

CROSS-EXAMINATION – RULES AND CHALLENGES

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Summary: This paper indicates that the 2011 Criminal Procedure Code introduces significant innovations, typical for adversarial systems, in our normative framework. The emphasis is placed on the altering role of the court in criminal proceedings, which necessarily results in a series of innovations largely related to the main trial, which is loaded with new solutions, whereas provisions relating to cross-examination are of particular interest. It is pointed out that this type of examination requires huge efforts that must be invested in its preparation, and that it is advisable to adhere to the existing rules in cross-examination to avoid achieving the opposite effect from the desired one. In doing so, the examiner must consider that the rules that apply to successful cross-examination must be shaped in a way that suits his personality, the facts of the specific case and the applicable law. Moreover, the basic rules applicable in successful cross-examination are provided, and should be implemented. Finally, this paper identifies the problems that may appear during cross-examination, suggesting potential solutions of the identified problems.

Keywords: cross-examination, examination rules, main trial, leading questions.

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