

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Glencore International A.G.

v.

Republic of Colombia

(ICSID Case No. ARB/21/30)

PROCEDURAL ORDER No. 7
Hearing Organization

Members of the Tribunal

Ms. Sabina Sacco, President of the Tribunal
Prof. Bernard Hanotiau, Arbitrator
Prof. Donald M. McRae, Arbitrator

Secretary of the Tribunal

Ms. Alicia Martín Blanco

Assistant to the Tribunal

Mr. Rahul Donde

29 October 2025

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I. SCOPE OF THIS ORDER

1. This Procedural Order No.7 (“**PO7**”) addresses the organization of the hearing scheduled to take place in Washington D.C. from 10 to 17 November 2025 (the “**Hearing**”).

II. PROCEDURAL BACKGROUND

2. On 12 August 2025, the Tribunal sent the Parties a draft of this procedural order inviting them to comment by 29 August 2025.
3. On that day, the Parties jointly advised the Tribunal of the agreements reached on the various items, as well as their respective positions where no agreement was reached.
4. On 8 September 2025, the Tribunal noted that there were very few points of disagreement between the Parties, the most important being the duration of the hearing and distribution of oral statements. It advised the Parties that the Tribunal had deliberated and had indicated its preferences in track mode in revised draft Order that was attached. The President would be available to discuss the revised Order with the Parties during the pre-hearing conference scheduled for 11 September 2025 (“**PHC**”), unless both Parties indicated by 10 September 2025 that they did not consider the PHC to be necessary.
5. On 10 September 2025, the Parties advised the Tribunal that the PHC was not necessary.
6. On 9 September 2025, the Respondent requested the Tribunal to allow the Respondent’s fact witness, [REDACTED] (“[REDACTED]”), to be examined via videoconference as she was unable to attend the Hearing in person. It indicated that the Claimant had already agreed to the request, subject to the Tribunal’s acceptance of the protocol annexed to the Respondent’s letter and an opportunity to the Claimant to comment on the request.
7. On the next day, the Tribunal invited the Claimant’s comments on the request.
8. On 11 September 2025, the Claimant commented on the request. While it expressed concern about the Respondent’s “delinquency” in making the necessary arrangements for [REDACTED] to attend the Hearing in person, it nevertheless confirmed that it did not object to the request subject to the Tribunal accepting the protocol annexed to the request. The Respondent subsequently rejected the Claimant’s characterization of its conduct, asserting that it fully complied with its obligations under Procedural Order No.1 (“**PO1**”) in connection with [REDACTED] attendance at the Hearing.
9. This Order thus reflects the agreements reached by the Parties with respect to Hearing organization and logistics and, where there was no agreement, the Tribunal’s decisions. Unless otherwise noted below, the rules applicable to hearings set out in PO1 shall apply to the organization of the Hearing.

III. HEARING FORMAT AND DATES

A. Format of the Hearing

10. As agreed by the Parties and confirmed by the Tribunal, the Hearing shall be held in person¹ at the ICSID facilities located at World Bank C Building, 1225 Connecticut Ave. N.W., Washington, D.C.

B. Dates and times of the Hearing

11. The Hearing shall take place in person,² from Monday, 10 November 2025, to Monday, 17 November 2025 (leaving Friday, 15 November held in reserve and, Saturday, 15 November to Sunday, 16 November, free for the Parties to prepare their second round of oral statements), at the C Building of the World Bank, located at 1225 Connecticut Ave. N.W., Washington, D.C.
12. The Hearing shall start each day at 09:00 and shall conclude by 18:00 at the latest.
13. The Tribunal will determine the specific times for all breaks depending on the progress of the Hearing. In principle:
- a. On Days 1 to 4³ there will be two 15-minute breaks, as well as a one-hour lunch break.
 - b. If Day 5⁴ is used, the Tribunal will determine the length and number of the breaks.
 - c. On Day 6,⁵ there will be one 15-minute break.
14. The Tribunal retains discretion to order further breaks if due process or logistics require.

IV. HEARING PROCEDURE

A. Time allocation

15. Pursuant to paragraph 24.6 of PO1, each Party shall have an equal time allocation (regardless of its actual use or not) to make oral statements and examine witnesses and/or experts, subject to the Tribunal's adjustments if due process so requires.
16. There will be a maximum of 7.5 hearing hours per day (9 hours per day minus 1.5 hours of breaks per day) of which a maximum of 6 hours will be assigned to the Parties, with

¹ With the exceptions set out in this Order.

² With the exceptions set out in this Order.

³ Monday, 10 November to Thursday, 13 November 2025.

⁴ Friday, 14 November 2025.

⁵ Monday, 17 November 2025.

the remaining 1.5 hours reserved for the Tribunal's use, procedural matters and any technical issues / slippage.

17. As set out in paragraph 21 below, each Party shall have two hours and thirty minutes to deliver its Opening Statement on Day 1. Any time not used for the Opening Statement will not be transferrable to other hearing days.
18. Any time allocated for Party submissions on Day 6 will also not be transferrable.
19. For Days 2 through 4, there will be a total of 18 effective hearing hours for the use of the Parties, or 9 hours per Party, to be allocated as each Party sees fit, on a "chess clock" basis. If expert examinations are not finalized by Day 4, any time not used by the Parties may be transferred to Day 5.
20. The following specific rules will apply to time allocation:
 - a. Time spent by a Party in its oral statements shall not be deducted from the time allocated to that Party.
 - b. Time spent on the direct and re-direct examination of a witness or expert (including time used by experts during presentations in lieu of direct) shall be deducted from the time allocated to the Party presenting the witness or expert.
 - c. Time spent on the cross-examination of a witness or expert shall be deducted from the time allocated to the Party cross-examining the witness or expert.
 - d. Time spent by the Parties, witnesses or experts responding to the Tribunal's questions shall not be deducted from the Parties allocated time.
 - e. Time spent on discussions related to a procedural objection put forward by a Party shall be deducted from the time allocated to the Party against whom the objection is decided.
 - f. Time devoted to discussions concerning administrative matters or addressing technical contingencies shall not be deducted from the Parties allocated time.

B. Organization and sequence of oral statements

21. The Parties agree that Day 1 will be devoted to their oral opening statements, starting with the Claimant and followed by the Respondent. Each opening statement shall have a maximum duration of two hours and thirty minutes.
22. Each Party shall have the opportunity to make oral statements on Day 6 (i.e., Monday, 17 November), of no more than 1.5 hours each, to make rebuttal arguments concerning the other Party's opening statement and draw conclusions from the oral testimony of witnesses and experts during the Hearing.
23. If it finds it necessary to do so, by the end of Friday, 14 November 2025, the Tribunal will identify specific issues and/or raise specific questions for the Parties to address in

their second-round oral statements, without prejudice to their ability to address them more fully in their post-hearing briefs.

C. Hearing Schedule

24. A tentative Hearing Schedule is contained in **Annex 1** for illustrative purposes only. Said Schedule does not reflect a determination from the Tribunal on the time available for each time slot nor does it reflect a limitation on the Parties' ability to use their chess clock time in a flexible manner, as each Party considers appropriate.
25. Subject to paragraph 26 below, the Tribunal may vary the hearing schedule if necessary to ensure the fair and efficient conduct of the Hearing and that each Party has a fair opportunity to present its case, in particular due to delays or other interruptions. However, the Parties agree that fact witness examinations will begin (and may be completed) on Day 2, mining expert examinations will begin (and may be completed) on Day 3 and quantum expert examinations will begin (and may be completed) on Day 4. The Parties further agree that experts should not be required to deliver their direct presentation at the end of a hearing day if their cross-examination will only take place the following day.
26. The hearing schedule will follow roughly the following sequence:
 - a. On Day 1 (Monday, 10 November 2025): the Parties shall present opening statements, which shall not exceed 2.5 hours.
 - b. On Day 2 (Tuesday, 11 November 2025): each Party shall cross-examine the other Party's fact witness.
 - c. On Day 3 (Wednesday, 12 November 2025): each Party shall cross-examine the other Party's mining expert(s).
 - d. On Day 4 (Thursday, 13 November 2025): each Party shall cross-examine the other Party's quantum experts.
 - e. On Day 5 (Friday, 14 November 2025): in principle, there shall be no hearing. However, if by 18:00 on Day 4 (Thursday, 13 November 2025), there is unused Party hearing time (e.g. any Party time that was unused on Days 2 or 3 because fact witness or mining expert testimony ended earlier in the day), that time may be used on Friday, 14 November, to complete unfinished quantum expert examinations. As mentioned above, if it finds it necessary to do so, by the end of Day 5, the Tribunal will identify specific issues and/or raise specific questions for the Parties to address in their second-round oral statements on Day 6, without prejudice to their ability to address them more fully in their post-hearing briefs.
 - f. There shall be no hearing from Saturday, 15 November to Sunday, 16 November 2025, to allow the Parties to prepare their second-round of oral statements.
 - g. On Day 6 (Monday, 17 November 2025): The Parties shall present second-round oral statements, which shall not exceed 1.5 hours.

27. The Hearing shall conclude with a discussion on the next procedural steps.
28. The Tribunal Secretary shall calculate daily the total time employed by each Party during oral statements and the examination of witnesses and experts using the *chess-clock* method, as applicable, under the Tribunal's supervision. The Secretary of the Tribunal shall advise the Parties of the total time used at the end of each Hearing Day.
29. The Parties are expected to use the Hearing Days efficiently and avoid unnecessary slippage (e.g., delays in returning from breaks).

D. Fact and expert witness examinations

30. The following witnesses/experts will be examined at the Hearing:

Fact witnesses:

 , Claimant's fact witness

_____, Respondent's fact witness

Experts:

Neal Rigby and Werner Heenop (SRK), Claimant's mining expert witnesses
Pablo López Zadicoff and Carla Chavich (Compass Lexecon), Claimant's quantum
expert witnesses

Fran Taglia (WEIR), Respondent's mining expert witness

Graham Davis and Florin Dorobantu (The Brattle Group), Respondent's quantum expert witnesses

31. The witnesses and experts called for examination shall be examined in the following order:
 - a. Claimant's fact witness, followed by Respondent's fact witness.
 - b. Claimant's mining experts, followed by the Respondent's mining expert.
 - c. Claimant's quantum experts, followed by the Respondent's quantum experts.
32. A fact witness shall not, prior to his or her examination, be present in the hearing room during oral testimony and argument (including opening statements), or read transcripts of oral testimony or argument, or be informed of its contents. This limitation does not apply to expert witnesses. Should a fact witness be recalled for further examination, the Parties acknowledge and accept that he or she may have been present in the hearing room or read the transcript prior to his or her second examination.
33. The procedure for examining fact witnesses at hearings shall be as follows:
 - a. Witnesses will be heard under the promise of truth.
 - b. Each witness will be invited to confirm or correct his or her witness statement(s).

- c. The Party presenting the witness may conduct a brief (no longer than 10 minutes) direct examination during the hearing. A Party may question a witness on events that occurred, or arguments or evidence that were introduced for the first time by the other Party after the witness's last statement, provided that these events, arguments or evidence are strictly related to the witness's previous testimony.
 - d. The adverse Party may then cross-examine the witness. Except for questions relating to the credibility of the witness, cross-examination shall be limited to (i) allegations contained in the witness statement(s) and facts or evidence described therein; (ii) facts or evidence that the witness is reasonably likely to know and that are relevant to the dispute; and (iii) matters that have arisen during direct examination. In exceptional circumstances, and upon a reasoned request by the Party concerned (if possible, in writing before the Hearing begins), the Tribunal may permit cross-examination to be extended beyond the scope indicated.
 - e. The Party who has presented the witness may then re-examine the witness with respect to any matters arising out of the cross-examination (re-direct examination).
 - f. The Tribunal may examine the witness after the Parties have finished their respective examinations, not limited to the scope of the Parties' examinations. However, nothing will prevent the Tribunal from asking questions during the examination by one of the Parties. In all cases, the Tribunal shall give the Parties the opportunity to question the witness in relation to the questions asked by the Tribunal.
34. The Respondent's fact witness, [REDACTED], shall be examined via videoconference. The rules set out in Annex 4 shall additionally apply to her examination.⁶
35. The examination of experts shall be carried out, *mutatis mutandis*, in accordance with the provisions for fact witnesses, with the following clarifications and exceptions:
- a. The expert shall confirm that he or she will only make statements in accordance with his or her sincere belief.
 - b. The Parties may waive the direct examination of their experts, replacing it with a presentation of their analysis, methodology, and conclusions, including in relation to any evidence that has been submitted by the experts of opposing Party in relation to their expert opinions. Expert presentations shall not exceed 45 minutes.
 - c. The adverse Party may then cross-examine the expert. Cross-examination of an expert shall cover (i) the content of the expert report(s), the expert's assumptions and instructions, and materials relied upon by the expert; (ii) evidence that the expert is reasonably likely to know and that is relevant to the dispute; (iii) matters that have arisen during direct examination or the expert's presentation; and

⁶ Annex 4 sets out the protocol supplied by the Parties with modifications where necessary.

- (iv) any issue that could put into question the expert's credibility, subject to considerations of relevance, procedural fairness and privilege (although privilege shall not apply to items (i) and (ii) above).
- d. The Parties' testifying experts shall be prepared to answer all questions concerning their respective expert reports, exhibits, and appendices.
36. The Tribunal shall have complete control over the examination of witnesses and experts, including the right – on its own motion or at the reasoned request of a Party – to:
- a. Limit or exclude questions or questioning that it considers irrelevant, unnecessarily burdensome or repetitive, or that have been addressed by other evidence;
- b. Request witnesses to limit answers that are lengthy or not responsive to the questions; and
- c. Direct that a witness or expert be recalled for further examination at any time.
37. The Tribunal may order two or more experts to be examined concurrently (expert conferencing). In such case, the Tribunal will discuss the appropriate time allocation with the Parties.
38. Save for the direct testimony of fact witnesses, which should not exceed 10 minutes, and expert presentations, which should not exceed 45 minutes, the Parties will have full flexibility (within their allocated time) to determine the time they wish to devote to cross, re-direct and re-cross examinations. For organizational purposes, and subject to the terms of paragraph 24, the Parties have indicated in **Annex 1** an estimate of the time that they expect that the full examination of a witness/expert will take (including direct, cross and re-direct).
39. The Parties shall make their best efforts to start and finish the examination of a witness or expert on the same day. If the examination is interrupted and must continue following a break or in the following session, the witness/expert shall remain sequestered, with appropriate instructions from the Tribunal, until the examination is completed. Witnesses and experts shall be available to testify on the day before and after their scheduled examination, in case the hearing schedule should shift.
40. If a break takes place in the middle of a witness or expert's examination, the witness or expert shall be sequestered and shall not be allowed into its Party's breakout room.
41. Fact witnesses shall not have any notes available to them while they are giving evidence, other than an unannotated hard copy of their witness statement. Experts may have hard copies of their reports, annexes and any exhibits cited in their reports, and PowerPoint presentations. The hard copies of the foregoing documents may be annotated by the expert. Experts may also have notes for their presentation.
42. Witnesses/experts shall not have any laptop or mobile devices available to them other than the (ICSID-provided) computer through which the experts display their direct

presentation, on the understanding that experts may not access materials on that computer other than their direct presentation and the EHB.

43. The Parties shall inform their witnesses/experts of the rules that govern their examinations. They shall admonish them to be succinct and responsive to the questions asked.

E. Documentation and hearing bundle

1. Electronic Hearing Bundle

44. In accordance with paragraph 16.8 of PO1, by 17 October 2025 the Parties shall upload to the file sharing platform created by ICSID for this case 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.
45. The Electronic Hearing Bundle shall not contain any document not previously filed. It shall be organized as follows:
- 01. Pleadings
 - A. Claimant
 - B. Respondent
 - C. Non-Disputing Parties
 - 02. Witness Statements
 - A. Claimant
 - B. Respondent
 - 03. Expert Reports
 - A. Claimant
 - B. Respondent
 - C. Joint statement
 - 04. Factual Exhibits
 - A. Claimant
 - B. Respondent
 - C. Non-Disputing Parties
 - 05. Expert Exhibits and Appendices
 - A. Claimant
 - B. Respondent
 - 06. Legal Authorities
 - A. Claimant
 - B. Respondent
 - 07. Procedural Orders
 - 08. Procedural Correspondence
46. To ensure the correct operation of the hyperlinked index, the entire Electronic Hearing Bundle 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 Electronic Hearing Bundle to a designated sub-folder on the BOX

filesharing platform, using the structure indicated at paragraph 45 *supra*, including a consolidated (non-hyperlinked) index.

47. The court reporters and the interpreters will be given access to the Electronic Hearing Bundle in Box.
48. The Parties shall also distribute the Electronic Hearing Bundle in a USB (PC and Mac compatible) to be sent by courier no later than 17 October 2025 directly to: (i) each Member of the Tribunal; (ii) the Tribunal's Assistant; and (iii) the Secretary of the Tribunal (to the addresses to be communicated by the ICSID Secretariat in due course). The USB shall contain the hyperlinked version of the index. At the conclusion of the Hearing and following the submission of any scheduled post-hearing briefs, the Parties shall upload to Box an updated Electronic Hearing Bundle with a consolidated and hyperlinked index. The Electronic Hearing Bundle should have been updated to include the demonstrative exhibits used during the Hearing as well as the corrected Hearing transcripts.

2. Cross-Examination Bundle

49. During cross-examination, the Parties may only refer to documents that form part of the record of the case.
50. Prior to the beginning of each cross-examination, the cross-examiner shall provide a cross-examination bundle (i) in electronic format to the opposing Party, each Member of the Tribunal, the Tribunal's Assistant, the Secretary, the court reporters, and the interpreters via the BOX folder created for this case, to be downloaded before the cross-examination, and (ii) in paper copy to the witness or expert, the opposing Party, each member of the Tribunal, the Tribunal's Assistant, and the interpreters. The electronic cross-examination bundles will be provided 30 minutes before the relevant cross-examination.
51. Where appropriate, the paper copy of the cross-examination bundle should include only the relevant excerpts of any exhibit or authority that forms part of the record of the case. However, witnesses and experts are entitled to be shown a full copy of any exhibit or authority on which they are questioned (i.e., they are not limited to reviewing excerpts of documents). If requested by the witness or expert, the Party conducting the examination shall provide a full paper copy.
52. These rules shall be adjusted as necessary for the remote examination of [REDACTED] as specified in Annex 4 below.

3. Demonstrative Exhibits

53. The Parties and experts may use PowerPoint or other slide presentations for their oral statements or presentations, subject to the below rules on demonstrative exhibits.
54. Demonstrative exhibits shall be used in accordance with paragraph 19.5 of PO1 (reproduced below), with the adjustments indicated in the paragraphs below:

- 19.5. Demonstrative exhibits (such as Power Point slides, charts, tabulations, etc.) may be used at the Hearing (by either Party or an expert), provided they contain no new evidence. The rules for demonstrative exhibits shall be discussed prior to the Hearing. Each Party shall number its demonstrative exhibits consecutively (preceded by “CD-” for Claimant, and “RD-” for Respondent), and indicate on each page or slide of the demonstrative exhibit the number of the document(s) from which the information contained therein is derived, with a pincite to the relevant pages. The Party submitting such exhibits shall provide them in electronic and, if requested, hard copy to the other Party, the Tribunal Members, the Tribunal Secretary, the court reporter(s) and interpreter(s) at the Hearing at a time to be decided at the Pre-Hearing Conference.
55. Demonstrative exhibits (i) shall reflect the evidence on the record, even if it is not presented in the same form; (ii) shall identify the source in the record from which the information is derived; and (iii) may not introduce new evidence, directly or indirectly.
56. Electronic copies of demonstrative exhibits:
- a. An electronic copy of each demonstrative exhibit (for Parties’ oral statements and expert presentations) shall be distributed by the Party intending to use it via email sent to the entire case distribution list, as well as the court reporters and the interpreters no later than 1 hour prior to its use.
 - b. If a demonstrative exhibit is too large to be sent via email, the Parties will confirm via email by the relevant deadline that it has been uploaded to the case folder in Box (identifying it with the corresponding CD- or RD- number), providing the relevant link to the folder. A paper copy of any PowerPoint presentations to be used by the Parties or their experts shall be distributed to the opposing Party, each Member of the Tribunal, the Tribunal’s Assistant, the court reporters, and the interpreters, immediately prior to commencing an oral statement or expert presentation.
57. Parties shall not create new demonstrative exhibits for the purpose of examining witnesses or experts, who shall be examined based on the documents in the record. However, counsel may refer to demonstrative exhibits forming part of the opening presentations or that were used by the experts during their direct presentation.
58. Promptly after the conclusion of the Hearing Day in which the corresponding demonstrative exhibit was used, the Party shall upload such demonstrative exhibit to the case folder in BOX, identifying it with the corresponding CD- or RD- number (if not already uploaded in accordance with paragraph 56, above).

4. Presentation of Documents during the Hearing

59. Demonstrative exhibits as well as documents on which the witnesses and experts are to be examined shall be displayed on the screens in the Hearing room by the Party relying on the document. Each document shall be clearly identified by reference to its number

in the record, and the document number shall be stated orally for purposes of the transcript.

- 60. At the commencement of an examination, the Party presenting the witness shall provide him or her with a clean unannotated hard copy of his or her witness statement(s) together with any exhibits or annexes thereto.
- 61. In addition to the documents on which they rely, the Parties shall be ready to project any document on the record that may be of assistance during questions from the Tribunal.
- 62. Documents that do not form part of the record may not be presented at the Hearing.

V. HEARING LOGISTICS

A. Venue and equipment

- 63. The ICSID Secretariat has confirmed that all necessary arrangements have been made for the logistics of the Hearing, including the reservation of the hearing room and breakout rooms, audiovisual equipment, wireless internet and meals/coffee breaks. The logistical details will be managed directly by the ICSID Hearings organization team.

B. Hearing Closed to the Public

- 64. Pursuant to Section 24.7 of PO1, the Hearing shall be closed to the public.

C. Hearing participants and etiquette

- 65. The Hearing shall be held in camera and access to the Hearing shall be restricted to the members of the Tribunal, the Parties' representatives and counsel, the Tribunal Secretary, the Tribunal's Assistant, witnesses and experts (the "Participants"), as well as court reporters and interpreters and any further ICSID staff or technical support personnel retained by ICSID in connection with the Hearing (the "Support Staff"). No person other than the Participants or the Support Staff shall be admitted to the Hearing, unless otherwise decided by the Tribunal upon request by any of the Parties.
- 66. As set out in Section E below, there shall be a Zoom broadcast of the Hearing, including at breakout rooms and for Participants, such as counsel or party representatives who might not be able to attend the Hearing in person, or might choose to do so remotely. In principle and subject to the rules set out in Section E below and in **Annex 3**, active participation shall be limited to in-person Participants. All witnesses and experts will be examined in person (and not virtually), with the exception of the Respondent's fact witness, [REDACTED], in accordance with paragraph 20.12 of PO1.
- 67. On or before 27 October 2025, each Party will provide the Tribunal with a list of the members of its delegation (including counsel, party representatives, witnesses and experts) who will be attending the Hearing. A template of these lists is reproduced at **Annex 2** to this Order. Each Party shall inform the Tribunal and opposing counsel by 3

November 2025 of any additional members of their delegation who will be attending the Hearing.

68. To facilitate the accurate interpretation and transcription of the Hearing, Participants are encouraged to speak slowly and with pauses between sentences. The Parties may also circulate any speaking notes only to the interpreters and court reporters prior to the start of each relevant session, on the understanding that court reporters and interpreters will transcribe or interpret only what is actually said.
69. The above provisions on etiquette may be adjusted or supplemented by the Tribunal in consultation with the Parties during the Hearing.

D. Language and interpretation

70. The relevant provisions of paragraphs 12.4 or PO1 concerning interpretation apply:

12.4.1. Any Hearings (other than procedural Hearings or meetings) shall be conducted in Spanish and English with simultaneous interpretation into both procedural languages. [...]

12.4.2. Oral testimony and argument before the Tribunal shall be given in either English or Spanish. Simultaneous interpretation into the procedural languages shall be provided.

12.4.3. The Tribunal may address the Parties, witnesses and experts in English or Spanish, with simultaneous interpretation into the other procedural language.

[...]

12.4.6. The costs of the interpreter(s) will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to the allocation of costs. ICSID will be responsible for making arrangements with the interpreters, in consultation with the parties.

71. The interpreters will attend the Hearing in person.

E. Virtual Hearing Arrangements

72. As provided in section 24.4 of PO1, the Hearing will be in person and all Participants who will be speaking (“**In-Person Active Participants**”)⁷ are expected to attend in person. However, a Zoom virtual platform (the “**Virtual Hearing Platform**”) will be available to allow for (i) the remote examination of [REDACTED]; (ii) the remote participation of counsel or Party representatives who will be responding to questions from the Tribunal, principally on matters of Colombian law (together with [REDACTED], the “**Remote Active Participants**”), and (iii) the participation of Participants

⁷ This includes counsel who will be addressing the Tribunal or conducting examinations, and any witnesses and experts who will be examined, with the exceptions set out in this Order.

who will not be speaking, whether from the Hearing room or the Parties' respective breakout rooms ("**In-Person Passive Participants**") or remotely from other locations ("**Remote Passive Participants**").⁸ The rules applicable to the use of the Virtual Hearing Platform and to the participation of Remote Active Participants are set out in the Virtual Participation Protocol provided in **Annex 3**.

73. Fact witnesses may not access the Virtual Hearing Platform prior to their examination.

F. Audio recording

74. The provisions of paragraph 25.2.1 of PO1 concerning recordings (reproduced below) apply, with the adjustments in the paragraphs below:

25.2.1. There shall be an audio recording of all oral argument and testimony, both in the language it is made and of any simultaneous interpretation.

75. The Secretariat shall record the Hearing. The audio recording will be shared with the Parties and the Tribunal at the conclusion of the Hearing.

76. Except for the court reporters, who will make their own audio recording of the Hearing, attendees will not otherwise make any audio, video or screenshot record of the Hearing or any part of it unless the Tribunal grants express leave to this effect.

G. Transcripts

77. The relevant provisions of paragraph 12.4.4, 12.4.5 and 25.2 of PO1 concerning transcription apply, with the adjustments in the paragraphs below:

12.4.4. Verbatim transcripts of any hearing other than procedural hearings shall be made in both procedural languages.

12.4.5. The Parties shall confer with each other and the Tribunal with respect to the procedure for correcting transcripts on the last day of the oral hearing. The agreed corrections may be entered by the Parties 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 Parties in the revised transcripts. In any event, in case of conflict between the transcripts in Spanish and in English, the audio of the original language in which the oral testimony or the presentation of arguments was made will prevail.

[...]

⁸ This includes party representatives who might not be able to attend the Hearing in person or other members of the counsel team.

25.2.2. Verbatim transcript(s) in the procedural languages shall be made of the original and interpreted oral argument and testimony in accordance with the rules on languages set out in Section 12 above.

25.2.3. Unless the Tribunal directs otherwise, Live Note or comparable real time transcription software shall be used to make the Hearing transcripts instantaneously available to the Parties and members of the Tribunal in the Hearing room.

25.2.4. Transcripts of proceedings shall be made available on a same day service basis.

25.2.5. The Parties have until one week after the Hearing to confer with each other and the Tribunal with respect to the procedure for correcting transcripts. The Parties shall incorporate the agreed corrections into the revised transcripts. Any disagreement between the Parties shall be resolved by the Tribunal, and any correction adopted by the Tribunal shall be incorporated by the court reporters, under supervision of the ICSID Secretariat, into the revised transcripts.

78. The court reporters shall attend the Hearing in person.

79. In case of conflict between the transcripts in Spanish and in English, the transcription in the original language in which the oral testimony or the presentation of arguments was made will prevail. In the event of any discrepancy between the transcripts in Spanish or English, the Parties will inform the Tribunal together with any other correction to the transcripts that they deem appropriate.

H. Costs

80. In accordance with paragraph 24.8 of PO1, the costs of hearing rooms and of the services required for the hearing (including court reporters, interpreters) shall be paid from the deposits made each Party, without prejudice to the Tribunal's subsequent decision on the allocation of costs of the arbitration.

I. Data Privacy

81. The List of Participants for the Hearing will contain personal data, including names and contact information. This data is processed for the purpose of the legitimate interests of the Parties in resolving efficiently their dispute and to ensure that procedural documents and Hearing arrangements are properly communicated to the Parties, their legal representatives, the Members of the Tribunal and other participants providing services for the Hearing.

J. Confidentiality

82. Participants in the Hearing must continue to comply with any applicable legal and ethical obligations with respect to confidentiality. All participants providing services to facilitate the Hearing will (i) keep confidential all documents and information coming

to their knowledge as a result of their participation in the Hearing; (ii) not use, or authorize any other person to use, such documents and information other than for the purpose of performing their work at the Hearing; and (iii) dispose of all printed documents as confidential material, and delete all electronic copies that might be stored on personal devices when their Hearing-related work has been completed.

K. Post-Hearing Briefs

83. Paragraphs 15.3 and 15.4 of PO1 apply:

15.3. After any Hearing on jurisdiction or merits, the Parties shall file post-Hearing briefs (the “Post-Hearing Briefs”). At or promptly after the closure of any such Hearing, the Tribunal shall determine the content, number, sequence and timing of the Post-Hearing Briefs in consultation with the Parties. The Tribunal may limit the scope and/or length of the Post-Hearing Briefs, and may submit to the Parties a list of questions to be answered in them. Post-Hearing Briefs shall be limited to matters of fact and law presented in the submission(s) and at the Hearing(s), and may not contain new allegations of fact or arguments of law. No evidence may be submitted with Post-Hearing Briefs, unless authorized by the Tribunal. This provision does not preclude the possibility that the Parties may make oral closing statements at the Hearing.

15.4. The Parties shall set forth their requests for relief in a separate section at the end of their pleadings. The Parties shall include the final and updated version of their requests for relief in their Post-Hearing Briefs, and the Tribunal shall decide only on those final requests for relief.

L. Supplemental expert evidence

84. Pursuant to the Parties’ agreement of 21 July 2025 and the Tribunal’s directions of 1 August 2025:⁹

- a. The Colombian legal experts (Mr. Guillermo Sánchez Luque, the Claimant’s legal expert and Ms. Catalina Botero, the Respondent’s legal expert) shall not be examined at the Hearing.
- b. Counsel for each Party shall be available at the Hearing to address questions the Tribunal may have regarding Colombian law, without prejudice to their right to respond in their second-round oral statements and/or post-hearing briefs, if any.
- c. Pursuant to Section 21.8 of Procedural Order No. 1, the Colombian law experts shall confer and produce, on a date to be agreed by the Parties at least three weeks prior to the Hearing, a joint statement setting out the issues on which they agree and those on which they disagree (possibly in table format), with reference to their respective expert reports.

⁹ Tribunal’s communication of 1 August 2025.

- d. The Tribunal reserves the possibility to ask targeted questions to the Colombian legal experts to be answered after the Hearing, either in a remote hearing scheduled for this purpose and/or through supplementary report(s).
85. After the submission of the post-hearing briefs, the Tribunal shall advise the Parties whether it will require the mining experts and/or the quantum experts to confer and prepare a joint statement or report, as foreseen in paragraph 21.8 and footnote 9 of PO1, reproduced below:

21.8 If the Parties submit expert evidence, the Tribunal may, if it deems appropriate after consulting with the Parties and in accordance with Article 5.4 of the IBA Rules, require the experts to meet and confer before or after the hearing(s) for the purpose of (i) seeking to reach an agreement on issues on which they disagree; (ii) seeking to narrow their differences with respect to those issues; and/or (iii) prepare a joint report.⁹ The experts shall record in writing the issues on which they have agreed or have succeeded in narrowing their differences, those on which they have not so agreed or succeeded in narrowing their differences, and, if feasible and requested by the Tribunal, shall issue a joint expert report. In the event that this exercise takes place after the hearing(s), the Tribunal may decide, on its own motion or at the request of a Party, to conduct a new examination of the experts according to the rules established for oral examination.

⁹ In particular, the Tribunal may ask the quantum experts to prepare a joint valuation model after the hearing.

M. Statements of Costs

86. Paragraph 26.1 of PO1 provides:
- 26.1. In accordance with Arbitration Rule 28(2), promptly after the closure of the proceeding, each Party shall submit a statement of costs reasonably incurred or borne by it in the proceeding. After consulting with the Parties (as appropriate), the Tribunal shall determine the content, number, sequence, and timing of cost submissions. The Tribunal may limit the scope and/or extent of submissions on costs and shall determine whether they should be accompanied by evidence relating to costs.

On behalf of the Tribunal,

[signed]

Sabina Sacco
President of the Tribunal

Date: 29 October 2025

ANNEX 1: HEARING SCHEDULE

DAY 1 (Monday 10 November)	
9:00 – 9:30	Housekeeping
9:30 – 10:30	Claimant’s Opening Statement
10:30 – 10:45	Break
10:45 – 12:15	Claimant’s Opening Statement
12:15-13:15	Lunch
13:15-14:15	Respondent’s Opening Statement
14:15-14:30	Break
14:30-16:00	Respondent’s Opening Statement
16:00-16:30	Housekeeping & End
DAY 2 (Tuesday 11 November)	
9:00 – 9:30	Housekeeping
TBD	Direct Examination of [REDACTED] (10 minutes)
TBD	Cross-Examination of [REDACTED]
TBD	15-minute break during the witness examination
TBD	Lunch Break
TBD	Direct Examination of [REDACTED] (10 minutes)
TBD	Cross-Examination of [REDACTED]
TBD	15-minute break during the witness examination
TBD - 18:00	Housekeeping & End
DAY 3 (Wednesday 12 November)	
9:00 – 9:30	Housekeeping
TBD	Expert Presentation of Neal Rigby and Werner Heenop (SRK) (45 minutes)
TBD	Break
TBD	Cross-examination of Neal Rigby and Werner Heenop (SRK)
TBD	Lunch Break

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TBD	Expert Presentation of Fran Taglia (WEIR) (45 minutes)
TBD	Break
TBD	Cross-examination of Fran Taglia (WEIR)
TBD - 18:00	Housekeeping & End
DAY 4 (Thursday 13 November)	
9:00 – 9:30	Housekeeping
TBD	Expert Presentation of Pablo López Zadicoff and Carla Chavich (Compass) (45 minutes)
TBD	Break
10:15-TDB	Cross-examination of Pablo López Zadicoff and Carla Chavich (Compass)
TBD	Lunch Break
TBD – 45 mins	Expert Presentation of Graham Davis and Florin Dorobantu (Brattle) (45 minutes)
TBD	Break
TBD	Cross-Examination of Graham Davis and Florin Dorobantu (Brattle)
TBD – 18:00	Housekeeping & End
DAY 5 (Friday 14 November)	
TBD	In reserve
DAY 6 (Monday 17 November)	
9:00 – 9:30	Housekeeping
9:30 – 11:00	Claimant’s Second-Round Oral Statement
11:00 – 11:15	Break
11:15 – 12:45	Respondent’s Second-Round Oral Statement
12:45 – 13:15	Housekeeping & Close of Hearing

ANNEX 2: TEMPLATE LIST OF PARTICIPANTS

[Parties to indicate whether the Participant will act as an In-Person Passive Participant, In-Person Active Participant, Remote Active Participant and Remote Passive Participant. It is understood that In-Person Active Participants may connect remotely through the Virtual Hearing Platform when they will not address the Tribunal.]

TRIBUNAL / ICSID			
Name	Role / Affiliation	Type of Participant	Email
Ms. Sabina Sacco	President	In-Person Active	sabina.sacco@sacco-arbitration.com
Prof. Bernard Hanotiau	Arbitrator	In-Person Active	bernard.hanotiau@htgo.be
Prof. Donald McRae	Arbitrator	In-Person Active	Donald.Mcrae@uottawa.ca
Ms. Alicia Martín Blanco	Tribunal Secretary (ICSID)	In-Person Active	amartinblanco@worldbank.org
Mr. Rahul Donde	Tribunal Assistant	In-Person Active	rahuldonde@rddisputes.com
Ms. María Carolina Posada Velandia	Paralegal (ICSID)	In-Person Passive	mposadavelandia@worldbank.org

CLAIMANT			
Name	Role / Affiliation	Type of Participant	Email
<i>Counsel</i>			
Mr./Ms.			
Mr./Ms.			
<i>Party</i>			
Mr./Ms.			
Mr./Ms.			
<i>Witnesses</i>			

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Mr./Ms.			
Mr./Ms.			
Experts			
Mr./Ms.			
Mr./Ms.			

RESPONDENT			
Name	Role / Affiliation	Type of Participant	Email
Counsel			
Mr./Ms.			
Mr./Ms.			
Party			
Mr./Ms.			
Mr./Ms.			
Witnesses			
Mr./Ms.			
Mr./Ms.			
Experts			
Mr./Ms.			
Mr./Ms.			

SUPPORT STAFF			
Name	Role / Affiliation	Type of Participant	Email
Court Reporters			
Mr./Ms.			

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Mr./Ms.			
<i>Interpreters</i>			
Mr./Ms.			
Mr./Ms.			
<i>Other Participants</i>			
Mr./Ms.			
Mr./Ms.			

ANNEX 3: VIRTUAL PARTICIPATION PROTOCOL

1. As indicated in paragraph 11 above, the Hearing shall be conducted in person. However, as further specified at paragraph 72, a Virtual Hearing Platform will be available to (i) allow the Hearing to be streamed to Participants who will not be addressing the Tribunal (In-Person Passive Participants, Remote Passive Participants and In-Person Active Participants when they are not addressing the Tribunal), and (ii) allow the participation of Remote Active Participants. All individuals connecting to the Virtual Platform will be deemed to be “Virtual Participants” for purposes of this Protocol.

2. This Protocol provides the rules applicable to the use of the Virtual Hearing Platform.

I. Virtual Hearing Platform

3. ICSID shall serve as administrator of the Virtual Hearing Platform and “host” of the videoconference during the Hearing.
4. The log-in details for the videoconference will be circulated by the Secretary of the Tribunal at least one day prior to the start of the Hearing to the email addresses of all individuals identified in the List of Participants. The hearing link and password shall not be shared with anyone. Access to the Virtual Hearing Platform will be available via the same link throughout the entire Hearing.
5. Through the Virtual Hearing Platform, the Virtual Participants will be able to see a split screen showing, on one side, the speaker who is actively intervening and, on the other side, any document displayed by the Parties.

II. Virtual Participants

6. Access to the Virtual Hearing Platform shall be restricted to the individuals identified in the List of Participants. No other person shall be admitted to the Virtual Platform, unless otherwise decided by the Tribunal on request by any of the Parties.
7. The Virtual Participants must include a username that identifies them.
8. Any person who cannot be identified will not be admitted to the Virtual Hearing Platform, unless otherwise decided by the Tribunal.
9. All Virtual Participants bear an ongoing duty to warn the Secretary of the Tribunal and the Tribunal of the presence of any other person on the Virtual Hearing Platform. If Virtual Participants are gathering in a room with one single connection, they shall ensure that only individuals identified in the List of Participants are in the room.
10. Virtual Participants shall neither video- nor audio-record the Hearing.

III. Videoconference Etiquette

A. In-Person Passive Participants

11. A broadcast of the Hearing will be made available in each Party's breakout room. Each breakout room will be equipped with a large screen for this purpose that will be connected to the Virtual Platform.
12. The Parties' respective breakout rooms will be identified as "Claimant – Breakout Room" and "Respondent – Breakout Room". Participants in these breakout rooms need not identify themselves individually – it being understood that they would have already identified themselves to have access to the ICSID premises.
13. The Hearing Host will connect the screens in the breakout rooms prior to the start of each Hearing day. The screens will remain connected until the end of the Hearing day. This connection will be kept muted, without video access, at all times.
14. In-Person Passive Participants may only follow the hearing in the Parties' respective breakout rooms, and may not log in individually while they are inside the ICSID premises.

B. Remote Passive Participants (including In-Person Active Participants logging in remotely outside the ICSID premises)

15. Remote Passive Participants and In-Person Active Participants logging in remotely outside of the ICSID premises may log in at any time, it being understood that log-ins that are made once the Hearing is in progress might not be immediate.
16. These Virtual Participants should always mute their audio and turn off their video.

C. Remote Active Participants

17. Remote Active Participants shall follow the same rules at Section B above, except as indicated below.
18. The examination of [REDACTED] shall be carried out in accordance with the procedure set out in Annex 4 below.
19. Remote Active Participants may respond to questions from the Tribunal, principally on matters of Colombian law, even if such questions are not expressly addressed to a specific Remote Active Participant. In each such case, an In-Person Active Participant shall advise the Tribunal and the ICSID platform manager that the issue will be addressed by a Remote Active Participant, after which that Remote Active Participant shall turn on their video and unmute their audio. The ICSID platform manager will then project the Remote Active Participant onto the screens inside the hearing room.
20. Remote Active Participants must meet the following technical requirements:

- a. If the speaker is in a room with other people that is being projected through a single camera, the camera must have the capability to adjust the image (i.e., zoom in and out) so that the image projected into the hearing room is that of the speaker instead of the entire room.
 - b. If the speaker is in a room with other people but using his or her own computer and camera, all other persons in that room must be muted.
 - c. In any scenario, Remote Active Participants must have all the audio-visual arrangements (camera, headset (with microphone) or speaker, a stable internet connection. ICSID is available to conduct a test before the Hearing.
21. Remote Active Participants may log into the Virtual Hearing Platform at any time, it being understood that log-ins that are made once the Hearing is in progress might not be immediate.
22. The above provisions on etiquette may be adjusted or supplemented by the Tribunal in consultation with the Parties during the Hearing.

IV. Technical Difficulties

23. The Parties shall each designate one of its representatives to act as video-conferencing contact person (“VC Contact Person”) for purposes of addressing any technical issues that may arise during the Hearing. The VC Contact Person shall address technical issues directly with the ICSID Secretariat, without interrupting the Hearing.

ANNEX 4: PROTOCOL FOR EXAMINATION OF [REDACTED]

1. [REDACTED] shall testify from the offices of Holland & Knight in Bogotá, Colombia located at Carrera 7 # 71 – 21, Torre A - Piso 8, Bogotá. The location will provide a stable broadband internet connection to avoid any disruption or signal loss during the examination. The meeting room shall be equipped with at least two screens and all necessary hardware to ensure the proper conduct of the proceedings.
2. During her testimony, [REDACTED] will only have access to an unannotated and unmarked copy of her witness statements, to be provided by Claimant prior to the start of her direct examination, as well as the documents on which she will be examined (per paragraph (3), below). Any personal electronic devices, including laptops and mobile phones, as well as any notes or other documents that [REDACTED] brings with her to the examination venue, shall be put away and remain inaccessible while she is giving evidence.
3. [REDACTED] shall be provided with a hard copy cross-examination bundle as well as a laptop without messaging capabilities or internet access that will contain the Electronic Hearing Bundle in the event that she is taken to documents outside the cross-examination bundle. Both the bundle and the laptop will be provided by Claimant to [REDACTED] at the start of her cross-examination.
4. Each Party may designate one representative to be physically present at the venue for the purposes of ensuring compliance with the rules set out in this Procedural Order No. 7; and facilitating access to documents, if required. This person shall be identified as a Remote Passive Participant and will join the Hearing through the connection set out for [REDACTED] examination.
5. The ICSID Secretariat shall arrange for simultaneous interpretation services to be provided through the Virtual Hearing Platform on the day [REDACTED] testifies. She shall be able to choose between the English channel, the Spanish channel, or the original (floor) audio.
6. The ICSID Secretariat shall conduct a connectivity and equipment test at the venue no later than one (1) hour before the commencement of [REDACTED] examination.
7. On the day of her testimony, [REDACTED] shall arrive at the designated offices of Holland & Knight at a time to be agreed by the Parties, no later than one (1) hour after the commencement of the Hearing day on which she is scheduled to testify, in order to minimize any delay following the conclusion of the preceding witness's testimony. The Parties may communicate with their respective representatives present at the venue to provide updates on the progress of the Hearing and the anticipated start time of the [REDACTED] testimony.