

**Arbitration Tribunal Established Pursuant
To Article XV of the Agreement Signed At
The Hague On 20 January 1930**

Dr. Horst Reineccius, Claimant v. Bank for International Settlements, Respondent (Claim no. 1)
First Eagle SoGen Funds, Inc., Claimant v. Bank for International Settlements, Respondent (Claim no. 2)
Pierre Mathieu and la Société Hippique de la Châtre, Claimants v. Bank for International Settlements, Respondent
(Claim no. 3)

Procedural Order No. 5

(Exchange of Documents Among Claimants, Access to BIS Archives, Assertion of Privilege)
3 May 2002

Whereas the Tribunal has received: (1) copies of letters from First Eagle SoGen Funds Inc. (hereafter First Eagle) dated 11 April 2002 addressed to all Parties, the Bank for International Settlements (hereafter the Bank), Dr. Horst Reineccius (hereafter Dr. Reineccius) and M. Pierre Mathieu (hereafter M. Mathieu) requesting the agreement of the Parties to serve each other with all submissions to the Tribunal and to provide each Party with a copy of any documents produced in the proceeding, (2) an Application dated 5 April 2002 from First Eagle for an Order directing the Bank to grant access to the Bank's archives and a Response thereto from the Bank dated 11 April 2002 opposing the Application, and (3) an Application for an Order to Produce Documents from First Eagle dated 17 April 2002 and a Response thereto from the Bank dated 26 April 2002:

- A. There having been no objection to (1) above, the Parties have agreed that:
1. The Bank will send copies of each of its written submissions to each Claimant, and Claimants will send copies of their written submissions to each other, as well as to the Bank;
 2. The Parties will send a copy of each document produced in the proceeding to each other;
 3. All communications remain subject to the provisions of the Confidentiality Agreements between the Bank and Dr. Reineccius, First Eagle and Mr. Mathieu concluded pursuant to paragraph 4 of Procedural Order No.1 (On Consent).
- B. First Eagle's Application in (2) above does not comply with the schedule agreed between the Parties set forth in Procedural Order No.1 nor with the schedule in Procedural Order No. 3, paragraph E, and is therefore out of order. The Application is denied.
- C. First Eagle's Application (3) is granted as follows:
1. Non-production or redaction of the documents responsive to Procedural Order No. 3, paragraph E, based upon assertions of attorney-client privilege or special political or institutional sensitivity or other reasons consistent with those set forth in Article 9(2) of the IBA Rules on the Taking of Evidence in International Commercial Arbitration (1999) shall be recorded by the Bank in a listing to be provided to First Eagle by 8 May 2002.

2. That listing shall identify: (i) the bates number of the document, its author and recipients, (ii) the part of the document withheld or redacted, and (iii) the specific reason for non-production or redaction and the basis for the invocation of that reason. Any part of an otherwise responsive document withheld because the part is deemed not to be responsive shall also be listed.
3. First Eagle shall submit any objections to the reasons stated under paragraph C.1. by 10 May 2002.
4. The Tribunal will dispatch its Secretary on 13 May 2002 to the place where the documents are retained by the Bank to resolve, in consultation with First Eagle and the Bank, the objections raised. Issues concerning document production under Procedural Order No. 3, paragraph E, which remain unresolved after the above review and consultation will be addressed to the Tribunal on or before 17 May 2002.

Prof. Michael Reisman, President, on behalf of the Tribunal