

# **Abstract**

## **Witness in Criminal Proceedings**

The aim of this thesis is to provide a compact overview of the rights and duties related to a witness, which affect his position in criminal proceedings. The witness is considered as a one of the fundamental institutions of criminal law. The witness's testimony with its irreplaceable role also ranks among the most important evidence provided by criminal proceedings.

The witness in principle can be found in all stages of on-going criminal proceedings, whereas the circle of persons, which may be witnesses, is not a priori restricted. The witness's role is in particular very significant in preparatory stage of criminal proceedings as without his testimony there is often impossible to identify the perpetrator of a committed crime. He is also important in such a trial, where the court based on his testimony is able to decide, whether an accused is in truth guilty, i.e. decide on his punishment, or on acquittal.

The thesis itself is divided into six chapters, which are further divided. The first chapter deals with the definition of a witness and the conditions of being legally qualified to perform as a witness and finally with the necessity of distinguishing a witness from other persons being involved in criminal proceedings. The second chapter is devoted to all duties that are connected with the witness, as well as the circumstances under which there is possible to refuse to testify. The third chapter relates to the procedural and criminal consequences, if the witness intentionally fails to fulfil his duty to testify. The fourth chapter defines and describes the course of interrogation in all stages of criminal proceedings, as well as the issues, that can occur during the interrogation and subsequently to influence it. Attention is also paid to the interrogation of persons under the age of 15. The witness is not only associated with the duties but also with the rights, which the fifth chapter is engaged in. The last chapter deals with the special methods of proving, such as confrontation and recognition.

The thesis is completed in the appropriate places by case law. With its support there has been made the reflection of the legislation in force and the potential bills *de lege ferenda* to its changes. In addition to the current legislation and case law, the substantial sources of this thesis are also the judicial publications and articles.