`Cadernos de Pós-Graduação em Direito Político e Econômico
ISSN 1678-2127 (Print)
ceapress.org/index.php/cpgdpe

Volume 26 · Issue 2 · 2026
Pages 1628- 1638

# Forensic Medicine in Algeria: Its Role in Establishing Criminal Evidence before the Judiciary

**Dr. Abdesselam Hacene**

Lecturer (A) Faculty of Law and Political Science, University of Lamine Debaghine Sétif 2
Laboratory of Applications of Modern Technologies to Law, h.abdesselam@univ-setif2.dz, abdesselamhacene8@gmail.com

**Received:** 24/05/2026 | **Accepted:** 23/08/2026 | **Published:** 19/10/2026

***Abstract*—**Forensic medicine is one of the most important scientific methods on which the Algerian judiciary relies to detect and analyze crimes. It also helps to determine the nature of injuries, the cause of death, and the harm resulting from assaults. This progress is attributable to technological development, which has strengthened the effectiveness of the administration of justice, particularly following the enactment of Code of Criminal Procedure No. 25-14, which regulates the discipline's competences and procedures.

***Keywords*—**forensic medicine; medical expertise; criminal evidence; criminal responsibility.

## INTRODUCTION

Like other countries around the world, Algeria has witnessed a worrying rise in crime amid the profound transformations that contemporary societies have undergone. Crime is no longer simple behavior that can be uncovered easily and by simple means; it has become a complex phenomenon in which modern techniques and sophisticated criminal methods are intertwined. Faced with this striking reality, forensic medicine has emerged as one of the most important scientific pillars on which criminal justice relies to reach the truth. It is no longer a medical specialty concerned merely with examining corpses or determining causes of death; it has become an integrated scientific system that draws on medicine, biology, chemistry, and digital technologies to convert material traces into legal evidence of conclusive probative force that cannot be disproved before the courts.

Scientific progress has brought about a qualitative leap in forensic medicine through the development of examination and analysis methods, which has lent their results a considerable degree of accuracy and objectivity. This has strengthened the standing of scientific evidence in the formation of judicial conviction. The role of forensic medicine is no longer confined to determining the nature of injuries or causes of death; it now extends to DNA profiling, the examination of various biological traces, and the assessment of physical and psychological harm, thereby helping to protect individual rights, entrench the guarantees of a fair trial, and reduce the likelihood of judicial error.

Recognizing the importance of medical expertise in matters of proof, the Algerian legislator has given this form of evidence particular attention. It has regulated its provisions within the Code of Criminal Procedure and has accorded forensic medical expert reports considerable probative weight as one of the scientific means of proof, while leaving the judge the power of assessment in accordance with the principle of free judicial conviction. The study of the role of forensic medicine in criminal proof is therefore of great importance, since it represents a meeting point between the medical and legal sciences and contributes to striking a balance between the requirements of uncovering the truth and the need to ensure respect for fundamental rights and freedoms.

**Research problem:** The place of forensic medicine in the criminal justice system raises a legal question, namely: **How effective is its role in proving crimes before the Algerian judiciary, and what are the limits of**

**How to cite:** Hacene (2026). Forensic Medicine in Algeria: Its Role in Establishing Criminal Evidence before the Judiciary. `Cadernos de Pós-Graduação em Direito Político e Econômico, 26(2), 12304–12314.
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**the legal probative force that forensic medical expert reports enjoy in forming judicial conviction?**

## SECTION ONE: THE CONCEPTUAL FRAMEWORK OF FORENSIC MEDICINE

Criminal proof is the fundamental pillar on which the criminal case rests, since it aims to enable the security services and the judiciary to uncover the truth and attribute responsibility to the perpetrator of the crime on the basis of lawful evidence. Scientific and technological progress has brought about a qualitative shift in the means of proof, so that forensic medicine has become one of the most important scientific pillars on which the criminal judiciary relies in analyzing and interpreting material evidence on precise scientific foundations, thereby helping to clarify the circumstances of the crime and to form a judicial conviction grounded in scientific evidence and objective certainty.

Forensic medicine is one of the oldest sciences known to humankind; its roots go back to ancient civilizations that recognized the importance of drawing on medical knowledge to resolve disputes and to establish the causes of death and injury. The Code of Manu in India, dating to about 3102 BCE, contained certain provisions relating to medical matters. Its applications then developed in the Code of Hammurabi in Babylon, around 2200 BCE, which included provisions regulating the responsibility of physicians and the consequences of medical errors. The Egyptian, Greek, and Roman civilizations likewise knew various forms of recourse to medical expertise in judicial matters, which paved the way for the emergence of forensic medicine as an independent science with its own rules and methods.

Accordingly, this section is divided into two subsections: the first addresses the concept of forensic medicine, and the second addresses the stages of its development.

### Subsection One: The Concept of Forensic Medicine

Definitions of forensic medicine differ in their wording but converge in their substance, as the following definitions show.

#### First: Definition of Forensic Medicine in Language

Medicine, in language, is the science that investigates the condition of the human body with respect to health and illness and the means of treatment connected with them. The jurist Abdelmalek al-Jundi noted that the root of the word in Arabic denotes skill, dexterity, and treatment.[1] Forensic medicine is defined as “one of the sciences auxiliary to criminal justice, which is concerned with establishing the causes of crime and uncovering its truth by drawing on the medical and natural sciences, in order to bring out the truth before the investigating and trial authorities.”

#### Second: Definition of Forensic Medicine in Terminology

The term forensic medicine consists of two words, medicine and forensic. Medicine means the science concerned with everything related to the human body, whether living or dead, while the forensic aspect concerns adjudication between two adversaries and the establishment of rights in order to achieve justice.[2]

Forensic or judicial medicine is also defined as “a branch of medicine devoted to applying medical knowledge in the field of judicial investigation and to establishing facts before the courts.” Mahmoud Naguib Hosni defines it as “the science that aims to harness medical expertise in judicial investigation in order to bring out the truth.”[3]

#### Third: Definition of Forensic Medicine in Doctrine

Hassan Ali Shahrour defines it as “one of the specialized branches of modern medicine, which relies on science and technical knowledge in evaluating tangible and perceptible material evidence through forensic medical reports, in an effort to assist the judiciary.”[4]

The jurist Sulayman Abdelmoneim defined it as “the science that applies medical and biological knowledge in the service of the judiciary, with the aim of uncovering the truth in matters of a medical nature that are brought before the judicial authorities.”[5]

#### Fourth: Definition of Forensic Medicine in Law

The Algerian legislator has not defined forensic medicine but has confined itself to laying down certain rules on how the profession is to be practiced, through Code of Criminal Procedure No. 25-14, Articles 217, 250, 251, and 252, which concern the appointment of the expert, the determination of the expert’s mission, and the filing of the expert report.

The Algerian legislator also regulated the provisions of Health Law No. 24-02 of 2024, which defines the tasks of the forensic physician within the framework of the public hospital service, the protection of health, and its promotion. This means that the Algerian legislator did not move toward laying down a direct legal definition of this concept but treated forensic medicine from the angle of its procedural function, as a technical means of establishing facts of a criminal nature. The task of defining it therefore falls to doctrine and to the medical sciences.[6]

**Subsection Two: The Stages of Development of Forensic Medicine**

The emergence of forensic medicine goes back to ancient times, when the earliest human civilizations knew primitive forms of examination and investigation of the causes of death and injury, which represent the first nucleus of this science. As medical knowledge advanced and the need grew to draw on scientific expertise in resolving disputes, the concept of forensic medicine developed gradually until it became a self-standing science resting on precise scientific foundations and playing a pivotal role in the service of justice. To highlight the stages of this development, the most important historical milestones through which forensic medicine has passed will be addressed, beginning with the ancient civilizations, passing through Europe and the medieval and modern periods, and arriving at the contributions of Islamic civilization in this field.

**First: Forensic Medicine in Pharaonic Civilization**

Pharaonic civilization was among the first to know scientific applications of forensic medicine. Medicine there reached an advanced degree of development, and Egyptian physicians were renowned for their skill in diagnosis, treatment, and anatomy. The mummification of the dead practiced by the ancient Egyptians for religious and doctrinal purposes enriched their knowledge of the anatomy of the human body, which formed an important basis for the development of medical practices related to forensic medicine.[7]

**Second: Forensic Medicine in Assyrian Civilization**

Assyrian civilization knew the first instructions of forensic medicine with the appearance of medical practice in the Code of Hammurabi in 2200 BCE, which contained provisions establishing the physician’s responsibility for professional errors and attached legal consequences to negligence and dereliction in the performance of his duties. This is an early indication of the connection between medical work and legal rules, and of the beginning of recognition of the role that medical expertise plays in achieving justice and settling disputes. It is among the earliest forms and manifestations of medical liability of a judicial nature.[8]

**Third: Forensic Medicine in Chinese Civilization**

Chinese civilization made a notable contribution to the development of forensic medicine, giving great attention to investigating the causes of death and uncovering the circumstances of crimes. The book *The Washing Away of Wrongs*, written in 1247 by the judge and physician Song Ci, is considered one of the first specialized works in forensic medicine. It addressed, in a scientific and methodical manner, ways of distinguishing natural death from death resulting from a criminal act, and presented methods of examining corpses and inspecting crime scenes. This made it an essential reference in the history of forensic medicine, in which it helped establish scientific investigation of crimes.[9]

**Fourth: Forensic Medicine in Islamic Civilization**

Islamic civilization witnessed a great scientific renaissance in the various medical and legal sciences and had a profound influence in laying down the first principles of forensic medicine in its scientific sense. From the third and fourth centuries of the Hijra, Muslim scholars took an interest in studying injuries, wounds, and causes of death.

Abu Bakr Muhammad al-Razi is among the first scholars to describe injuries and wounds, in his book *Al-Hawi*. Ibn Sina likewise contributed to the development of medical knowledge through his book *The Canon of Medicine*, which included a precise classification of injuries and an explanation of the differences between them.[10]

Ibn al-Qayyim al-Jawziyya, in his book *Al-Turuq al-Hukmiyya fi al-Siyasa al-Shar‘iyya*, addressed the importance of drawing on experts in matters of proof, stressing the role that technical expertise plays in helping the judge reach the truth.[11] It may therefore be said that Islamic adjudication relied on medical experts to assess injuries and determine their effects, which represents an innovative form of forensic medical expertise that later became the most important means of proof in the criminal case.

### Fifth: Forensic Medicine in Europe

Forensic medicine in Europe developed gradually, in step with the scientific and legislative renaissance the continent experienced. It moved from medical practices merely auxiliary to the judiciary to an independent science resting on precise scientific rules and methods. This development helped consolidate the relationship between medicine and law.

The Italian physician Fortunatus Fidelis is among the foremost pioneers of this science. In 1598 he wrote the first independent work in forensic medicine, in which he laid down the scientific and legal foundations of the discipline. This marked a turning point in the history of forensic medicine and contributed to its recognition as an independent branch of the medico-legal sciences.[12]

Credit is also due to the physician Paolo Zacchia for joining the two words medicine and forensic, in his book which set out the physician's obligations before the courts and the principles of preparing medical reports. He is regarded as the true founder of modern forensic medicine, having laid the scientific foundations of forensic medical expertise.[13]

In the eighteenth century, forensic medicine was introduced as an independent subject in the medical faculties of Paris, and the French scholar Mathieu Orfila is regarded as the founder of the scientific method in detecting poisons and proving crimes of poisoning.[14]

During the modern scientific revolution of the twentieth century, the English scientist Alec Jeffreys discovered DNA profiling, which brought about a radical transformation in the field of criminal proof.[15]

### Sixth: Forensic Medicine in Algeria

The emergence of forensic medicine in Algeria is tied to the historical development of the judicial system. During the period of French colonization it was practiced by French physicians, who undertook medical autopsies and prepared medical reports and expert opinions for the judicial authorities, under the French legislation then in force by virtue of colonial rule. Immediately after Algeria's independence in 1962, the Algerian legislator moved to establish a legal framework regulating recourse to judicial expertise. The Code of Criminal Procedure, promulgated by Ordinance No. 66-155 of 8 June 1966, laid down the provisions governing judicial expertise in Article 143 and the articles that follow, granting the judicial authorities the power to appoint experts whenever the needs of the investigation require it.[16] As a result, the forensic physician came to practice his functions as a judicial expert, taking the legal oath before beginning his work and submitting his reports in accordance with the rules and procedures laid down by law.[17]

The post-independence period, however, saw a marked shortage of specialized national competences, which led in many cases to forensic medical expertise being entrusted to practicing physicians without specialized training in this field. This situation continued until 1996, a pivotal moment in the history of forensic medicine in Algeria, when it was recognized as an independent medical specialty within the university training programs of the medical faculties. This helped to produce forensic physicians with specialized scientific qualifications, in place of reliance on general practice.[18]

In the years that followed, Algeria also witnessed notable institutional development in the field of forensic medicine, embodied in the strengthening of specialized structures and the development of the means of scientific expertise, along with the creation of the National Institute of Criminal Evidence and Criminology of the National Gendarmerie, which includes advanced laboratories relying on the latest scientific techniques in analyzing biological, genetic, and chemical traces. This has helped to raise the efficiency of medical expertise, to strengthen the role of scientific evidence in uncovering crimes, and to consolidate the principles of criminal justice.[19]

It may thus be said that forensic medicine in Algeria has developed gradually, moving from a limited activity practiced by a small group of physicians to an integrated medical and legal specialty. It has become one of the most important means of scientific proof on which the judiciary relies to reach the truth and achieve criminal justice.[20]

Algeria has also experienced rapid development in step with scientific and technological progress, integrating modern and advanced techniques, chief among them DNA profiling and techniques for identifying victims of mass and natural disasters, in addition to the emergence of digital forensic medicine and the adoption of virtual autopsy using advanced medical imaging techniques. These developments have strengthened the accuracy and reliability of scientific evidence and raised the probative value of forensic medical expert reports, which has reinforced the confidence of the judicial authorities in their results.[21]

## SECTION TWO: THE ROLE OF FORENSIC MEDICINE IN PROVING CRIMES BEFORE THE ALGERIAN JUDICIARY

Forensic medicine is one of the essential tools in the justice sector owing to its effective contribution. It holds a prominent place in the modern system of criminal proof, helping to uncover the circumstances of the crime and to establish it before the courts. Medical expertise has also come to play a pivotal role in strengthening the integrity of justice and protecting rights in Algeria, becoming a tool that lights the judge's way to the correct legal characterization of the facts of crimes and helps judges reach sound decisions. Despite the role forensic medicine plays, however, this does not negate the responsibility of physicians for the errors they commit against the victim, and the Algerian legislator has laid down legal provisions for holding them to account and prosecuting them. This section is therefore divided into two subsections: the first addresses the role of forensic medicine in proving the crime, and the second is devoted to the role of forensic medicine in directing the burden of proof onto the public prosecution and the defense.

### Subsection One: The Role of Forensic Medicine in Proving the Crime

The intervention of forensic medicine in criminal proof has made the latter closer to certainty than to doubt. Forensic medicine thus seeks to achieve criminal justice by uncovering the truth, identifying the perpetrator, and establishing the incident by argument and scientific evidence, which is the means sought in investigations in order to establish the incident. The role of the criminal judge in searching for the truth is positive, relying on scientific evidence that cannot be refuted when faced with criminals.[22]

#### Branch One: The Probative Force of Forensic Medical Evidence in Criminal Matters

The probative force of forensic medical evidence means the legal strength that a medical report or medical expert opinion enjoys as proof before the judicial authorities, such that it is capable of forming the judge's conviction as to a particular criminal incident, or of negating it, provided it is issued by a competent expert and in accordance with scientific and legal principles.[23]

Although forensic medical evidence is among the evidence now relied upon in criminal proof because of the accuracy of the results achieved through it, which has earned it preferential treatment from the legislator, the judge may nevertheless accept all kinds of evidence, scientific evidence included, in application of the principle of freedom of proof, which does not bind him to one means over another, even where the report was prepared by the forensic physician.[24]

In terms of legal value, the legislator has placed forensic medical evidence in general on the same footing as the other means of proof provided for in the Code of Criminal Procedure, such as confession, written documents, testimony, and on-site inspection, in application of the principle that evidence is not hierarchically graded in probative force. It remains subject to the judge's conviction and is not reviewed by the Supreme Court in this respect. This was confirmed by the Supreme Court in a decision to the effect that expert evidence, like other evidence, is subject to the assessment of the trial judges, so that its probative force, even if conclusive, does not exempt it from being placed before the hearing and discussed like the other means of proof.[25]

In this way the Algerian legislator regulated judicial expertise in Code of Criminal Procedure No. 25-14 of 3 August 2025, which allows the investigating authorities and the courts to call on experts whenever deciding the case requires scientific or technical knowledge. It laid down the procedures relating to the appointment of experts, the taking of the oath, the filing of the report, the possibility of its discussion, and the request for supplementary expertise, which strengthens the guarantees of a fair trial and entrenches the principle of adversarial proceedings between the parties.

It follows from these legal provisions that medical expertise is a means of revealing the truth that does not replace the judge's discretionary power. Nevertheless, Algerian courts have consistently attached prominent importance to medical expertise, especially in crimes whose elements can be proved only by scientific means, such as murder, poisoning, sexual assault, abortion, and crimes of assault and battery. The judge relies on medical autopsy to determine the cause of death, on biological expertise to establish the relationship between the accused and the biological traces collected from the crime scene, and on medical reports to determine the duration of incapacity and the effects of injuries, all of which bear directly on the legal characterization and the penalty prescribed for it.[26]

Case law has settled that "judicial expertise is among the means of proof, and the trial judges retain full authority to assess its results, provided that its rejection or exclusion is based on legal and logical grounds."[27]

This scientific development has led to the emergence of modern means that have strengthened the probative force of forensic medical evidence, foremost among them DNA profiling, one of the most precise means of scientific proof, whose accuracy has reached high levels that make it an effective tool for identifying perpetrators and victims and for establishing or negating the attribution of biological traces to a particular person.[28]

**Branch Two: The Value of Forensic Medical Evidence at the Evidence-Gathering and Investigation Stages**

The value of forensic medical evidence is manifested in particular during the stages of gathering evidentiary information and of judicial investigation, since it contributes to the early detection and preservation of material evidence and equips the investigating authorities with the scientific and technical data necessary to establish the truth of the criminal facts and to steer the search and investigation procedures toward uncovering the truth, in a way that secures criminal justice on precise scientific foundations.

**First: The Value of Forensic Medical Evidence at the Evidence-Gathering Stage**

The evidence-gathering stage is the first stage of the public case, in which judicial police officers search for crimes and gather and preserve evidence under the supervision of the public prosecution. At this stage medical evidence is of great importance, because it helps preserve biological and material traces before they are destroyed or lost, particularly in crimes affecting the physical integrity of persons.

The value and role of the forensic physician at this stage lie in examining the body, describing visible injuries, determining whether the death was natural or criminal, and collecting biological samples (hair traces, saliva, and tissue), as well as examining bloodstains and other evidence that can help uncover the circumstances of the crime and identify the perpetrator. He also helps steer investigators toward the hypotheses closest to reality in order to reach the truth.[29]

**Second: The Value of Forensic Medical Evidence at the Judicial Investigation Stage**

The value of forensic medical evidence increases at the judicial investigation stage, since the investigating judge may order a medical expert examination in accordance with the provisions governing expertise in the Code of Criminal Procedure whenever he considers that deciding the case requires it.

The forensic physician begins preparing his expert report on the basis of a judicial order, setting out the facts he observed, the examinations he conducted, and the results he reached, together with the scientific bases on which he relied. This report is one of the most important elements of the investigation file, since it helps the investigating judge to characterize the facts legally, to determine the legal description of the crime, and to establish the extent of the suspect's responsibility.[30]

Among the advantages of medical expertise is that it may change the course of the case entirely, for instance by establishing that the death was natural and not the result of a crime, that the injuries are inconsistent with the victim's account, or that the accused was not the source of the biological traces found at the crime scene. This protects the innocent from wrongful conviction and gives effect to the principle of criminal legality.

**Subsection Two: The Role of Forensic Medicine in Directing the Burden of Proof onto the Public Prosecution and the Defense**

The burden of proof is among the most important concepts in criminal law, since it determines which party must produce evidence to establish or negate the commission of the crime. In the Algerian legal system, criminal proof rests on the principle of freedom of proof, under which evidence is subject to the rule of the judge's personal conviction.[31]

However, the development of procedural methods and their connection with modern sciences has made it difficult for the public prosecution and the defense alike to bear the burden of proof by traditional means alone.[32] Hence arose the need to draw on forensic medical expertise, which has become a decisive tool in directing the burden of proof, whether in favor of the prosecution or in favor of the defense.[33]

**Branch One: The Role of Forensic Medicine in Directing the Burden of Proof onto the Public Prosecution**

If traditional means of proof such as testimony and confession are hostage to subjectivity and human fallibility, the forensic medical report may rise to the rank of objective scientific evidence, becoming the actual tool that moves the burden of proof from the realm of doubt to the ground of scientific certainty. Accordingly, the burden of proof rests on the public prosecution, which is charged with proving the commission of the offense as the

accusing authority and must present to the court sufficient evidence to convince it of the seriousness of the case. Forensic medicine then comes in as an objective scientific tool that helps the prosecution bear this heavy burden.[34]

**First: The Forensic Medical Report as a Basis for Establishing the Presumption of the Charge**

The public prosecution relies on a range of evidence to prove that the crime occurred and to attribute it to the accused, but forensic medical reports hold a distinguished place, making them closer to certainty than some personal evidence such as testimony and confession. This is recognized by the Algerian legislator in Article 349 of the Code of Criminal Procedure, which entrenches freedom of proof, and it highlights the function of forensic medicine in directing the burden of proof onto the prosecution through the following:[35]

- 1. Determining the material elements of the crime, through autopsy of bodies, analysis of biological samples, and estimation of the cause, time, and instruments of death, which makes it easier for the public prosecution to prove the material element of the crime.
- 2. Establishing the link between the accused and the crime, through analysis of DNA profiles and their comparison with samples taken from the crime scene, or through examination of biological traces such as bloodstains and fluids.
- 3. Assessing capacity and criminal responsibility, which is determined through psychological and neurological expert examinations showing the extent of the accused's awareness and discernment at the time the crime was committed.

**Second: The Conditions for the Probative Force of the Forensic Medical Report against the Accused**

The prosecution's reliance on the forensic medical report to establish the charge is not absolute but subject to strict controls; otherwise the report loses its probative force, resulting in the collapse of the burden of proof borne by the prosecution. These controls are as follows:

- Obtaining the evidence lawfully, so that no forensic medical report has any value if it was obtained by violating bodily integrity or private life, or without prior judicial authorization, in application of the legally enshrined principle of the legality of evidence.
- The forensic physician must be scientifically qualified and impartial, and must have no connection with the case or its parties.
- The report must be precise and clear: the expert is required to set out in his report the clarity and the scientific bases on which he built his opinion, so that the judge and the defense can discuss it.[36]

**Third: Supporting the Prosecuting Authority against the Accused's Defenses**

The defense may raise suspicions or pleas that require medical examination, such as the plea of mental illness or the existence of a ground of justification. The public prosecution may then have recourse to forensic medical expertise to answer these pleas and refute them with conclusive scientific evidence. As a result, the forensic medical report becomes an effective weapon in the hands of the prosecution against pleas of innocence, and the prosecution bears the burden of proving the absence of the grounds of justification or the impediments raised by the defense.[37]

**Fourth: Determining the Legal Characterization of the Crime**

Through the results of scientific forensic medical expertise, the judge and the prosecution are able to give the facts their legal characterization, which in turn determines the type of crime and the penalty prescribed. This makes forensic medical expertise a decisive element in directing the burden of proof across the stages of the public case.[38]

**Branch Two: The Role of Forensic Medicine in Directing the Burden of Proof onto the Defense**

The rule in a criminal case is that the burden of proof lies on the accusing authority, in application of the presumption of innocence, a fundamental constitutional and procedural principle. The accused is not required to prove his innocence; rather, the public prosecution is bound to present sufficient evidence to prove the charge against him. However, the emergence of forensic medical evidence may in some cases lead to the transfer of the procedural burden of proof to the defense, without this meaning a reversal of the legal burden of proof. This occurs in the following matters:

### First: Forensic Medical Expertise as a Tool for Establishing a Plea and Innocence

If the public prosecution relies on the forensic medical report to prove the charge, the same report becomes in the hands of the defense an effective weapon for refuting it. The accused has the right to request an independent or counter forensic medical examination, or to discuss the report of the forensic physician appointed by the court, without this entailing the transfer of the burden of proof to him; it is merely the exercise of the right of defense guaranteed by law. This may be done by establishing that the injury attributed to him does not match the statements of the victim, that the death was natural and not criminal, or that the samples taken from the crime scene do not match, and do not belong to, the accused's DNA.[39]

### Second: The Shift of the Burden of Proof in the Accused's Favor

The results of forensic medical expertise may sometimes reverse the burden of proof in favor of the defense. If the medical report establishes doubt as to whether the crime was committed, or establishes the existence of a ground of justification, the burden of proof shifts to the prosecution to prove the contrary. In this way the role of forensic medicine changes from a tool in the hands of the prosecution to a tool in the hands of the defense, contributing to the achievement of justice and the protection of the accused from unjust punishment. Where the accused's defense submits a forensic medical report that raises doubt about the account of the accusation, the judge is bound to construe that doubt in the accused's favor, in application of the principle that doubt is construed in favor of the accused.[40]

### Third: Protecting the Rights of the Defense in the Face of Expertise

The Algerian legislator has recognized guarantees for respecting the rights of the defense in the field of forensic medical expertise, so that the defense has the right to examine the expert report and discuss it, and to request supplementary or counter-expertise. These guarantees enable the defense to play its role in directing the burden of proof, since it can challenge the medical evidence on which the prosecuting authority relies, thereby weakening the force of the accusation or bringing it down entirely.[41]

### Second: The Limits of Invoking Forensic Medicine to Rebut the Charge

There may be exceptional cases in which the burden of proof shifts to the accused in criminal matters, as a departure from the general criminal principle. This occurs in specific crimes that require formal or technical conditions to be met, such as the offense of driving under the influence of alcohol, where the accused must produce medical expert reports establishing that he was free of alcohol. In these cases the accused must submit the opposing medical evidence to rebut the charge; otherwise the charge against him is deemed established.[42]

Doctrine justifies these exceptions on the ground that they do not breach the presumption of innocence but are merely a procedural arrangement requiring the accused to present the documents and data in his possession in order to avoid conviction, particularly in crimes relating to official papers and records or technical facts to which the prosecution cannot gain access. Even so, the original burden of proof remains on the prosecution, which is bound to produce the essential evidence of the elements of the crime.[43]

## CONCLUSION

Forensic medicine is a fundamental pillar of the Algerian criminal justice system. It is not merely an applied medical science but an effective tool for uncovering the truth and proving crimes. Through his objectivity and scientific precision, the forensic physician fills the judge's gap in knowledge of medical matters and contributes to the achievement of justice.

As criminal methods continue to evolve, the importance of this scientific discipline grows, calling for greater attention to it, the development of its capacities, the training of human cadres, and the definition of its legal framework so that it is always equal to the challenges posed by contemporary crime.

On the basis of the foregoing, a number of findings can be drawn, as follows.

## FINDINGS

- 1. Forensic medicine has become a fundamental pillar of the criminal justice system, representing objective material evidence that helps the judge uncover the truth, especially in complex cases that traditional means of proof cannot resolve.
- 2. Although the judge enjoys discretionary power in assessing expert evidence, the forensic physician's report remains an important, decisive, and influential element in forming his conviction, and is often the deciding

factor in characterizing the facts and ruling on the case.

- 3. Algeria has witnessed notable development in the field of forensic medicine, which now covers almost the entire national territory, along with the strengthening of the scientific police laboratories with modern equipment.
- 4. Forensic medicine has contributed greatly to the achievement of justice, whether by convicting criminals or acquitting the innocent, and Algerian expertise has proved its worth in investigations with an international dimension.
- 5. Despite the progress made, challenges remain, chief among them the lack of unified forensic medical work protocols among the wilayas, the absence of a unified guide to disability rates and compensation, and a shortage of specialized training for those involved in the judicial process, such as lawyers and police officers.

## RECOMMENDATIONS

Based on the findings reached, the following recommendations may be made:

- Work to unify forensic medical intervention protocols across all wilayas of the country, especially in the areas of autopsy and physical and sexual violence, to ensure consistency and accuracy in medical reports and avoid the observed variation.
- Prepare a unified national guide that regulates disability rates and compensation and standardizes technical procedures, together with a code of professional ethics.
- Establish a joint advisory ministerial committee, bringing together the justice, health, and interior sectors, to oversee the development of forensic medicine and accompany it so as to ensure optimal care for victims and overcome difficulties.
- Include forensic medicine in university education and in the training of the legal profession, and deepen continuing training for judicial police officers, to strengthen their understanding of the importance of forensic medical reports and their probative value.
- Continue to support forensic medicine services and provide them with modern material and technical means, while working to increase the number of specialist physicians and train them, in order to bring this vital specialty closer to all courts and security services.

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