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Short Communication

Distortion of Meaning in Forensic Medicine Reports

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Abstract

This study deals with the distortion of meaning in forensic medicine reports to confuse justice, by manipulating the capabilities that the language provides regarding time or place or the logical sequence or style of language, and by detecting this manipulation, such gaps and distortions can be avoided and monitored to achieve the truth, protect the innocent, and convict criminals. This study concluded that writing forensic medicine reports may be subject to distortion by investing in the capabilities of the language, which are very important and must be written in a clear and unambiguous manner, and this ambiguity usually comes through time, place, logical sequence, and language type.

1. Introduction

This study deals with the phenomenon eagerness some forensic medicine experts to distort meaning and distort it from its path when writing forensic medicine reports, with the aim of confuse justice, inflicting injustice on the innocent and escaping the perpetrators. From here, the study tries to reveal these shaded linguistic capabilities and answer questions aimed at exposing these distortions, and revealing distortions of meaning by examining the time, place, logical sequence, and linguistic pattern in forensic medicine reports. So, the study came in the introduction and several topics issued by the concept of forensic report, and then the distortions of meaning embodied in time, place, logical sequence, and language type.¹

2. The concept of a forensic medicine report

A forensic medicine report is defined as a written medical certificate related to a judicial matter that deals with the causes, circumstances, and consequences of the matter. It is "the result of that expert measure, which the judicial authorities order by means of a judicial decision or order requiring the

appointment of a specialist who has the capacity of an expert, whether he is listed on the list or chosen, but in this last case he must take the legal oath.²

The forensic medicine report is issued upon a request from the competent judicial authorities, and its aim is to establish the truth. Therefore, it is of great importance, because it may be the main document for the judicial decision issued in its regard, and it is also required that it include answers to all questions included in the mandate decision and that fall within the scope of his jurisdiction, and it is prohibited for him to discuss legal issues or to accuse a specific person according to Article 27 of the Egyptian Law.

Among the most important issues in which the forensic doctor is asked to give an opinion: Sudden deaths, the cause of which is unknown, especially in healthy people who are not of advanced age, and suspicious deaths or that follow a violent act or a specific accident, deaths of prisoners and detainees, those who are physically injured after an assault, traffic accidents and work accidents, and in issues of determining age and determining paternity,

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and in cases of rape, homosexuality abortion, examination of a person's mental state, and analyses, laboratory of vital stains and to detect some toxic substances.³

The forensic doctor who writes the medical report must investigate impartiality, impartiality, integrity, principles of honour and what the ethics of the profession require and what the professional conscience dictates to highlight the truth and contribute to achieving justice, and he must include his report as a result of his observations and conclusions only without adding or decreasing, and the forensic medical report must also be written in an easy and clear language, so that the judicial authority can read, understand and comprehend it, and be sequential and not leave spaces between the lines so as not to allow it to be filled out later by third parties, and it must also be free of finishing.

The element of speed must be present in completing, recording, and writing medical reports, so that their delay does not result in a miscarriage of justice, which makes the forensic medicine report different from the rest of the medical reports and evidence, whether in terms of concept, or in terms of structure and technical formulation.⁴

3. Elements of the forensic medicine report

Although it is customary for forensic medicine reports to take similar forms in which the way of their formulation is unified and the paragraphs formed are similar, and they start with a preamble and conclude with the result, there is a wide scope for manipulation of the results of these reports by forensic preamble experts by investing in the capabilities offered by the language.

Elements of the report:

3.1 Preamble

The preamble of the forensic medicine report usually includes a set of necessary data that must be provided in the preamble of the report, and it concerns the name of the doctor, his description, his place of work, the authority that delegated him, as well as the task required of him, the date, hour and place of conducting the operations related to the task he was assigned to, date and hour The completion of the report if it violates the time of completion of the operations, the full identity of the deceased or the person who was subjected to the examination or his description if his identity is unknown (Article 24 of the forensic medicine law), however, the forensic expert can divert this information according to his liking.

3.2 Documents

In this part of the report, the forensic doctor must present the various documents that he used while performing the task that was entrusted to him, or that he obtained, and he shows the type and source thereof, as well as the name of the authority that enabled him from it and the date of this handover, and in most cases the evidence is File attached to primary medical, litigation is the same as for the forensic doctor, and these documents often contain loose language that is easy to manipulate.⁵

3.3 Examination

The forensic expert takes over at this stage; explaining the various investigations, inspections and the rest of the operations that he carried out, starting from the inspection and description of the situation and the environment in which it was found, its clothes and the stains on it, and its tearing or change, through identifying the means, materials and tools used in the crime, and investigating the external effects of violence such as wounds, abrasions and scratches, or anything else, right up to the autopsy process, which is considered one of the most important and accurate work because of the dangerous results that may contradict the ostensible observations.¹

3.4 Discussion

Within the framework of this paragraph, the forensic doctor briefly reviews the facts of the calamity that he was assigned in order to complete an experience regarding it, then he discusses the medical case that is the subject of the expertise, as is the case, for example, with regard to some cases related to wounds, rape or indecent assault, and diagnoses various injuries subsequent to the case in question, highlighting the possible developments that may affect it in the future, concluding with answering the questions included in the decision to mandate him, and assessing the damage caused to the situation.

3.5 The results

In the conclusion of his report, the expert expresses his opinion regarding the problems that he was asked to clarify, as well as the scientific methods and technical methods that he adopted to reach the opinion he concluded, as well as the arguments and the reasons on which he relied on that. And the expert should investigate as much as possible in the method of writing this result for ease, accuracy, and clarity of words. However, if more than one expert is assigned to conduct expert work, and a disagreement or disagreement occurred in their opinions, each one of

them expresses his opinion separately in the conclusion of the report itself, and finally the expert testifies to himself, or experts in the event of a multiplicity of them that he carried out the work of expertise personally.⁶ Then annotate his report with his signature and transmit it in three copies to the judicial authority that mandated it according to the requirements of Arab forensic laws.

4. Methods of manipulating the distortion of meaning by exploiting the potential of language.

Experience and experience have shown that there are many means, and methods used by experience in writing forensic reports, to exploit the potential of language and manipulate the forensic medicine reports and distort the meaning contained in them:

4.1. Time property

Time plays an important role in determining any narrative statement, and through it the facts of the accident can be falsified, so it was necessary for the examiners of forensic medicine reports to investigate the real times given, and compare the times mentioned in the report to each other, by searching for gaps in real time, and then comparing them With parts of the text and its incidents in which there is no mention of time, there are a number of temporal times in the forensic medicine report, which imposes an interrogation about these times and the possibility of combining them, and the fact that times are sometimes presented without a logical sequence, which sheds light on the false nature of at least some of the information that supposed to be moved.⁷

4.2. location property

The property of the place reveals a lot about what might be wrong with the veracity of forensic medicine reports, so mentioning a location or the emergence of an incident on a site can indicate the veracity of the report or its lie, by asking the question why was that incident or that place mentioned at this point in the text? Is it really related to the narrative? Exaggerating the mention of places is a way to lie, which leads to doubt about it, and the information of the place was brought up at this stage, unless the intention was to show that the narrator was logical.

4.3. Sequencing property

We can trace the sequence property in the forensic medicine reports in order to distinguish the parts outside the sequence, which is available in the event of loss of focus, as it is in what appears from special verbs, and when there is a change in the

formula of time or the instability of time, and excesses in the realistic narration, where it is accurate descriptions are rare, just as they are often rare in casual conversation. In fact, accurate descriptions are often something you find in reports, journals, and documents, which is why when you encounter them in a realistic narration they seem out of place, such as:

"I can see that he was a wound where a lot of blood came from his forehead, just above his nose."

From this description it appears that this part of the affidavit was designed to paint an image of horror, simply inserting details like these into the so-called defendant's statements to astonish the jury, and the abundance of details inserted to add realism in addition to horror, the narrator aims to make the recipient lose focus, and distract him to produce separate mental effort.⁸

Realistic narration is usually in the first person almost entirely in the simple past tense, and when sentences are not in this tense, then it can indicate a loss of sequence.

In my country, the dress is a beige detail. It is seen to the right of the front body. A regular cut of about 2 cm in transverse is located to the right of the opening of the dome by about 4 cm and above the level of the end of the opening of the dome by about 7 cm - and a similar piece of length about 3.5 cm in length is located to the left of the back abdomen behind the stitching of the left fish connection In the back body, about 13 cm, under the shoulder suture, about 48 cm, at the end of the left sleeve, about 7 cm 6 Regular pieces of different directions adjacent to each other, average length of about one cm. This dress is contaminated with rotten blood

4.4. Language style

The change in the language pattern reveals an artificial overlap and interpolation, which has a purpose other than revealing the truth. Also, in Bentley's text we see many strange examples of mixing the linguistic style, in other words it sometimes appears more than a linguistic pattern in formal and informal forensic reports, the mixed language pattern in the report certainly indicates a malicious intervention aimed at suppressing the truth. Replacement the word wound two stitches calls for caution and scrutiny in this sentence:

"At the age of about 35 years, fully formed fusion observed with a length of about 1.5 cm sloping from top to bottom and the right located at the front of the chest at the level of the nipple and to the left of

the midline of the chest by about 3 cm, similar healing effect located on the left side of the chest along About 2 cm transversely located behind the midline of the axillary directly above the level of the nipple by about 2.5 cm, below it with the same previous trace".

The word "wound" has been replaced by two surgical stitches which raises a question.

The most common non-simple past tense in the narration, departing from this pattern of action may be a cause for suspicion, especially when the sentences relate to something outside the current focus of the narration, it is in fact an amalgamation of the change of tense and loss of focus that often indicates an unstable narration. And he switches from time to time between present tense and command verbs. Such as:

"The original features of the victim's injuries changed and based on what he saw, we examined the sender's clothing storage, what came from a description of it in the medical papers and what the attached x-rays showed was his injury to both the chest and the cotton is a penetrating stab and injury to the left forearm is cut, all of which arise from the blade of a sharp instrument, whatever it is, and it may be obtained according to its image and at a time contemporary to the date of the accident, as stated by the prosecution's memorandum on his tongue and the witnesses".

Here the illogical transfer from the past tense to the present tense appears in an accelerated form, such as arises and is permissible. The deletion of the pronoun comes to define a kind of falsehood and distortion, the speaker deletes the pronoun of the first person to appear as a distancing feature, it seems that the speaker himself omitted the pronoun because he really does not read his words or that the person who transmitted the text in writing made this change, if you carefully examine this report you will see that the answers refined, almost without thinking, the pronoun has been removed from it strictly.⁹

"Remnant healing with a length of about 17 cm and has the same inclination located at the bottom of the left side above the iliac crest by about 2 cm. its anterior end is about a 2 cm above the iliac crest, and in the midline of the axillary just below its posterior tip, similar fusion residues are tilted from top to bottom and forward, their length is about 3 cm.

5. Conclusion

This study concluded that writing forensic reports may be subject to distortion by investing in the capabilities of the language, which are very important and must be written in a clear and unambiguous manner, and this ambiguity usually comes through time, place, logical sequence, and language type.

6. Recommendations

One must be aware of the importance of language in writing forensic medicine reports.

The language must be clear, easy, simple, and meaningful.

It is imperative to pay attention to the logical sequence and the linguistic pattern in writing these reports.

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References

1. Al-Maaytah M. *Forensic Medicine in the Security and Judicial Service of Riyadh*. 2007 .
2. Alson J. *Judicial Linguistics*. translated by Al-Haqbani M. King Saud University. Saudi Arabia. Scientific Publishing and Press. 2018.
3. Rogers ML. Coping with alleged false sexual molestation: examination and statement analysis procedures. *Issues in Child Abuse Accusations*. 1990; 2(2): 57-68.
4. Al-Jundi I. *Forensic Medicine in Criminal Investigations*. Riyadh. Naif Arab Academy for Security Sciences. 2000.
5. Shahrour H. *Forensic Medicine Principles and Facts* Narges Library. 2000.
6. Riachi A. The role of forensic medicine in the forensic field. Available at: www.biblio.com.
7. Trankell A. Was Lars sexually assaulted? A study in the reliability of witnesses and of experts. *J Abnorm Soc Psychol*. 1958 ;56(3):385-95
8. Riachi A. *the medical report in evidence before the criminal court*. 2006.
9. Tawfeq, M. *The role of the forensic doctor in the criminal investigation*. Dar al thaqafa, amman. 2019.