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By email and courier

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Dear Ms. Aravena-Jokelainen,

On behalf of my client, *GreenHydro Plc*, I object to Respondent's transmission of Exhibit R 3 to the party-nominated arbitrators and would request to remove that Exhibit from the file to be transmitted to the Arbitral Tribunal or for the Arbitral Tribunal to exclude it and all information contained therein from the proceedings.

The document was obtained most likely in the course of an illegal criminal investigation used by the Government of Equatoriana, probably instigated by Respondent, to pressure Claimant into settling the dispute on favorable terms for Respondent. The criminal investigation has in the meantime been terminated and Mr. Deiman has been released and is cleared of all charges (**Claimant Exhibit C 8**).

Claimant does not know how exactly the document confiscated by the prosecution authorities has come into the possession of Respondent. It is, however, clear that it must have been by illicit means, either through a leak in the public prosecution office or by inducing an employee of Claimant to unlawfully disclose this highly confidential document.

The fact that Respondent nevertheless has sent it directly to the not-yet-appointed party-nominated arbitrators shows an attitude which completely disregards any rules of procedural fairness. For this reason alone, Respondent's two procedural requests should be rejected.

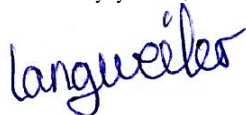
At the same time, Claimant objects to the request for the exclusion of Exhibit C 7 from the file. Respondent is 100% owned by the state of Equatoriana, which has not only signed the Mauritius Convention on Transparency but has been one of the most vociferous supporters of absolute transparency in the resolution of disputes affecting public interests. On several occasions,

ministers of Equatorian have publicly declared that they would submit all their arbitration to the UNCITRAL Rules of Transparency. It would be contrary to good faith in the sense of Art. 7 CISG if Respondent, as a state-owned company, could invoke confidentiality to exclude crucial documents from the arbitral proceedings.

To expedite the proceedings, Claimant would also like to directly address Respondent's bad faith challenge to the jurisdiction of the Arbitral Tribunal. This submission constitutes the Claimant's final comment on the matter concerning the Arbitral Tribunal's alleged lack of jurisdiction for the consideration of the Finland Arbitration Institute when making its *prima facie* decision on jurisdiction (Article 15 of the FAI-Rules).

First, mediation is not a condition precedent for the jurisdiction of the Arbitral Tribunal under the FAI Arbitration Rules. Second, Mr. la Cour's clear statement that a price reduction of 15% was a kind of pre-condition of any further talks made clear that without such a price reduction, which was obviously not acceptable for Claimant, mediation would have been a mere waste of time. Thus, Respondent's reliance on the mediation obligation is contrary to good faith and should be rejected already for that reason alone.

Sincerely yours,



Joseph Langweiler