

Rule 13: Hearings and Written Proceedings

(1) The Arbitration Tribunal shall hold a preliminary conference in person or by teleconference at the earliest possible opportunity, and in any event, no later than 21 days following the constitution of the Arbitration Tribunal. The purpose of the preliminary conference shall be:

(a) to discuss with the parties the procedure including, but not limited to, issues in relation to the provisional timetable, exchange of information, length of hearings, hearing venue, timing for submission of witness statements and expert reports and any other issues the Arbitration Tribunal considers appropriate;

(b) to fix dates for oral hearings; and/or

(c) to determine any other matter required or permitted under these Rules to facilitate the efficient progress of the arbitral proceedings.

(2) The Arbitration Tribunal shall decide whether to hold oral hearings for the presentation of evidence and/or for oral arguments, or whether the proceedings shall be conducted on the basis of documents only. All hearings shall be private and remain confidential. If a party fails to appear at a hearing without showing sufficient cause, the Arbitration Tribunal may proceed with the arbitration and may make the Award based on the submissions and evidence before it.

(3) The Arbitration Tribunal may, in advance of any hearing, submit to the parties a list of issues which it considers as relevant to the case and material to its outcome and/or which a preliminary determination may be appropriate.

(4) The Arbitration Tribunal shall commence the oral hearings within 30 days from the submission of the written pleadings by both the parties and conclude the hearing within 180 days from the date of the first hearing, unless the Arbitration Tribunal decides that exceptional circumstances exist requiring extension of the time limits.

(5) The parties shall be given not less than five working days notice of any hearing and of any meeting of the Arbitration Tribunal for the purposes of inspection of documents, goods or other property.

(6) If a party intends to give evidence through a witness, it shall, within the time determined by the Arbitration Tribunal, communicate to the Arbitration Tribunal and to the other party-

(a) the names and addresses of the witnesses he intends to present, and

(b) the subject upon which, and the language in which, those witnesses will give their testimony.

(7) The Arbitration Tribunal shall make arrangements for the translation of oral statements made at a hearing and for a record of the hearing if-

(a) either is deemed necessary by the Arbitration Tribunal under the circumstances of the case, or

(b) the parties have agreed to it and have communicated such agreement to the Arbitration Tribunal at least 14 days before the hearing.