

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Standard Chartered Bank (Hong Kong) Limited

v.

United Republic of Tanzania

(ICSID Case No. ARB/15/41)

PROCEDURAL ORDER NO. 5a

ON PRODUCTION OF DOCUMENTS BY THE RESPONDENT

Members of the Tribunal

Professor Lawrence Boo, President of the Tribunal

David Unterhalter SC, Arbitrator

Dr. Kamal Hossain, Arbitrator

Secretary of the Tribunal

Aurélia Antonietti

11 September 2017

1. These directions contain the Tribunal's decisions on the Claimant's applications for document production orders submitted on 14 August 2017. In reaching its Decision the Tribunal has considered the Claimant's grounds for requests, the Respondents objections and comments and the Claimants' replies, as well as, the letter of the Claimant dated 25 August 2017 and the Respondent's reply thereto of 29 August 2017.
2. In this Procedural Order,
 - a. The term "document" means documents whether in hard copies or any by electronic means containing the information or data directed to be disclosed and not to any meaning or definition as ascribed by the Parties in their Requests;
 - b. The documents ordered to be produced are made following the sequence of the requests made by the Parties. In the case that documents which have been directed to be produced fall within more than one request made, the respective party may comply with its obligation by identifying the location within the bundles of disclosed documents, without need for further production of the same document;
 - c. The term "Order to Produce" without qualification means that the respective party shall (unless disclosure had earlier been made in this Arbitration) make such disclosure requested of it as set out in the second column;
 - d. Subject to (h) below, where an Order to Produce is made with limitations, the obligation of the respective party is limited to the qualification specified;
 - e. Where an Order to Produce is made "as agreed", production is limited to the documents earlier agreed to be disclosed by the producing party;
 - f. If any document(s) ordered to be produced in this Procedural Order had earlier been disclosed in this Arbitration, the respective party may comply with its obligation by identifying the same to the other without need for further production;
 - g. Subject to (h) below, the term "No Order" means that the respective party has no obligation to produce. This does not however absolve any party whose burden it is to substantiate its claims and assertions with evidence sufficient to discharge such burden of proof; and

- h. Notwithstanding the Tribunal's ruling of "No Order" or "Order to Produce" made with limitations, the respective party shall honour any offer already made to make disclosure of any other documents which it believes to be responsive to the requests.
3. If the respective party is unable to produce a document so ordered, it (by an individual with primary responsibility for the instruction, coordination and supervision of the search for relevant documents) shall affirm an affidavit deposing to the reasons why the documents so ordered to be produced are not able to be disclosed. If appropriate, the affidavit should also state what searches were made and by whom and, in relation to any documents or categories of documents which are said never to have existed or, if they existed, cannot now be identified or found, give a full explanation of what documents within the categories sought are likely to have been brought into existence, what systems were in place for the retention and recovery of documents, and why documents which may have existed can no longer be found.
4. To facilitate easy identification and subsequent reference, a party producing documents is encouraged to prepare an index of any or all documents produced, and identify said documents that relate to the other party's application for document production, in hard and electronic forms, searchable, paginated and tabulated.
5. The costs leading to rulings made herein shall be deferred for later consideration or determined together with the award to be made in this arbitration.
6. According to the revised schedule in Procedural Order No. 4, the deadline for production of documents (voluntary and as ordered by the Tribunal) is **2 October 2017**.

THE CLAIMANT'S REQUESTS

No.	Description of the Requested Document(s)	Tribunal's Decision
1.	<p>Documents relating to the acknowledgement of and/or consent to the assignment of the Implementation Agreement in 1997 between October 1997 and January 1998, including the acknowledgment and/or consents communicated in:</p> <ul style="list-style-type: none"> (i) the countersigning of the Notice of Assignment; (ii) the letter from the GoT to IPTL on 13 October 1997; and (iii) the inter-governmental note sent by the GoT to the Malaysian Government on 28 October 1997, <p>and including such Documents as:</p> <ul style="list-style-type: none"> (iv) correspondence between the GoT and IPTL, the Malaysian Government or the lenders; (v) notes of meetings between the GoT and IPTL, the Malaysian Government or the lenders; and (vi) internal GoT correspondence or notes addressing the issue of consent. 	<p>Order to Produce, <u>limited</u> to the specific documents listed as</p> <p>(ii) -- “the letter from the GoT to IPTL on 13 October 1997”</p> <p>(iii) -- “the inter-governmental note sent by the GoT to the Malaysian Government on 28 October 1997”</p> <p>(iv) -- “correspondence between the GoT and IPTL, the Malaysian Government or the lenders”</p> <p>(v) -- “notes of meetings between the GoT and IPTL, the Malaysian Government or the lenders”</p> <p>As item (vi) is disallowed no privilege should arise.</p>
2.	<p>Documents evidencing any knowledge of, or involvement in, the restructuring of the Facility Agreement, the change in lenders, or the change in Security Agents under the Facility Agreement during the period 28 June 1997 to 4 August 2005.</p> <p>These Documents should include, but not be limited to:</p> <ul style="list-style-type: none"> (i) the letter written by the President of Tanzania to the Prime Minister of Malaysia requesting that the amount of the Danaharta debt to IPTL be written down, as referred to in the letter from Alastair Campbell of Standard Bank to Mr Choi of Danaharta Managers Limited dated 22 September 2004 (PPA Arbitration Exhibit C-190); (ii) any response to that letter from the Prime Minister of Malaysia; (iii) any Documents related to the drafting or sending of the letter or receipt of Malaysia's response; (iv) any Documents related to IPTL's Project Information Memorandum dated November 2003 (PPA Arbitration Exhibit R-109) which identifies the lender as Danaharta and which was received by the GoT, as referred to in 	<p>Order to Produce, <u>limited</u> to the specific documents listed as</p> <p>(i) -- “the letter written by the President of Tanzania to the Prime Minister of Malaysia requesting that the amount of the Danaharta debt to IPTL be written down, as referred to in the letter from Alastair Campbell of Standard Bank to Mr Choi of Danaharta Managers Limited dated 22 September 2004 (PPA Arbitration Exhibit C-190)”</p> <p>(ii) -- “any response to that letter from the Prime Minister of Malaysia”</p> <p>(iii) -- “any Documents related to the drafting or sending of the letter or receipt of Malaysia's response”</p> <p>(iv) -- “any Documents related to IPTL's Project Information Memorandum dated November 2003 (PPA Arbitration Exhibit R-109) which identifies the lender as Danaharta and which was received by the GoT, as referred to in Tanesco's letter of 18 June 2004 (PPA Arbitration Exhibit R-113)”</p> <p>(v) -- “any other Documents related to the discussions between the GoT and Standard Bank evidencing the GoT's acknowledgement that Danaharta had become the Lender under the Facility Agreement”</p>

No.	Description of the Requested Document(s)	Tribunal's Decision
	<p>TanESCO's letter of 18 June 2004 (PPA Arbitration Exhibit R-113); and</p> <p>(v) any other Documents related to the discussions between the GoT and Standard Bank evidencing the GoT's acknowledgement that Danaharta had become the Lender under the Facility Agreement.</p>	<p>If necessary, documents disclosed may be redacted as appropriate to address concerns of state security.</p>
3.	<p>Documents relating to the GoT's proposals during the period from 2003 to 2005 to arrange for the loan to be bought by a third party.</p> <p>These Documents should include but not be limited to the following.</p> <p>In relation to the GoT's proposals to the Malaysian Government that it support the purchase of the loan by another lender:</p> <p>(i) the letter written by the Tanzanian Minister for Energy and Minerals to his Malaysian counterpart in July 2003 seeking the Malaysian Government's support to find ways to reduce the Capacity Charge (see PPA Arbitration Exhibit C-171, paragraph 16);</p> <p>(ii) notes, minutes or reports of the meeting in September 2003 between Mr Rutabanzibwa and the acting chief executive of the Malaysian Ministry of Energy (see PPA Arbitration Exhibit C-171, paragraph 16);</p> <p>(iii) letter from the Prime Minister of Tanzania to the Prime Minister of Malaysia (if sent), which was prepared in draft in the note prepared by Mr Rutabanzibwa (see PPA Arbitration Exhibit C-171, paragraph 26(i) and annex);</p> <p>(iv) any letter in response to the Prime Minister's letter; and</p> <p>(v) letter from the President of Tanzania to the Prime Minister of Malaysia, as referred to in the letter from Alastair Campbell of Standard Bank to Mr Choi of Danaharta Managers Limited dated 22 September 2004 (see PPA Arbitration Exhibit C-190).</p> <p>In relation to the proposal discussed between GoT and Standard Bank, under which Standard Bank would purchase the loan:</p> <p>(vi) correspondence or records of meetings between the GoT and Standard Bank in April 2004 (see PPA Arbitration Exhibit C-171, paragraph 18);</p> <p>(vii) details of the proposed transaction sent by Standard Bank to the GoT on 6 June 2004</p>	<p>Order to Produce, <u>limited</u> to the specific documents listed as</p> <p>(i) -- "the letter written by the Tanzanian Minister for Energy and Minerals to his Malaysian counterpart in July 2003 seeking the Malaysian Government's support to find ways to reduce the Capacity Charge (see PPA Arbitration Exhibit C-171, paragraph 16)"</p> <p>(ii) -- "notes, minutes or reports of the meeting in September 2003 between Mr Rutabanzibwa and the acting chief executive of the Malaysian Ministry of Energy (see PPA Arbitration Exhibit C-171, paragraph 16)"</p> <p>(iii) -- "letter from the Prime Minister of Tanzania to the Prime Minister of Malaysia (if sent), which was prepared in draft in the note prepared by Mr Rutabanzibwa (see PPA Arbitration Exhibit C-171, paragraph 26(i) and annex)"</p> <p>(iv) -- "any letter in response to the Prime Minister's letter"</p> <p>(v) -- "letter from the President of Tanzania to the Prime Minister of Malaysia, as referred to in the letter from Alastair Campbell of Standard Bank to Mr Choi of Danaharta Managers Limited dated 22 September 2004 (see PPA Arbitration Exhibit C-190)"</p> <p>(vi) -- "correspondence or records of meetings between the GoT and Standard Bank in April 2004 (see PPA Arbitration Exhibit C-171, paragraph 18)"</p> <p>(vii) -- "details of the proposed transaction sent by Standard Bank to the GoT on 6 June 2004 (see PPA Arbitration Exhibit C-171, paragraph 18)"</p> <p>(ix) -- "the formal request made by the GoT to the World Bank in about April or May 2004"</p> <p>(x) -- "correspondence or records of meetings between the GoT and the World Bank in April to May 2004"</p>

No.	Description of the Requested Document(s)	Tribunal's Decision
	<p>(see PPA Arbitration Exhibit C-171, paragraph 18); and</p> <p>(viii) correspondence or records of meetings related to the proposals discussed between Standard Bank, Tanesco and the GoT between September 2004 and July 2005 (see PPA Arbitration Exhibits C-188, C-189).</p> <p>In relation to the proposal discussed between the GoT and the World Bank, under which the World Bank would assist in buying out the loan:</p> <p>(ix) the formal request made by the GoT to the World Bank in about April or May 2004; and</p> <p>(x) correspondence or records of meetings between the GoT and the World Bank in April to May 2004</p>	
4.	<p>Documents relating to VIP's proposal to GoT on 3 January 2004 that it should take over the loan, including but not limited to:</p> <p>(i) notes of the meeting between Hon. Daniel Yona, MP and Mr Rugemalira referred to in VIP's letter to GoT of 3 January 2004 at PPA Arbitration Exhibit C-192;</p> <p>(ii) any correspondence between Tanesco and any GoT official or representative, or between GoT officials or representatives, regarding "Option One" in Mr Rugemalira's letter of 3 January 2004 (PPA Arbitration Exhibit C-192);</p> <p>(iii) any response by Tanesco to GoT to the letter of 13 January 2004 (PPA Arbitration Exhibit 191); and</p> <p>(iv) notes or records of any meetings attended by GoT officials or representatives at which "Option One" in Mr Rugemalira's letter of 3 January 2004 (PPA Arbitration Exhibit C-192) was discussed.</p>	No Order
5.	<p>Documents evidencing:</p> <p>(i) an invitation to SCB HK (or interested parties generally) to make submissions to the GoT in respect of the GoT's evaluation of the release of the Escrow Account;</p> <p>(ii) the notification to SCB HK (or interested parties generally) that the release of the Escrow Account was being evaluated by the GoT,</p> <p>between September and December 2013.</p>	No Order
6.	Documents evidencing:	No Order

No.	Description of the Requested Document(s)	Tribunal's Decision
	<p>(i) whether the GoT and/or Tanesco believed that payment should be made under the PPA pending the resolution of the Tariff Dispute;</p> <p>(ii) the GoT's advice to Tanesco on the merits of the Tariff Dispute; and</p> <p>(iii) its assessment of the merits of the Tariff Dispute,</p> <p>including:</p> <p>(iv) correspondence between the GoT and Tanesco;</p> <p>(v) notes of meetings between the GoT and Tanesco;</p> <p>(vi) internal correspondence and minutes of internal meetings; and</p> <p>(vii) notes of advice or analysis,</p> <p>during the periods June to July 2004 and June 2006 to October 2013.</p> <p>SCB HK believes that such documents will exist in particular in relation to the following correspondence and meeting notes (SCB HK notes that it has the correspondence and meeting notes referred to below in its possession – this Request seeks documents in the categories above relating to the documents listed below and the arguments made therein, not the listed Documents themselves):</p> <p>(viii) letter dated 14 June 2006 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Mr van der Merwe, Managing Director of Tanesco, copied to (amongst others) the Permanent Secretary of the Ministry of Energy and Minerals (PPA Arbitration Exhibit C-67);</p> <p>(ix) letter dated 16 July 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Permanent Secretary of the Ministry of Energy and Minerals, (ii) the Permanent Secretary of the Ministry of Finance; (iii) the Governor of the Bank of Tanzania; (iv) Mr John Beardsworth of Hunton & Williams, counsel to GoT (PPA Arbitration Exhibit C-69);</p> <p>(x) meeting between IPTL and Tanesco on 25 July 2007 (PPA Arbitration Exhibit C-227);</p> <p>(xi) letter dated 17 August 2007 from Mr Mwakupugi, Permanent Secretary, Ministry of Energy and Minerals, to Dr Rashidi, Managing Director, Tanesco, copied to (amongst others) (i) the Permanent Secretary of the Ministry of Finance; (ii) the Governor</p>	

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	<p>of the Bank of Tanzania (PPA Arbitration Exhibit C-79);</p> <p>(xii) letter dated 17 August 2017 from Dr Rashidi, Managing Director of Tanesco, to the Managing Director of IPTL, copied to (amongst others) (i) the Permanent Secretary of the Ministry of Energy and Minerals, (ii) the Permanent Secretary of the Ministry of Finance; (iii) the Governor of the Bank of Tanzania; (iv) Mkono & Co Advocates, counsel to GoT (PPA Arbitration Exhibit C-80);</p> <p>(xiii) letter dated 21 August 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-70);</p> <p>(xiv) letter dated 31 August 2007 from Dr Rashidi, Managing Director of Tanesco, to the Managing Director of IPTL, copied to (amongst others) (i) the Permanent Secretary of the Ministry of Energy and Minerals, (ii) the Permanent Secretary of the Ministry of Finance; (iii) the Governor of the Bank of Tanzania; (iv) Mkono & Co Advocates, counsel to GoT (PPA Arbitration Exhibit C-80);</p> <p>(xv) letter dated 5 September 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-72);</p> <p>(xvi) letter dated 7 September 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-73);</p> <p>(xvii) letter dated 9 October 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent</p>	

No.	Description of the Requested Document(s)	Tribunal's Decision
	<p>Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-74);</p> <p>(xviii) letter dated 10 October 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco (PPA Arbitration Exhibit C-81);</p> <p>(xix) letter dated 17 October 2007 from Nixon Peabody (lawyers to IPTL) to the World Bank, copied to (amongst others) (i) the President of Tanzania; (ii) the Minister of Energy and Minerals, (iii) the Minister of Finance; (iv) the Permanent Secretary of the Ministry of Energy and Minerals (PPA Arbitration Exhibit C-78);</p> <p>(xx) letter dated 7 November 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-75);</p> <p>(xxi) letter dated 28 November 2007 from the Managing Director of Tanesco to the Permanent Secretary of the Ministry of Finance, copied to (i) the Permanent Secretary of the Ministry of Energy and Minerals; (ii) the Governor of the Bank of Tanzania (PPA Arbitration Exhibit C-66);</p> <p>(xxii) letter dated 3 December 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-77);</p> <p>(xxiii) letter dated 6 December 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to Dr Rashidi, Managing Director of Tanesco, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-76); and</p> <p>(xxiv) letter dated 6 December 2007 from Mr Parthiban, C, Chief Operating Officer of IPTL, to the Governor of the Bank of Tanzania, copied to (amongst others) (i) the Minister of Energy and Minerals; (ii) the Minister of Finance; (iii) the Permanent</p>	

No.	Description of the Requested Document(s)	Tribunal's Decision
	Secretary of the Ministry of Energy and Minerals, (PPA Arbitration Exhibit C-82).	
7.	<p>Documents evidencing the proposed deal discussed by the GoT and Mechmar in about June-July 2010 under which the GoT would buy Mechmar's shares in IPTL, including:</p> <ul style="list-style-type: none"> (i) correspondence between the GoT and Mechmar; (ii) notes of meetings between the GoT and Mechmar; (iii) internal communications within the GoT on the proposal; and (iv) notes in internal meetings within the GoT on the proposal, <p>including without limitation any such documents located in the files of Mr David Kitundu Jairo, Permanent Secretary of the Ministry of Energy and Minerals.</p>	<p>Order to Produce <u>limited</u> to documents relating to the proposal by GoT to acquire Mechmar shares sometime in June-July 2010, in particular</p> <ul style="list-style-type: none"> (i) --“correspondence between the GoT and Mechmar”; and (ii) – “notes of meetings between the GoT and Mechmar” <p>If necessary, documents disclosed may be redacted as appropriate to address concerns of state security.</p>
8.	<p>Documents evidencing the GoT's knowledge of SCB HK's charge over the Mechmar Shares, including its knowledge arising from:</p> <ul style="list-style-type: none"> (i) the meetings held on 8, 9 and 29 June 2010 between SCB HK and the GoT; (ii) the letter dated 19 July 2010 from SCB HK to Mr Jairo, the Permanent Secretary of the Ministry of Energy and Minerals, copied to the Attorney General (see PPA Exhibit C-197, paragraph 14.14); (iii) the documents delivered to Mr Jairo, the Permanent Secretary of the Ministry of Energy and Minerals, in relation to the charge on 21 July 2010; (iv) the letter dated 20 April 2011 from Joe Casson of SCB HK to Mr Jairo, the Permanent Secretary of the Ministry of Energy and Minerals (copied to the Minister of Energy and Minerals) notifying the GoT of SCB HK's charge and the order made by the BVI Court (disclosed to Tanesco in the PPA Arbitration); and (v) the preparation of the GoT's Memorial on Jurisdiction in the BIT Proceedings dated 23 June 2011, in which the GoT summarises SCB HK's enforcement of its charge, <p>and including such Documents as:</p> <ul style="list-style-type: none"> (vi) notes or minutes in respect of the 8, 9 and 29 June 2010 meetings between the GoT and SCB HK; 	<p>Order to Produce, <u>limited</u> to the specific documents listed as:</p> <ul style="list-style-type: none"> (vi) – “notes or minutes in respect of the 8, 9 and 29 June 2010 meetings between the GoT and SCB HK” (vii) – “correspondence or notes of meetings concerning SCB HK's letter to Mr Jairo of 19 July 2010” (viii) – “correspondence or notes of meetings concerning the documents provided by SCB HK to Mr Jairo on 21 July 2010 in relation to the charge” (ix) – “correspondence or notes of meetings concerning SCB HK's letter dated 20 April 2011 notifying the GoT of the charge and the order of the BVI Court” <p>If necessary, documents disclosed may be redacted as appropriate to address concerns of state security.</p>

No.	Description of the Requested Document(s)	Tribunal's Decision
	<ul style="list-style-type: none"> (vii) correspondence or notes of meetings concerning SCB HK's letter to Mr Jairo of 19 July 2010; (viii) correspondence or notes of meetings concerning the documents provided by SCB HK to Mr Jairo on 21 July 2010 in relation to the charge; (ix) correspondence or notes of meetings concerning SCB HK's letter dated 20 April 2011 notifying the GoT of the charge and the order of the BVI Court; (x) internal correspondence within the GoT or correspondence between GoT and third parties in respect of SCB HK's charge; and (xi) notes or minutes of meetings between the GoT and third parties, or internal GoT meetings, in respect of SCB HK's charge. 	
9.	Documents evidencing the identities of the GoT personnel who assisted in the preparation of, and reviewed, the GoT's Memorial on Jurisdiction dated 23 June 2011 and filed in the BIT Proceedings.	No Order
10.	<p>Documents evidencing the relationship between Mr Rugonzibwa, in his capacity as First PL of IPTL, and the GoT, during the period 16 December 2008 to 15 July 2011, including:</p> <ul style="list-style-type: none"> (i) notes and minutes of meetings held between Mr Rugonzibwa and other representatives of the GoT in respect of the provisional liquidation of IPTL; (ii) correspondence between Mr Rugonzibwa and other representatives of the GoT in respect of the provisional liquidation of IPTL; (iii) internal GoT correspondence addressing Mr Rugonzibwa's role as First PL of IPTL; (iv) records of remuneration paid by the GoT to Mr Rugonzibwa in respect of his role as First PL; and (v) records of work carried out by GoT personnel (including staff of the Ministry of Justice and Constitutional Affairs and staff of the Administrator General) in respect of the provisional liquidation of IPTL. 	<p>Order to Produce, <u>limited</u> to the specific documents listed as</p> <ul style="list-style-type: none"> (i) – “notes and minutes of meetings held between Mr Rugonzibwa and other representatives of the GoT in respect of the provisional liquidation of IPTL”; and (ii) – “correspondence between Mr Rugonzibwa and other representatives of the GoT in respect of the provisional liquidation of IPTL”
11.	Documents evidencing the relationship between Mr Saliboko, in his capacity as Liquidator and Second PL of IPTL, and the GoT, during the period 15 July 2011 to 5 September 2013, including:	<p>Order to Produce, <u>limited</u> to the specific documents listed as</p> <ul style="list-style-type: none"> (i) – “notes and minutes of meetings held between Mr Saliboko and any other representatives of the

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	<ul style="list-style-type: none"> (i) notes and minutes of meetings held between Mr Saliboko and any other representatives of the GoT in respect of the liquidation/provisional liquidation of IPTL; (ii) correspondence between Mr Saliboko and any other representatives of the GoT in respect of the liquidation/provisional liquidation of IPTL; (iii) internal GoT correspondence addressing Mr Saliboko's role as Liquidator and Second PL of IPTL; (iv) records of remuneration paid by the GoT to Mr Saliboko in respect of his role as Liquidator and Second PL; (v) records of work carried out by GoT personnel (including staff of the Tanzanian Registration, Insolvency and Trusteeship Agency and staff of the Administrator General) in respect of the liquidation/provisional liquidation of IPTL; and (vi) Documents evidencing the GoT's knowledge of and involvement in the decision of Mr Saliboko to "<i>witness and endorse</i>" the VIP-PAP SPA of 15 August 2013. 	<p>GoT in respect of the liquidation/provisional liquidation of IPTL"; and</p> <p>(ii) – “correspondence between Mr Saliboko and any other representatives of the GoT in respect of the liquidation/provisional liquidation of IPTL”</p>
12.	Documents evidencing the GoT's assessment of the VIP-PAP SPA dated 15 August 2013.	No Order
13.	<p>Documents evidencing the relationship between Mr Sethi and the GoT during the period November 2010 to December 2013, including:</p> <ul style="list-style-type: none"> (i) notes and minutes of meetings held between Mr Sethi and (i) the Minister of Energy; (ii) Mr Matupa, advisor to the President; or (iii) other GoT officials in respect of IPTL, SCB HK or the Power Plant; (ii) correspondence between Mr Sethi and (i) the Minister of Energy; (ii) Mr Matupa, advisor to the President; or (iii) other GoT officials in respect of IPTL, SCB HK or the Power Plant; (iii) internal GoT correspondence addressing Mr Sethi's relationship with the GoT in respect of IPTL, SCB HK or the Power Plant; and (iv) records of payments made between Mr Sethi and the GoT and in respect of IPTL, SCB HK or the Power Plant. 	<i>No ruling sought by the Claimant</i>

No.	Description of the Requested Document(s)	Tribunal's Decision
14.	<p>Documents evidencing the advice sought from, and issued by, the Attorney General in September and October 2013 in respect of the emptying of the Escrow Account, including:</p> <ul style="list-style-type: none"> (i) correspondence between the Attorney General's office and other GoT agencies/institutions in respect of the Tariff Dispute and the emptying of the Escrow Account; (ii) notes of meetings between the Attorney General's office and other GoT agencies/institutions in respect of the Tariff Dispute and the emptying of the Escrow Account; and (iii) internal correspondence and notes within the Attorney General's office in respect of the Tariff Dispute and the emptying of the Escrow Account. 	<i>No ruling sought by the Claimant</i>
15.	Documents evidencing the matters considered by the <i>ad hoc</i> committee of experts convened by the GoT in September 2013 in respect of the release of the Escrow Account.	Order to Produce limited to any report or advice made by the ad hoc committee of experts convened by the GoT in September 2013 in respect of the release of the Escrow Account.
16.	Documents comprising the evidence submitted to the GoT by PAP in September or October 2013 in support of PAP's contention that it purchased Mechmar's shares in IPTL.	Order to Produce
17.	<p>Documents evidencing the relationship between Mr Rugonzibwa, in his capacity as First PL of IPTL, and the GoT, during the period 16 December 2008 to 15 July 2011, including:</p> <ul style="list-style-type: none"> (i) notes and minutes of meetings held between Mr Rugonzibwa and other representative of the GoT in respect of the provisional liquidation of IPTL; (ii) correspondence between Mr Rugonzibwa and other representatives of the GoT in respect of the provisional liquidation of IPTL; (iii) internal GoT correspondence addressing Mr Rugonzibwa's role as First PL of IPTL; (iv) records of remuneration paid by the GoT to Mr Rugonzibwa in respect of his role as First PL; (v) records of work carried out by GoT personnel (including staff of the Ministry of Justice and Constitutional Affairs and staff of the Administrator General) in 	<i>No ruling sought by the Claimant</i>

No.	Description of the Requested Document(s)	Tribunal's Decision
	respect of the provisional liquidation of IPTL.	
18.	Documents evidencing the enquiries made by the Business Registration and Licensing Agency of Tanzania ("BRELA") before it registered the transfer of ITPL's shares to PAP in November 2013 to January 2014.	<p>Order to Produce, <u>limited</u> to documents relating to any enquiries made by the BRELA under Section 215 of the Tanzanian Companies Act 2002 before it registered the transfer of IPTL's shares to PAP.</p> <p>No privilege arises from the ordered documents.</p>
19.	Documents evidencing the " <i>base case pro forma</i> ", as referred to in element (d) of Schedule 2 of the Implementation Agreement.	Order to Produce

On behalf of the Tribunal

[signed]

Lawrence Boo

President of the Tribunal

Date: 11 September 2017