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I. Gyula Fazekas

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It is also now possible for the defense to engage an expert to examine the exhibits of the prosecution. Thus a second post-mortem can be carried out by another pathologist or blood stains examined by an independent serologist. This has led to the elimination of controversy over facts, but the lack of experts with adequate experience or facilities, since these are available only in university departments, still constitutes a handicap.

Those who assist the court as medico-legal experts are usually selected either from a medical speciality, such as orthopedic or traumatic surgery, or are experts in forensic medicine from university departments. In special cases, such as divorce and annulment, the court can appoint an independent specialist to examine. Also, in cases of alleged paternity, specialists in immuno-serology are available.

In summary, the medico-legal facilities in Great Britain have contributed to considerable advances during the past few years and, moreover, whereas only undergraduate training existed previously, there is now postgraduate training and qualification available. Today the public also has the advantage of financial assistance in the form of legal aid so that expert assistance can be obtained.

THE ORGANIZATION OF FORENSIC MEDICINE AND THE FUNCTION OF THE MEDICOLEGAL EXPERT IN HUNGARY

I. GYULA FAZEKAS*

Forensic medicine has been taught as a separate subject in Hungarian medical colleges since 1793 and special qualifications have been required of medicolegal experts since 1894. Today, the use of medical experts is required by law in cases involving a post-mortem examination, an autopsy, exhumation, examination of skeletal remains or bones, examination of the state of health in relation to working capacity, bodily injury, abortion, sex-related crime, blood alcohol content examination, mental examination and paternity determination or exclusion.

There are two kinds of medicolegal experts to deal with criminal and civil cases — “designated” experts and “permanent” experts, the latter being members of the Medicolegal Expert Office. The Medicolegal Expert Office was established by the Ministry of Justice

* Prof. Dr. I. Gyula Fazekas, Director Department of Forensic Medicine, University of Szeged, Szeged, Hungary.

to promote high professional competence and it functions only in conjunction with the courts in Budapest. "Permanent" medicolegal experts are members of the Forensic Medicine Institutes of the universities and must be physicians who have passed a professional medicolegal examination and have been appointed by the Minister of Justice with the approval of the Chief Attorney General. "Designated" experts are nominated by the presidents of the county courts and their jurisdiction is limited to certain specified areas (comitat, district, town, etc.). When a party desires to obtain a medicolegal expert he first turns to the Forensic Medicine Institute of a university, and only when there is no possibility of obtaining such an expert can he employ a "designated" expert. There are four such institutes in the country — Budapest, Szeged, Pecs, and Debrecen. The Minister of Justice exercises control over the activity and function of the experts in the area of judicial matters, whereas the Minister of Health exercises control only over the medical aspects of the experts' work.

There are four medical colleges in Hungary which have chairs in forensic medicine. Work in these colleges is progressing at an extremely high level. Activities include research, the instruction of specialists, and the education of medical students in medicolegal topics. Medical students study forensic medicine as a separate subject during their fifth year. They attend classes which include theoretical lectures and practical training three hours each week during the entire year. In addition, a high level of activity among the trained medical experts is promoted by the Medicolegal Expert Office, the National Judicial Chemical Institute, the National Criminal Laboratory of the Police Department, and the National Medicolegal Mental Observing Department and Hospital. All of these institutions are located in Budapest.

At present it is possible to take a medicolegal specialist examination in two areas — forensic medicine and medicolegal psychiatry. To qualify to take such an examination, one must be a physician who has been employed for at least four years in a Forensic Medicine Institute, the Medicolegal Expert Office, has been a member of the permanent staff of the Ministry of the Interior (police) and has worked in the medicolegal sphere, or has been employed for at least four years as a medicolegal pathologist at the pathology institute of a university or at a country hospital.

Both the criminal and civil procedure codes of Hungary require that authorities, such as the court of justice, police, public prosecu-

tor, obtain the assistance of medicolegal experts in cases which involve medical issues. Barring a legal exception, the expert who is appointed is required to appear before the authority who called him, to participate in the case and give an expert opinion. In any phase of a criminal or civil proceeding a party can employ an expert. That party specifically stipulates that an examination is to be done and on what it is to be done. The report of the examination is submitted under the expert's name and he is personally responsible for its accuracy. Usually, an examination is performed by one expert, but at autopsies and psychological examinations two experts are required.

If a party, who has already employed and heard from a medical expert, feels it necessary to employ a second expert, he can appeal to the Medicolegal Expert Office for the appointment of a "permanent" medical expert. If there is no possibility of resolving the matter by employing the second expert or if the reports of the two experts are contradictory, the party can order the reevaluation of the experts' reports. The competent authority for reevaluation is the Committee of Justice of the Health Scientific Council. This Committee consists of various specialists plus outside referees. The task of the Committee besides the declaration of the reevaluation of the experts' reports is to give direction to the performance of medical expert activity and to promote uniform practice procedures among the "permanent" and "designated" medicolegal experts. The Committee acts under the supervision and direction of the Minister of Health.

The psychiatric examination of those who have committed a crime is made, for the most part, at an ambulatory examination. If a longer observation is necessary, it will be performed in the National Medicolegal Mental Observing Department and Hospital. In this same facility are hospitalized mentally ill, insane, and mentally defective persons who can not be punished for reasons of moral irresponsibility, but who are dangerous to society, and, therefore, must be treated involuntarily. Moreover, there is a possibility that involuntarily treatment by order of the court will be established to deal with habitual drinkers who commit crimes as a result of their alcoholism.

In a case of natural death an autopsy is not performed. If the physician who performed the post mortem examination suspects an "extraordinary" death, he is obliged to report it to the police. In this case the police make a local inquiry as to the cause of death in

the presence of the medical expert. If there is no suspicion of a crime, but the cause of death has not been determined, then a police autopsy will be performed. Such an autopsy will be performed in the university towns by the physicians of the Forensic Medicine Institute, or in the country by the police physicians. The cases of "extraordinary deaths" are the following: homicide, accidents, death during or after an operation or blood transfusion involving the administration of anaesthetics, deaths as a result of lack of medical treatment, suicide, unexplained death, or if an unknown person is found dead. In a case where a crime is suspected, a medicolegal autopsy is ordered by the authorities, and is performed by two medicolegal experts. In the cases of medicolegal autopsies additional examinations such as chemical, histological, histochemical are made. If it was performed by physicians of the Forensic Medicine Institutes it will take place within the universities. If autopsies are performed by the police physicians, they will take place in the Police Criminal Laboratory, which also makes blood alcohol content examinations and medical criminology examinations at the request of the traffic police. When there is a suspicion of a crime, the chemical examination of organs is not made by the Department of Forensic Medicine, but by the National Chemical Judicial Department, which is under the leadership of the Ministry of Justice.

The criminal procedure act deals in detail with the role, work, and obligations of the medicolegal expert, assuring the undisturbed activity of medicolegal experts. The expert is authorized to investigate all relevant documents and he can insist on procuring any data and evidence which is essential to the investigation of a case. The law assures the objectivity of the expert by the same processes with which it deals with judges. A medical expert can be dismissed from a case for personal interest in it. Moreover, in the event that an expert's report is unfounded, the court may request its revision. According to our legal system the possibility exists for an accused person to employ a controlling medical expert to work with the acting professional expert. The court is not obliged to accept the experts' report, but if it does not it must give detailed reasons for its actions.

The primary objective of statutes dealing with medicolegal expert testimony in Hungary is to establish a system whereby when medicolegal issues arise, an expert will automatically be assigned to the case and required to testify on the issue.

This paper has considered the organization and function of medicolegal experts in Hungary. The situation in the other socialist

countries of Eastern Europe, though somewhat different, is generally similar.

FORENSIC MEDICAL SERVICES IN ISRAEL

HEINRICH KARPLUS*

Forensic Medicine in Israel has undergone significant changes in the last eleven years since the enactment in 1958 of legislation which abolished the coroner system that had existed under the British Mandatory Authority. Under the new system the magistrate is now the controlling authority and he can order an investigation into the cause of a death if so requested by the police, an attorney, a physician, or the deceased's relatives. The magistrate can authorize an autopsy or, if he decides against it, he can issue a burial order. Once he has been approached, neither autopsy nor burial can be undertaken without his authority. The 1958 law empowers him to order exhumation from any official burial ground within his district, whether death had taken place in Israel or abroad. Bodies buried outside a cemetery may be exhumed without a magisterial order. Any death in a closed institution (a prison or a home for the mentally retarded or ill) must be reported to the police, and it is investigated by them. The police may accept the death certificate of the attending physician, or they may reject it and request the magistrate to authorize an autopsy. This provision of the law provides more control over such institutions than usually exists in other countries.

The 1953 Anatomy and Pathology Act provides that an autopsy may be performed to establish the cause of death or to remove organs for transplantation. Three medical signatories are required for such an autopsy whether or not death occurred in a hospital. If the death did occur in a hospital the attending physician, the department head, and the hospital director must sign. If death occurred outside the hospital, the physician who pronounced the patient dead, a Government physician, and the director of a hospital must sign. The consent of the family is not required, and the only way in which the family can prevent an autopsy is to apply to the magistrate for an investigation into the cause of death and for a burial order without autopsy.

The Orthodox Jewish community, which resents the fact that

* Dr. Heinrich Karplus, Director, Forensic Medicine Institute, The Hebrew University, Jaffa, Israel.