

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06

Date: 16 April 2015

**TRIAL CHAMBER VI**

**Before:** Judge Robert Fremr, Presiding Judge  
Judge Kuniko Ozaki  
Judge Chang-ho Chung

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Public**

**Prosecution's proposed procedure for challenges to expert testimony**

**Source:** The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

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**Unrepresented Victims**

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(Participation/Reparation)**

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**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## **Introduction**

1. The Office of the Prosecutor (“Prosecution”) submits its proposal of a procedure for the handling of challenges to the testimony of expert witnesses at trial, in preparation for the 22 April 2015 status conference.

## **Procedural history**

2. On 1 April 2015 Trial Chamber VI (“Chamber”) issued its “Order scheduling a status conference on 21 April 2015 and setting the agenda” (“Order”).<sup>1</sup> The Chamber directed the Parties, Legal Representatives of Victims and the Registry to identify by 16 April 2015 at 16.00 any issues they wished to raise at the status conference in addition to those listed in the Order.<sup>2</sup>
3. On 15 April 2015 the Prosecution informed the Chamber, the Defence and the Legal Representatives that it wished to raise an additional issue: the procedure for and timing of challenges to the testimony of expert witnesses.

## **Prosecution’s proposal**

4. The Prosecution proposes the adoption of the following procedure:
  - A. The full statement and/or report of any expert witness to be called by a party shall be disclosed within the time-limit prescribed by the Trial Chamber.
  - B. Within 30 days of disclosure of the statement and/or report of the expert witness, or at such other time prescribed by the Trial Chamber, the opposing party shall file a notice indicating whether:

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<sup>1</sup> ICC-01/04-02/06-536.

<sup>2</sup> Order, para.3.

- (i) It accepts the expert witness statement and/or report; or
- (ii) It wishes to cross-examine the expert witness; and
- (iii) It challenges the qualifications of the witness as an expert or the relevance of all or parts of the statement and/or report and, if so, which parts.

C. If the opposing party accepts the statement and/or report of the expert witness, the statement and/or report may be admitted into evidence by the Trial Chamber without calling the expert witness to testify in person, unless the party calling the expert or the Chamber consider it necessary for the expert witness to testify in person.



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Fatou Bensouda  
Prosecutor

Dated this 16<sup>th</sup> day of April 2015  
At The Hague, The Netherlands