

## **Abstract**

This thesis is about the interrogation of a witness in civil proceeding. It is considered as one of the most difficult means of proof in terms of its execution and later evaluation by the court.

This work is divided into 10 chapters which systematically follow each other. In the introduction I firstly define the concept of means of proof and the groups they can be divided into. The following chapters focus on the main topic.

The second chapter is composed of introduction of the witness, their legal obligation to testify and their capability. Also, it deals with the right to reject to testify and the obligation of confidentiality which receives extra attention. I deal with the obligation of confidentiality based on laws regulating this obligation for attorneys, notary, doctors and clerics.

Furthermore, the work deals with the procedure of interrogation of witness as the law dictates it. Particularly, the way the court summons the witness and which lawful means does the law allows the court to enforce the duties among the witness to testify or punishing them for false testimony. In the chapter four and five the attention is on the process of interrogation itself and on possible specific means of interrogation, for example, the interrogation requested by the court or the interrogation done outside of the proceeding. The possibility of interrogation via videoconference is included, which is a showcase of the progress in the ways of interrogation.

In the next chapter I pointed out the differences given by the character of the witness, e.g. the interrogation of the minor or elderly. Based on these differences, the court deals with each witness individually.

Following chapter shows the difficulty of evaluation of the interrogation. Czech civil process is governed by the free evaluation of means of proof principle, which gives only particular frame for the judge on how to decide, but not the exact pattern. In the light of this principle, the judge evaluates the testimony of witness based on its truthfulness. The judge is afterwards given a tough task; to decide whether the testimony should be considered as truthful.

The last chapter covers the title which arises to witness who fulfilled the obligation to testify or was ready to do so.

The aim of this thesis was to offer a comprehensive and intelligible presentation of witness testimony in civil procedure. Therefore, this institute was analyzed based on statutory regulation with regards to judicature for this given topic.