

This diploma thesis deals with position of a witness in criminal proceeding. The first part, it defines a conception of a witness; focuses on legal process aspects of position of a witness and also on capability to act as a witness in criminal proceeding. The second part, is given attention to performing evidence by witness, to rules of examination of a witness, including rules of examination of witnesses less than 15 years old. The third part defines rights and duties of a witness in criminal proceedings as they result not only from Criminal Procedure Act but also from constitutional principles. There is closer focus on witness' duty to testify, to liability to participate in confrontation and recognition (as special kinds of evidence). Another focus is on some witnesses' rights: rights to deny giving testimony and right to legal help and mainly to right to afford security of a witness. The last, four part deals with institute of crown witness (accomplice witness). This institute is not included into Czech legal system yet.