



محكمة قطر الدولية  
ومركز تسوية المنازعات  
QATAR INTERNATIONAL COURT  
AND DISPUTE RESOLUTION CENTRE

## Guidance on Witness Evidence

### General

1. Witness evidence is one of the ways in which parties can present evidence before the Court. Usually, witnesses will either be witnesses of fact (i.e. who can give an account of what happened), or expert witnesses (see below at paragraphs 6-8 for further detail on expert witnesses).
2. If a party wishes to call any witness of fact or an expert witness, the party must inform the Court prior to the making of the directions by the Court. It is for each party, and not the Court, to decide which witness it wishes to call. If a party subsequently considers that it wishes to call a witness not notified to the Court prior to the making of the directions, it must inform the Court at once and apply for further directions. If the application for further directions is made without sufficient time for the other party properly to consider and deal with the new witness, the Court will usually refuse to allow the witness to be called. It is therefore essential for the parties to consider, at the time the Court is determining the directions to be made, what witnesses it will seek to call.
3. Article 27 of the Court's Regulations and Procedural Rules (the "**Rules**") provides that the Court may give various directions relating to witness evidence, and that any witness statements made by witnesses of fact must be verified by a statement of truth ("*I believe that the facts stated in this witness statement are true.*").
4. When giving evidence in Court, all witnesses will be expected to give evidence either on oath or affirmation (article 27.6 of the Rules).

## Witnesses of fact

5. Witness statements in respect of witnesses of fact must:
  - i. Give the full name and address of the witness.
  - ii. Be in the witness's own words, if practicable, and drafted in the witness's own language and in the first person (an English translation must be provided if this language is not English).
  - iii. Explain the relationship – if any – of the witness to the Claimant or Defendant.
  - iv. Set out the witness's direct knowledge of matters relevant to the issues in the case.
  - v. Refer to all relevant documents, although the text of the relevant document should not be included unless this is appropriate.
  - vi. Include the following statement of truth: *“I believe that the facts stated in this witness statement are true.”*
  - vii. Be dated with the date upon which the witness signed the statement.
6. Parties wishing for witnesses to give evidence in Court must provide a witness statement beforehand in respect of that witness by the date and time required by the Court's directions.

## Expert evidence

7. The Court does not routinely receive expert evidence: expert evidence shall be restricted to that which is reasonably required to resolve the issues in the case. In other words, unless particular expertise is required that is out of the experience and expertise of the Court, expert evidence will not be required. The Court's general approach is to determine questions of fact without the assistance of an expert.
8. However, where a party wishes to adduce expert evidence, an application must be made. The application must identify the field of expertise in which the evidence is required, and details of the proposed expert witness. Any expert evidence must be brief. The Court may order a summary.
9. The normal practice before the Court will be for the party seeking to rely on particular expert opinion to instruct a relevant expert themselves.



10. An expert who provides a report or gives evidence before the Court must understand that (article 27.4 of the Rules):

- i. Their duty is to assist the Court on matters within their own expertise.
- ii. That duty is paramount and overrides any obligation to the person from whom they receive instructions or by whom they are paid.
- iii. Any expert evidence must be their independent opinion, uninfluenced by the litigation or any other factors.

11. Parties wishing for an expert witness to give evidence in Court must provide an expert report beforehand in respect of that expert witness by the date and time required by the Court's directions.

12. Any report prepared by an expert must be verified by the following statement of truth (article 27.5 of the Rules):

*I confirm that the facts stated in my report are within my own knowledge and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.*

#### Witness evidence from government officials

13. In certain circumstances, the Court may – either of its own volition, or upon receipt of an application from a party - issue a witness summons in respect of an official from a government department in order to receive pertinent evidence in any particular case. Prior to making such an application, a party must demonstrate that it has attempted to secure the voluntary attendance of such a witness.

14. Such an application must either refer to a specific official, or a class of official, whom the party in question wishes to attend Court to give evidence, the specific evidence that the party in question wishes to adduce, and explain why that evidence cannot be provided from another source.

#### Key provisions: Article 27 of the Rules.

**Qatar International Court**

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