

September 29, 2012

By email

Mr. Adel A Hamadi Al Tamimi
c/o Mr. Arif H. Ali, Mr. Theodore R. Posner,
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Sultanate of Oman
c/o His Excellency Saeed Al-Shuaibi
c/o Director General of Organizations and
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and
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Re: Abdel A Hamadi Al Tamimi v. Sultanate of Oman
(ICSID Case No. ARB/11/33)

Dear Mesdames and Sirs,

The President of the Tribunal has asked me to convey to the parties the Tribunal's decision on the Claimant's request of today's date:

"The Tribunal has considered the Claimant's request of 29 September 2012 for reconsideration of the timing aspects of Procedural Order No. 2.

Having conferred, the Tribunal rejects the Claimant's request and confirms the directions contained in Procedural Order No. 2.

The Tribunal notes that the Claimant has made no effort to explain why its request for a site visit could not have been made earlier and in good time. Absent such an explanation, the Tribunal considers that it would be inappropriate and unjustifiable to burden the Respondent in the manner proposed by the Claimant. Especially in view of the fact that the timetable for these proceedings has been known to the Claimant for a long time, it was incumbent upon the Claimant to arrange its affairs so as to be able to meet the agreed deadlines. There was no basis for the Claimant's apparent expectation that it would be entitled to inspect the site at its own convenience and without proper notice to the Respondent or the Tribunal.

In the Tribunal's view, the fact that the timetable has recently been extended by agreement between the parties does not assist the Claimant since it is now clear there will be ample time for an orderly inspection by Claimant at an appropriate time.

The Tribunal stresses that the Claimant is entitled to an inspection – the only question is and has been when it should occur and under what conditions.”

Sincerely yours,

[signed]

Frauke Nitschke
Secretary of the Tribunal

cc: Members of the Tribunal