

The credibility of testimony in criminal proceedings

Abstract

This thesis focuses on assessing the credibility of testimony in criminal proceedings with a closer focus on assessing the credibility of testimony by investigative, prosecuting and adjudicating bodies.

For this purpose, in the first part of the thesis, the author defines the term „testimony“, describes its role in the criminal proceeding and distinguishes its role in the criminal proceeding as opposed to that in the civil proceeding. Then, the author defines the term „interrogation“ and identifies institutes of criminal law applied in the course of criminal proceedings, by which the testimony is obtained. In the following, third chapter, the author focuses on the explanation of the concept of credibility of testimony, and differentiates its various types. In the fourth and fifth chapter, the author identifies, describes and evaluates possible ways of assessing the credibility of testimony by investigative, prosecuting and adjudicating bodies in context of current case law. Special attention is paid to expertises, their assignment, interpretation and evaluation.

The author analyzed current legislation and case law, and the options they offer for assessing the credibility. The formulated hypotheses have been confirmed. Current legislation entrusts the assessment of credibility to investigative, prosecuting and adjudicating bodies, especially to the courts themselves, while these bodies utilize institutes limiting the affectability of the testimony, such as formally established rules for conducting interrogation, witness protection or expertises. In the case of expertises, the knowledge of experts - psychologists is used. Nevertheless, investigative, prosecuting and adjudicating bodies are the ones, who are responsible for the proper assignment, interpretation and evaluation of the expertise. In the criminal proceeding, the expertise is reviewed both formally as well as in terms of content.

The author primarily used descriptive method in combination with critical analysis.

The author focuses only on ordinary course of criminal proceeding, not on alternative ones or appeals.

Klíčová slova: credibility, testimony, expertise