a); Arbitration Rule 34*)

- 15.1. Articles 3 and 9 of the International Bar Association Rules on the Taking of Evidence in International Arbitration (2010) shall guide the Tribunal and the parties regarding document production in this case.
- 15.2. The parties shall exchange requests for production of documents simultaneously, if any, by [the applicable date set forth in paragraph 14]. Every request for production of documents shall identify with precision each document or category of documents sought and establish its relevance. The

requests shall be recorded in a joint schedule (populating columns 1 through 4) in the form below. Such requests shall not be sent to the Tribunal or the ICSID Secretariat.

- 15.3. Each party shall produce the requested documents requested that are in its possession, custody or control and to which it does not object by [the applicable date set forth in paragraph 14].
- 15.4. Each party shall state its response to each request and any objections to any request by [the applicable date set forth in paragraph 14]. Such responses and objections shall be recorded in column 5 of the joint schedule following the format below:

1	2	3	4		5	6	7
No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Responses/ Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			

- 15.5. Each party shall respond to these objections by [the applicable date set forth in paragraph 14]. Such responses shall be recorded in column 6 of the schedule above. Each party shall provide the other party and the Tribunal with the completed schedule (in both Word and PDF formats).
- 15.6. The Tribunal will rule on the objections by [...].
- 15.7. A party shall produce those documents for which no objection is sustained by the Tribunal by [...].
- 15.8. The failure to produce as ordered may result in adverse inferences drawn by the Tribunal as regards the merits of the defaulting party's case.
- 15.9. Further requests for the production of documents sought by either party, if any, shall be permitted only at the discretion of the Tribunal. The request must be substantiated with reasons.
- 15.10. Introduction by a party of evidentiary materials following the filing of the last written submission will be permitted only in exceptional circumstances at the discretion of the Tribunal upon a reasoned written request followed by observations from the other party. Any such request shall not attach the new evidentiary materials. If the Tribunal admits the new evidentiary materials,

the opposing party shall be allowed to submit evidence in rebuttal.

15.11. For the avoidance of doubt, Power Point slides, demonstrative exhibits and charts or other similar materials in aid of argument may be used by either party during any oral hearing, subject to the direction of the Tribunal and, provided always that such slides or materials reflect evidence on the record (with citations to such evidence) and do not constitute or introduce any new evidence, whether directly or indirectly.

15.12. The Tribunal may call upon the parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 34(2).

16. Evidence: Witnesses and Experts, Written Statements and Reports, Supporting Documentation

Convention Article 43(a); Arbitration Rules 24 and 33-36

16.1. The parties shall include all of the evidence on which they intend to rely, including written witness statements, expert opinions or reports, and other evidence in whatever form, with their written submissions.

16.2. Duly certified copies of documents are not required unless the authenticity of the copy is contested and the Tribunal considers the certification necessary.

16.3. Each party shall number the accompanying documentation consecutively throughout the entire proceeding (C-001 or R-001 for documentary evidence and CLA-001 or RLA-001 for legal sources) and shall number the paragraphs of each of their written pleadings. Any documents previously submitted to which the parties wish to refer shall not be refiled but referred to using the earlier number.

16.4. In their second written submissions, the parties shall include only additional written witness testimony, expert opinion testimony, documents or other evidence that responds to or rebuts matters raised by the opposing party's prior written submission [subject to documents obtained in the course of the document production phase].

16.5. The Tribunal shall not admit any testimony or other evidence that has not been filed with the written submissions, unless the Tribunal determines that exceptional circumstances exist.

16.6. All witness statements or expert reports shall be signed and dated by the submitting factual witness or expert witness.

16.7. By the applicable date set forth in paragraph 14, the parties will identify the witnesses and experts of the opposing party (having filed written statements and expert reports) whom it intends to cross-examine. Shortly after the parties' notifications, the Tribunal will indicate the witnesses or experts not

called by the Parties whom it wishes to question, if any.

- 16.8. Examination by video-conference may be permitted for justified reasons at the discretion of the Tribunal.
 - 16.9. The Tribunal may disregard the testimony of a witness or expert called to testify at the hearing who fails to appear at the hearing without justified reasons.
 - 16.10. Witnesses and experts shall be examined by each party under the control of the Tribunal. Before giving evidence, witnesses shall make the declaration set out in ICSID Arbitration Rule 35(2), and experts shall make the declaration set out in ICSID Arbitration Rule 35(3). The Tribunal may examine the witness or expert at any time during the oral procedure.
 - 16.11. The direct examination is given in the form of witness statements and expert reports. However, the party presenting the witness may conduct a brief direct examination. Subject to the direction of the Tribunal, there shall be no limitation on the scope of the cross-examination to the contents of the witness statement or expert report. Re-direct examination shall be limited to the subject of cross-examination.
 - 16.12. Unless the Parties and the Tribunal agree otherwise, witnesses of fact shall not be allowed in the hearing room before giving their oral evidence. Experts shall be allowed in the hearing room at any time.
 - 16.13. Other matters regarding hearings shall be addressed at the prehearing telephone conference.
17. Hearings (including Pre-Hearing Organizational Meetings)
Arbitration Rule 13(2)
- 17.1. [Hearing dates to be discussed at the first session in the course of the discussion of the applicable/likely scenarios contemplated in para. 14 above. The same applies to a possible prehearing telephone conference to decide all remaining outstanding matters in relation of the organization of the hearing].
18. Records of Hearings
Arbitration Rule 20(1)(g)
- 18.1. Sound recordings shall be made of all sessions. The sound recordings shall be provided to the parties and the Tribunal Members.
 - 18.2. The Secretary may prepare summary minutes of hearings or sessions upon request.
 - 18.3. Verbatim transcript(s) in the procedural language shall be made of any

sessions other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Tribunal, the verbatim transcripts shall be available in real-time using LiveNote or similar software and electronic transcripts shall be provided to the parties and the Tribunal on a same-day basis.

- 18.4. The parties shall attempt to agree on any proposed corrections to the transcripts within 15 days of the later of the dates of receipt of the sound recordings and transcripts. The agreed corrections may be entered by the [parties/court reporter] in the transcripts (“revised transcripts”). In case of disagreement between the parties, the Tribunal shall decide upon such disagreement and any correction adopted by the Tribunal shall be entered by the [parties/court reporter] in the revised transcripts.

19. Publication

Convention Article 48(5), Administrative and Financial Regulation 22, Arbitration Rule 48(4)

a) Option 1

- 19.1. ICSID shall publish all procedural orders, decisions, and award related to the proceeding.

b) Option 2

- 19.2. ICSID shall not publish any procedural order, decision, or award related to the proceeding without the consent of the parties. However, the parties consent to ICSID publishing the texts of any procedural order, decision, or award in these proceedings previously published by any other source, once the award has been rendered.
- 19.3. ICSID shall promptly publish excerpts of the legal reasoning of the Tribunal’s award unless it is already in the public domain.

Other Matters

For and on behalf of the Tribunal

Gabrielle Kaufmann-Kohler
President of the Tribunal
Date:

ANNEX 3

SCHEDULE OF WRITTEN PLEADINGS AND HEARING	
Request for Document Production	
December 17, 2012	Claimant's production of the documents requested by Respondent on November 22, 2012, together with a brief explanatory note
Request for Provisional Measures	
December 17, 2012	Claimant's Response to the Request for Provisional Measures
January 7, 2013	Respondent's Reply
January 21, 2013	Claimant's Rejoinder
Jurisdiction/Merits	
March 1 st , 2013	Claimant's Memorial
March 22, 2013	Respondent's Objections to Jurisdiction
April 12, 2013	Claimant's Response to the Objections to Jurisdiction
April 24, 2013 7:00 am (EST)	Pre-hearing telephone conference
May 13, 2013 (May 14, 2013 reserved)	Hearing on Jurisdiction