

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Ricardo Filomeno Duarte Ventura Leitão Machado

v.

Republic of Angola

(ICSID Case No. ARB/24/8)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Ms. Valeria Galíndez, President of the Tribunal

Mr. Alfonso Iglesia, Arbitrator

Prof. Diego P. Fernández Arroyo, Arbitrator

Secretary of the Tribunal

Ms. Anna Toubiana

27 November 2024

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Introduction

The first session of the Tribunal was held on 20 November 2024 at 8:05 am EST by video conference. The session was adjourned at 8:41 am EST.

A recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the Parties.

Participating in the conference were:

Members of the Tribunal:

Ms. Valeria Galíndez, President of the Tribunal

Mr. Alfonso Iglesia, Arbitrator

Prof. Diego P. Fernández Arroyo, Arbitrator

ICSID Secretariat:

Ms. Anna Toubiana, Secretary of the Tribunal

On behalf of the Claimant:

Mr. Luis Capiel, Arias SLP

Mr. Santiago Rodríguez, Arias SLP

Mr. Vasco Caetano de Faria, Pact-Orey Da Cunha - Advogados

On behalf of the Respondent:

Ms. Mariana França Gouveia, Vieira de Almeida & Associados, Sociedade de Advogados SP RL

Mr. Iñaki Carrera, Vieira de Almeida & Associados, Sociedade de Advogados SP RL

Ms. Betyna Jaques, Vieira de Almeida & Associados, Sociedade de Advogados SP RL

Mr. Carlos Maria Feijó, CFA – Sociedade de Advogados, RL

Mr. Henrique Abecasis, Henrique Abecasis, Andresen Guimarães & Associados - Sociedade de Advogados, SP, RL

The Tribunal and the Parties considered the following:

- The Draft Procedural Order No. 1 and No. 2 circulated by the Tribunal Secretary on 18 October 2024; and
- The Parties' comments on the Draft Procedural Orders received on 28 October 2024 and on 6 November 2024, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Having considered the above documents and the Parties' views, the Tribunal now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 27 and 29, this Procedural Order sets out the Procedural Rules that govern this arbitration. The timetable is attached as **Annex B**.

1. **Applicable Arbitration Rules**

Convention Article 44; Arbitration Rule 1

1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of 1 July 2022.

2. **Constitution of the Tribunal and Tribunal Members' Declarations**

Arbitration Rule 21

2.1. The Tribunal was constituted on 1 October 2024, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was properly constituted and that no party has any objection to the appointment of any Member of the Tribunal.

2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 19(3)(b). Copies of these declarations were distributed to the Parties by the ICSID Secretariat upon acceptance of each arbitrator's appointment on 13 and 15 July and 1 October 2024.

2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case and that they will use best efforts to meet all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

3. **Fees and Expenses of Tribunal Members**

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.

4. Presence and Quorum

Arbitration Rule 33

4.1. The participation of a majority of the members of the Tribunal by any appropriate means of communications is required at the first session, case management conferences, hearings and deliberations, except as otherwise provided in the Arbitration Rules or unless the Parties agree otherwise.

5. Rulings of the Tribunal

Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35

5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal, except in the circumstances specified in §6.1.

5.2. Orders, decisions and the Award may be made by any appropriate means of communication.

5.3. Orders, decisions and the Award may be signed electronically.

5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.

5.5. The Tribunal's orders and decisions shall indicate the reasons upon which they are made. The reasons may be minimal for non-controversial or minor procedural, administrative and organizational matters, e.g., extensions of time.

5.6. The Tribunal will use best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it will advise the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2).

5.7. Any ruling of the Tribunal, including the certified copy of the Award, will be dispatched electronically to the Parties.

6. Power to Fix Time Limits

Arbitration Rules 10 and 11

6.1. The President may exercise the Tribunal's power to fix and extend time limits for the completion of each procedural step in the proceeding under Arbitration Rules 10(1) and 11(3), in accordance with Arbitration Rules 10(3) and 11(4).

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6.2. In exercising the power to fix time limits under Arbitration Rule 10(1), the President shall consult with the Parties as far as possible.

7. Secretary of the Tribunal

Administrative and Financial Regulation 28

7.1. The Tribunal Secretary is Ms. Anna Toubiana, Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the Parties from time to time.

7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Ms. Anna Toubiana
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: + 1 (202) 473-4934
Fax: + 1 (202) 522-2615
Email: atoubiana@worldbank.org
Paralegal name: Ms. Ayling Kocchiu
Paralegal email: akocchiu@worldbank.org
ICSID case address: ARB/24/8@icsidcases.worldbank.org

7.3. For local messenger deliveries, the contact details are:

Ms. Anna Toubiana
ICSID
1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Representation of the Parties

Arbitration Rule 2

- 8.1. Each party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.

For the Claimant

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- 8.2. The Tribunal may refuse designation of additional agents, counsel, or advocates if the designation would create a non-waivable conflict of interest with one or more members of the Arbitral Tribunal, after hearing the Parties.
- 8.3. Each party shall inform the Tribunal whether there is a third party financing its representation and/or participation in the proceeding no later than 30 days after the issuance of this PO1. If a party requests funding from a third party at any time during the proceeding, it shall promptly inform the Tribunal and the opposing party. Failure to so inform shall result in the Tribunal drawing the appropriate consequences after hearing the Parties.
9. Apportionment of Costs and Advance Payments to ICSID – Division of Advances
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50
- 9.1. The Parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 9.2. By letter of 2 October 2024, ICSID requested that each party pay USD 250,000.00 to cover the initial costs of the proceeding. ICSID received the Claimant’s payment on 28 October 2024. As of the date of this Order, ICSID has not yet received the Respondent’s payment.
- 9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.
10. Place of Proceeding and Hearings
Convention Articles 62 and 63; Arbitration Rule 32
- 10.1. Washington D.C. shall be the place of the proceeding.
- 10.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate after consultation with the Parties. The method of holding a hearing will be determined in accordance with §21.2.
- 10.3. The Tribunal members may deliberate at any place and by any appropriate means they consider convenient.
11. Procedural Languages, Translation and Interpretation
Administrative and Financial Regulation 32; Arbitration Rule 7
- 11.1. English is the procedural language of the arbitration.

For Documents and Communications

- 11.2. The Tribunal and the Secretariat shall communicate in the procedural language.
- 11.3. Any document (*e.g.* written requests, applications, pleadings, expert opinions, witness statements, or supporting documents) shall be filed in the procedural language.
- 11.4. Any documents (*e.g.* written requests, applications, pleadings, expert opinions, witness statements, or supporting documents) in a language other than the procedural language shall be accompanied by a translation into the procedural language. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal orders a party to provide a fuller or a complete translation.
- 11.5. Translations need not be certified, unless the translation is disputed and the Tribunal orders a party to provide a certified translation.
- 11.6. Documents exchanged between the Parties pursuant to §16 below (Production of Documents) may be produced in the original language and need not be translated.

For Hearings

- 11.7. The Parties will notify the Tribunal as soon as possible, and no later than at the pre-hearing organizational meeting (see §20 below), which witnesses or experts require interpretation.
- 11.8. Simultaneous interpretation into the procedural language will be provided during the hearing.
- 11.9. The testimony of a witness or expert who prefers to give evidence other than in English shall be interpreted simultaneously into the procedural language.
- 11.10. The costs of interpretation will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

For Tribunal's Documents Except the Award

- 11.11. The Tribunal will make any order or decision in the procedural language.

For Tribunal's Award

- 11.12. The Tribunal shall render the award in the procedural language.

12. Routing of Communications

Arbitration Rule 6

- 12.1. Written communications in the case shall be transmitted by email or other electronic means to the Parties, the Tribunal Secretary, and the Tribunal.
- 12.2. Electronic versions of communications to be filed simultaneously (by order of the Tribunal or agreement of the Parties) shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing party and the Tribunal.
- 12.3. The Tribunal Secretary shall not be copied on communications between the Parties when such communications are not intended to be transmitted to the Tribunal.
- 12.4. The email addresses of the Members of the Tribunal are:

Ms. Valeria Galíndez

valeria.galindez@galindezarb.com

Mr. Alfonso Iglesia

alfonso.iglesia@cuatrecasas.com

Prof. Diego P. Fernández

Arroyo
diego.fernandezarroyo@dpa-arb.com

13. Number of Copies and Method of Filing of Parties' Pleadings

Arbitration Rules 4, 5 and 9

- 13.1. By the relevant filing date, the Parties shall submit by email to the Tribunal Secretary, the Tribunal, and the opposing party an electronic version of the pleading with witness statements, expert reports and an index of all supporting documentation;¹ and
- 13.2. Within three business days following the respective submission date, the Parties shall upload the pleading with all the supporting documentation and updated index to the file sharing platform that has been created by ICSID for purposes of this case.²

For the avoidance of doubt, the electronic filing process indicated in this subparagraph is applicable both to the original language submission and to any subsequent translations agreed by the Parties.

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

² Supporting documentation shall be uploaded as individual files, not in .zip format.

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- 13.3. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (i.e., OCR PDF or Word).
- 13.4. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the party has submitted up to the date of the pleading. The index shall indicate the document number, the pleading with which it was submitted, and shall follow the naming conventions contained in **Annex A**.
- 13.5. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the Secretariat so requests, the Parties shall upload to the file sharing platform, in a format that can be readily downloaded, an electronic copy of the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal decisions and orders to date) with a consolidated hyperlinked index of all documents.³
- 13.6. The official date of receipt of a pleading or written communication shall be the day on which the electronic file is sent to the Tribunal Secretary or the President of the Tribunal by email.
- 13.7. A filing shall be deemed timely if sent by a party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.
14. Number and Sequence of Pleadings – Procedural Calendar
Arbitration Rule 30
- 14.1. The number and sequence of pleadings shall be as provided in **Annex B** to this order.
15. Supplementary Guidance
- 15.1. To supplement the Arbitration Rules provisions and PO1, the Tribunal may be guided in a supplementary manner by the IBA Rules on the Taking of Evidence in International Arbitration, adopted on 17 December 2020 by Resolution of the IBA Council (“IBA Rules”), and by the IBA Guidelines on Party Representation in International Arbitration, adopted on 25 May 2013 by Resolution of the IBA Council.

³ To ensure the full operation of the hyperlinked index, the entire folder shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the zip file make the upload to BOX impossible, the Parties shall upload the organized folder to a designated sub-folder on to the BOX filesharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

16. Production of Documents

Convention Article 43(a); Arbitration Rules 5 and 36-40

16.1. On the dates provided in **Annex B**, requests to produce documents, responses thereto and related applications to the Tribunal shall be made in the form of an Armesto Schedule (**Annex C**).

16.2. An electronic MS Word version of the Armesto Schedule is to be transmitted to the party to whom the request is made and, when requesting the Tribunal's decision, to the Tribunal and the Secretary of the Tribunal.

16.3. Documents communicated by a party to the other party in response to a request or order shall not be considered to be on the record unless and until they have been submitted in the arbitration as provided in §§14 and 17.

17. Submission of Documents

Convention Article 44; Arbitration Rule 5

17.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.

17.2. The documents shall be submitted in the manner and form set forth in §14, above.

17.3. Neither party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other party.

17.3.1. Should a party request leave to file additional or responsive documents, that party may not annex the documents that it seeks to file to its request.

17.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other party is afforded sufficient opportunity to make its observations concerning such document.

17.4. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).

17.5. Documents shall be submitted in the following form:

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- 17.5.1. The number of each Exhibit containing a document produced by Claimant shall be preceded by the letter “C-” for factual exhibits and “CL-” for legal exhibits containing authorities etc. The number for each Exhibit containing a document produced by Respondent shall be preceded by the letter “R-” for factual exhibits and “RL-” for legal exhibits containing authorities etc.
- 17.5.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with “C-0001” and “R-0001,” and “CL-0001” and “RL-0001” respectively. The number of the exhibit or legal authority shall appear on the first page of the document, and shall be incorporated into the file name in accordance with §17.5.4.
- 17.5.3. A party may produce several documents relating to the same subject matter within one Exhibit, numbering each page of such Exhibit separately and consecutively.
- 17.5.4. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex A**.
- 17.6. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a party, in which case the Tribunal will determine whether authentication is necessary.
- 17.7. The Parties shall file all documents only once by submitting them with their pleadings. Documents need not be resubmitted with witness statements even if referred to in such statements.
- 17.8. The Parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, (ii) do not contain information not in the record.
- 17.9. An electronic copy of each demonstrative exhibit, and PowerPoint slides shall be distributed by the party intending to use it via email to the entire case distribution list, including each party, the Members of the Tribunals, the Tribunal Secretary, the court reporter, and the interpreters as necessary. . This distribution shall occur at least one hour before the start of the hearing session in which the demonstrative exhibit or PowerPoint slide will be used.
- 17.10. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit/PowerPoint is used, the Parties shall upload such demonstrative to the case folder in the BOX files sharing platform, designating each with the corresponding CD-__ or RD-__ number.

18. Witness Statements and Expert Reports

Convention Article 43(a); Arbitration Rule 38

- 18.1. Any person may present evidence as a witness, including a party or a party's officer, employee, or other representative.
- 18.2. Witness statements and expert reports shall be filed together with the Parties' pleadings, which shall be prepared in accordance with Articles 4 and 5 of the IBA Rules.
- 18.3. Neither party shall be permitted to submit any testimony or expert report that has not been filed with the written submissions, unless the Tribunal determines that special circumstances exist based on a reasoned written request followed by observations from the other party (following the procedure outlined in §17.3).
- 18.4. Each witness statement and expert report shall be signed and dated by the witness, either electronically or by hand.
- 18.5. It shall not be deemed improper for a party, its officers, employees, legal advisors, or other representatives to interview their witnesses or potential witnesses, discuss their potential witness statements, and prepare for examination at a hearing.

19. Examination of Witnesses and Experts

Arbitration Rule 38

- 19.1. Within the period specified in the procedural calendar, any Witness or Expert whose written statement or report has been submitted to the record may be called by the opposing party or the Tribunal to appear at the hearing for examination and cross-examination.
- 19.2. If a Witness or Expert whose appearance has been requested in accordance with §19.1 fails to appear to testify at the hearing without sufficient justification, the Tribunal will disregard any statement or report from that witness or expert, unless, in exceptional circumstances, the Tribunal decides otherwise.
- 19.3. The statements in the written witness statement or expert report of a Witness or Expert, whose cross-examination has not been requested, shall not be deemed established solely because cross-examination was not requested. In such cases, the Arbitral Tribunal shall assess the weight of the written statement or report by considering the entire record and all relevant circumstances.
- 19.4. If a party wishes to present any of its own Witnesses or Experts for examination at the hearing who have not been called by the Arbitral Tribunal or the other party, it must request leave from the Tribunal with a reasoned request.

- 19.5. If a party wishes to present the testimony of a person who will not voluntarily appear at its request, the party may ask the Tribunal to take any legally available measures to obtain that person's statement or request authorization to take those measures itself. If the Tribunal's intervention is required, the party will identify the potential witness, describe the issues for which testimony is sought, and indicate why these issues are relevant to the case and substantial to its resolution. The Tribunal will decide on this request and will take, authorize the requesting party to take, or order any other party to take, the measures it deems appropriate if it determines, in its discretion, that the witness's testimony could be relevant to the case and material to its resolution.
- 19.6. At any time before the conclusion of the arbitration, the Tribunal may order any party to facilitate or use its best efforts to enable the appearance of any person to testify at the evidentiary hearing, including someone whose testimony has not yet been offered.
- 19.7. Witnesses and Experts shall be examined in person unless the Tribunal determines that, considering the circumstances, another method is more appropriate.
- 19.8. Each party shall be responsible for arranging the appearance of its own Witnesses or Expert at the hearing. Each party shall cover the costs of appearance of its own Witnesses or Experts. The Arbitral Tribunal shall decide, if so requested, upon the appropriate allocation of such costs in its final award.
- 19.9. At any hearing, the examination of each Witness or Expert shall proceed as follows:
- 19.9.1. In accordance with ICSID Arbitration Rule 38(6), the Presiding Arbitrator shall request Witnesses to make the following declaration before giving evidence: "*I solemnly declare upon my honor and conscience that I shall speak the truth, the whole truth, and nothing but the truth*";
- 19.9.2. In accordance with ICSID Arbitration Rule 38(8), the Presiding Arbitrator shall request Experts to make the following declaration before giving evidence: "*I solemnly declare upon my honor and conscience that my statement will be in accordance with my sincere belief*";
- 19.9.3. The party who submitted the written statement/expert report of a Witness or Expert may conduct a brief direct examination lasting no longer than 15 minutes. In addition to the confirmation of the written statement/expert report, direct examination may serve to make corrections to the witness statement/expert report and address some introductory questions, and address matters that have arisen after the filing of the written statement/expert report, if any. However, the party who submitted the written statement/expert report must

inform the Tribunal of any new matters they intend to address at least two weeks before the hearing and obtain the Tribunal's authorization;

- 19.9.4. Instead of direct examination, Experts may make a brief presentation of the conclusions of their expert report(s). The duration of this presentation will be agreed upon by the Parties during the pre-hearing organizational meeting or, in the absence of an agreement, determined by the Tribunal. Additionally, the presentation may be used to make corrections to the expert report, as well as address matters that have arisen after the submission of the last expert report, if any. The Parties must agree on the content of any new matters to be addressed at least one week before the hearing;
- 19.9.5. The adverse party may then cross-examine the Witness/Expert on relevant matters that were addressed or presented in the witness statement/expert report or during direct examination, or that are demonstrably within the scope of the witness' knowledge, such as for example based on documents in the record that the witness authored or received;
- 19.9.6. The party who submitted the written statement/expert report may then re-examine the Witness/Expert with respect to any matters or issues arising out of the cross-examination;
- 19.9.7. Exceptionally, the opposing party may re-cross-examine the Witness/Expert concerning any matters or issues that arise from the redirect examination;
- 19.9.8. The Arbitral Tribunal may examine the Witness/Expert at any time, either before, during or after examination by one of the Parties;
- 19.9.9. Both Parties may examine the Witness/Expert concerning any matters or issues raised by the Tribunal.
- 19.10. The Arbitral Tribunal shall always have complete control over the hearing, including all aspects concerning the examination of Witnesses/Experts.
- 19.11. Unless the Parties agree otherwise, a Witness shall not be present in the hearing room during the hearing of arguments and oral testimony, discuss the arguments and testimony of any other witness, or read any transcript of the arguments or any oral testimony, prior to his or her examination. Experts may be always present.

20. Pre-Hearing Organizational Meetings
Arbitration Rule 31

- 20.1. A pre-hearing organizational meeting shall be held on **24 September 2026**. It shall comprise a teleconference or videoconference between the Tribunal, or its

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President, and the Parties and should address any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing.

20.2. At a date to be determined by the Tribunal, and in any event no later than the date of the pre-hearing conference, the Parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.

21. Hearings

Arbitration Rule 32, UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration

21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.

21.2. The hearing shall be held in-person unless the Tribunal, after consulting the Parties, finds that there are reasons to justify holding it remotely or in hybrid form, or by any other means of communication. An in-person hearing shall be held at a place to be determined in accordance with §10 above.

21.3. The hearing shall take place the week of **26 October 2026**.

21.4. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.

21.5. The allocation of time will be determined in due course before the Hearing.

21.6. The transparency procedure applicable to the Hearings, publication of recordings and transcripts is established in **Procedural Order No. 2**.

22. Recordings of Hearings and Sessions

Arbitration Rule 29(4)(i)

22.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the Parties and the Tribunal Members.

22.2. Verbatim transcripts in the procedural language shall be made of any hearing and session other than sessions on procedural issues. The verbatim transcripts shall be available in real-time and electronic transcripts shall be provided to the Parties and the Tribunal at the end of each hearing day.

- 22.3. The Parties shall agree on any corrections to the transcripts within 15 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the court reporter in the revised transcripts.
23. Post-Hearing Memorials and Statements of Costs
Convention Article 44; Arbitration Rule 51
- 23.1. The Tribunal will consult with the Parties at the end of the Hearing, and issue directions in relation to whether, and if so by which dates, the Parties shall submit post-hearing memorials and a statement of costs.
24. Transparency matters
Convention Article 48(5), UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, Arbitration Rules 62-66
- 24.1. The Parties agree that the transparency regime governing these proceedings is dealt with in Procedural Order No. 2.
25. Data Privacy and Cybersecurity
- 25.1. The Members of the Tribunal, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.
- 25.2. The Members of the Tribunal, the Parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the arbitration proceeding, where necessary. Should compliance with applicable law require action from another participant in the arbitration proceeding, the Parties are invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.
- 25.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards.

26. Amicable Dispute Settlement

26.1. The Tribunal notes that the Parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation under the ICSID Mediation Rules, at any time in the proceeding. If the Parties settle the dispute in full, they may request that the Tribunal embody their settlement in its Award, pursuant to ICSID Arbitration Rule 55(2). Any agreement pursuant to ICSID Arbitration Rule 54(1), made in order to pursue amicable settlement discussions, should be communicated to the Tribunal.

27. Respondent's Application under Rule 41
Arbitration Rule 41

27.1. The Parties agree that only documentary evidence and legal authorities will be admissible during the proceedings related to the Respondent's application under Arbitration Rule 41.

On behalf of the Tribunal,

[*Signed*]

Ms. Valeria Galíndez
President of the Tribunal
Date: 27 November 2024

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Jurisdiction-FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i>
	<i>R-0002-SPA</i>
	Legal Authorities
RL-####–LANGUAGE	
To be produced sequentially throughout the case.	
CLAIMANT’S LEGAL AUTHORITIES	
<i>CL-0001-ENG</i>	
<i>CL-0002-FR</i>	
RESPONDENT’S LEGAL AUTHORITIES	
<i>RL-0001-SPA</i>	
<i>RL-0002-ENG</i>	
Witness Statements	Witness Statement-Name of Witness-Name of Submission-LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	Legal Opinion-Name of Expert-Name of Submission-LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to	WITNESS/EXPERT INITIALS-###
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>

Ricardo Filomeno Duarte Ventura Leitão Machado v. Republic of Angola
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Procedural Order No. 1 – Annex A

Witness Statements, Expert Reports, Legal Opinions	<i>MJ-0001</i>
	<i>MJ-0002</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001</i>
	<i>LS-0002</i>
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RL-#### to RL-####
	<i>Index of Legal Authorities-RL-0001 to RL-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Submission on manifest lack of legal merit under Rule 41</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimant]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	

Annex B – Procedural Calendar

Procedural step	Party	Days	Date
Rule 41 objection	Respondent		Fri 15-Nov-2024
Response to Rule 41 objection	Claimant	76	Thu 30-Jan-2025
Reply on Rule 41 objection	Respondent	28	Thu 27-Feb-2025
Rejoinder on Rule 41 objection	Claimant	28	Thu 27-Mar-2025
Statement of Costs regarding Rule 41 objection	Both Parties	14	Thu 10-Apr-2025
Decision on Rule 41 objection	Tribunal	63	Thu 29-May-2025
<i>If the Respondent's Rule 41 Objection is Rejected by the Tribunal:</i>			
Statement of Claim	Claimant	105	Thu 11-Sep-2025
Statement of Defence	Respondent	77	Thu 27-Nov-2025
Document production requests	Both Parties (without copying the Tribunal)	21	Thu 18-Dec-2025
Objections to document production requests; Production of documents requested by the other Party	Both Parties (without copying the Tribunal)	28	Thu 15-Jan-2026
Reply to objections to document production requests; Requests for document production (if necessary)	Both Parties (addressed to the Tribunal)	14	Thu 29-Jan-2026
Decision on document production requests	Tribunal	21	Thu 19-Feb-2026 ⁴
Production of documents as ordered by the Tribunal	Both Parties (only to the other Party)	28	Thu 19-Mar-2026
Reply	Claimant	63	Thu 21-May-2026
Rejoinder	Respondent	63	Thu 23-Jul-2026
Notification of witnesses and experts to be examined at the Hearing	Both Parties	42	Thu 03-Sep-2026
Pre-Hearing Conference	All	21	Thu 24-Sep-2026
Hearing (one week reserved)	All	32	Mon 26-Oct-2026
Post-Hearing Briefs and Submissions on costs	Both Parties		To be determined
Award	Tribunal		To be determined

⁴ Depending on the extent of the Parties' document requests, the Tribunal reserves the right to issue its decision on document production requests a few days beyond the established deadline. The Tribunal will consult with the Parties regarding the necessity of revising the subsequent deadlines in the procedural calendar. However, under no circumstances shall this extension affect the dates fixed on the calendar for the Pre-Hearing Conference and the Hearing.

ANNEX C - DOCUMENT PRODUCTION SCHEDULE

Requesting Party:
Requesting party

Requested Party:
Requested party

Document Request No. 1.		
R1: Description of requested Documents (max. 200 words)		
<u>Requesting party</u>	<u>Requested party</u>	<u>Tribunal</u>
Time frame of issuance		
R2: Relevance and materiality (max. 250 words)		
<u>Requesting party</u>	<u>Requested party</u>	<u>Tribunal</u>
Reference in Memorial (paras.)		
R3: Not in possession of requesting party (max. 100 words)		
<u>Requesting party</u>	<u>Requested party</u>	<u>Tribunal</u>
O1: Legal or settlement privilege (max. 250 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O2: Production is unreasonably burdensome (max. 200 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O3: Loss or destruction (max. 100 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O4: Technical or commercial confidentiality (max. 200 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O5: Special political or institutional sensitivity (max. 250 words)		
<u>Requested Party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O6: Production affects fairness or equality of procedure (max. 100 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
Tribunal's Decision		
Add request		

PRIVILEGE LOG

Requesting party: Requesting party

Requested party: Requested party

Doc. No.	Date of issuance (in chronological order)	Author/Sender (identifying any attorney to the Requested party)	Recipient(s) (including any individuals in copy)	Brief description of the Document or Category of the Documents	Asserted privilege (O1, O4, O5)	Reasons for objection

AFFIDAVIT

My name is Full name, Position of Requested party. This Affidavit is issued in accordance with Procedural Order No. 1 in the arbitration between Ricardo Filomeno Duarte Ventura Leitão Machado v. Republic of Angola, ICSID Case No. ARB/24/8. The terms defined in Procedural Order No. 1 have the same meaning when used in this Affidavit.

I declare that, to the best of my knowledge and belief:

Requested party has carried out a reasonable search of the Documents which it was ordered or voluntarily undertook to produce;

No Document which Requested party was ordered or voluntarily undertook to produce has been destroyed or concealed;

All Documents for which legal or settlement privilege has been claimed, meet the requirements established in Procedural Order No. 1;

Requested party has produced all Documents which it was ordered or voluntarily undertook to produce (except for the privileged or confidential Documents duly identified in the Privilege Log).

Date: Date

Full name

AFFIDAVIT

My name is Full name, external legal counsel of Requested party. This Affidavit is issued in accordance with Procedural Order No. 1 in the arbitration between Ricardo Filomeno Duarte Ventura Leitão Machado v. Republic of Angola, ICSID Case No. ARB/24/8. The terms defined in Procedural Order No. 1 have the same meaning when used in this Affidavit.

I declare that:

I have explained to the Requested party (a) its obligation not to destroy or conceal any Document potentially relevant to the above-referred arbitration, and (b) the necessity of producing, and the potential consequences of the failure to produce, any Document which Requested party has been ordered or voluntarily has undertaken to produce;

I have advised Requested party to carry out a reasonable search, and to produce all Documents it was ordered or it voluntarily undertook to produce (except for the privileged or confidential Documents duly identified in the Privilege Log);

All Documents for which legal or settlement privilege has been claimed, meet the requirements established in Procedural Order No. 1.

Date: Date

Full name