

Procedural Order No. 8

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**ADEL A HAMADI AL TAMIMI V. SULTANATE OF OMAN
(ICSID CASE NO. ARB/11/33)**

PROCEDURAL ORDER NO. 8

The Tribunal

Professor David A. R. Williams QC, President of the Tribunal
Judge Charles N. Brower, Arbitrator
Mr. J. Christopher Thomas QC, Arbitrator

Secretary of the Tribunal

Mr. Monty Taylor

Procedural Order No. 8

Introduction

1. This Procedural Order sets forth the Tribunal's ruling on the Respondent's application dated 15 April 2014 that the expert report of JAJ Consultants LLC remain on the record.
2. On 15 April 2014, the Respondent submitted a letter to the Tribunal in which it stated that the Claimant was refusing to present its party-appointed expert, JAJ Consultants LLC ("**JAJ**") for cross-examination and had withdrawn the JAJ Expert Report. The Respondent requested that the "JAJ Report should remain in the record and the Tribunal should draw from it whatever inferences it concludes are warranted in the circumstances" ("**Respondent's Application**").
3. A pre-hearing teleconference took place between the parties, the Members of the Tribunal and the Tribunal Secretary at 6:00 am, Washington D.C. time, on Wednesday, 16 April 2014. The Respondent's Application was discussed. The Tribunal expressed a provisional view in favour of granting the Respondent's Application and then the Claimant's representative, Mr. David Rivkin, was given an opportunity to comment. Mr. Rivkin provided details of the sequence of events which had led to the Claimant's withdrawal of the JAJ Report. In view of what followed there is no need to record these details. Thereafter Mr. Rivkin indicated that the Claimant consented to the Application.
4. The Respondent's Application is therefore granted by consent. JAJ Consultants LLC shall not appear for cross-examination, but its report shall remain in the record and the Tribunal, after receiving further submissions, if any, during the proceedings, may draw whatever inferences, if any, it considers are warranted in the circumstances.

Procedural Order No. 8

5. The costs of the Respondent's Application are reserved for further consideration in a later ruling of the Tribunal.

[signed]

For and on behalf of the Tribunal
Professor David A. R. Williams QC
President of the Tribunal
Date: 18 April 2014