

*Tayeb Benabderrahmane v. The State of Qatar*  
(ICSID Case No. ARB/22/23)

Procedural Order No. 3 – Decision on the Claimant’s Application to Produce Documents  
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<b>Request No. 1</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial or otherwise, issued by or on behalf of the Respondent, including but not limited to the Qatar’s security forces, related in whole or in part, to the Claimant’s arrest and search of his residence, that took place on 13 January 2020, including but not limited to :</p> <ul style="list-style-type: none"><li>- arrest warrant issued against the Claimant and any other document(s) attesting the reasons for the arrest;</li><li>- search warrant(s) issued in relation to the Claimant’s residence and vehicle;</li><li>- verbatim reports regarding the Claimant’s arrest;</li><li>- verbatim reports regarding the search of the residence and vehicle;</li><li>- verbatim reports regarding the arrestation of the Claimant;</li><li>- the order to remand the Claimant in custody.</li></ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant<sup>1</sup> and are therefore, notably, material to an assessment of the Respondent’s alleged breach of the Claimant’s rights under Art. 3<sup>2</sup> and 6<sup>3</sup> of the France-Qatar BIT, in particular, the Claimant’s unfair and unequitable and arbitrariness claim.</p> <p>None of these documents were provided to the Claimant at the time of his arrest or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This request is of no relevance to any jurisdictional issue. The documents requested are said by the Claimant to be relevant “to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are, therefore, notably, material to an assessment of the Respondent’s alleged breach of the Claimant’s under Article 3 and 6 of the France-Qatar BIT, in particular, the Claimant’s unfair and unequitable and arbitrariness claim [sic]”.</li><li>2. To the extent that the documents requested may be relevant to any issue in this arbitration, then on the Claimant’s own case, they would be relevant only to issues relating to the merits, and not to jurisdiction.</li><li>3. This request should therefore be rejected at this stage, without prejudice to the Claimant’s right to request these documents at a subsequent stage of the proceedings, should the Tribunal find that it has jurisdiction, and without</li></ol>

<sup>1</sup> See **RfA**, para. 37, p. 11; see also, **NoD**, para. 23, p. 6.

<sup>2</sup> See **RfA**, para. 84, p. 18; see also, **NoD**, para. 36, p. 7.

<sup>3</sup> See **RfA**, para. 90, p. 19.

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	<p>prejudice to the Respondent’s right to resist any such request in due course on any appropriate basis.</p> <p>4. Without prejudice to that primary contention, the Respondent notes that this request is plainly non-compliant with the IBA Rules and should also be rejected on that basis:</p> <ul style="list-style-type: none"><li>a. It is not a request for a “narrow and specific” category of documents (IBA Rules, Rule 3(3)(a)(ii)). It requests “all files and records ... issued by or on behalf of the Respondent, including but not limited to the Qatar’s security forces, related in whole or in part to the Claimant’s arrest and search of his residence, that took place on 13 January 2020 ...”. Far from being “narrow and specific”, that is broad – it would catch any document “related ... in part to” the Claimant’s arrest or the search, without limit of time.</li><li>b. The documents are not relevant to the case and material to its outcome. Although the Claimant asserts the documents are relevant and material, at this stage of the proceedings it is not possible meaningfully to engage with that contention. That will depend upon what is alleged and Qatar’s response thereto. For example, there is no explanation given by the Claimant as to why documents must be produced which show the arresting officer (one of the sub-categories of document requested).</li></ul> <p>5. The Respondent also notes (by way of example only) that there may be numerous grounds on which it might object to production of the documents requested, including but not limited to those set out in the following articles of the IBA Rules: Articles 9(2)(b) (legal impediment or privilege), (c) (unreasonable burden to produce) and (f) (special political or institutional sensitivity)).</p> <p>6. The Respondent also notes that the subject matter of this claim is in one of the most sensitive areas of State decision making, namely exercise of criminal powers – which is a further reason for caution, especially when the Tribunal is being asked to make document production orders at an early stage, and before any pleading at all.</p>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>The Claimant values the Respondent’s willingness to provide some of the Requested Documents.</p> <p>However, the Claimant further insists on the production of :</p> <ul style="list-style-type: none"><li>- any document(s) attesting the reasons for the arrest;</li></ul>

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- verbatim reports regarding the Claimant’s arrest (including time, location, conditions surrounding the arrest, arresting officer, etc.);
- verbatim reports regarding the search of the residence and vehicle (including time, location, conditions surrounding the search, officer or service conducting the search, items found during the search etc);
- the order to remand the Claimant in custody (including the reasons, the services concerned and location he would be held in custody).

The Respondent’s objections are without merit and should be overruled for the following reasons:

1. Firstly, Claimant’s request has been made with adequate particularity and reference to the relevant factual and legal issues identified in its Request for Arbitration, the exact paragraphs of which they reference: see for example Request for Arbitration, para. 37, p.11; paras. 40-43, pp. 11-12 but also in the Notice of Dispute, paras. 23-26, p. 6 and in the First Session of the Arbitral Tribunal.
2. Secondly, Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody, or control because they are or should be inherent to ordinary operations of government functions. Claimant has narrowed and particularized this request to the best of their ability based on the knowledge and information in their possession. Reference is thus made to concrete information relating to the Claimant’s arrest and search of his residence. Seeing as the Claimant was not privy to the investigations supposedly conducted and therefore, the reasons behind the arrest and search nor the persons or divisions within the Qatar government that may have been involved, explains its inability to further narrow the request. None of these documents were given to the Claimant during the course of his arrest nor afterwards although they are of the type typically generated in the course of such legal proceedings.
3. Thirdly, Claimants’ request is highly relevant to the case and material to the determination of the Claimants’ claim that his arrest was disproportionate, not transparent and amounted to unfair and unequal treatment that violated fundamental principles of international law notably his right to due process. It is also crucial to assist the Claimant in demonstrating that he was not subjected to the same treatment as similar situated individuals. Documentation elucidating the reasoning for the arrest is also relevant to the dispute, as Claimant is entitled to understand and examine the documentation that shows the reasons of his arrest.

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	<p>4. Fourthly, the documents need to be produced now as serious due process implications arise for Claimant given Respondent’s refusal to initially provide the documents during the alleged “legal process” and its subsequent refusal to produce the Requested Documents in the Redfern Schedule. The Requested Documents were created by, belong to, and/or are in the exclusive control of the Respondent. The Respondent denies the Claimant the fair chance to effectively substantiate its arguments in its Memorial concerning the existence and ultimately validity of his arrest and in turn effectively demonstrate a breach of the France-Qatar BIT. The request is therefore intended to put the Tribunal but also the Claimant in a position to fully understand the context of the arrest but more generally the case or, as the Respondent itself admits, “to enable a fairer picture to be put before the Tribunal of what [the Claimant’s] misconceived claim is really about”<sup>4</sup>.</p> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 1 is granted insofar as the Respondent shall provide the Claimant with the order to remand him in custody. The Request is dismissed in all other parts, which are unspecific and not substantiated for the purpose of preparing the Claimant’s forthcoming Memorial, and for the determination of the allegations contained therein in support of the Claimant’s claims. Moreover, Request No. 1 is moot in respect of the several documents the Respondent has already provided, as reported in the Summary presented by the Claimant and in its letter dated September 4, 2023.</p>

<b>Request No. 2</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial or otherwise, issued by or on behalf of the Respondent, including but not limited to the Qatar’s security forces, related in whole or in part, to the seizure of the Claimant’s assets that took place on 13 January 2020, concurrently with his arrest and search of his residence, including but not limited to:</p> <ul style="list-style-type: none"><li>- inventory report(s) of the Claimant’s assets seized which include cash funds, physical documents, hardcopy files, computers, phones, hard drives, USB keys and a safe;</li><li>- any document(s) attesting the reasons for the seizure;</li><li>- report(s) of all investigative measures conducted on such assets;</li><li>- the decision(s) rendered by any relevant authority regarding the treatment and status of the seized assets;</li></ul>

<sup>4</sup> See Letter from Respondent’s Counsel, dated 22 June 2023.

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	<ul style="list-style-type: none"> <li>- any other document(s) attesting to the treatment and status of the seized assets.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>The requested documents are relevant and material to demonstrate the Respondent’s alleged breach of the Claimant’s rights under Art. 5 of the France-Qatar BIT<sup>5</sup> and to assess the appropriate remedies that the Claimant is seeking: the restitution and/or indemnification for the assets seized, which are the subject matter of the claim.<sup>6</sup></p> <p>None of these documents were provided by the Respondent to the Claimant at the time of his arrest or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"> <li>1. This request is of no relevance to any jurisdictional issue. The documents requested are said to be “relevant and material to demonstrate the Respondent’s alleged breach of the Claimant’s rights under Art. 5 of the Qatar-France BIT and to assess the appropriate remedies that the Claimant is seeking: the restitution and/or indemnification of the assets seized, which are the subject matter of this claim”.</li> <li>2. To the extent that the documents requested may be relevant to any issue in this arbitration, then on the Claimant’s own case, they would be relevant only to issues relating to the merits, and not to jurisdiction.</li> <li>3. Paras. 3 – 6 above in respect of Request 1 are repeated, mutatis mutandis.</li> </ol>
<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"> <li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par. 40-43, pp. 11-12; See also Notice of Dispute, par.25-26, p.6.</li> <li>- Secondly, Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody, or control because they are or should be inherent to ordinary operations of government functions. Claimant has narrowed and particularized this request to the best of their ability based on the knowledge and information in their possession. Reference is thus made to concrete information relating to the seizure of the Claimant’s assets that took place on 13 January 2020, concurrently with his arrest and search of his residence. Seeing as the Claimant was not privy to the investigations supposedly conducted and therefore, the reasons behind the search and seizure nor the persons or divisions within the Qatar</li> </ul>

<sup>5</sup> See **RfA**, paras. 40 & 42, p. 11, para. 79, p. 17; see also, **NoD**, paras. 42-44, p. 9.

<sup>6</sup> See **RfA**, para. 44, p. 12, para. 93, p. 20; see also, **NoD**, paras. 53-54, p. 10.

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	<p>government that may have been involved, explains its inability to further narrow the request. None of these documents were given to the Claimant during the course of the search nor afterwards although they are of the type typically generated in the course of such legal proceedings.</p> <ul style="list-style-type: none"><li>- Thirdly, Claimants’ request is highly relevant to the case and material to the determination of the Claimants’ claim that the seizure was disproportionate, not transparent and amounted to an expropriation as well as unfair and unequal treatment that violated fundamental principles of international law notably his right to due process. It is also crucial to assist the Claimant in demonstrating that he was not subjected to the same treatment as similar situated individuals. Documentation elucidating the reasoning for the seizure of the assets is also relevant to the dispute, as Claimant is entitled to understand and examine the documentation that shows the reasons.</li><li>- Fourthly, the documents need to be produced now as serious due process implications arise for Claimant given Respondent’s refusal to initially provide the documents during the alleged “legal process” and its subsequent refusal to produce the Requested Documents in the Redfern Schedule. The Requested Documents were created by, belong to, and/or are in the exclusive control of the Respondent. The Respondent denies the Claimant the fair chance to effectively substantiate its arguments in its Memorial concerning the existence and ultimately validity of the seizure and in turn effectively demonstrate an illegal expropriation in breach of the France-Qatar BIT. The request is therefore intended to put the Tribunal but also the Claimant in a position to fully understand the context of the seizure and expropriation but more generally the case or, as the Respondent itself admits, “to enable a fairer picture to be put before the Tribunal of what [the Claimant’s] misconceived claim is really about”<sup>7</sup>.</li></ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 2 is denied. The Claimant is requesting access to documents allegedly relating to the seizure of his assets on January 13, 2020, which would allow him “to effectively substantiate his arguments in its Memorial concerning the existence and ultimately the validity of the seizure and in turn effectively demonstrate an illegal expropriation in breach of the France-Qatar BIT”. The assets concerned are those of the Claimant before the alleged seizure. The Claimant cannot, at the present stage, search for the production of evidence to be submitted together with his forthcoming Memorial or thereafter. This denial may not be understood as preventing him from introducing or pleading the relevant allegations in his Memorial.</p>

<sup>7</sup> See Letter from Respondent’s Counsel, dated 22 June 2023.

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<b>Request No. 3</b>	<b>Withdrawn</b>
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files, records, administrative, judicial or otherwise, and correspondence issued by or on behalf of the Respondent, including but not limited to the Qatar’s security forces, related in whole or in part, to the retrieval and seizure of the Claimant’s assets located in Algeria between 27 and 29 January 2020 including:</p> <ul style="list-style-type: none"> <li>- all documents relating to the meeting between Qatar government officials including a chief-officer Abu Mohamed, the Claimant and the Claimant’s wife: Ms. Mahdjouba Benkeltoum Benabderrahmane in a military building next to the Ministry of the Interior in Doha on 21 January 2020;</li> <li>- all documents related to the retrieval of the assets by Ms. Mahdjouba Benkeltoum Benabderrahmane in Algeria at the request of the Respondent;</li> <li>- all documents related to the custody of the Claimant’s daughter during the period of absence of Ms. Mahdjouba Benkeltoum Benabderrahmane from Qatar between 27 and 29 January 2020;</li> <li>- any travel documentation (i.e. custom documentation) related to the exit and re-entry in Qatar of Ms. Mahdjouba Benkeltoum Benabderrahmane between 27 and 29 January 2020;</li> <li>- any verbatim record(s) or other documentations relating to the detention on 29 January 2020 at Qatar airport of Ms. Mahdjouba Benkeltoum Benabderrahmane;</li> <li>- any inventory report(s) of the assets seized from Ms. Mahdjouba Benkeltoum Benabderrahmane on 29 January 2020.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>The requested documents are relevant and material to demonstrate the Respondent’s alleged breach<sup>8</sup> of the Claimant’s rights under Art. 3<sup>9</sup>, 5<sup>10</sup> and 4<sup>11</sup> of the France-Qatar BIT and to assess the appropriate remedies that the Claimant is seeking: the restitution and/or indemnification for the assets seized, which are the subject matter of the claim.<sup>12</sup></p> <p>None of these documents were provided by the Respondent to the Claimant at the time of the seizure of the assets or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	The Respondent understands that this Request has been withdrawn. The Respondent reserves the right to object to any further request for these documents in due course.
<b>Reply to Objections to</b>	The Claimant values the Respondent’s willingness to provide this document.

<sup>8</sup> See RfA, para. 42, pp. 11-12; see also, NoD, para. 24, p. 6.

<sup>9</sup> See RfA, para. 84, p. 18.

<sup>10</sup> See RfA, para. 79, p. 17.

<sup>11</sup> See RfA, para. 90, p. 19.

<sup>12</sup> See RfA, para. 44, p. 12, para. 80, p. 18 and para. 93, p. 20; see also, NoD, paras. 53-54, p. 10

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<b>Document Request (July 11, 2023)</b>	<p>Given the Respondent’s objections regarding the lack of specific mention in the Request for Arbitration, and for the sake of efficiency, the Claimant is prepared to withdraw the Request.</p> <p>For the avoidance of doubt, Claimant notes that its readiness to limit its request in this matter is not to be construed as an acceptance of all of Respondent’s objections regarding the Request. Further the Claimant herein reserves its right to request the production of any such Documents at a later stage after the Respondent has had the opportunity to respond to the allegations.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 3: Withdrawn. The Claimant states that he is prepared to withdraw the Request regarding the lack of specific mention in the Request for arbitration. Without ruling on the pertinence of this argument, the Tribunal notes that the Claimant accepts not to be provided the documents referred to although he declares that they “are relevant and material to demonstrate the Respondent’s breach of the Claimant’s rights” under the BIT. In other words, in respect of this and other requests that were withdrawn, the evidentiary value of the requested documents does not prevent the Claimant from preparing his forthcoming Memorial where he will “assess the appropriate remedies that the Claimant is seeking”. Order accordingly.</p>

<b>Request No. 4</b>	<b>Withdrawn</b>
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial or otherwise, issued by or on behalf of the Respondent, in relation to the retrieval and seizure of the Claimant’s assets located in France, on or around 10 July 2020, including but not limited:</p> <ul style="list-style-type: none"> <li>- Any report regarding circumstances under which Claimant’s assets were seized in France on or around 10 July 2020;</li> <li>- Any inventory report(s) of the Claimant’s assets seized in France on or around 10 July 2020.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>The requested documents are relevant and material to demonstrate the Respondent’s alleged breach<sup>13</sup> of the Claimant’s rights under Art. 3,<sup>14</sup> 5<sup>15</sup> and 6<sup>16</sup> of the France-Qatar BIT and to assess the appropriate remedies that the Claimant is seeking: the restitution and/or indemnification for the assets seized, which are the subject matter of the claim.<sup>17</sup></p> <p>None of these documents were provided by the Respondent to the Claimant at the time of the seizure of the assets or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>

<sup>13</sup> See **RfA**, para. 41, p. 11 ; see also, **NoD**, para. 24, p. 6.

<sup>14</sup> See **RfA**, para. 85, p. 18.

<sup>15</sup> See **RfA**, para. 79, p. 17.

<sup>16</sup> See **RfA**, para. 90, p. 19.

<sup>17</sup> See **RfA**, para. 44, p. 12, para. 80, p. 18 and para. 93, p. 20; see also, **NoD**, paras. 53-54, p. 10.

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<b>Objections to Document Request (August 1, 2023)</b>	The Respondent understands that this Request has been withdrawn. The Respondent reserves the right to object to any further request for these documents in due course.
<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>Given the Respondent’s objections regarding the lack of specific mention in the Request for Arbitration, and for the sake of efficiency, the Claimant is prepared to withdraw the Request.</p> <p>For the avoidance of doubt, Claimant notes that its readiness to limit its request in this matter is not to be construed as an acceptance of all of Respondent’s objections regarding the Request. Further the Claimant herein reserves its right to request the production of any such Documents at a later stage.</p>
<b>Decision of the Tribunal</b>	Request No. 4: Withdrawn. See Reasons for Decision of Request No. 3 which <i>mutandis mutatis</i> apply.

<b>Request No. 5</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial, medical or otherwise, issued by or on behalf of the Respondent during the Claimant’s detention in an undisclosed detention facility, between 13 January and 1<sup>st</sup> February 2020, including but not limited to:</p> <ul style="list-style-type: none"> <li>- any document(s) regarding the decision(s) to detain the Claimant in such undisclosed detention facility and to maintain his detention in this facility until 1<sup>st</sup> February 2020;</li> <li>- any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention,</li> <li>- any document(s) relating to the charges that could have been brought against the Claimant and/or sentences passed;</li> <li>- any document(s) relating to eventual hearings concerning the Claimant;</li> <li>- any verbatim record(s), transcript(s) of interrogations conducted on the Claimant during his detention</li> <li>- verbatim record(s) of visits, transcript(s) of phone-calls, or other communication(s) made by the Claimant during his detention including the visit from his wife on 21<sup>st</sup> January 2020 and a call made on 20 January 2020 to his wife.</li> <li>- any declaration(s), testimony given or other document(s) signed by the Claimant during his detention.</li> <li>- any other document(s) regarding his detention.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	Such documents are relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to

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	<p>an assessment of the Respondent’s alleged breach<sup>18</sup> of the Claimant’s rights under Art. 3<sup>19</sup> of the France-Qatar BIT.</p> <p>None of these documents were provided by the Respondent to the Claimant at the time of his arrest or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This request is of no relevance to any jurisdictional issue. The documents requested are said to be “relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to an assessment of the Respondent’s alleged breach of the Claimant’s rights under Art. 3 of the France-Qatar BIT”.</li><li>2. To the extent that the documents requested may be relevant to any issue in this arbitration, then on the Claimant’s own case, they would be relevant only to issues relating to the merits, and not to jurisdiction.</li><li>3. This request should therefore be rejected at this stage, without prejudice to the Claimant’s right to request these documents at a subsequent stage of the proceedings, should the Tribunal find that it has jurisdiction, and without prejudice to the Respondent’s right to resist any such request in due course on any appropriate basis.</li><li>4. Without prejudice to the above, the Respondent notes that this request is plainly non-compliant with the IBA Rules:<ol style="list-style-type: none"><li>a. It is not a request for a “narrow and specific” category of documents (IBA Rules, Rule 3(3)(a)(ii)). It requests “all files and records ... issued by or on behalf of the Respondent, during the Claimant’s detention in an undisclosed detention facility, between 13 January and 1st February 2020, including but not limiting to ...”. It then goes on to list various categories of document, such as (i) “any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention”, (ii) “verbatim record(s) of visits, transcript(s) of phone-calls, or other communication(s) made by the Claimant during his detention including the visit from his wife on 21st January 2020 and a call made on 20 January 2020 to his wife” and (iii) “any document(s) relating to the charges that could have been brought against the Claimant”. Far from being “narrow and specific”, that is extremely broad, as those examples show.</li></ol></li></ol>

<sup>18</sup> See **RfA**, para. 37, p. 11; see also, **NoD**, para. 24, p. 6.

<sup>19</sup> See **RfA**, paras. 83-84, p. 18; see also, **NoD**, para. 36, p. 7.

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	<p>b. The documents are not relevant to the case and material to its outcome. Although the Claimant asserts the documents are relevant and material, at this stage of the proceedings it is not possible meaningfully to engage with that contention. That will depend upon what is alleged and Qatar’s response thereto. The Respondent notes, however, that the Claimant’s Request for Arbitration says nothing about any medical examinations or telephone calls to or visits from the Claimant’s wife. The Tribunal is therefore left to guess why this is said to be relevant to this investment claim. There is also no reason why charges that “could have been brought” are said to be relevant. There is no possible basis on which it could be said that the documents sought are all relevant and material to the claims set out at Request for Arbitration at paras 77 – 92.</p> <p>5. The Respondent also notes (by way of example only) that there may be numerous grounds on which it might object to production of the documents requested, including but not limited to those set out in the following articles of the IBA Rules: Articles 9(2)(b) (legal impediment or privilege), (c) (unreasonable burden to produce) and (f) (special political or institutional sensitivity)).</p> <p>6. The Respondent also notes that the subject matter of this claim is in one of the most sensitive areas of State decision making, namely exercise of criminal powers – which is a further reason for caution, especially when the Tribunal is being asked to make document production orders at an early stage, and before any pleading at all.</p>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>The Claimant values the Respondent’s willingness to provide a document relating to eventual hearings concerning the Claimant.</p> <p>However, the Claimant further insists on the production of:</p> <ul style="list-style-type: none"><li>- any document(s) regarding the decision(s) to detain the Claimant in such undisclosed detention facility and to maintain his detention in this facility until 1st February 2020;</li><li>- any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention,</li><li>- any document(s) relating to the charges that could have been brought against the Claimant and/or sentences passed;</li><li>- any verbatim record(s), transcript(s) of interrogations conducted on the Claimant during his detention</li><li>- verbatim record(s) of visits, transcript(s) of phone-calls, or other communication(s) made by the Claimant during his detention including the visit from his wife on 21st January 2020 and a call made on 20 January 2020 to his wife.</li></ul>

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- any declaration(s), testimony given or other document(s) signed by the Claimant during his detention.
- any other document(s) regarding his detention.

The Respondent’s objections regarding these documents are without merit and should be overruled for the following reasons:

1. Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: see Request for Arbitration, par.37, p.11; See also Notice of Dispute, par.23, p.6.
2. Secondly, Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody, or control because they are or should be inherent to ordinary operations of government functions. Claimant has narrowed and particularized this request to the best of their ability based on the knowledge and information in their possession. Reference is thus made to concrete information relating to Claimant’s detention in an undisclosed detention facility, between 13 January and 1st February 2020. Seeing as the Claimant was not privy to the investigations supposedly conducted and therefore, the reasons behind his detention nor the persons or divisions within the Qatar government that may have been involved, explains its inability to further narrow the request. None of these documents were given to the Claimant during the course of the detention nor afterwards although they are of the type typically generated in the course of such legal proceedings.
3. Thirdly, Claimants’ request is highly relevant to the case and material to the determination of the Claimants’ claim that the detention was disproportionate, not transparent and amounted to an unfair and unequal treatment that violated fundamental principles of international law notably his right to due process. It is also crucial to assist the Claimant in demonstrating that he was not subjected to the same treatment as similar situated individuals. Documentation elucidating the reasoning for the detention in such conditions is also relevant to the dispute, as Claimant is entitled to understand and examine the documentation that shows the reasons of such a detention.
4. Fourthly, the documents need to be produced now as serious due process implications arise for Claimant given Respondent’s refusal to initially provide the documents during the alleged “legal process” and its subsequent refusal to produce the Requested Documents in the Redfern Schedule. The Requested Documents were created by, belong to, and/or are in the exclusive control of the Respondent. The Respondent denies the Claimant the fair chance to effectively substantiate its arguments in its Memorial concerning

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	<p>the existence and ultimately validity of the detention and and in turn effectively demonstrate a breach of the France-Qatar BIT. The request is therefore intended to put the Tribunal but also the Claimant in a position to fully understand the context of the seizure and expropriation but more generally the case or, as the Respondent itself admits, “to enable a fairer picture to be put before the Tribunal of what [the Claimant’s] misconceived claim is really about”<sup>20</sup>.</p> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>
<b>Decision of the Tribunal</b>	<p>Request No. 5 is granted insofar as the Respondent shall provide the Claimant with the document(s) regarding the decision(s) to detain the Claimant in an undisclosed detention facility between January 13, and February 1, 2020. The Request is dismissed in all other parts, which are unspecific and not substantiated for the purpose of preparing the Claimant’s forthcoming Memorial, and for the determination of the allegations contained therein in support of the Claimant’s claims. Moreover, the Request is moot in respect of the several documents the Respondent provided, as reported in the Summary presented by the Claimant and in its letter dated September 4, 2023.</p>

<b>Request No. 6</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial, medical or otherwise, issued by or on behalf of the Respondent during the Claimant’s detention in the Salwa Road prison, between 1<sup>st</sup> February 2020 and 1<sup>st</sup> July 2020, including but not limited to:</p> <ul style="list-style-type: none"> <li>- any document(s) regarding the decision(s) to incarcerate the Claimant in the Salwa Road prison and to maintain his detention in this prison until 1<sup>st</sup> July 2020;</li> <li>- any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention,</li> <li>- any document(s) relating to the charges that could have been brought against the Claimant and/or sentences passed;</li> <li>- any document(s) relating to eventual hearings concerning the Claimant;</li> <li>- any verbatim record(s), transcript(s) of interrogations conducted on the Claimant during his detention</li> <li>- verbatim record(s) of visits, transcript(s) of phone-calls or communication(s) made by the Claimant during his detention notably calls to his wife on 1<sup>st</sup> March 2020, 30 March 2020, 9 April 2020 as well as a visit from his wife on the 8 March 2020,</li> <li>- any declaration(s), testimony given or other document(s) signed by the Claimant during his detention.</li> </ul>

<sup>20</sup>

See Letter from Respondent’s Counsel, dated 22 June 2023.

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	<p style="text-align: center;">- any other document(s) regarding his detention,</p>
<p><b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b></p>	<p>Such documents are relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to an assessment of the Respondent’s alleged breach<sup>21</sup> of the Claimant’s rights under Art. 3<sup>22</sup> of the France-Qatar BIT.</p> <p>None of these documents were provided by the Respondent to the Claimant at the time of his arrest or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<p><b>Objections to Document Request (August 1, 2023)</b></p>	<ol style="list-style-type: none"> <li>1. This request is of no relevance to any jurisdictional issue. The documents requested are said to be “relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to an assessment of the Respondent’s alleged breach of the Claimant’s rights under Art. 3 of the France-Qatar BIT”.</li> <li>2. To the extent that the documents requested may be relevant to any issue in this arbitration, then on the Claimant’s own case, they would be relevant only to issues relating to the merits, and not to jurisdiction.</li> <li>3. This request should therefore be rejected at this stage, without prejudice to the Claimant’s right to request these documents at a subsequent stage of the proceedings, should the Tribunal find that it has jurisdiction, and without prejudice to the Respondent’s right to resist any such request in due course on any appropriate basis.</li> <li>4. Without prejudice to the above, the Respondent notes that this request is plainly non-compliant with the IBA Rules. <ol style="list-style-type: none"> <li>a. It is not a request for a “narrow and specific” category of documents (IBA Rules, Rule 3(3)(a)(ii)). It requests “all files and records ... issued by or on behalf of the Respondent, during the Claimant’s detention in the Salwa Road prison, between 1st February 2020 and 1st July 2020, including but not limiting to ...”. It then goes on to list various categories of document, such as (i) “any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention”, (ii) “verbatim record(s) of visits, transcript(s) of phone-calls, or other communication(s) made by the Claimant during his detention, notably calls wo his wife on 1st March 2020, 30 March 2020, 9 April 2020 as well as a visit from his wife on the 8 March 2020” and (iii) “any document(s) relating to the charges that could have been brought against the Claimant”. Far from being</li> </ol> </li> </ol>

<sup>21</sup> See **RfA**, para. 38, p. 11; see also, **NoD**, para. 23, p. 6.

<sup>22</sup> See **RfA**, paras. 83-84, p. 18, see also **NoD**, para. 36, p. 7.

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	<p style="text-align: center;">“narrow and specific”, that is extremely broad, as those examples show.</p> <p style="text-align: center;">5. Paras. 3 - 6 in response to Request 5 above are repeated, mutatis mutandis.</p>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>The Claimant values the Respondent’s willingness to provide a document relating to eventual hearings concerning the Claimant.</p> <p>However, the Claimant further insists on the production of</p> <ul style="list-style-type: none"><li>- any document(s) regarding the decision(s) to incarcerate the Claimant in the Salwa Road prison and to maintain his detention in this prison until 1st July 2020;</li><li>- any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention,</li><li>- any document(s) relating to the charges that could have been brought against the Claimant and/or sentences passed;</li><li>- any verbatim record(s), transcript(s) of interrogations conducted on the Claimant during his detention</li><li>- verbatim record(s) of visits, transcript(s) of phone-calls or communication(s) made by the Claimant during his detention notably calls to his wife on 1st March 2020, 30 March 2020, 9 April 2020 as well as a visit from his wife on the 8 March 2020,</li><li>- any declaration(s), testimony given or other document(s) signed by the Claimant during his detention.</li></ul> <p>The Respondent’s objections regarding these documents are without merit and should be overruled for the following reasons:</p> <ol style="list-style-type: none"><li>1. Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.38, p.11; See also Notice of Dispute, par.23, p.6.</li><li>2. Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody, or control because they are or should be inherent to ordinary operations of government functions. Claimant has narrowed and particularized this request to the best of their ability based on the knowledge and information in their possession. Reference is thus made to concrete information relating to the Claimant’s detention in the Salwa Road prison, between 1st February 2020 and 1st July 2020. Seeing as the Claimant was not privy to the investigations supposedly conducted and therefore, the reasons behind the detention nor the persons or divisions within the Qatar government that may have been involved, explains its inability to further narrow the request. None of these documents were given to the Claimant during the course of the detention nor afterwards although they are of the type typically generated in the course of such legal proceedings.</li></ol>

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	<p>3. Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 5 with respect to (3) and (4) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</p> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>
<b>Decision of the Tribunal</b>	<p>Request No. 6 is granted insofar as the Respondent shall provide the Claimant with the document(s) regarding the decision(s) to incarcerate the Claimant in the Salwa Road prison and to maintain his detention in this prison until July 1, 2020. The Request is dismissed in all other parts, which are unspecific and not substantiated for the purpose of preparing the Claimant’s forthcoming Memorial, and for the determination of the allegations contained therein in support of the Claimant’s claims. Moreover, the Request is moot in respect of the document the Respondent provided, as reported in the Summary presented by the Claimant.</p>

<b>Request No. 7</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial, medical or otherwise, issued by or on behalf of the Respondent during the Claimant’s house arrest between 1<sup>st</sup> July 2020 and 31<sup>st</sup> October 2020, including but not limited to:</p> <ul style="list-style-type: none"> <li>- any document(s) regarding the decision(s) to place the Claimant under house arrest, to renew the house arrest and to prohibit the Claimant from leaving the territory of Qatar.</li> <li>- any medical exams conducted on the Claimant at the request of the Qatari authorities during his detention,</li> <li>- any document(s) relating to the charges that could have been brought against the Claimant and/or sentences passed;</li> <li>- any document(s) relating to eventual hearings concerning the Claimant;</li> <li>- any verbatim record(s), transcript(s) of interrogations conducted on the Claimant,</li> <li>- verbatim record(s) of visits, transcript(s) of phone-calls or communication(s) made by the Claimant during this period,</li> <li>- any declaration(s), testimony given or other document(s) signed by the Claimant during his detention.</li> <li>- any travel documentation (i.e. custom documentation, expulsion order) related to the forced exit from Qatar of the Claimant on 1<sup>st</sup> November 2020.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to</p>

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	<p>an assessment of the Respondent’s alleged breach<sup>23</sup> of the Claimant’s rights under Art. 3<sup>24</sup> of the France-Qatar BIT.</p> <p>None of these documents were provided by the Respondent to the Claimant or are in the possession of the Claimant. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<p><b>Objections to Document Request (August 1, 2023)</b></p>	<ol style="list-style-type: none"><li>1. This request is of no relevance to any jurisdictional issue. The documents requested are said to be “relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to an assessment of the Respondent’s alleged breach of the Claimant’s rights under Art. 3 of the France-Qatar BIT”.</li><li>2. To the extent that the documents requested may be relevant to any issue in this arbitration, then on the Claimant’s own case, they would be relevant only to issues relating to the merits, and not to jurisdiction.</li><li>3. This request should therefore be rejected at this stage, without prejudice to the Claimant’s right to request these documents at a subsequent stage of the proceedings, should the Tribunal find that it has jurisdiction, and without prejudice to the Respondent’s right to resist any such request in due course on any appropriate basis.</li><li>4. Without prejudice to that, the Respondent notes that this request is plainly non-compliant with the IBA Rules:<ol style="list-style-type: none"><li>a. It is not a request for a “narrow and specific” category of documents (IBA Rules, Rule 3(3)(a)(ii)). It requests “all files and records ... issued by or on behalf of the Respondent, during the Claimant’s house arrest between 1st July 2020 and 31st October 2020 including but not limiting to ...”. It then goes on to list various categories of document, such as (i) “any medical exam(s) conducted on the Claimant at the request of the Qatari authorities during his detention”, (ii) “verbatim record(s) of visits, transcript(s) of phone-calls or communication(s) made by the Claimant during this period” and (iii) “any travel documentation (i.e. customs documentation, expulsion order) related to the forced exit from Qatar any document(s) relating to the charges that could have been brought against the Claimant”. Far from being “narrow and specific”, that is extremely broad, as those examples show.</li></ol></li><li>5. Para. 3 - 6 in response to Request 5 above is repeated mutatis mutandis.</li></ol>

<sup>23</sup> See **RfA**, para. 38, p. 11; see also, **NoD**, paras. 27-28, p. 6.

<sup>24</sup> See **RfA**, paras. 83-84, p. 18; see also, **NoD**, para. 36, p. 7.

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<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>The Respondent’s objections regarding these documents are without merit and should be overruled for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.38, p.11; See also Notice of Dispute, par.27, p.6.</li> <li>2. Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody, or control because they are or should be inherent to ordinary operations of government functions. Claimant has narrowed and particularized this request to the best of their ability based on the knowledge and information in their possession. Reference is thus made to concrete information relating to the Claimant’s house arrest between 1st July 2020 and 31st October 2020. Seeing as the Claimant was not privy to the investigations supposedly conducted and therefore, the reasons behind the detention nor the persons or divisions within the Qatar government that may have been involved, explains its inability to further narrow the request. None of these documents were given to the Claimant during the course of the detention nor afterwards although they are of the type typically generated in the course of such legal proceedings.</li> <li>3. Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 5 with respect to (3) and (4) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</li> </ol> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 7 is granted insofar as the Respondent shall provide the Claimant with the document(s) regarding the decision(s) to place and maintain the Claimant under house arrest between July 1, 2020 and October 31, 2020. The Request is dismissed in all other parts, which are unspecific and not substantiated for the purpose of preparing the Claimant’s forthcoming Memorial, and for the determination of the allegations contained therein in support of the Claimant’s claims. The Tribunal further notes that some of these other parts appear to relate to other matters, such as “detention”, “sentences”, and “travel documentation”.</p>

<b>Request No. 8</b>	<b>Withdrawn</b>
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial or otherwise, including any correspondence, internal communications issued by or on behalf of :</p> <ul style="list-style-type: none"> <li>- the NHRC;</li> <li>- Dr Ali Al-Smaikh Al Marri (the then President of the NHRC);</li> <li>- Dr. Boudjellal Bettahar (deputy to the President of the NHRC);</li> </ul>

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	<p>relating in whole or in part to the Claimant’s arrestation, detention and the seizure of his assets, by the Qatari authorities, between 13 January and onwards including but not limited to:</p> <ul style="list-style-type: none"> <li>- any documents attesting to the investigations, negotiations and/or coordination with the relevant authorities or persons relating to the Claimant’s arrest and detention between 13 January and 31 October 2020,</li> <li>- any documents attesting to the steps taken by the NHRC following the two complaints filed, on 3 December 2021, by the Claimant.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to an assessment of the Respondent’s alleged breach of the Claimant’s rights under Art. 3<sup>25</sup> of the France-Qatar BIT.</p> <p>None of these documents were provided by the Respondent to the Claimant. The requested information is not at Claimant’s disposal because it is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<p>The Respondent understands that this Request has been withdrawn. The Respondent reserves the right to object to any further request for these documents in due course.</p>
<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>Given the Respondent’s objections regarding the lack of specific mention in the Request for Arbitration, and for the sake of efficiency, the Claimant is prepared to withdraw the Request.</p> <p>For the avoidance of doubt, Claimant notes that its readiness to limit its request in this matter is not to be construed as an acceptance of all of Respondent’s objections regarding the Request. Further the Claimant herein reserves its right to request the production of any such Documents at a later stage.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 8: Withdrawn. See Reasons for Decision of Request No. 3 which <i>mutandis mutatis</i> apply here as well.</p>

<b>Request No. 9</b>	<b>Withdrawn</b>
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All files and records, administrative, judicial or otherwise, including any correspondence, issued or received by the counsel appointed by Respondent for the Claimant: Sultan Al-Abdulla &amp; Partners law, <sup>26</sup> relating in whole or in part to the Claimant’s arrestation, detention and the illegal and inhuman treatment that was imposed on him by the Qatari authorities between 13 January and 31 October 2020, including but not limited to:</p>

<sup>25</sup> See RfA, para. 86, p. 19.

<sup>26</sup> To the extent that documents responsive to Claimant’s requests for documents fall within the scope of attorney-client privilege or protection, Claimant requests that Respondent provide a privilege log listing all documents withheld on these grounds.

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	<ul style="list-style-type: none"> <li>- their appointment by the Respondent as Claimant’s counsel,</li> <li>- any document(s) attesting the purpose and date of their appointment as Claimant’s counsel,</li> <li>- any document(s) sent by Claimant’s counsel to the Respondent (courts, prison, detention centre etc.) for representing the Claimant’s rights,</li> <li>- any document(s) sent to the Claimant’s counsel by Respondent in relation to the treatment imposed on the Claimant, his arrestation and/or his detention.</li> </ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the treatment and protection accorded by the Respondent to the Claimant and are therefore, notably, material to an assessment of the Respondent’s alleged breach<sup>27</sup> of the Claimant’s rights under Art. 3<sup>28</sup> of the France-Qatar BIT.</p> <p>None of these documents were provided by the Respondent to the Claimant at the time of his arrest or thereafter. The requested information is internal governmental documentation, which Qatar is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	The Respondent understands that this Request has been withdrawn. The Respondent reserves the right to object to any further request for these documents in due course.
<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>Given the Respondent’s objections regarding the lack of specific mention in the Request for Arbitration, and for the sake of efficiency, the Claimant is prepared to withdraw the Request.</p> <p>For the avoidance of doubt, Claimant notes that its readiness to limit its request in this matter is not to be construed as an acceptance of all of Respondent’s objections regarding the Request. Further the Claimant herein reserves its right to request the production of any such Documents at a later stage after the Respondent has had the opportunity to respond to the allegations.</p>
<b>Decision of the Tribunal</b>	Request 9: Withdrawn. . See Reasons for Decision of Request 3 which <i>mutandis mutatis</i> apply.

<b>Request No. 10</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating in whole or in part to the encounter organised by the Claimant between Qatar representative Dr Ali Al-Smaikh and Pope Francis on 31 January 2019.

<sup>27</sup> See RfA, para. 38, p. 11.

<sup>28</sup> See RfA, para. 86, p. 19.

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<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant<sup>29</sup> and are therefore, material to an assessment of the Claimant’s investment in Qatar<sup>30</sup> as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>31</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the first of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li><li>2. The documents requested relate to an alleged meeting between Dr Ali bin Samikh Al Marri and Pope Francis on 31 January 2019. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. While the meeting is mentioned in the Request for Arbitration at paragraph 32, no detail is given of the alleged relevance of this meeting other than an apparent statement that the meeting is an example of the Claimant allegedly having invested assets comprising “The intermediation between Qatari personalities and other highly influential people”. What type of asset is being referred to, and how the Claimant’s role in any such meeting might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is</li></ol>

<sup>29</sup> See **RfA**, para. 32, 2<sup>nd</sup> indent, p. 10.

<sup>30</sup> See **RfA**, para. 56 (ii) & (iii), p. 14.

<sup>31</sup> See **RfA**, para. 93 (iii), p. 20 and para. 96, p. 20.

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	<p>also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</p> <ol style="list-style-type: none"><li>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents: he says he organised it; describes the documents; and positively contends (p 27 of 42) that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged meeting, or his work in relation to it, allegedly constituted an “investment”.</li><li>6. Accordingly, as matters stand, it cannot be said that these documents are relevant or material to the claim and it is not necessary for them to be produced.</li><li>7. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</li></ol>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ol style="list-style-type: none"><li>1. Firstly, Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.31-32, pp. 9-10 and Exhibit 20.</li><li>2. Secondly, Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning a specific event with specific individuals namely a meeting between Qatar representative Dr Ali bin Samikh Al Marri and Pope Francis on 31 January 2019 that the Claimant organised. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>3. Thirdly, Claimants’ request is highly relevant to the case and material to the determination of its outcome as they directly relate to the existence of his investments in Qatar. The Claimant has continuously maintained that he invested his know-how and expertise in Qatar and this is an illustrative example of such investments. The purpose of document production in international arbitration is to allow parties to request documents that “are relevant to the case and material to its outcome.” Documents that are expected to support the requesting party’s claims could not fall more squarely within that definition.</li></ol>

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	<p>4. Fourthly, the level of information provided by the Claimant merely demonstrates his knowledge of the investments he made, which is to be expected given that they constitute his investments in Qatar. It would be absurd if the Claimant was unaware of his own investments. The Claimant has continuously repeated that the Requested Documents are not within his possession, custody or control as they were confiscated by the Respondent during his arrest and detention. The documents are thus relevant to, and in that sense necessary for, the purposes of the proceedings where the documents are expected to be used to support Claimant’s demonstration of his investments in Qatar.</p> <p>5. Finally, the documents need to be produced now as serious due process implications arise for the Claimant who is denied the fair chance to effectively substantiate its arguments in its Memorial concerning the existence and ultimately validity of his investment and in turn effectively substantiate the evaluation of the Claimant’s investment.<sup>32</sup> Given the exceptional circumstances related to how the documents are no longer in the Claimant’s possession and the nature of the documents requested (which aren’t in the public domain or easily accessible through a third party) is such that it is unquestionably relevant and material that the documents be produced now as it directly affects Claimant’s ability to have its claims and requests for relief fairly considered and decided by the Tribunal. The request is therefore intended, as the Respondent itself admits, “to enable a fairer picture to be put before the Tribunal”<sup>33</sup>.</p> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 10: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representative Dr Ali bin Smikh Al Marri and Pope Francis on January 31, 2019. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.</p>

<b>Request No. 11</b>	
<b>Documents or Category of</b>	All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence

<sup>32</sup> See **RfA**, para. 93 (iii), p. 20 and para. 96, p. 20.

<sup>33</sup> See Letter 22 June 2023

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<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant<sup>34</sup> and are therefore, material to an assessment of the Claimant’s investment in Qatar<sup>35</sup> as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>36</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the second of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li><li>2. The documents requested relate to alleged meetings between Dr Ali bin Samikh Al Marri and President Denis Sassou Nguesso. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. While the meeting is mentioned in the</li></ol>

<sup>34</sup> See **RfA**, para. 32, 4<sup>th</sup> indent, p. 10

<sup>35</sup> See **RfA**, para. 56 (ii) & (iii), p. 14.

<sup>36</sup> See **RfA**, para. 93 (iii), p. 20 and para. 96, p. 20.

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	<p>Request for Arbitration at paragraph 32, no detail is given of the alleged relevance of this meeting other than an apparent statement that the meeting is an example of the Claimant allegedly having invested assets comprising “Tightening the relationships with African countries in the third and fourth quarter of 2019”. What type of asset is being referred to, and how the Claimant’s role in any such meeting might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</p> <p>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents: he says he organised it; describes the documents; and positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged meeting, or his work in relation to it, allegedly constituted an “investment”.</p> <p>6. Accordingly, as matters stand, it cannot be said that these documents are relevant or material to the claim and it is not necessary for them to be produced.</p> <p>7. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</p>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"><li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.32, pp. 10; Notice of Dispute, par.17, p. 5</li><li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals namely the encounters organised by the Claimant between Qatar representative Dr Ali bin Samikh Al Marri and the President of Congo Brazzaville, Mr. Denis Sassou Nguesso in January 2019, May 2019 and the meetings held from 29 November 2019 to 01 December 2019. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and</li></ul>

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	<p>(5) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</p> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>
<b>Decision of the Tribunal</b>	<p>Request No. 11: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representative Dr Ali bin Smikh Al Marri and the President of Congo Brazzaville, Mr. Denis Sassou Nguesso in the year 2019. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.</p>

<b>Request No. 12</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating in whole or in part to the encounter organised by the Claimant between Qatar representative Dr Ali Al-Smaikh and the President of the Democratic Republic of Congo, Mr. Felix Tschisekedi in May 2019 concerning economic development between the two countries.</p>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant<sup>37</sup> and are therefore, material to an assessment of the Claimant’s investment in Qatar<sup>38</sup> as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>39</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the third of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li></ol>

<sup>37</sup> See RfA, para. 32, 4<sup>th</sup> indent, p. 10.

<sup>38</sup> See RfA, para. 56 (ii) & (iii), p. 14.

<sup>39</sup> See RfA, para. 93 (iii), p. 20 and para. 96, p. 20.

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	<ol style="list-style-type: none"><li>2. The documents requested relate to alleged meetings between Dr Ali bin Samikh Al Marri and President Felix Tschisekedi. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. While the meeting is mentioned in the Request for Arbitration at paragraph 32, no detail is given of the alleged relevance of this meeting other than an apparent statement that the meeting is an example of the Claimant allegedly having invested assets comprising “Tightening the relationships with African countries in the third and fourth quarter of 2019”. What type of asset is being referred to, and how the Claimant’s role in any such meeting might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</li><li>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents: he says he organised it; describes the documents; and positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged meeting, or his work in relation to it, allegedly constituted an “investment”.</li><li>6. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</li></ol>
<b>Reply to Objections to</b>	The Respondent’s objections are without merit and should be overruled for the following reasons:

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<b>Document Request (July 11, 2023)</b>	<ul style="list-style-type: none"> <li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.32, pp. 10; Notice of Dispute, par.17, p. 5</li> <li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals namely the encounter organised by the Claimant between Qatar representative Dr Ali bin Samikh Al Marri and the President of the Democratic Republic of Congo, Mr. Felix Tschisekedi in May 2019. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li> <li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections Document Request’ which apply here mutatis mutanda.</li> </ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>
<b>Decision of the Tribunal</b>	<p>Request No. 12: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representative Dr Ali bin Smikh Al Marri and the President of the Democratic Republic of Congo, Mr. Felix Tschisekedi in May 2019. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.</p>

<b>Request No. 13</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, from March 2019 to January 2020, relating in whole or in part to the creation of a school of excellence in Doha in partnership with the Lycée Louis Le Grand (Paris).
<b>Relevance and Materiality according to the</b>	Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant <sup>40</sup> and are therefore, material to an assessment of the Claimant’s investment <sup>41</sup> in Qatar as well as represents a relevant and material input

<sup>40</sup> See RfA, para. 33, p. 10.

<sup>41</sup> See RfA, para. 56 (ii) & (iii), p. 14.

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<b>Requesting Party</b> <b>(July 11, 2023)</b>	<p>that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>42</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request</b> <b>(August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the fourth of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li><li>2. The documents requested relate to the alleged creation of a school of excellence on Doha in partnership with the Lycée Louis Le Grand (Paris). These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. The partnership/school creation is not mentioned in the Request for Arbitration. Footnote 56 to the Application refers to paragraph 33 of the Request for Arbitration, which alleges that the Claimant invested “know-how and goodwill in the field of infrastructure, education, and healthcare.” How the Claimant’s role in any such activities might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</li><li>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this partnership, and these documents: he says he prepared pitch documents in relation to the partnership, describes the</li></ol>

<sup>42</sup> See **RfA**, para. 93 (iii), p. 20, para. 94, p. 20 and para. 96, p. 20.

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	<p>documents; and positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged partnership, or his work in relation to it, allegedly constituted an “investment”.</p> <p>6. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents</p>
<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"><li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.33, pp. 10; Notice of Dispute, par.17, p. 4</li><li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, from March 2019 to January 2020, concerning specific events: the negotiation for the creation of a school of excellence in Doha in partnership with the Lycée Louis Le Grand (Paris). These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</li></ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>
<b>Decision of the Tribunal</b>	<p>Request No. 13: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to presentations and correspondence between the Respondent and the Claimant, from March 2019 to January 2020, relating in whole or in part to the creation of a school of excellence in Doha in partnership with the Lycée Louis Le Grand (Paris). Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.</p>

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<b>Documents or Category of Documents Requested (July 11, 2023)</b>	All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating in whole or in part to the encounter organised by the Claimant between Qatar’s representative Dr Ali Al-Smaikh and Mr. Etienne Schneider, Deputy Prime Minister and Minister of Economy of Luxembourg in May 2019 regarding the negotiations in the field of telecommunications.
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant<sup>43</sup> and are therefore, material to an assessment of the Claimant’s investment<sup>44</sup> in Qatar as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>45</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the fifth of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li><li>2. The documents requested relate to a meeting between Dr Ali bin Samikh Al Marri and Mr Etienne Schneider in May 2019. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this</li></ol>

<sup>43</sup> See **RfA**, para. 32, 3<sup>rd</sup> indent, p. 10.

<sup>44</sup> See **RfA**, para. 56 (ii) & (iii), p. 14.

<sup>45</sup> See **RfA**, para. 93 (iii), p. 20 and para. 96, p. 20.

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	<p>alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. This meeting is not mentioned in the Request for Arbitration; Footnote 59 to the Application refers to paragraph 32, third bullet point, which alleges that the Claimant invested in Qatar via “Lobbying services for the State of Qatar between January 2019 and October 2020.” How the Claimant’s role in any such activities might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</p> <p>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents: he says he organised the meeting, describes the documents; and positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged partnership, or his work in relation to it, allegedly constituted an “investment”.</p> <p>6. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</p>
<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"><li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.32, pp. 10; Notice of Dispute, par.17, p. 5</li><li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals namely the encounter organised by the Claimant between Qatar’s representative Dr Ali bin Samikh Al Marri and Mr. Etienne Schneider, Deputy Prime Minister and Minister of Economy of Luxembourg in May 2019. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</li></ul>

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	For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here
<b>Decision of the Tribunal</b>	Request No. 14: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representative Dr Ali bin Smikh Al Marri and Mr. Etienne Schneider, Deputy Prime Minister and Minister of Economy of Luxembourg in May 2019 regarding the negotiations in the field of telecommunications. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.

<b>Request No. 15</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating in whole or in part to the meetings from May 17 to 20, 2019 between Qatar representative Dr Ali Al-Smaikh and a Turkish consortium of company “Taycapi” represented by Mr. Turkey Sicim regarding economic relations in the field of infrastructure, energy, construction and equipment for public services.
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant <sup>46</sup> and are therefore, material to an assessment of the Claimant’s investment <sup>47</sup> in Qatar as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment. <sup>48</sup>  These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.
<b>Objections to Document Request (August 1, 2023)</b>	1. This is the sixth of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.

<sup>46</sup> See RfA, para. 33, p. 10.

<sup>47</sup> See RfA, para. 56 (ii) & (iii), p. 14.

<sup>48</sup> See RfA, para. 93 (iii), p. 20, para. 94, p. 20 and para. 96, p. 20.

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	<ol style="list-style-type: none"><li>2. The documents requested relate to alleged meetings between Dr Ali bin Samikh Al Marri and a Turkish consortium in May 2019. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. Footnote 56 of the Request for Production of Documents refers to para 33 of the Request for Arbitration, which contains the bald statement that the Claimant “invested his know-how and goodwill in the field of infrastructure, education, and healthcare”. However, the alleged meeting with Mr Turkey Sicim is not mentioned anywhere in the Request for Arbitration and the Claimant has at no provided any detail at all of the alleged meeting, or of any role played by the Claimant in any such meeting. How the Claimant’s role in any such meeting might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</li><li>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents; and he positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged partnership, or his work in relation to it, allegedly constituted an “investment”.</li><li>6. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</li></ol>
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<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"> <li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: see Request for Arbitration, par.33, pp. 10; Notice of Dispute, par.17, p. 4-5.</li> <li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals namely the meetings from May 17 to 20, 2019 between Qatar representative Dr Ali bin Samikh Al Marri and a Turkish consortium of company “Taycapi” represented by Mr. Turkey Sicim. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li> <li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</li> </ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>
<b>Decision of the Tribunal</b>	<p>Request No. 15: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representative Dr Ali bin Smikh Al Marri and representatives of a Turkish consortium of company “Taycapi” regarding economic relations in the field of infrastructure, energy, construction and equipment for public services. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.</p>

<b>Request No. 16</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating in whole or in part to the meeting in May and June 2019 between Qatar representatives which include Dr Ali Al-Smaikh and the company DENNYS to develop infrastructure in Qatar.</p>

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<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant<sup>49</sup> and are therefore, material to an assessment of the Claimant’s investment<sup>50</sup> in Qatar as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>51</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the seventh of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li><li>2. The documents requested to alleged meetings between Dr Ali bin Samikh Al Marri and “the company DENNYS” in May and June 2019. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</li><li>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</li><li>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. Footnote 56 of the Request for Production of Documents refers to para 33 of the Request for Arbitration, which contains the bald statement that the Claimant “invested his know-how and goodwill in the field of infrastructure, education, and healthcare”. However, the alleged meeting with “DENNYS” is not mentioned anywhere in the Request for Arbitration and the Claimant has at no provided any detail at all of the alleged meeting, or of any role played by the Claimant in any such meeting, nor has the Claimant even provided detail of any of the personnel</li></ol>

<sup>49</sup> See RfA, para. 33, p. 10.

<sup>50</sup> See RfA, para. 56 (ii) & (iii), p. 14.

<sup>51</sup> See RfA, para. 93 (iii), p. 20, para. 94, p. 20 and para. 96, p. 20.

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	<p>who were allegedly at the meeting. A document referred to as “Negotiation of equity investment in DENNYS and Willemen to develop infrastructure in Qatar” is exhibited to para 33 of the Request for Arbitration as Exhibit 21A but it is entirely unclear how, if at all, this is said to support any statement made at para. 33. How the Claimant’s role in any such meeting might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</p> <p>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents; and he positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged partnership, or his work in relation to it, allegedly constituted an “investment”.</p> <p>6. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’ possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</p>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"><li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.32, pp. 10; See also Exhibit 21A; Notice of Dispute, par.17, p. 5</li><li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals namely the meeting in May and June 2019 between Qatar representatives which include Dr Ali bin Samikh Al Marri and the company DENNYS. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections to Document Request’ which apply here <i>mutatis mutanda</i>.</li></ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here</p>

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<b>Decision of the Tribunal</b>	Request No. 16: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representatives, including Dr Ali bin Smikh Al Marri and the company DENNYS in May and June 2019 for the purpose of developing infrastructure in Qatar. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.
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<b>Request No. 17</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating in whole or in part to the development of connected medical practices in Qatar notably the meeting between Qatar representative Dr Ali Al-Smaikh and the CEO of the company H4D Mr. Franck Baudino on 17 February 2019, in the company’s headquarters in Paris, France.
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant <sup>52</sup> and are therefore, material to an assessment of the Claimant’s investment <sup>53</sup> in Qatar as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment. <sup>54</sup>  These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"> <li>1. This is the eighth of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li> <li>2. The documents relate to the alleged “development of medical practices in the State of Qatar” and a meeting between Dr Ali bin Samikh Al Marri and Mr Franck Baudino, CEO of H4D, in February 2019”. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise</li> </ol>

<sup>52</sup> See RfA, para. 33, p. 10.

<sup>53</sup> See RfA, para. 56 (ii) & (iii), p. 14.

<sup>54</sup> See RfA, para. 93 (iii), p. 20, para. 94, p. 20 and para. 96, p. 20.

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	<p>and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</p> <p>3. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</p> <p>4. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to this alleged meeting might be relevant to whether or not the Claimant made an investment in the State of Qatar. Footnote 56 of the Request for Production of Documents refers to para 33 of the Request for Arbitration, which contains the bald statement that the Claimant “invested his know-how and goodwill in the field of infrastructure, education, and healthcare”. However, the alleged meeting with Mr Franck Baudino is not mentioned anywhere in the Request for Arbitration and the Claimant has at no provided any detail at all of the alleged meeting, or of any role played by the Claimant in any such meeting. A document referred to as “Presentation for the development in Qatar of the concept of connected medical practices” is exhibited to para 33 of the Request for Arbitration as Exhibit 21B but it is entirely unclear how this is said to support any statement made at para. 33. How the Claimant’s role in any such meeting might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</p> <p>5. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about this meeting, and these documents; and he positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged partnership, or his work in relation to it, allegedly constituted an “investment”.</p> <p>6. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’ possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</p>
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<b>Reply to Objections to Document Request (July 11, 2023)</b>	<p>The Respondent’s objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"><li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.33, pp. 10; See also Exhibit 21B; Notice of Dispute, par.17, p. 4.</li><li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals namely the meeting between Qatar representative Dr Ali bin Samikh Al Marri and the CEO of the company H4D Mr. Franck Baudino on 17 February 2019, in the company’s headquarters in Paris, France. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections to Document Request’ which apply here mutatis mutanda.</li></ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order Respondent to produce the documents requested here.</p>
<b>Decision of the Tribunal</b>	<p>Request No. 17: The Request is denied. The Claimant is requesting access to documents mostly prepared by the Claimant himself and relating in whole or in part to the encounter organized by the Claimant between Qatar representative Dr Ali bin Smikh Al Marri and the CEO of the company H4D Mr. Franck Baudino on February 17, 2019 in Paris. Such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”.</p>
<b>Request No. 18</b>	
<b>Documents or Category of Documents Requested (July 11, 2023)</b>	<p>All documents, records, memos, reports, analysis prepared by or on behalf of the Claimant and internal communications containing any “pitch” or other presentation provided to the Government of Qatar by the Claimant, including correspondence between the Respondent and the Claimant, relating to but not limited to:</p> <ul style="list-style-type: none"><li>- the publication of press articles, the organisation of conferences, press conferences, political, diplomatic and/or economical meetings, political events from January 2019 to January 2020 with regards to or in cooperation with the NHRC and/or Dr Ali Al-Smaikh Al Marri.</li><li>- the publication of press articles, the organisation of conferences, press conferences, political, diplomatic and/or economical meetings, political</li></ul>

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	<p>events in relation to economic and human rights development in Qatar and in the Persian Gulf area from 2017 to January 2020.</p> <p>Some examples of conferences, meetings or political events organized by the Claimant for the Respondent include but are not limited to:</p> <ul style="list-style-type: none"><li>- conferences on the Gulf crisis in the French Senate on July 27, 2017 and January 7, 2019,</li><li>- symposium on the Gulf crisis at the House of Latin America on November 28, 2017 in Paris, France</li><li>- conference on the Gulf crisis between Qatar and the United Arab Emirates at the French National Assembly on April 04, 2019</li><li>- a meeting between Dr. Ali Al Marri and the President of the French National Assembly Mr. Ferrand in February 2019 with the purpose to strengthen relations between France and Qatar</li><li>- a meeting between Dr. Ali Al Marri and the French Minister of Justice Mrs. Nicole Belloubet in February 2019 to strengthen relations between France and Qatar</li><li>- a meeting between Dr. Ali Al Marri and the National Coordinator of Intelligence and the Fight against Terrorism at the Élysée Palace Mr. Pierre de Bousquet in October 2019.</li></ul>
<b>Relevance and Materiality according to the Requesting Party (July 11, 2023)</b>	<p>Such documents are relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant<sup>55</sup> and are therefore, material to an assessment of the Claimant’s investment in Qatar<sup>56</sup> as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment.<sup>57</sup></p> <p>These documents were contained in hardcopy or electronic files on computers, phones, hard drives and/or USB keys belonging to the Claimant that were seized by the Respondent either during his arrestation or his detention and not returned to the Claimant since then. The requested information is therefore within the possession of the relevant Qatari governmental entities, agencies or instrumentalities, and therefore the Respondent is in a position to access without undue burden.</p>
<b>Objections to Document Request (August 1, 2023)</b>	<ol style="list-style-type: none"><li>1. This is the ninth of nine requests for documents which the Claimant contends was seized during the criminal proceedings in Qatar.</li><li>2. It is unclear what documents are being requested here. The Request as initially formulated refers, in vague terms, to documents “relating to the publication of press articles, the organisation of conferences, political, diplomatic and/or economical [sic] meetings political events from January</li></ol>

<sup>55</sup> See **RfA**, para. 32, 1<sup>st</sup> and 3<sup>rd</sup> indent, pp. 9-10.

<sup>56</sup> See **RfA**, para. 56 (ii) & (iii), p. 14.

<sup>57</sup> See **RfA**, para. 93 (iii), p. 20 and para. 96, p. 20.

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	<p>2019 to January 2020, in relation to matters including alleged co-operation with the NHRC and/or Dr Ali bin Samikh al Marri and “economic and human rights development in Qatar and in the Persian Gulf area from 2017 to January 2020. It appears that the Claimant may now be limiting his Request to documents in relation to seven specific meetings.</p> <p>3. These documents are said to be “relevant to demonstrate the nature of the know-how, expertise and client-list of the Claimant and are therefore, material to an assessment of the Claimant’s investment in Qatar, as well as represents a relevant and material input that can be considered by quantum experts in their valuations of the Claimant’s investment”.</p> <p>4. In respect of this (and the other following requests) there is the fundamental objection set out in the body of the Respondent’s response, namely that this is a request for interim measures (i.e. return of seized property, which relief is sought in the arbitration), yet there has been no attempt by the Claimant that the pre-conditions for granting such relief are satisfied. Those pre-conditions are not satisfied. No such order can be made.</p> <p>5. Turning to the criteria that would apply if it were a document production request (which it is not): it is entirely unclear how documents relating to these alleged meetings might be relevant to whether or not the Claimant made an investment in the State of Qatar. Footnote 71 of the Request for Production of Documents refers to para 31, first and third bullet points of the Request for Arbitration, which baldly state that the Claimant invested in the State of Qatar via “[t]he extensive publication of articles in French and international newspapers between 2018 and 2019”, and “[l]obbying services for the State of Qatar between January 2019 and October 2020”. The Claimant does not explain how these alleged types of investment relate to the seven specified meetings. Apart from an apparent reference to a meeting on 27 July 2017 in Exhibit 6D, the alleged meetings do not appear to be mentioned anywhere in the Request for Arbitration and the Claimant has at no provided any detail at all of the alleged meetings, or of any role played by the Claimant in any such meetings. How the Claimant’s role in any such meetings might amount to an investment, has not been explained or particularised and it is denied that this constitutes an “investment”. It is also unclear how the documents requested could conceivably be of any assistance to any evaluation of quantum in this arbitration.</p> <p>6. Moreover, the Claimant evidently can already provide considerable detail regarding his allegations about these meetings, and these documents; and he positively contends that he has knowledge of the investments he made, noting that it would be “absurd” if he did not do so. Document production is not needed for him to be able to advance whatever case it is that he wishes to advance that this alleged partnership, or his work in relation to it, allegedly constituted an “investment”.</p>
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	<p>7. Furthermore, the Tribunal cannot proceed on the basis that these documents are not in the Claimant’s possession, custody or control. The Claimant alleges that they were created by him. We refer to what is said above this response regarding the retention of (at least) some documents.</p>
<p><b>Reply to Objections to Document Request (July 11, 2023)</b></p>	<p>Taking into account Respondent’s objections that the Request is not for a “narrow and specific category of documents”, Claimant is prepared to limit its Request No. 18 to all documents, records, memos, reports, analysis prepared by or on behalf of the Claimant for the Qatar government relating to:</p> <ul style="list-style-type: none"><li>- conferences on the Gulf crisis in the French Senate on July 27, 2017 and January 7, 2019,</li><li>- symposium on the Gulf crisis at the House of Latin America on November 28, 2017 in Paris, France</li><li>- conference on the Gulf crisis between Qatar and the United Arab Emirates at the French National Assembly on April 04, 2019</li><li>- a meeting between Dr. Ali Al Marri and the President of the French National Assembly Mr. Ferrand in February 2019 with the purpose to strengthen relations between France and Qatar</li><li>- a meeting between Dr. Ali Al Marri and the French Minister of Justice Mrs. Nicole Belloubet in February 2019 to strengthen relations between France and Qatar</li><li>- a meeting between Dr. Ali Al Marri and the National Coordinator of Intelligence and the Fight against Terrorism at the Élysée Palace Mr. Pierre de Bousquet in October 2019.</li></ul> <p>Claimant limits its request in this manner for purposes of cost and time efficiency and to further limit the burden placed upon the Respondent.</p> <p>However, the Respondent’s other objections are without merit and should be overruled for the following reasons:</p> <ul style="list-style-type: none"><li>- Claimant’s request has been made with adequate particularity and reference to the relevant factual issues are identified in its Request for Arbitration, the exact paragraphs of which they reference: See Request for Arbitration, par.31-32, p.9; See also Exhibit 16 to 20.</li><li>- Claimants’ request is reasonable and specific as it concerns a narrowly defined category of documents, within a specific time period, concerning specific events with specific individuals. These documents are or should be in the Respondent’s possession, custody, or control because they are part of the documents that were confiscated by the Respondent or they are of the type typically generated in the course of conducting business with the Claimant.</li><li>- Claimant repeats its replies to Respondent’s objections to this request for the same reasons as set out above in Request No. 10 with respect to (3), (4) and (5) in ‘Reply to Objections to Document Request’ which apply here <i>mutatis mutanda</i>.</li></ul> <p>For the above reasons, Claimant respectfully requests the Tribunal to order</p>

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	Respondent to produce the documents requested here.
<b>Decision of the Tribunal</b>	Request No. 18: The Request is denied. The Claimant is requesting access to documents relating to certain conferences, meetings or political events organized by the Claimant for the Respondent, the number of such events having been reduced by the Claimant in his Application, compared to his initial request. Again, such documents are not material to assess the Claimant’s investment in Qatar for the purpose of preparing his forthcoming Memorial, nor are they relevant as an input for a quantum expert evaluating such investment before any submissions have been exchanged on the merits of the instant case, as this is argued in the Claimant’s rubric on the “Relevance and Materiality according to the Requesting Party”. Moreover, the large majority of the requested documents relate to events organized in the public field and which were documented in the public domain. Although the Claimant is also requesting “internal communications”, he did not specify in any way the documents or their nature he is looking for.