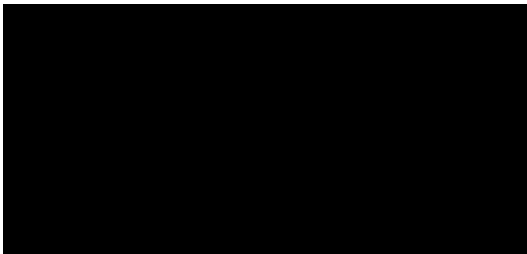


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**From:** Abu-Manneh, Raid <[RAbu-Manneh@mayerbrown.com](mailto:RAbu-Manneh@mayerbrown.com)>  
**Sent:** dimanche 1 novembre 2020 20:47  
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**Subject:** RE: ICC 20910 – Communication from Claimants to the ICC Secretariat [MB-AME.FID104615]

Dear Ms Jiménez Pintón, Dear Mr Argentato,

Thank you for your email of 30 October 2020 and for providing the Respondent the opportunity to reply to Claimants' request as stated in paragraphs 4 and 5 of their letter dated 28 October 2020 which purports to submit a challenge pursuant to Article 14 of the ICC Rules.

The Respondent submits that Article 14(1) of the ICC Rules is very clear and provides that *"a challenge of an arbitrator, whether for an alleged lack of impartiality or independence, or otherwise, shall be made by the submission to the Secretariat of a written statement specifying the facts and circumstances on which the challenge is based."* (emphasis added). Therefore, a party must indicate the grounds for its challenge in its submission to the Secretariat and not reserve them for a later stage of the proceedings or condition them upon future disclosures from the arbitrators.

Claimants allege that they *"are [...] not yet in possession of all relevant facts"* and reserve the right to supplement *"this"* challenge as made in their letter dated 28 October 2020. The Respondent does not accept that a supplemental submission is permitted in accordance with the ICC Rules namely the Claimants cannot submit a without prejudice or pre-challenge which seeks to circumvent the 30 day period provided by the ICC Rules. However, whilst fully reserving its position and in order to avoid unnecessary delay, the Respondent submits that additional comments if any should be submitted by the Claimants as soon as possible and in any event by no later than 3 November 2020.

The Respondent will provide its comments on Claimants' purported challenge pursuant to the procedure set out in Article 14(3) of the ICC Rules in due course.

All of the Respondent's rights are fully reserved.

Best regards,

Raid

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**Raid Abu-Manneh**

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