

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Fouad Alghanim & Sons Co. for General Trading & Contracting, W.L.L. and
Mr Fouad Mohammed Thunyan Alghanim v Hashemite Kingdom of Jordan
(ICSID Case No. ARB/13/38)**

**PROCEDURAL ORDER NO 9
ON DOCUMENT PRODUCTION**

7 April 2016

The Tribunal

The Honourable L. Yves Fortier, PC CC OQ QC
Professor Marcelo G. Kohen
Professor Campbell McLachlan, QC (President)

Secretary to the Tribunal

Ms. Aïssatou Diop

Assistant to the Tribunal

Mr. Jack Wass

Whereas:

In accordance with the timetable established by Procedural Order No. 1 dated 16 October 2014 (**PO No. 1**), the Claimants produced in support of their Memorial on the Merits dated 21 January 2015 a copy of the “Umniah / Batelco Sale & Purchase Agreement” dated 24 June 2006 (**the Agreement**), the parties to which are Umniah Telecom and Telecommunications, LLC (**UTT**) and Global Investment House Company (**Global**) as Sellers and Bahrain Telecommunications Company (**Batelco**);

The version of the Agreement placed on to the record as Exhibit C-54 by the Claimants contains only the body of the agreement, omitting the 18 numbered schedules and the Disclosure Letter referred to in clause 1.1 of the Agreement;

Article 4(5)(b) of the International Bar Association Rules on the Taking of Evidence in International Arbitration, which provide general guidance to the Tribunal in accordance with clause 24 of PO No. 1, require that documents on which a witness relies shall be submitted if not already provided;

By letter of 22 March 2016, the Respondent requested that the Tribunal order that the Claimants produce a complete copy of the Agreement, including the Disclosure Letter;

By subsequent correspondence, the Claimants agreed in principle to produce the complete agreement and the parties agreed confidentiality undertakings;

By letter of 31 March 2016 to the Claimants’ counsel, Batelco informed the Claimants that it did not consent to the disclosure of the Agreement in the present arbitration;

By letter of 4 April 2016, the Claimants requested that the Tribunal make an order compelling the Claimants to produce the schedules to the Agreement, and the Respondent does not object to the Claimants’ application;

The Tribunal has deliberated;

The Tribunal orders as follows:

1. In the circumstances where the Claimants have introduced into the record and relied upon the Agreement, the Tribunal considers that the Respondent is entitled to request that a complete copy of the Agreement is provided.
2. The Tribunal therefore orders the Claimant to produce a full copy of the Agreement by close of business, London time, on Monday 11 April 2016.

For and on behalf of the Arbitral Tribunal

SIGNED

Professor Campbell McLachlan QC
President of the Tribunal
Date: 7 April 2016