

The role of expert witness in criminal procedure– Similarities and differences between adversarial and inquisitorial system

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This article deals with the role of expert witness in criminal procedure, considering similarities and differences between adversarial and inquisitorial system of criminal procedure. Bearing in mind increased use of scientific evidence in court and the fact that judges need assistance in understanding the scientific and technical knowledge, we decided to address the issue of expert witness. Emphasis is put on definition of terms (an expert witness/an expert), conditions of engagement and examination of expert/expert witness at criminal trial. Special consideration is given to the following issues, such as, foundation for expert witness and voir dire. Also, we analyzed the code of practice for expert/expert witness and their obligations relating to the given opinion. Finally, we present the case law relating to the engagement of explosions experts before The High Court in Belgrade in a period of one year (2011/2012). The purpose of this article is to demonstrate the importance of chosen topic and to resolve certain practical concerns.

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