

Head of Administration of the Courts**Number: judges\general\13-1-a\69****Publication of the Criminal Courts number 63****Mr. \****Subject: Doctor's Legal Testimonies in Criminal Cases**

The record for the Joint Board of Medicine and Legal Sciences contains the following passage:

“In recent times, doctors have been frequently required to appear to make their testimonies in criminal courts, despite having written comprehensive reports, and on appearing are kept waiting for long periods of time that can last two hours before they are called to make a testimony. Thus their work in the hospital is subjected to severe delays that can cause harm to patients.

There is no reason why doctors should not be called to testify in person if their report requires clarification, for example if it is incomplete, and in these cases we ask that the doctor should be summoned by telephone to appear and testify so that they can return to work quickly.

The former Chief Justice has already written an address to the former Minister of Health on the 28th of September 1969 on the same subject, in which he says: “as all of you gentlemen and judges know, written medical reports are considered acceptable evidence under article 228(2) of the Law on Criminal Proceedings, without the need to resort to summoning a doctor to appear before the court and testify, but on the important condition that the report must be comprehensive, satisfactory and clear according to the requirements of medical forensics.” I have sent pictures from the latter address to the various courts (attached).

I need not remind you that there is no disputing the necessity for a doctor to appear in a legal capacity if the report is not comprehensive, satisfactory and clear, but it seems that the directive the former Lord Chief Justice forgot about this passage in the aforementioned record of the Board.

Therefore, I would like to call on the judges to commit to accepting medical reports whenever they bear the characteristics mentioned in the aforementioned record of the former Lord Chief Justice. Nonetheless, if the court or the prosecution or the defence need clarification or elaboration of any point or points appearing in the medical report, a doctor must be called to appear and testify. It is preferable to summon the doctor by telephone on the day of the hearing if possible, and not to waste their time keeping them waiting. This is considered to be in the general interest of everyone concerned.

It is Allah that grants success.

Khalafallah al-Rashid

President of the Supreme Court