

From: Bouchardie, Nicolas
Sent: Monday, September 6, 2021 9:38 AM
To: Robert Gaitskell QC; Grunberger-Kirsh, Ben; W&C Claimants GUPC 22466 Team; Lamm, Carolyn
Cc: 'ica1'; Marinkovich Anya; Holden, James; Capper, Phillip; Abu-Manneh, Raid (Mayer Brown LLP); Odynski, Kirsten; Pham, Hansel; Brumpton, Paul; Drossos, Matthew; Garton, Daniel; Connellan, Clare; Legendre, Ana Maria; Saka, Onur; Minuto, Giovanni (Bonelli Erede); Carlevaris, Andrea (Bonelli Erede); Crivellaro, Antonio (Bonelli Erede); Preston, Richard (Seyfarth, Shaw LLP); Hummel, Jeffrey (Seyfarth Shaw LLP); Gunter Pierre-Yves; Crespo, Monica (Aleman, Cordero, Galindo & Lee); Lee, Jorge Federico (Aleman, Cordero, Galindo & Lee); Galindo, Anibal (Aleman, Cordero, Galindo & Lee); Gomez, Eduardo (Aleman, Cordero, Galindo & Lee); Geisinger, Elliot (Schellenberg Wittmer Ltd); 'Christopher.Boog@swlegal.ch'; 'PAN - Moder Paolo'; 'Perruccio Maria Irene'; Perez, Rafael (Sacyr); Iso, Carlos (Sacyr); Chesser, Ciaran (Jan de Nul); McMullan, Manus (Atkin Chambers); Lewis, Christopher (Atkin Chambers Barristers); Land, Peter (Atkin Chambers Barristers); Arias, Karla (Autoridad de Canal de Panama); Arrue Montenegro, Carlos (Autoridad de Canal de Panama); 'CAArrue'; Henchie, Nick; Loftis, James; Stiegler, Scott; Fidoe, Susanna; Aitchison, Charles; 'JIMENEZ PINTON Amanda'; Woods, Louise; Gallagher, Kallie; Archer, Stephanie; Sarkodie, Kwadwo (Mayer Brown LLP); Jana, Andres (Bofill Mir & Alvarez Jana); Troquet, Delphine; Barlow, Georgina; Danysh, Peter; Perez, Rafael (Sacyr); Iso, Carlos (Sacyr); Sala, Ana (Sacyr); 'PAN - Moder Paolo'; 'Perruccio Maria Irene'; Chesser, Ciaran (Jan de Nul); 'TSol Panama Arbitrage DAB'; Ros, Ciara; Prentki, Sam (Mayer Brown LLP); 'Claus Von Wobeser'; Gunter Pierre-Yves
Subject: RE: RE: ICC 22466/ASM/JPA [BK-DMS.FID293080] - ICC Case No. 20910/ASM/JPA (C-20911/ASM)

Dear Dr. Gaitskell,

Claimants acknowledge receipt of your email of 3 September.

Claimants continue to be deeply concerned by cross-appointments between arbitrators seating on this Tribunal and/or members of a Party's counsel team and/or members of other tribunals dealing or who have already dealt with the Parties' disputes, including the Cofferdam tribunal. As already stated, these cross-appointments create a legitimate doubt as to the independence and impartiality of those involved, who still have to decide pending disputes on the Panama Canal project. With respect, Claimants therefore firmly object to this contemplated appointment, and must reserve all their rights in that regard.

Yours faithfully,
Counsel for Claimants

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From: Robert Gaitskell QC <rgaitskell@keatingchambers.com>
Sent: vendredi 3 septembre 2021 17:10
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Subject: RE: RE: ICC 22466/ASM/JPA [BK-DMS.FID293080] - ICC Case No. 20910/ASM/JPA (C-20911/ASM)

Dear Parties, simply as a matter of full transparency, may I mention that I have just been appointed by a party (not involved in any way with the Panama disputes) in an African case with no link in any way to the Panama disputes. The other party-appointed arbitrator (not connected in any way to the Panama disputes) wishes to propose Bernard Hanotiou as President. If either party in the Panama disputes has any comments on this proposal please would they notify me as soon as possible, and in any event by close of business **Monday 6 September 2021**, after which I have to make a decision about whether to acquiesce in that proposal. Needless to say, this proposal does not in any way affect my independence and impartiality.

Please confirm receipt.

Yours faithfully,

Robert Gaitskell (3 September 2021)