

**International Centre for Settlement of Investment Disputes**

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June 19, 1998

Mr. Robert Azinian,  
Mr. Kenneth Davitian and  
Ms. Ellen Baca  
c/o Mr. David J. St. Louis  
Law Offices of David J. St. Louis, Inc.  
575 East Alluvial Avenue, Suite 102  
Fresno, California 93720

United Mexican States  
Secretaría de Comercio y Fomento Industrial  
c/o Mr. Hugo Perezcano Díaz  
Consultor Jurídico  
Subsecretaría de Negociaciones Comerciales  
Internacionales  
Dirección General de Consultoría Jurídica  
de Negociaciones  
Alfonso Reyes No. 30, Piso 17  
Colonia Condesa  
México, Distrito Federal, C.P. 06149

Re: **Robert Azinian and others v. United Mexican States**  
**(ICSID Case No. ARB(AF)/97/2)**

Dear Sirs,

I refer to the Claimants' request, per Mr. St. Louis' letter dated May 5, 1998, for a ruling concerning interviews by one party of witnesses whose written statements have been introduced by its opponent, and to the ensuing correspondence.

The President of the Arbitral Tribunal has asked me to inform you that the matter has been studied by the arbitrators, and that after consultations among themselves they have reached the following conclusions:

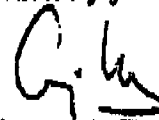
The Arbitral Tribunal considers that the issues raised by the Claimants are not dealt with by the ICSID Additional Facility Rules. Nor is the Arbitral Tribunal aware of any basis on which it could preclude communications between a party and a third-party witness. The Arbitral Tribunal accordingly advises the parties as follows:

1. The Arbitral Tribunal declines to restrict any party's ability to interview witnesses who freely choose to meet with that party's representative(s).
2. During any such interview, the witness is (as far as the Arbitral Tribunal is concerned) free to answer or decline to answer individual questions as he or she sees fit.

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3. The Arbitral Tribunal expects that any such witnesses would be informed, in advance, by the party seeking to meet him or her that his or her legal counsel may be present at any interview.
4. Statements made by a witness during any such interview shall not be received into evidence.
5. The only testimony to be given probative value is that contained in signed written statements or given orally in the presence of the Arbitral Tribunal.
6. The Arbitral Tribunal does not require that any party which secures the agreement of a witness to a meeting give the other side an opportunity to be present during that meeting; whether a witness makes the presence of both sides a condition for accepting such a meeting is not a matter for the Arbitral Tribunal.

Sincerely yours,



Alejandro A. Escobar  
Secretary of the Tribunal

cc:

Mr. Jan Paulsson  
Mr. Benjamin R. Civiletti  
Mr. Claus von Wobeser