# Doctor – witness
# Doctor – expert witness
# Expert evidence

Dohnalová, MD

# Doctor´s appearance in court

- doctor as a witness x doctor as an expert witness

- in any kind of trial – disciplinary, criminal, civil …

- legally different situations!

# **Doctor as a witness**

- **witness** = any person who has been invited by the Police of the Czech republic to testify in court about the facts he/she perceived with his/her senses (what he/she saw, heard, did)

- irreplaceable
- testimony about a specific case (person) he was involved in (with)

- the duty to testify in court is universal (right to withhold denunciation)

## *Obligation to report a crime in doctor´s practice*

- in living individuals:
- **abuse (any kind - CAN, sexual, physical …)**
- **murder**

- **death**

- in the dead**: every crime**

  <u>- not reporting a crime is a crime …</u>

# Doctor – expert witness

- **the task of an expert witness:** using his/her expertise (knowledge, NOT experience!) <u>to clarify facts and circumstances important for criminal proceedings</u> (trial), if the fact needs such an expertise
- <u>replaceable by another expert witness</u> in a particular field
- appointed / revoked by: Ministry of Justice, regional courts (municipial court in Prague)
- <u>conditions of appointment</u> – professional and moral
- the oath of an expert, naming decree, expert card
- the List of experts
- the experts´s seal and „signature"
- ad hoc expert

- mostly in criminal trials…

- asked to write an expert evidence by the Police, by court, by a lawyer, by a private person …

- „examination and autopsy of a corpse" – according to

§ 115 of the Criminal Code – always 2 experts in forensic pathology

- experts in health care sector:
  - different fields:

  forensic pathology

  psychiatry, sexuology

  surgery

  gynaecology/obstetrics ….

# Expert evidence

- means of proof in court
- **<u>ALWAYS</u>** written
- expert´s testimony in court – „oral confirmation"

- **finding, expertise, expert´s clause + seal, signature**

- correct, clear and complete => professional, comprehensible, justified, objective, reviewable by logical procedure
- concise
- unbiased !