

## The Bulletin in Brief

This last issue of the Bulletin for 2011 contains **three articles**. First, *Nathalie Voser* provides a useful overview of the most important changes in the long-awaited revised ICC Arbitration Rules which will come into force on 1 January 2012; her article is accompanied with a table setting out the Article numbers of the 2012 ICC Rules as compared to the Article numbers of the 1998 ICC Rules.

In a second article, *Simon Gabriel* addresses an issue that is rarely commented upon although important, namely the handling of documents the authenticity or the content of which is in dispute; he explores the various solutions and criteria adopted by arbitral tribunals on the subject and proposes an alternative step by step approach.

Finally, *Walid Ben Hamida* analyses the likely impact of the Tunisian revolution on arbitration in Tunisia, in particular on investment arbitration with the effect on contracts entered into by the former regime and any retaliation measures that may be taken against those investors that dealt with that regime, as well as damages claims by investors for loss incurred during the revolution.

A summary of the case law published in this issue is set out in the Introduction to the **Case Law** Section (p. 855). Two awards and seven cases are reported in this issue, including:

- An ICC award in which the arbitral tribunal had to decide on the authenticity of an allegedly forged contract amendment containing an arbitration agreement different from that in the main contract;
- An UNCITRAL award (with a seat in Geneva) which illustrates how arbitral tribunals can be robust in **extending jurisdiction to non-signatories** where the facts of the case so justify it;
- Two decisions in which the Swiss Supreme Court dismissed applications to refuse **recognition and enforcement of a foreign arbitral award** on the basis of the New York Convention;
- A Supreme Court decision annulling a domestic award, where a **truncated tribunal** rendered the award after the chairman passed away with the agreement of the parties granted on the erroneous assumption that the deliberations had been completed;
- A decision in which the Supreme Court confirmed that arbitral tribunals do not act *ultra petita* by **granting to a party an amount of money that is lower than the total amount claimed**,

**based on a legal ground** that is different or partially different from the parties' legal argument, provided the parties are not taken by surprise.

Also included are our usual reports on the activities of ASA namely, a report on the Zurich conference on “**Arbitral Institutions under Scrutiny**” and the **Minutes of the General Assembly of 8 September 2011**, which sets out certain incoming changes in the organisation of ASA (as explained also in the President's Message).

As always this last issue for 2011 contains the **yearly consolidated index of articles, notes & decisions published in the Bulletin in 2011**, as well as an alphabetical index.

If you have critical remarks or suggestions as to how the Bulletin could be further improved, or wish to provide materials for possible publication, please do not hesitate to contact us.

For the Editorial Board

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