

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 3
ON REQUESTS FOR PRODUCTION OF DOCUMENTS**

1 September 2015

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

Whereas:

In accordance with clause 15 of Procedural Order No 1 (**PO No 1**), and pursuant to the timetable prescribed in Annex A to PO No 1, as extended by the agreement of the Parties and with leave of the Tribunal, the Claimants and the Respondent each submitted Requests for the Production of Documents on 13 August 2015;

Pursuant to clause 24 of PO No 1, the International Bar Association Rules on the Taking of Evidence in International Commercial Arbitration (**IBA Rules**) shall provide general guidance for the parties and the Tribunal in these proceedings;

The Tribunal has considered the Parties' document requests and the parties' accompanying submissions;

The Tribunal now orders as follows:

1. The Tribunal's decisions on the Parties' document requests are set out in the accompanying Redfern Schedules.
2. The Parties are ordered to search for and to produce to each other, but not yet to the Tribunal, the documents indicated in the Schedules. In respect of documents responsive to requests to which no objection has been taken, the documents must be produced within 14 days of the date of this order, namely 15 September 2015. Documents responsive to a request that has been granted by this Order must be produced within 21 days of the date of this Order, namely by 22 September 2015.
3. If either party objects to the production of part of any responsive document on the grounds of confidentiality, and the parties are unable to agree on appropriate protections, they are directed to report to the Tribunal by 15 September 2015.
4. If either party objects to the production of any responsive document on the grounds of legal impediment or privilege in terms of Article 9(2)(b) of the IBA Rules, they are to particularize that claim in a log which identifies the nature of the document, its date, and the basis of the claim of legal impediment or privilege, by 15 September 2015. That log must also, where appropriate, demonstrate why the impediment in question cannot be satisfied by means of appropriate confidentiality protections pursuant to Article 9(4) of the IBA Rules.
5. To the extent that either party's document requests have been denied, such denial does not affect any documents already voluntarily produced or the production of requested documents to which no objection has been taken.
6. Insofar as any documents ordered are not produced or not fully produced as directed in this Order, the Tribunal may take this into account in its evaluation of the parties' respective factual allegations and evidence, including where appropriate by drawing an inference against the party refusing production.

7. The costs of and incidental to the Parties' applications are reserved.
8. Leave is reserved for either party to apply in respect of any aspect of this Order. Parties must make such applications no later than 7 days from the date of issue of this Order, namely by 8 September 2015.

For and on behalf of the Arbitral Tribunal

SIGNED

Professor Campbell McLachlan QC
President of the Tribunal
Date: 1 September 2015