

Davor **BABIĆ**, PhD
Full Professor
University of Zagreb
Faculty of Law
davor.babic@pravo.hr

Ivana **MAŠIĆ**
County Court of Karlovac, Judge of the Civil Division
Head of the Department for Monitoring European Regulations and
Case Law of the CJEU and the ECHR
ivana.masic@zska.pravosudje.hr

THE TAKING OF WITNESS EVIDENCE IN ARBITRATION

Summary: *In international, and more recently in Croatian arbitration practice, arbitral tribunals generally leave the initiative to the parties regarding the presentation of witness evidence. Tribunals will typically allow each party to submit written statements of fact witnesses who will then be examined (primarily by the opposing party) at the hearing. In this paper, the authors discuss the need for witness evidence in arbitration, the role of the tribunal in the taking of witness evidence, the form and contents of witness statements, the question of who can be a witness in arbitration and witness examination at the arbitration hearing. The authors then compare the taking of fact witness evidence by witnesses in arbitration and in civil proceedings under the Croatian Civil Procedure Act and present some concluding considerations.*

Keywords: *arbitration, civil procedural law, taking of evidence, witness testimony.*