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THE COMPETENCE OF A PERSON TO TESTIFY IN CRIMINAL PROCEDURE – CONTINENTAL AND ANGLO-SAXON MODELS

Abstract

This paper focuses on the competence of individuals to testify in criminal proceedings, which constitutes a key prerequisite for establishing facts and assessing the credibility of evidence. The procedural examination of witness competence is conducted at the stage of summoning the witness to ensure that the testimony provided is accurate, relevant, and legally admissible. The paper identifies four fundamental prerequisites for testifying: intellectual capacity, moral integrity, direct knowledge of the subject matter, and compliance with statutory conditions and privileges.

Particular attention is devoted to distinguishing between a witness's competence and the credibility of their testimony, as well as to the role of the court in assessing the admissibility and scope of witness evidence. A comparative analysis is conducted between the continental and Anglo-Saxon legal models, emphasizing the importance of the witness's integrity and the degree of trust placed in their testimony.

The conclusion confirms that the harmonized and professional application of procedural rules regarding witness competence is of crucial importance for ensuring fair, efficient, and lawful criminal proceedings aimed at protecting individual rights and the integrity of evidence

Keywords: procedural competence, credibility of testimony, intellectual capacity, moral integrity, immediacy of testimony, legal presumptions, privileges.