

HK>A
DECODING
COMPLEXITY

International Arbitration

Who we are

HKA is a leading global consultancy in risk mitigation, dispute resolution, expert witness and litigation support.

In international arbitrations – as in our other services – we bring to bear the depth and breadth of expertise that produces incisive insights, robust reporting and telling testimony.

Ranging across multiple specialities, our experts have proven experience in all major arbitral forums, as well as most industries, jurisdictions, and countries.

As the volume and value of our international arbitration workload expanded rapidly over the past couple of decades, our expert witnesses have established HKA's global reputation in numerous multi-billion-dollar cases.

They act as party and tribunal-appointed experts in construction, commercial and investor-state arbitrations:

- **Construction:** HKA is the global market leader in the construction and engineering sector with an unmatched line-up of specialists in quantum, engineering, delay, disruption and damages. With practical experience spanning all capital project types and dispute phases, our expert witnesses have acted in more than 400 cases. Our demonstrable track record shows particular expertise in buildings, industrial and manufacturing, mining and metals, oil and gas, power and utilities, and transportation infrastructure.
 - **Commercial:** Harnessing their deep knowledge of accounting, economics and finance, our testifying experts provide robust assessments of damages and also often address issues of causation and liability. In more than 250 commercial contract arbitrations spanning most industries, our people have untangled a wide variety of disputes involving contract breaches, valuations, shareholders and joint ventures, mergers and acquisitions, pricing, and intellectual property. Our experts have in-depth industry expertise across a broad range of industries, including aviation, energy, financial services, healthcare, infrastructure, manufacturing, mining, and telecommunications, amongst others.
 - **Investor-state:** Instructed by investors or sovereign states, our expert witnesses have acted on over 100 cases across a wide range of industries, in particular agriculture, energy, financial services, infrastructure, manufacturing, mining, and telecommunications. Our experts provide outstanding testimony based on solid methodology, rigorous evaluation of economic and financial factors, and a thorough understanding of regulations and arbitral rules. We have also provided opinions impacting jurisdiction, causation and liability on topics such as fraud, bribery/corruption and solvency. Over the last two decades, the average claim value in these assignments exceeded \$640 million.
- The following pages provide a short overview of HKA's expertise and experience in international arbitration. Please reach out to one of our key contacts ([see page 26](#)) for any further information you may require.

Contents

Who we are	3
HKA in numbers	4
International Arbitration Expert Services	6
Selected international arbitration experience	8
Key contacts	26



Renny Borhan
Partner & Chief
Executive Officer

HKA in numbers

people



1,000+
people

including

500+
consultants & advisors
(Including Project
Service Specialists)

500+
quantum, engineering,
architecture and
technical, delay,
disruption, damages,
forensic accounting and
government contracts
experts

reach



45+
offices

across

17
countries

experience in

100+
countries

clients



6,500+
clients
worldwide

including government agencies,
local authorities, investors,
developers, owners, operators,
architects, engineers, project &
construction managers,
contractors, specialist
suppliers, manufacturers,
banks, lawyers and insurers

Instructed by

100%
of the world's
top 20
law firms (by revenue)

impact



100k+
project disputes
resolved

valued in excess of
\$250bn

2,000+
engagements per year

40+ years' experience

30+ of the world's most
spoken languages

250+ first-of-a-kind global
megaprojects

International Arbitration Expert Services

The benefits of Arbitration can be significant, but the stakes are often very high with the scale and complexity of cross-border disputes. HKA harnesses the depth and breadth of expertise essential to support your needs in such cases worldwide.

Comprehensive expertise

Multi-disciplinary expertise is the bedrock of our international construction arbitration expert services – covering engineering, delay, disruption, and quantum. While in the largest commercial and investor-state arbitrations, our accounting, economic and financial experts have experience assessing damages and opining on important issues such as fraud, bribery/corruption and solvency

Focused upon construction disputes, HKA has hundreds of forensic technical experts from many disciplines. They include eminent specialists in most branches of engineering – from civil and structural, and mechanical and electrical, to fire and geotechnical – as well as in architecture and building services; health, safety and environmental matters; instrumentation and control systems; marine and aviation; metallurgy and materials; and process and energy; among others.

In high-value commercial and investor-state arbitrations, HKA experts have a reputation for developing original solutions and robust assessments of damages involving invested costs, lost profits and/or business valuation that are the financial remedy in cases such as breaches of contract and expropriation.

Seamless service

Clients, legal counsel and tribunals retain our people as standalone experts or integrated multi-disciplinary teams. HKA has the capacity to assemble and rapidly deploy experts with the skills and experience to get to the heart of the most complex disputes.

Our experts can draw on international and local colleagues, and specialised support in data analysis and our own digital tools to accelerate investigations and simplify reporting and presentations.

Through our seamless service, we promote collaboration, streamline delivery and ensure value for money.

Recognition and professional standing



GAR TOP 100

Ranked #2 in the GAR100 Expert Witness Firms' 'Power Index'



WWL Construction Expert Witnesses analysis

90 Expert Witnesses listed in Who's Who Legal (WWL)



Ranked #1 in WWL Construction Expert Witnesses analysis



The Academy of Experts
HKA is the world's largest Corporate Provider

Professional standing

Clients, counsel and tribunals recognise the standing and integrity of our experts, as reflected in global rankings.

The Global Arbitration Review (GAR) Expert Witness Power Index has charted the growth of our firm over the last seven years.

Ranked second in the 2024 GAR index overall, HKA was the top firm by: total claim value (\$53.8 billion), both disaggregated hearings (193) and cross-examinations (166), and commercial hearings (171).

The GAR100 17th Edition noted the rise in our arbitration volume and value, resulting in a 94% leap in average claim value over two years to exceed \$398 million.

Who's Who Legal (WWL) has consistently ranked HKA highly, based on what clients and peer rate as exceptional written and oral testimony in contentious proceedings.

The WWL Arbitration 2023 analysis lists 37 of our expert witnesses, including 27 Global Leaders, five Global Elite Thought Leaders, and five Future Leaders.

Local and global

With more than 45 offices spread across the world, HKA blends local knowledge and world-leading expertise with experience of all major arbitral forums and industries.

Our global team of expert witnesses have acted in international arbitrations – including some of the world's most significant cases – and testified in arbitral forums such as: the International Chamber of Commerce (ICC), International Centre for Settlement of Investment Disputes (ICSID), London Court of International Arbitration (LCIA), American Arbitration Association (AAA), United Nations Commission on International Trade Law (UNCITRAL), International Centre for Dispute Resolution (ICDR), Permanent Court of Arbitration (PCA), and international arbitration centres in Dubai, Hong Kong, Singapore, China and Cairo, among others.

Selected Americas experience

Construction

Clients and international law practices typically select and appoint our quantum, engineering, architecture and technical, delay, disruption and damages experts either individually or as a coordinated team in support of international arbitration cases in the construction industry.

“As global leader, we have an unmatched team of experts offering a seamless service in quantum, engineering, delay, disruption and damages. Our expert witnesses have acted in more than 450 cases.”



EMGESA S.A. E.S.P Vs. IMPREGILO COLOMBIA S.A.S, OHL COLOMBIA S.A.S Y AXA Colpatría Seguros S.A.

Colombia

HKA filed an expert report and provided expert testimony on the damage, stability, and geotechnical evaluation of a 150-foot-high dam. The dispute involved instabilities on the downstream embankment.



Major Utility Commercial Damages Matter

Canada

Delay and disruption analysis and forensic accounting analysis associated with a US\$310 million claim on the project.



Aluminum Supplier vs Confidential Client

Bolivia

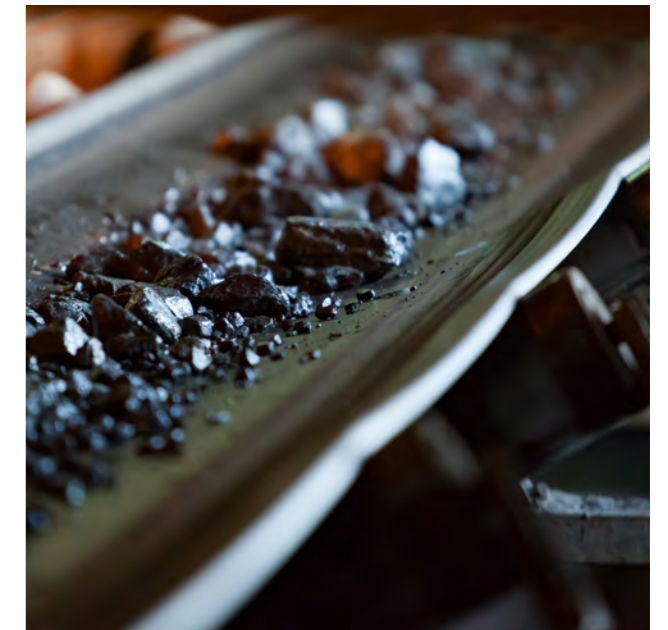
Assessing claims for increased costs related to purported delay and disruption.



Oil Facility

Canada

Defense of a claim by a consortium of oil companies under an insurance policy for defective work.



Ore Processing Plant

Trinidad

Preparation of cost and schedule delay claims arising from delayed and deficient owner supplied structural steel, ductwork and process equipment.

Selected Asia Pacific experience

Construction



Investment Dispute

West Asia

Preparation of independent expert reports in relation to matters of delay, quantum and commercial damages and provision of expert witness services for an ICSID arbitration.



Semi-Submersible Drilling Rig

Singapore

Technical engineering and quantum expert witness testimony in a US\$400m international arbitration following termination of the building contract.



Heavy Lift and Pipelay Vessel

China

Expert witness services in an international arbitration with a combined claim and counterclaim value of US\$450m following termination of the shipbuilding contract.



Liquefied Natural Gas (LNG) Project

Australia

Expert forensic analysis of delay events including causation, quantum and evidential requirements for use in strategic review.



Ultra-Mega Power Plant

India

HKA authored multiple reports and testified at arbitration proceedings addressing issues including schedule delays, liquidated damages, Force Majeure events, modularisation/pre-fabrication issues, sub-contractor change orders and other damages components.

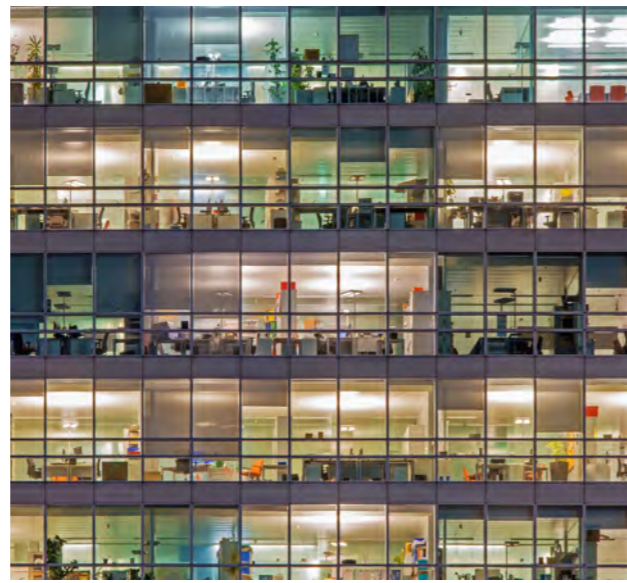
Selected Europe, Middle East, Africa experience

Construction



Nuclear Power Plant Europe

Preparing several reports including the analysis of large volumes of data to provide expert opinions in connection with the construction of this plant.



Loss of Profits Middle East

Quantification of losses arising from the delayed completion of a residential and commercial development.



Electric and Water Facility United Arab Emirates

Development of impact claims related to the construction of a combined cycle power plant and a desalination facility owned and operated by a public utility.



Metro System Saudi Arabia

Delay analysis with time-related costs on a billion-dollar claim.



Major onshore wind farm Europe

Providing quantum and delay expert witness services in an arbitration in Europe in relation to a major onshore wind farm development.



Joint Venture Dispute Middle East

Quantification of damages relating to the construction of a strategic water storage and recovery facility.



Petrochemical Plant Northern Europe

Providing quantum and delay expert witness services in preparation for an arbitration in relation to a major petrochemical plant.

Selected Americas experience

Commercial

Clients and international law firms select our forensic accounting, fraud, commercial damages and valuations experts either individually or as a team in support of international arbitration cases for a wide range of industries and issues.

“ Our forensic accountants, economists and valuation experts have built robust assessments of damages and liability in more than 250 commercial contract arbitrations. ”



Auto Industry Dispute

United States

Valuation of option exercise price pursuant to the joint venture agreement.



Acquisition Price Dispute

Canada

Analysis of alleged misrepresentation and calculation of the appropriate purchase price adjustment for the acquirer of a Canadian construction company.



Insurance Coverage

Canada

Analysis of environmental cleanup claims and insurance coverage related to operations of a major oil company.



Business Interruption

South America

Quantifying business interruption claims arising from a fire at a hydroelectric powerplant.

Selected Asia Pacific experience

Commercial



Retail M&A Disputes

India

Quantification of damages in a US\$ 1.5 billion dispute resulting from the investment of a large e-commerce company into an Indian conglomerate focussed on physical retail stores.



Cryptocurrency

India

Appointed to value a multi-billion dollar global cryptocurrency exchange as part of a shareholder dispute.



Power

Malaysia

Quantification of damages arising from the delayed commissioning of a power plant.



Trade Secret Dispute

Korea

Evaluation of lost profit claims over technology to make bows, arrows and tent poles to urge the stealing of information theft.



Healthcare

Japan / Mongolia

Assessment of damages following the wrongful termination of a contract relating to the operation of a medical facility.



Mining

Indonesia

Valuation of a mining company and the assessment of the impact on value from a failure to transfer shares, which halted the development of the mining concession.

Selected Europe, Middle East, Africa experience

Commercial



Accounting Investigation Spain

Assisted the board of directors of a major manufacturing and retailing company in its investigation of the Chief Executive Officer and Chief Financial Officer. Allegations included related-party transactions, revenue recognition, expenditures on travel and entertainment expenses, the mislabeling of product (product substitution) and the bribing of customer sales personnel.



Hotels and hospitality United Arab Emirates

Assessment of the basis of allocation of costs in relation to various hotel management agreements and guidance in the USALI for an international hotel owner.



War zone security Afghanistan

Assessment of loss of profit and basis for unpaid invoices for a supplier of security services to war zone countries.



Hotels and hospitality Kingdom of Saudi Arabia

Assessment of loss of profit on the termination of a hotel management agreement and other costs related to a quarantine hotel.



Money Laundering Dispute Russia

Studying the impact of alleged money laundering in Russia and the impact it had on the bank and the bank's executive.



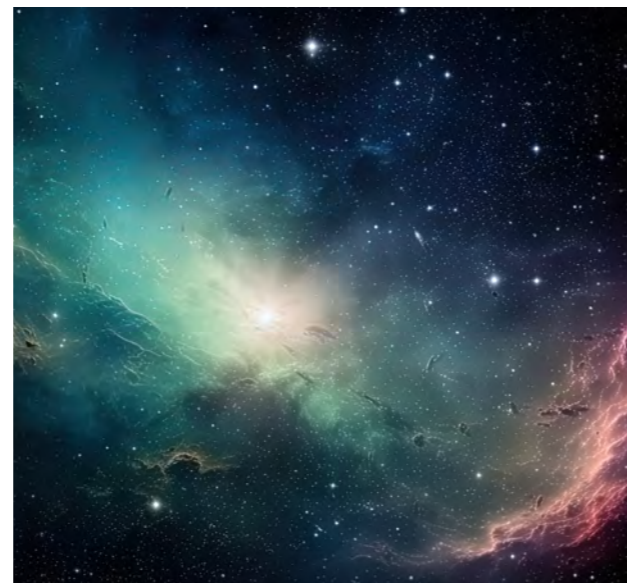
Retail and hospitality Qatar

Assessment of loss of profits from a stalled retail and leisure facility in Qatar.



Engineering United Arab Emirates

A joint venture dispute in relation to a claim for loss of profit in respect of a large-scale engineering project based in the UAE.



Space insurance United Arab Emirates and France

Shareholder dispute regarding the manipulation of financial statements for an earn out agreement.



Consumer products United Arab Emirates and Iraq

Assessment of damages related to the breach of an exclusive distributor agreement in the Middle East.



M&A Dispute Europe

Valuation of electricity distribution and retail companies in a dispute relating to a breach of share purchase agreement.

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Selected Americas experience

Investor-state

Clients and international law firms choose our global, multidisciplinary experts, either individually or as a team, in support of international investor-state arbitrations for a wide range of industries and issues. HKA's experts have acted in hundreds of investor-state arbitrations, working frequently for both claimants and respondents.

“ Instructed by investors or states, our expert witnesses have acted in over 100 arbitrations with claims averaging more than \$640 million. ”



Michael Ballantine and Lisa Ballantine v. Dominican Republic

Expropriation; UNCITRAL PCA Case No. 2014-26. Testified in Washington DC in September 2018. Filed expert reports on damages in March 2018 and May 2017. Dispute involving real estate with a resort development. Parties from US and Dominican Republic.



Infinito Gold Ltd. v. Republic of Costa Rica

Expropriation; ICSID Case No. ARB/14/5. Testified in Washington DC in July 2019. Filed expert reports on damages in May 2019 and July 2018. Dispute involving exploration/development stage in a gold mining project. Parties from Canada and Costa Rica.



GAMI Investments, Inc. v. Government of the United Mexican States

Expropriation; NAFTA. Filed expert reports in February 2004 and February 2003. Matter involving the valuation of the investment in five sugar mills and the damages related to an expropriation in Mexico. The mills were returned to Claimant just prior to the hearings. Parties from US and Mexico.

Selected Asia Pacific experience

Investor-state



Vladislav Kim et al. v. Republic of Uzbekistan



Expropriation; ICSID Case No. ARB13/6. Testified in Washington DC in July 2015. Filed expert reports relating to financial issues and damages in March 2019, October 2018 and September 2017. Filed expert reports on financial issues in March 2015 and August 2014 relating to a jurisdictional filing. Dispute involving two cement plants in Uzbekistan. Case settled in 2021. Parties from Kazakhstan and Uzbekistan.



Kingsgate Consolidated Ltd. and Kingsgate Capital Pty Ltd. v. Kingdom of Thailand

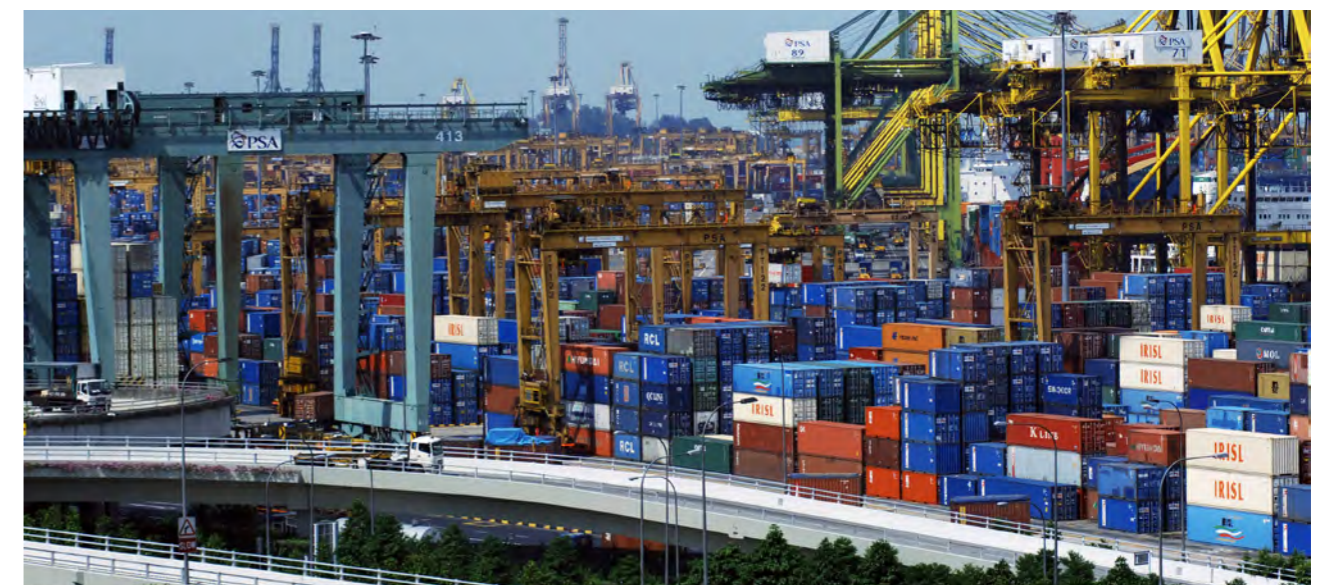


Expropriation; PCA Case No. 2017-36. Testified in Singapore in February 2020 and via video to Singapore in February 2019 regarding a gold mine dispute. Filed expert reports on damages in October 2019 and January 2019. Parties from Australia and Thailand.



Bilateral Investment Treaty, South Asia

Valuation of an LPG import terminal for a BIT case relating to alleged expropriation of the business.



Louis Dreyfus Amateurs SAS v. Republic of India



Expropriation; UNCITRAL PCA Case No. 2014-26. Testified in London in December 2017. Filed expert reports on damages in August 2017 and October 2016. Dispute involving an investment in a port in India. Parties from France and India.

Selected Europe, Middle East, Africa experience

Investor-state



B3 Croatian Courier Coöperatief U.A. v. Republic of Croatia

Expropriation; ICSID Case No. ARB/15/5. Testified in Paris in March 2017. Filed expert reports on damages in January 2017 and May 2016. Dispute involving postal industry in Croatia. Parties from The Netherlands and Croatia.



ITOCHU Corporation v. Kingdom of Spain

Fair and Equitable Treatment; ICSID Case No. ARB/18/25. Testified in a virtual hearing in January 2021 for a dispute involving solar generation. Filed expert reports on damages in September 2020 and November 2019. Parties from Japan and Spain.



Oxus Gold plc v. Republic of Uzbekistan

Expropriation; UNCITRAL Arbitration. Testified in Paris in May 2014. Filed expert reports on damages in July 2014, February 2014 and February 2013. Dispute involving the valuation of investments in gold and other mineral mining interests in Uzbekistan. The award was for the exact amount presented by our expert, which was less than one percent of the \$1.3 billion claim. Parties from England and Uzbekistan.



Spentex Netherlands, B.V. v. Republic of Uzbekistan

Expropriation; ICSID Case No. ARB/13/26. Testified in Washington DC in September 2015. Filed expert reports on financial issues and damages in August 2015 and December 2014. Dispute involving textile factories in Uzbekistan. Parties from The Netherlands and Uzbekistan.



Franck Charles Arif v. Republic of Moldova

Expropriation; ICSID Case No. ARB/11/23. Testified in Paris in November 2012. Filed expert reports on damages in October and May 2012. Dispute involving the investment in duty free shops at an airport in Moldova and on the Moldovan/Romanian border. Damages of less than three percent of the claim were awarded based on invested costs. Parties from France and Moldova.



Ceskoslovenska Obchodni Banka (CSOB) v. Slovak Republic

Breach of Contract; ICSID Case No. ARB/97/4. Testified in April 2003. Filed expert reports in August 2001 and November 1999. Dispute involving the money owed related to the obligations of the Slovak Republic relating to the debt of the foreign trade bank of the former Czechoslovakia. Award for Claimant of \$877 million. Parties from Czech Republic and Slovak Republic.

International Arbitration Dispute Expert Witnesses

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Europe, Middle East, and Africa (continued)



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EMEA
Howard Gendler
Partner

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The background features a teal-tinted aerial photograph of a city's street grid. A prominent yellow diagonal line runs from the top-left towards the bottom-right. The overall design is modern and geometric, with brown and white angular shapes framing the teal area.

DECODING COMPLEXITY

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