

Translation of "Ordonnance de Procure n8 du 7.11.13"

GETMA INTERNATIONAL

v.

STATE OF GUINEA

CCJA (OHADA) No. 001/2011/ARB

PROCEDURAL ORDER NO. 8

1. By letter dated 4 November 2013, the Republic of Guinea requested a hearing (or a conference call) to introduce, for the first time since the beginning of this arbitration, documents containing names and figures purportedly showing corruption in awarding Getma the container terminal concession at the Port of Conakry. The Republic of Guinea also asked that such documents remain confidential and that the proceedings be suspended.

2. GETMA objects to this approach, but it agrees to a hearing, provided that the exhibits are produced prior to the hearing.

3. The Tribunal regrets the lateness of the Republic of Guinea's request and desires not to unreasonably delay rendering the award.

The Tribunal is also mindful of the need to respect the principle that the parties have the right to be present and heard (*principe du contradictoire*) as well as GETMA's right to defend itself.

4. As a result, the Tribunal, after deliberating, decides as follows:
- By 14 November 2013, the Republic of Guinea will transmit the exhibits that it intends to produce to GETMA, accompanied by commentary;
 - GETMA will have until 29 November 2013 to respond to the exhibits and the Republic of Guinea's commentary;
 - The Tribunal, in the light of this exchange, will decide whether to hold a hearing limited to discussing this exchange;
 - Given the nature and the potential criminal implications of the exhibits announced, the Tribunal can rule on their confidentiality only after they have been transmitted and the parties have been consulted; until then, they will remain provisionally confidential;
 - No exhibit other than those relating to the exchange referred to above may be produced without the prior authorization of the Tribunal.

Arbitration site, Abidjan, Côte d'Ivoire

7 November 2013.

For the Arbitral Tribunal
The President

[Signature]

Ibrahim FADLALLAH

Certification

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CERTIFICATE OF ACCURACY

I, Jennifer Bader, hereby certify that I translated the documents listed in Annex A attached hereto from French into English and that, to the best of my ability, they are true and correct translations. I further certify that I am competent in both French and English to render and certify such translations.

Jennifer Bader

Jennifer Bader

I solemnly swear that the above is a true and correct translation of the original document.

Victoria Denise Byrne

Notary Public

VICTORIA-DENISE BYRNE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 28, 2018

March .02, 2015

