

**IN THE MATTER OF AN ARBITRATION PROCEEDING UNDER THE UNITED
MEXICAN STATES – SINGAPORE AGREEMENT ON THE PROMOTION AND
RECIPROCAL PROTECTION OF INVESTMENTS AND
THE UNCITRAL ARBITRATION RULES (2010)**

PACC Offshore Services Holdings Ltd

v.

The United Mexican States

(UNCT/18/5)

**PROCEDURAL ORDER No. 5
On the Organization of the Hearing**

Members of the Tribunal

Dr. Andrés Rigo Sureda, President of the Tribunal
Prof. W. Michael Reisman, Arbitrator
Prof. Philippe Sands QC, Arbitrator

Secretary of the Tribunal

Ms. Mercedes Cordido-Freytes de Kurowski

April 21, 2021

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I. INTRODUCTION

1. On January 15, 2021, the Tribunal wrote to the Parties with reference the Hearing in the present case, that was scheduled to be held on May 17-21, 2021. Considering the extraordinary circumstances created by the coronavirus pandemic, the health risks, travel uncertainties, and the current and potential quarantine periods following travel, the Tribunal invited the Parties to express their views regarding the modality of this Hearing.
2. Claimant submitted its comments by communications of January 19 and 26, 2021, and so did Respondent by letter of January 20, 2021.
3. On January 26, 2021, the Tribunal acknowledged receipt of the above-referenced communications, noting that both Parties had agree to holding the Hearing virtually, but disagreed on its length and the starting time. The Tribunal also informed the Parties that the Tribunal members could be available on Sunday, May 16 and Saturday, May 22, 2021, and invited the Parties to discuss the possibility of having a 7-day hearing between May 16, 2021 and Saturday, May 22, 2021.
4. On January 28, 2021, both Parties confirmed their availability for a virtual hearing on the proposed dates.
5. On February 5, 2021, the Tribunal confirmed that the Hearing in the present case would be held virtually from Sunday, May 16, 2021 to Saturday, May 22, 2021, as agreed by the Parties.
6. On February 20, 2021, the Tribunal circulated a Draft Procedural Order No. 5 regarding the organization of the Hearing for the Parties' consideration and comments.
7. On March 16, 2021, the Parties submitted a joint statement with their comments on the Draft Procedural Order No. 5.
8. Pursuant to Section 22.1 of Procedural Order No. 1, a pre-hearing organizational meeting between the Parties and the President of the Tribunal was held by video conference on

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March 25, 2021 (the “**Pre-Hearing Conference**”), to discuss any outstanding procedural, administrative, and logistical matters in preparation for the Hearing. Participating were:

Tribunal:

Dr. Andrés Rigo Sureda, President of the Tribunal

ICSID Secretariat:

Ms. Mercedes Cordido-Freytes de Kurowski, Secretary of the Tribunal

On behalf of the Claimant:

Dr. Tai-Heng Cheng, Sidley Austin LLP

Mr. Simon Navarro, Sidley Austin LLP

Ms. Jennifer Lim, Sidley Austin LLP

Ms. Meera Rajah, Sidley Austin LLP

Mr. Andy Soh, PACC Offshore Services Holdings Ltd

Mr. Corey Whiting, PACC Offshore Services Holdings Ltd

On behalf of the Respondent:

Mr. Orlando Pérez Gárate Secretaría de Economía

Ms. Cindy Rayo Zapata Secretaría de Economía

Mr. Alan Bonfiglio Ríos Secretaría de Economía

Ms. Rosalinda Toxqui Tlaxcalteca Secretaría de Economía

Ms. Ellionehit Sabrina Alvarado Sánchez Secretaría de Economía

Mr. Stephan E. Becker, Pillsbury Winthrop Shaw Pittman LLP

Mr. Greg Tereposky & De Rose, LLP

Mr. Alejandro Barragán, Tereposky & De Rose, LLP

Ms. Ximena Iturriaga, Tereposky & De Rose, LLP

9. During the Pre-Hearing Conference, the Parties and the President of the Tribunal discussed the Draft Procedural Order No. 5 circulated to the Parties on February 20, 2021, and the Parties’ joint statement of March 16, 2021 advising the Tribunal of any agreements reached on the various items, as well as their respective positions where no agreement was reached.
10. Audio and video recordings of the Pre-Hearing Conference were made and deposited in the archives of ICSID. The audio recordings were made available to the Members of the Tribunal and the Parties on March 26, 2021, and the video recording on April 9, 2021. The Parties confirmed that Section 23.6 of Procedural Order No. 1 will continue to apply to virtual hearings and video recordings made thereof.

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11. The Tribunal has considered the Parties' positions on the various items, and in the present Order it sets out the procedural rules that the Parties have agreed upon and/or the Tribunal has determined will govern the conduct of the Hearing.

II. ORGANIZATION OF THE HEARING

A. DATE AND FORMAT

12. In accordance with the Tribunal's communication of February 5, 2021, the Hearing is scheduled from **Sunday, May 16, 2021 to Saturday, May 22, 2021**.

13. The Hearing will take place virtually through the video conference platform called ZOOM with the use of a third party service provider, Sparq.

14. The third party service provider will set up a portal with access to the Zoom platform, the document repository, English and Spanish transcript links ("**Hearing Portal**"). The Hearing Portal will be accessed through a link and a password. The ICSID Secretariat will provide the link with corresponding passwords of the Hearing Portal only to the individuals in the official email distribution list, court reporters, and interpreters.

B. ORDER OF PROCEEDINGS AND SCHEDULE

15. In order to accommodate the multiple time zones of all Hearing Participants, each day of the Hearing (with the exception of Monday, May 17, 2021) will start at 9:00 a.m. EDT Washington, D.C. (8:00 a.m. Mexico City, 2:00 p.m. London, 9:00 p.m. Singapore). On Monday, May 17, 2021, it was agreed that the starting time will 7:00 a.m. EDT Washington, D.C. time.

16. The order of proceedings and structure of the Hearing will be as indicated in the Hearing Schedule ("**Hearing Schedule**") incorporated as **Annex A**.

17. Following consultation with the Parties, the Tribunal may adjust the Hearing Schedule to account for unexpected disruptions during the Hearing.

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C. TIME ALLOCATION

18. Considering the start and end times, as reflected in the Hearing Schedule, each Hearing day shall comprise (i) 15 minutes a day reserved for housekeeping matters; (ii) 30 minutes a day will be reserved for the Tribunal; and (iii) the remaining time in a day will be available for use by the Parties.
19. Accordingly, considering the total number of Hearing days (7 days), each Party shall have in accordance with the Hearing Schedule a total of 8 hours and 45 minutes available to it during the entire Hearing.
20. Time shall be kept using the chess-clock method. The Secretary of the Tribunal shall keep the time, under the direction of the Tribunal, and she will advise the Parties of the total daily time used at the end of each Hearing day. Each Party may use the time available to it at each stage of the Hearing in the manner it desires, subject to the following:
- (a) *Opening Statements.* Each Party shall be allowed a maximum of 1 hour and 45 minutes for its Opening Statement.
 - (b) *Closing Statements.* Each Party shall be allowed a maximum of 1 hour for its Closing Statement.
 - (c) *Direct Examination of Fact Witnesses and Experts.* Direct examination is given in the form of witness statements and expert reports. However, in accordance with Section 21.6 of Procedural Order No. 1, the party presenting the witness may conduct a brief direct examination at the hearing, which, as agreed in the Hearing Schedule, shall be no longer than 5 minutes in the case of a witness and will be limited to the contents of his direct written testimony. The party presenting an expert may conduct a brief direct examination, or the expert may make a presentation, at the hearing, which shall not exceed the time limits agreed under the Hearing Schedule, and will be limited to the contents of his or her expert reports.

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- (d) *Cross-Examination and Redirect.* The direct examination shall be followed by cross-examination and subsequently by a redirect examination. Witnesses and experts shall be examined in redirect examination only on topics raised during cross-examination. When deciding how much time to spend on a particular redirect examination, each Party shall take into account its total time allocation to present its case.
- (e) Subject to the Hearing Schedule, it is left to each Party to determine how much of its total allotted time it wishes to spend on each witness, so long as the Party does not exceed the total time allotted to it and that no witness or expert will testify on a different day than the day assigned in the Hearing Schedule.
- (f) Time spent on direct or re-direct examination shall be counted toward the time account of the Party presenting the witness or expert, whereas time spent on cross-examination shall be counted toward the opposing Party's time account. Time spent on witness or expert conferencing, if any, shall not be counted in toward either Party's time account.
- (g) *Tribunal Questions.* Time taken by the Tribunal for its own questions during the Parties' presentations and examinations and the succinct answers to those questions shall not be counted against the Parties' time.
- (h) *Housekeeping.* Time used for housekeeping or to resolve technical difficulties shall be counted against the time reserved for housekeeping or against the Tribunal's reserved time, if needed.
- (i) *Expert Conferencing.* As confirmed by the Tribunal in its letter of March 31, 2021, the Tribunal is satisfied with the sequence of experts agreed by the Parties. Accordingly, each expert will be examined individually.

21. The Parties are expected to use each Hearing day efficiently and to avoid unnecessary slippage (e.g. delays in returning from breaks). In the event of excess slippage, the Tribunal

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may revisit the length of the sitting day, or in unusual circumstances the time allocations of the Parties, bearing in mind principles of predictability, equal treatment and a fair opportunity for the Parties to be heard.

D. DOCUMENTS FOR USE AT THE HEARING

1. Electronic Hearing Bundle

22. There shall be a single Electronic Hearing Bundle (PC and Mac compatible), to be prepared *jointly* by the Parties. The Electronic Hearing Bundle shall contain all pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal orders or decisions on file to date, with a consolidated hyperlinked index. It shall not contain any document not previously filed. It shall be organized as follows:

Electronic Hearing Bundle

01. Pleadings

- A. Claimant
- B. Respondent

02. Witness Statements

- A. Claimant
- B. Respondent

03. Expert Reports

- A. Claimant
- B. Respondent

04. Exhibits

- A. Claimant
- B. Respondent

05. Legal Authorities

- A. Claimant
- B. Respondent

06. Expert Exhibits

- A. Claimant
- B. Respondent

07. Tribunal Rulings

23. In accordance with Section 14.8 of Procedural Order No. 1, the Parties shall distribute the Electronic Hearing Bundle in a USB, for delivery by *courier* by **Friday, May 7, 2021** directly to: (i) each Member of the Tribunal (one copy to each); and (ii) the Secretary of the Tribunal (two copies), **to the addresses that were communicated to the Parties by letter of March 31, 2021.**

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24. In addition, on that same day, the Electronic Hearing Bundle shall be uploaded by the Parties to a designated sub-folder in the BOX filesharing platform. To ensure operation of the hyperlinked index in BOX, *if feasible*, the entire Electronic Hearing Bundle shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the single zip file make uploading it to BOX not possible, the Parties may simply upload the Electronic Hearing Bundle to a designated sub-folder in the BOX filesharing platform organized in sub-folders using the structure indicated at paragraph 22 *supra*, including a consolidated (but non-hyperlinked) index. In any event, the USB to be distributed in accordance with paragraph 23 *supra* shall contain the hyperlinked version of the index.

2. Demonstrative Exhibits

25. Demonstrative exhibits (including a PowerPoint or other slide presentations) may be used in accordance with Section 19.8 of Procedural Order No. 1, as amended below:

“Demonstrative exhibits (such as PowerPoint slides, charts, tabulations, etc.) may be used at any hearing, provided they contain no new evidence. Each Party shall number its demonstrative exhibits consecutively, and indicate on each demonstrative exhibit the number of the document(s) from which it is derived. The party submitting such exhibits shall provide them in electronic copy to the other Party, the Tribunal Secretary, the court reporter(s) and interpreter(s) two (2) hours in advance from their use, by uploading such materials to a separate Box folder created by ICSID (not the current case Box folder) with two (2) hours in advance and notice by email. The Tribunal will not have access to that Box folder in order to prevent that the Tribunal sees objectionable demonstratives before the Party concerned has the opportunity to raise an objection.

26. In addition, promptly after the conclusion of the respective Hearing day in which the corresponding demonstrative exhibit is used, the Parties shall upload such demonstrative to the case folder in the BOX filesharing platform, designating it with the corresponding CD- # (for Claimant) or RD- # (for Respondent). At the conclusion of the Hearing, each Party shall also present a unified index of all the demonstrative exhibits it distributed during the Hearing, with the respective CD- # or RD- # designations.

27. Demonstrative exhibits need not be translated.

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3. Electronic Bundle for Cross-Examination

28. If cross-examination bundles are used, they should be made available immediately before each cross-examination.

4. Electronic Presentation of Evidence via Zoom

29. Documents will be shared on screens through the Zoom platform and each participant will have access to the documents. The Parties will manage and share their documents directly.

5. Other Provisions on Documents

30. It is recalled that Section 19.3 of Procedural Order No. 1 provides:

“Neither party shall be permitted to submit additional or responsive documents, testimony or expert reports after the filing of its respective last written submission, unless the Tribunal determines that exceptional circumstances exist based on a reasoned written request followed by observations from the other party.

19.3.1. Should a party request leave to file additional or responsive documents, testimony or expert reports, that party shall not annex the documents that it seeks to file to its request.

19.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other party is afforded sufficient opportunity to make its observations concerning the new document, testimony or expert report.”

E. WITNESS AND EXPERTS EXAMINATIONS

31. Subject to any other time limits fixed under Section 20(c) *supra*, and/or in the Hearing Schedule, the examination of witness and experts shall be conducted in accordance with the provisions in Section 21 of Procedural Order No. 1 (reproduced below):

“21.1. A party may be called upon by the opposing party to produce at the hearing for cross-examination any factual or expert witness whose written testimony has been advanced with the Pleadings.

21.2. The Tribunal will decide how much weight, if any, to give to the testimony of a witness or expert called to testify at the hearing who fails to appear at the hearing without justified reasons, when it evaluates all the evidence that the parties have submitted to its consideration during the proceeding.

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21.3. Examination by video-conference may be permitted for justified reasons at the discretion of the Tribunal.

21.4. The parties shall notify the opposing party which witness and experts it intends to call for cross-examination within 4 weeks after completion of the Written Procedure. Shortly after the parties' notifications, the Tribunal will indicate which witnesses or experts, not called by the parties, it wishes to question, if any.

21.5. Witnesses and experts shall be examined by each party under the control of the Tribunal. The Tribunal may examine the witness or expert at any time during the hearing. Witness and experts shall make a declaration of truthfulness.

21.6. 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 at the hearing, which shall be no longer than 10 minutes in the case of a witness and will be limited to the contents of his direct written testimony. The party presenting an expert may conduct a brief direct examination, or the expert may make a presentation, at the hearing, which shall not exceed 30 minutes, and will be limited to the contents of his expert reports.”

32. Sequence of examinations: The sequence for examination of witnesses and experts shall be in accordance with the Hearing Schedule.

33. Witness and Expert Sequestration. All experts and witnesses who are party representatives may attend the Hearing at all times, including prior to and after their testimony and during oral testimony and arguments. Witnesses who are not party representatives may not attend the Hearing prior to their testimony, but may attend the Hearing thereafter.

F. INTERPRETATION

34. The provisions of Sections 12.10 to 12.13 of Procedural Order No. 1 concerning interpretation at the Hearing (reproduced below) apply.

“12.10. The hearing shall be conducted in Spanish and English with simultaneous interpretation into the other procedural language. Transcripts shall be taken in both languages.

12.11. The testimony of a witness called for examination during the hearing who prefers to give evidence other than in the English and Spanish languages shall be interpreted simultaneously.

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12.12. The parties will notify the Tribunal, as soon as possible, and no later than at the pre-hearing organizational meeting (see §22 below), which witnesses or experts require interpretation.

12.13. The costs of the interpreter(s) will be paid from the advance payments made by the parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.”

G. TRANSCRIPTION

35. The provisions of Sections 24.2 to 24.3 of Procedural Order No. 1 concerning transcription (reproduced below) apply.

“24.2. Verbatim transcript(s) in the procedural language(s) shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Tribunal, the verbatim transcripts shall 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.

24.3. The parties shall agree on any corrections to the transcripts within 35 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). The Tribunal shall decide upon any disagreement between the parties and any correction adopted by the Tribunal shall be entered by the court reporter in the revised transcripts.”

H. AUDIO /VIDEO RECORDING

36. The provisions of Section 24.1 of Procedural Order No. 1 concerning audio recording (reproduced below) apply.

“24.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the Parties and the Tribunal Members.”

37. ICSID shall make the arrangements for the sound and video recordings, which will be shared with the Parties and the Members of the Tribunal at the conclusion of the Hearing. Except for the court reporters, Hearing Participants shall not otherwise record the Hearing or any part thereof.

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I. POST-HEARING SUBMISSIONS

38. The Tribunal will at the Hearing determine, after consulting the Parties, whether Post-Hearing Submissions will be required. If so, the structure, length and form of the Post-Hearing Submissions shall be discussed at the Hearing or shortly thereafter.

J. STATEMENTS OF COSTS

39. At the conclusion of the Hearing, the Tribunal, in consultation with the Parties, shall determine the content, format, length, number, sequence and timing of statements of costs.

K. CLOSED HEARING

40. In accordance with Section 23.6 of Procedural Order No. 1, the Hearing shall be closed to the public.

L. OTHER ARRANGEMENTS

41. The Parties are invited to confer and consider the following provisions for a Hearing in the remote modality.

1. Videoconference Platform and Streamed Transcript

42. The Hearing shall be held by videoconference using the Zoom platform, in order to allow for optimum efficiency with respect to simultaneous interpretation and break out-rooms. The Parties agree that, in this event, the Hearing may be supported by an external service provider to be retained by ICSID to provide the services of hosting, recording and technical assistance.

43. Real-time court reporting shall be made available to the Participants via an online link connection to be provided by the court reporters. The Participants will be able to access the streamed transcripts from their own devices.

44. The connectivity details (links and instructions) to join the Hearing videoconference session, and to connect to the streamed real-time transcripts in both procedural languages will be shared by ICSID prior to the start of the Hearing.

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2. Technical Testing

45. There shall be technical test(s) with the Tribunal and all the Participants in advance of the Hearing, to test connectivity to the videoconference platform and to the online real-time transcriptions. For the efficient conduct of these tests, Participants are advised to replicate the technical conditions in which they will participate in the Hearing (location and equipment).

3. Participants

46. Each Party shall update its respective List of Participants for the Hearing (“**List of Participants**”) no later than May 10, 2021, using the format provided in **Annex B**.

47. In the List of Participants, each Party shall designate those Participants that will have an active speaking role (“**Active Participants**”), and those who will be passive attendees (“**Passive Participants**”).

48. For ease of identification, Participants shall join the videoconference using the naming convention indicated in the format in **Annex B**, namely, first and last name preceded by [C] (for Participants for Claimant), [R] (for Participants for Respondent), [E] (for experts), [W] (for witnesses). Should there be Participants joining from a common conference room, the conference room connection may be identified as “[C] [R] Conference Room #” as appropriate.

49. Participants will join the videoconference through a “*waiting room*” to be managed by the external service provider retained for the hosting and technical support of the remote Hearing.

50. Access to the videoconference shall be restricted to those included in the List of Participants. Should any non-listed Participant attempt to connect to the videoconference, the technical operator hosting the meeting will alert the Secretary of the Tribunal, and the Tribunal will promptly address the matter with the Parties. All Participants in the Hearing bear an ongoing duty to warn of the presence of any other person on the videoconference.

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51. Witnesses and experts may not use a virtual background and the rooms in which they are located must be visible.
52. During cross-examination of any witness/expert, nobody else shall be present in that venue/room and/or assist the witness/expert in any way.
53. To avoid any risk that an expert/witness be perceived to be coached off camera, the venue/room shall be visible at all times, either through the use of a 360-degree camera or through the use of a second laptop.
54. Any computer used by a witness to transmit any portion of the video-conference, including the projection of exhibits, shall not have any email or messaging application open and/or functioning during the witness/expert examination.
55. The witness/expert may not communicate by any means (including, but not limited to, email, text messaging, instant messaging, etc.), with any person on the subject matter of the witness/expert's testimony while the testimony is in progress.
56. Participants shall join the videoconference **30 minutes in advance** of the start on each day to facilitate the identification and to address any technical contingencies.

4. Connectivity

57. The Parties shall ensure that each of their representatives, witnesses and experts will connect to the videoconference through a stable internet connection offering sufficient bandwidth, and using a camera and microphone/headset of adequate quality.
58. If available, Participants are advised to use a wired Ethernet connection instead of Wi-Fi. Participants are also encouraged to keep a smartphone or tablet, having a 4G data connection and mobile hotspot functionality, available as a backup internet connection at all times during the Hearing.
59. The videoconference platform will also offer a dial-in telephone audio connection as a backup option should a Participant experience a temporary technical difficulty with a

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computer online connection. The Parties are advised that the dial-in back up telephone connection provides access to the “*floor*” audio channel only, not to the interpretation channels.

5. Equipment and Set Up

60. For optimum sound quality, especially important for the audio recording, the transcription and the interpretation, Active Participants are encouraged to use a headset which incorporates a microphone.

61. While not indispensable, Participants are also encouraged to have at least two screens, and preferably three (it can be one device with multiple screens or a combination of devices including tablets) to facilitate simultaneous viewing of: (i) the video connection; (ii) the online real time transcripts; and (iii) documents.

6. Electronic Document Display

62. Each Party shall have the ability to display documents (*e.g.*, PowerPoint presentations, demonstrative exhibits, exhibits and authorities) through the screen-sharing function of the videoconference Zoom platform, which allows the speaker and the relevant document to be seen simultaneously.

63. For optimum operation of the videoconference platform, the Parties are advised to use the screen-sharing function selectively and only when necessary, to minimize pressure on the internet bandwidth and stability of the connection.

64. Participants are also advised to have the Electronic Hearing Bundle and any demonstrative exhibit previously distributed downloaded into their own devices and available for access offline, if necessary.

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7. Videoconference Etiquette

65. Once admitted to the videoconference, and barring technical issues or other exceptional circumstances, lead counsel and Party representatives should remain connected throughout the Hearing day.
66. For optimum operation of the videoconference platform, the Parties are advised to keep the number of video connections to Active Participants only. Passive Participants should preferably join the meeting through their computer but turn their video off.
67. Participants shall use the “mute microphone” function when not speaking to reduce background noise and to avoid interference with the audio recording. The service provider serving as host of the videoconference shall have the ability to mute Participants if needed to avoid background noise, under the Tribunal’s control.
68. To facilitate the accurate transcription and interpretation, speakers are advised to speak at a reasonable speed and with pauses between phrases.
69. Participants are advised to join the Hearing from a location without background noise and with adequate lighting. Participants joining via video shall avoid sitting with a window or source of light behind them.
70. Each Party will make its own separate arrangements for private communication within its team during the Hearing by instant messenger or other appropriate means. The Zoom built-in chat function will be disabled, except for communications with the technical service provider acting as Zoom Operator.

8. Break-Out Rooms

71. During the designated Hearing breaks, the Parties will be assigned to breakout rooms within the videoconference platform to enable to promptly reconvene all Participants following breaks.

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72. The List of Participants (Annex B) shall indicate the break-out room to which Participants shall be assigned, with [C] for the Claimants' break out room, [R] for the Respondent's break out room. Should there be a break in the course of a given witness or expert examination, the testifying witness/expert will be isolated in a separate break out room identified as [W/E].

9. Technical Issues

73. In the List of Participants, each Party shall designate one of its representatives as the contact person for purposes of addressing any technical incidents which arise during the videoconference ("**VC Emergency Contact Person**"). The VC Emergency Contact Person shall be responsible for advising the Tribunal and ICSID if an essential participant on his/her side is temporarily disconnected from the remote Hearing room.

74. The Tribunal may temporarily or permanently suspend the Hearing if it deems the functioning of the videoconference system to be inadequate or likely to prejudice the due process rights of either of the Parties or the integrity of the proceeding. Full recordings and real-time streamed transcripts will also be available to mitigate any prejudice arising from the temporary failure of a given Participant to be able to follow the entire Hearing on the videoconference platform.

75. The above provisions on videoconference protocols may be adjusted or supplemented by the Tribunal, in consultation with the Parties, in the course of the Hearing.

For and on behalf of the Tribunal,

[Signed]

Dr. Andrés Rigo Sureda
President of the Tribunal
Date: April 21, 2021

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ANNEX A

HEARING SCHEDULE

Day 1: Sunday, May 16, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
9:00 AM (EDT)	15 min.	Introductory matters; housekeeping
9:15 AM (EDT)	1 hr. 45 min.	Claimant's Opening Statement
11:00 AM (EDT)	15 min.	<i>Break</i>
11:15 AM (EDT)	1 hr. 45 min.	Respondent's Opening Statement
1:00 PM (EDT)	15 min.	<i>Break</i>
1:15 PM (EDT)	30 min.	Tribunal's reserved time
1:45 PM (EDT)		End

Claimant's daily used time: 1 hr. 45 min.

Claimant's total used time: 1 hr. 45 min.

Respondent's daily used time: 1 hr. 45 min.

Respondent's total used time: 1 hr. 45 min.

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Day 2: Monday, May 17, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
7:00 AM (EDT)	10 min.	Introductory matters; housekeeping
7:10 AM (EDT)	5 min.	Direct examination of Mr. Lee Keng Lin (Claimant's witness)
7:15 AM (EDT)	25 min.	Cross-examination of Mr. Lee Keng Lin (Claimant's witness)
7:40 AM (EDT)	5 min.	Re-direct examination of Mr. Lee Keng Lin (Claimant's witness)
7:45 AM (EDT)	15 min.	Tribunal's reserved time
8:00 AM (EDT)	15 min.	<i>Break</i>
8:15 AM (EDT)	5 min.	Direct examination of Mr. Jose Luis Montalvo Sanchez Mejorada (Claimant's witness)
8:20 AM (EDT)	25 min.	Cross examination of Mr. Jose Luis Montalvo Sanchez Mejorada (Claimant's witness)
8:45 AM (EDT)	5 min.	Re-direct examination of Mr. Jose Luis Montalvo Sanchez Mejorada (Claimant's witness)
8:50 AM (EDT)	15 min.	Tribunal's reserved time
9:05 AM (EDT)	15 min.	<i>Break</i>
9:20 AM (EDT)	5 min.	Housekeeping

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9:25 AM (EDT)	30 min.	Presentation by Mr. Luis Manuel Camp Mejan (Claimant's Insolvency Law expert)
9:55 AM (EDT)		End

Claimant's daily time used: 50 min.

Claimant's total time used: 2 hr. 35 min.

Respondent's daily time used: 50 min.

Respondent's total time used: 2hr. 35 min.

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Day 3: Tuesday, May 18, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
9:00 AM (EDT)	15 min.	Introductory matters; housekeeping
9:15 AM (EDT)	45 min.	Cross-examination of Mr. Luis Manuel Camp Meján (Claimant's Insolvency Law expert)
10:00 AM (EDT)	10 min.	Re-direct examination of Mr. Luis Manuel Camp Meján (Claimant's Insolvency Law expert)
10:10 AM (EDT)	15 min.	Tribunal's reserved time
10:25 AM (EDT)	15 min.	<i>Break</i>
10:40 AM (EDT)	20 min.	Presentation by Mr. Dario Ulises Oscos Coria (Respondent's Insolvency Law expert)
11:00 AM (EDT)	45 min	Cross-examination of Mr. Dario Ulises Oscos Coria (Respondent's Insolvency Law expert)
11:45 PM (EDT)	5 min.	Re-direct examination of Mr. Dario Ulises Oscos Coria (Respondent's Insolvency Law expert)
11:50 PM (EDT)	15 min.	Tribunal's reserved time
12:05 PM (EDT)	15 min.	<i>Break</i>
12:20 PM (EDT)	30 min.	Presentation by Mr. Diego Ruiz Durán (Claimant's Criminal Law expert)
12:50 PM (EDT)		End

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Claimant's daily time used: 1 hr. 25 min.

Claimant's total time used: 4 hr.

Respondent's daily time used: 1 hour 10 min.

Respondent's total time used: 3 hr. 45 min.

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Day 4: Wednesday, May 19, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
9:00 AM (EDT)	15 min.	Introductory matters; housekeeping
9:15 AM (EDT)	50 min.	Cross-examination of Mr. Diego Ruiz Duran (Claimant's Criminal Law expert)
10:05 AM (EDT)	10 min.	Re-direct examination of Mr. Diego Ruiz Duran (Claimant's Criminal Law expert)
10:15 AM (EDT)	15 min.	Tribunal's reserved time
10:30 AM (EDT)	15 min.	<i>Break</i>
10:45 AM (EDT)	20 min.	Presentation by Mr. Javier Paz Rodriguez (Respondent's Criminal Law expert)
11:05 AM (EDT)	45 min.	Cross- examination of Mr. Javier Paz Rodriguez (Respondent's Criminal Law expert)
11:50 PM (EDT)	5 min.	Re-direct examination of Mr. Javier Paz Rodriguez (Respondent's Criminal Law expert)
11:55 PM (EDT)	15 min.	Tribunal's reserved time
12:10 PM (EDT)	15 min.	<i>Break</i>
12:25 PM (EDT)	30 min.	Presentation by Ms. Jean Richards (Claimant's Industry expert)
12:55 PM (EDT)		End

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Claimant's daily time used: 1 hr. 25 min.

Claimant's total time used: 5 hr. 25 min.

Respondent's daily time used: 1 hr. 15 min.

Respondent's total time used: 5 hr.

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Day 5: Thursday, May 20, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
9:00 AM (EDT)	15 min.	Introductory matters; housekeeping
9:15 AM (EDT)	35 min.	Cross-examination of Ms. Jean Richards (Claimant's Industry expert)
9:50 AM (EDT)	10 min.	Re-direct of Ms. Jean Richards (Claimant's Industry expert)
10:00 AM (EDT)	15 min.	Tribunal's reserved time
10:15 AM (EDT)	15 min.	<i>Break</i>
10:30 AM (EDT)	15 min.	Presentation by Mr. Miguel Peleteiro (Respondent's Industry expert)
10:45 AM (EDT)	45 min.	Cross-examination of Mr. Miguel Peleteiro (Respondent's Industry expert)
11:30 AM (EDT)	5 min.	Re-direct examination of Mr. Miguel Peleteiro (Respondent's Industry expert)
11:35 AM (EDT)	15 min.	Tribunal's reserved time
11:50 AM (EDT)	15 min.	<i>Break</i>
12:05 PM (EDT)	30 min.	Presentation by Messrs. Kiran Sequeira and Garrett Rush (Claimant's Damages experts)
12:35 PM (EDT)		End

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Claimant's daily time used: 1 hr. 25 min.

Claimant's total time used: 6 hr. 50 min.

Respondent's daily time used: 55 min.

Respondent's total time used: 5 hr. 55 min.

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Day 6: Friday, May 21, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
9:00 AM (EDT)	15 min.	Introductory matters; housekeeping
9:15 AM (EDT)	90 min.	Cross-examination of Messrs. Kiran Sequeira and Garrett Rush (Claimant's Damages experts)
10:45 AM (EDT)	15 min.	<i>Break</i>
11:00 AM (EDT)	10 min.	Re-direct examination of Messrs. Kiran Sequeira and Garrett Rush (Claimant's Damages experts)
11:10 AM (EDT)	15 min.	Tribunal's reserved time
11:25 AM (EDT)	15 min.	Presentation by Mr. Juan Jose Alberro (Respondent's Damages expert)
11:40 AM (EDT)	15 min.	<i>Break</i>
11:55 PM (EDT)	45 min.	Cross-examination of Mr. Juan Jose Alberro (Respondent's Damages expert)
12:40 PM (EDT)	5 min.	Re-direct examination of Mr. Juan Jose Alberro (Respondent's Damages expert)
12:45 PM (EDT)	15 min.	Tribunal's reserved time
1:00 PM (EDT)		End

Claimant's daily time used: 55 min.

Claimant's total time used: 7 hr. 45 min.

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Respondent's daily time used: 1 hr. 50 min.

Respondent's total time used: 7 hr. 45 min.

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Day 7: Saturday, May 22, 2021

<i>Hour</i>	<i>Duration</i>	PROCEDURAL STEP
9:00 AM (EDT)	15 min.	Introductory matters; housekeeping
9:15 AM (EDT)	1 hr.	Claimant's Closing Statement
10:15 AM (EDT)	15 min.	<i>Break</i>
10:30 AM (EDT)	1 hr.	Respondent's Closing Statement
11:30 AM (EDT)	15 min.	<i>Break</i>
11:45 AM (EDT)	30 min.	Tribunal's reserved time
12:15 PM (EDT)		End

Claimant's daily time used: 1 hr.

Claimant's total time used: 8 hr. 45 min. [Total available time: 8 hr. 45 min.]

Respondent's daily time used: 60 min.

Respondent's total time used: 8 hr. 45 min. [Total available time: 8 hr. 45 min.]

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ANNEX B

TRIBUNAL				
(1)	(2)	(3)	(4)	(5)
Break Out Room	Name	Type	Affiliation	Place of Connection
T	T – Andrés Rigo Sureda	A	President	
T	T – W. Michael Reisman	A	Arbitrator	
T	T – Philippe Sands	A	Arbitrator	

ICSID SECRETARIAT				
Break Out Room	Name	Type	Affiliation	Place of Connection
T	T - Mercedes Kurowski mkurowski@worldbank.org	A	Secretary of the Tribunal	
			Paralegal	

CLAIMANT				
Break Out Room ²	Name	Type	Affiliation	Place of Connection
	<i>Counsel:</i>			
C	[C] - Name and Last name [Email]			[C] Conference Room # 1 [City]
C				[C] Office / Home [City]
	<i>Party Representatives:</i>			

¹ “A” (Active Participant) / “P” (Passive Participant).

² Witness [W] or Experts [E] called to testify to be assigned to the W/E Break-Out Room during their examinations. Experts [E] may be assigned to the [C] break out room if connected at any other time.

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C	[C] - Name and Last name [Email]			
C				
	<i>Witnesses:</i>			
W/E	[W] - Name and Last name [Email]			
W/E				
	<i>Experts:</i>			
W/E	[E] - Name and Last name [Email]			
W/E				

RESPONDENT				
Break Out Room³	Name	Type	Affiliation	Place of Connection
	<i>Counsel:</i>			
R	[R] - Name and Last name [Email]			[R] Conference Room # 1 [City]
R				[R] Office / Home [City]
	<i>Party Representatives:</i>			
R	[R] - Name and Last name [Email]			
R				
	<i>Witnesses:</i>			
W/E	[W] - Name and Last name [Email]			
W/E				
	<i>Experts:</i>			
W/E	[E] - Name and Last name [Email]			

³ Witness [W] or Experts [E] called to testify to be assigned to the W/E Break-Out Room during their examinations. Experts [E] may be assigned to the [R] break out room if connected at any other time.

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COURT REPORTERS				
Break Out Room	Name	Type	Affiliation	Place of Connection
N/A	[CR] - Name and Last name [Email]	P		
N/A		P		
N/A		P		
N/A		P		

INTERPRETERS				
Break Out Room	Name	Type	Affiliation	Place of Connection
N/A	[INT] - Name and Last name [Email]	P		
N/A		P		
N/A		P		
N/A		P		

TECHNICAL SUPPORT				
Break Out Room	Name	Type	Affiliation	Place of Connection
N/A	[TECH] - Name and Last name [Email]	P		
N/A		P		
N/A		P		
N/A		P		