

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES
WASHINGTON, D.C.

In the arbitration proceeding between

INTEROCEAN OIL DEVELOPMENT COMPANY

and

INTEROCEAN OIL EXPLORATION COMPANY

Claimants

v.

FEDERAL REPUBLIC OF NIGERIA

Respondent

ICSID Case No. ARB/13/20

PROCEDURAL ORDER NO. 7

Concerning Emails Received on 11 June 2017

Members of the Tribunal
Professor William Park, President
Professor Julian Lew
Justice Edward Torgbor

Secretary of the Tribunal
Mr. Benjamin Garel

20 March 2018

1. The Tribunal has given careful consideration to the Parties' submissions dated 8 August 2017 and 31 October 2017 with respect to materials referred to as "the June 11th documents" consisting of emails and attachments received by legal representatives of the Claimants and the Respondent on 11 June 2017 from accounts in the name of sinaogungbade@outlook.com and sinaogungbade@mail.com, also sent to other named recipients and to the Tribunal secretary Mr. Benjamin Garel.
2. The Tribunal confirms the admission of the June 11th documents into the evidentiary record of these proceedings. In accordance with ICSID Arbitration Rule 34, the Tribunal shall judge the probative value of any evidence on the record, including that of the June 11th documents, according to factors which include *inter alia* their relevance, materiality and genuineness. In addition, these documents, as any other document in the evidentiary record of these proceedings, may be excluded from the record by the Tribunal if it finds reasons to do so. The Tribunal will remain vigilant in considering the manner in which the June 11th documents came to light. The Tribunal may decide to give the documents little or no weight if their provenance, authority or veracity remains doubtful.
3. With reference to the discussion on Day 3 of the July 2017 hearing (page 979, line 4 to page 996, line 22), the Tribunal now invites the Parties to submit their post-hearing briefs in accordance with the terms agreed by the Parties, which, subject to the Parties' confirmation, are recalled hereinafter:
 - a. One round of Post-Hearing Briefs;
 - b. Simultaneous unilateral transmission by the Parties to the Secretary;
 - c. 30-page limit, excluding cover page and including footnotes, appendices, maps, diagrams, signing page, prayer for Relief;
 - d. No new evidence or legal authorities unless authorized by the Tribunal further to request for leave and under exceptional circumstances;
 - e. One 15-page long Annex to Post-Hearing Briefs excluding cover page and including footnotes, appendices, maps, diagrams, signing page, prayer for Relief;
 - f. Annex to focus exclusively on the following questions: What is the law relevant to the issue of the timing for the calculation of damages, and how should the Tribunal apply it to the present case in the event that the Tribunal decides to award damages;
 - g. New legal authorities may be submitted with the Annexes;

- h. Formatting of Post-Hearing Briefs and Annexes:
 - i. Paper size: A4
 - ii. Margins: minimum 2.5 centimeters
 - iii. Font type and size: Times New Roman, 12 point
 - iv. Line spacing: 1.5 line
 - v. Numbered paragraphs
 - vi. Footnotes in Times New Roman 10.5 point, single-line spacing
 - i. Any reference to the Claimants' exhibits shall follow the new exhibits numbering provided by the Secretary on July 14, 2017.
 - j. Post-Hearing Briefs and Annex to be submitted within 30 days of this Procedural Order, i.e. by 20 April 2018.
4. The Parties are invited to review and confer on the above terms and either confirm that they reflect their agreement or jointly indicate to the Tribunal the modifications or clarifications they deem necessary.
5. Finally, with reference to the Office of the Commissioner of Police's letter dated 16 October 2017, transmitted by Counsel for the Respondent on 31 October 2017, the Tribunal invites the Respondent to update the Tribunal on the ongoing investigation of the Nigerian police regarding their complaint of identity theft and cyber impersonation.

William W. Park

William W. Park
President of the Tribunal
For the Majority, with Judge Torgbor Dissenting
Date: 20 March 2018