

## **Abstract**

The diploma thesis analyses means of evidence used in civil proceedings. Means of evidence are integral part of proofing process which is considered to be the foundation of civil litigations. The goal of this thesis is to provide comprehensive categorization of means of evidence used in civil litigations and depict some of their specifics, including means of evidence which are not specifically regulated by the law.

The thesis is based on specialized literature, legislation, and, from a large part, also on Czech courts case law. Text of the thesis is divided into four chapters, each of them further divided into several sub-chapters.

First chapter is general introduction to civil lawsuit and proofing problematics. It defines proofing process itself, subject of proofing, and principles applied in the court at this stage of the lawsuit.

Second chapter describes means of evidence in general. It provides reader with means of evidence definition and categorization, and also defines means of evidence which are inadmissible in the civil lawsuit.

Third, the most extensive chapter, is dedicated to means of evidence which are specifically regulated by code of civil judicial procedure. It describes each of them in detail, differentiates them, and also describes proofing process in the court trial. First sub-chapter is dedicated to witness interrogation, obligation to testify, testimony denial options, and also the interrogation process and evaluation of mean of proof obtained as a result of witness interrogation. Second sub-chapter analyses expert reports, in particular their contents and requirements, and also expert reports submitted by a party of a civil lawsuit. Subsequently it also deals with reports and statements provided by authorities, natural persons, and juridical persons, deeds, examinations, including on-site inspections, and interrogations of involved parties.

Fourth and last chapter analyses several means of evidence not specifically regulated by the law. In particular it deals with means of evidence in form of audio or video recordings and related problematics of personal information protection. It also analyses several other means of evidence emerging in connection with scientific and technical inventions – social networks

and electronic documents. In its ending the thesis then deals with some possible future evolution of means of evidence problematics.

As such, the diploma thesis provides overview of means of evidence used in civil proceedings, contemplation on specifics of means of evidence that have to be addressed and also some related conclusions.