

UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW
ARBITRATION RULES (1976)

ABDALLAH ANDRAOUS

Claimant

v.

KINGDOM OF THE NETHERLANDS

Respondent

PROCEDURAL ORDER NO. 2

DECISION ON DOCUMENT PRODUCTION

Arbitral Tribunal

Ms. Claudia Salomon (Presiding Arbitrator)
Prof. Nassib G. Ziadé
Mr. José Emilio Nunes Pinto

Secretary of the Tribunal

Mr. Felipe Aragón

Representative of ICSID

Mr. Alex B. Kaplan

9 July 2024

PROCEDURAL BACKGROUND

1. As set out in the Procedural Calendar annexed to Procedural Order No. 1, each Party may request the production of documents from the other Party. In accordance with the procedural calendar, the Parties exchanged their respective document production requests, followed by their responses to the other Party's requests, and replies to the other Party's objections. On 26 June 2024, each Party submitted outstanding document production requests for resolution by the Tribunal.

1. DECISION

2. Paragraph 9 of Procedural Order No. 1 provides that,

“[t]he Parties have agreed that the arbitration shall be conducted under the 1976 UNCITRAL Arbitration Rules”

3. Article 24(3) of the 1976 UNCITRAL Arbitration Rules confirms that

“At any time during the arbitral proceedings the arbitral tribunal may require the parties to produce documents, exhibits or other evidence within such a period of time as the tribunal shall determine.”

4. Also with regard to the production of documents, paragraph 40 of Procedural Order No. 1 states,

“The Tribunal may seek guidance from the International Bar Association Rules on the Taking of Evidence in International Arbitration (2020) in the conduct of these proceedings.”

5. Having carefully considered the Parties' requests, objections, and replies, the Tribunal's decisions on the outstanding document production requests are set out in the schedules appended to this Order as **Annex A** (Claimant's Schedule) and **Annex B** (Respondent's Schedule).

6. Where a Party asserts legal privilege in relation to a particular document or part thereof that is responsive to a request that has been accepted by the other Party or granted by the Tribunal, the Party claiming privilege shall provide a privilege log, setting forth for each document the following information:

- (a) the author(s);
 - (b) the recipient(s), specifying which of the recipients are direct recipients and which were copied;
 - (c) the subject matter of the document or portion thereof claimed to be privileged;
 - (d) the date; and
 - (e) the basis for the claim of privilege.
7. The Parties are ordered to produce the documents indicated in the Annexes to this Procedural Order by **Monday, 31 July 2024**.

On behalf of the Tribunal

[signed]

Claudia Salomon
Presiding Arbitrator
Date: 9 July 2024