

## Statement of Dissent of Dr. Santiago Torres Bernárdez

1. As explained in my Dissenting Opinion to Procedural Order N° 15, I objected that Order for reasons of principle based upon the relevant provisions of the ICSID Convention and Rules as well as for my lack of confidence in the single Expert chosen by the majority of the Arbitral Tribunal in the light the verification tasks to be performed by him. For similar grounds, I appended a Statement of Dissent to Procedural Order N° 17 because of my disagreement with the confirmation of Dr. Wühler (with or without a team) as Expert of the Tribunal, the object and purpose of the Expert's mission, its scope, mandate and procedures and the time allocated to each individual verification, as well as with the usefulness of a verification of the Claimants' Database out of context or in isolation from the legal and factual surrounding circumstances.

2. Today, I make the present Statement of Dissent concerning Procedural Order N° 20 because in addition to the reasons and grounds above, which remain, recent developments relating to the Database Verification undertaking are revealing, increasingly, the inefficiency of the Verification Scheme as originally conceived by the majority of the Arbitral Tribunal (with evermore increases in staff and costs), as well as shortcomings in the Database itself which hampering its manageability and, eventual, reliability, with consequential detrimental effects for the regular unfolding of the arbitral proceeding and also, according to several communications from the Respondent, for the exercise by the latter of its right of defense.

3. It is, therefore, my considered opinion that instead of granting the Expert's Requests, the Tribunal should reconsider the usefulness of the present Database Verification undertaking and study other alternative means for the necessary verification of the individual Claimants' identities and titles, if any, particularly when the Database seems to be continuously modified and the Claimants have manifested their intention to continue to do so.

Signed: Santiago Torres Bernárdez