

**REQUEST TO KEEP CERTAIN INFORMATION CONFIDENTIAL**  
**SIAC INVESTMENT CASE NO. 001/17**

**Global Energy Holding, Inc.**

**Claimant**

**v.**

**Kingdom of Sunda**

**Respondent**

**June 25, 2019**

## **DEMAND TO KEEP CERTAIN INFORMATION CONFIDENTIAL**

1. In accordance with Article 37 of the SIAC Investment Arbitration Rules, the Claimant Global Energy Holding, Inc. (“Global”) respectfully asks this Arbitral Tribunal to request from the Government of the Republic of Sunda that the fact that this arbitration is financially supported by a third party funder be kept confidential.
2. On or around April 30, 2019, the government of the Region of Ashanti, in the Kingdom of Sunda, published an updated list of investment cases filed against the kingdom.<sup>1</sup> The public availability of the names of the cases filed against the Kingdom is required pursuant to Law 40/2012, adopted at the time the Kingdom entered into various bilateral and multilateral investment treaties. This law only requires the government to publish the names of the parties, based on public policy considerations.
3. In the case of Claimant, Sunda included a reference informing the public that the case was financed by “MoneyAcrobat, Inc., a Macao-registered third party funding company.”
4. Claimant requests the deletion of this publication. There is no legal basis for the publication of this information.
5. Article 37 of the SIAC Investment Arbitration Rules provides a broad confidentiality rule for all information related to the proceedings. This publication of the existence and identity of the third-party funder does not fit into any of the exceptions as provided under Article 37.2 of the SIAC Investment Arbitration Rules.
6. In the Kingdom of Sunda’s letter to this Arbitral Tribunal, Sunda explained that it considered itself bound to publish this information pursuant to Article 20.2 of the ACIA, as it is making a good faith application of its laws that require publication of investment arbitrations pending against the State. Sunda argued that this information was very important as valuable and publicly relevant information upon which other investors may rely in making their investments.
7. Claimant, however, considers that this disclosure is extremely prejudicial to Claimant, as this publication has generated already distrust among its banks and other financial guarantors. In particular, Claimant has a written letter from the Bank of Istria stating that in light of the weak financial position of Global Energy Holding, as evidenced by the financial support received from a “dubious voucher fund” (as described by the Bank in its letter), the Bank rejected the financing of another of Claimant’s projects in Indonesia.
8. As the previous example demonstrates, Claimant is experiencing concrete damages as a result of the public release of the information on the third-party funding.
9. In its Notice of Intent to Arbitrate, Claimant already stated its express request that all information related to this litigation be kept confidential. Claimant requests that this Arbitral Tribunal order the confidentiality of all information produced in this litigation, and

<sup>1</sup> See [www.greatkingdom.gov.su/investmentcases/](http://www.greatkingdom.gov.su/investmentcases/).

specially the information about the third-party funder.

10. For all the above, Claimant respectfully requests that the Arbitral Tribunal declare:

- (a) the confidentiality of all documents produced in this litigation, including the identify and characteristics of Claimant's third-party funder; and
- (b) all legal fees and costs associated with this request be borne by the Kingdom of Sunda.

Respectfully submitted on behalf of Global Energy Holding