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Article 19

1. Each party shall have the burden of proving the facts relied on to support its claim or defense.

2. The tribunal may order a party to deliver to the tribunal and to the other parties a summary of the documents and other evidence which that party intends to present in support of its claim, counterclaim or defense.

3. At any time during the proceedings, the tribunal may order parties to produce other documents, exhibits or other evidence it deems necessary or appropriate.

International Dispute Resolution Procedures (including Mediation and Arbitration Rules)

[...]

International Mediation Rules

[...]

10 Confidentiality

Subject to applicable law or the parties’ agreement, confidential information disclosed to a mediator by the parties or by other participants (witnesses) in the course of the mediation shall not be divulged by the mediator. The mediator shall maintain the confidentiality of all information obtained in the mediation, and all records, reports, or other documents received by a mediator while serving in that capacity shall be confidential.

The mediator shall not be compelled to divulge such records or to testify in regard to the mediation in any adversary proceeding or judicial forum.

The parties shall maintain the confidentiality of the mediation and shall not rely on, or introduce as evidence in any arbitral, judicial, or other proceeding the following, unless agreed to by the parties or required by applicable law:

(a) Views expressed or suggestions made by a party or other participant with respect to a possible settlement of the dispute;
(b) Admissions made by a party or other participant in the course of the mediation proceedings;
(c) Proposals made or views expressed by the mediator; or
(d) The fact that a party had or had not indicated willingness to accept a proposal for settlement made by the mediator.

[...]
International Arbitration Rules

Evidence

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Referring Principles:

- XII.1 - Distribution of burden of proof
- XII.5 - Settlement privilege