

PROCEDURE

Evidence

Witnesses

The rules of the Court are silent as to the procedure for the objection to an expert or a witness (*Peter Joseph Chacha v The United Republic of Tanzania*, application 003/2012, judgment, 28 March 2014 para 84). No conditions or time-limits have been laid in the Rules of Procedure (*Chacha v Tanzania* para 84). As such, a party may raise an objection at any stage of the proceedings. A separate opinion by Ngoepe J however questioned whether a witness could be dismissed as a non-expert, before the witness is given the opportunity to qualify on the basis of a curriculum vitae alone.

The admission of a contested expert witness is subject to the ruling of the Court following oral submissions by the parties (*Chacha v Tanzania*).

The appointment of an expert witness falls squarely within the discretion of the Court (*Chacha v Tanzania* para 87).

The main qualities of an expert witness include sufficient knowledge of the subject-matter, independence and impartiality towards the parties in carrying out the duties (*Chacha v Tanzania* para 88).

The mere fact that the statement of an expert witness contain elements in favour of the arguments of applicant do not in itself amount to bias, leading to the disqualification of the expert. (*Chahcha v Tanzania*).