



Analysis of court of cassation judgments on grave desecration from forensic and legal perspectives

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Abstract

Exhumation, intersecting forensic medicine and law, determines cause of death, identity, and resolves legal disputes. Requiring a court order and facing socio-cultural sensitivities, it sparks legal and ethical debates. This study examines its role in legal proceedings. A search on the Turkish Court of Cassation Decision website excluded unclear rulings per anonymization principles. In total, 196 exhumation-related rulings (June 12, 2002–September 24, 2024) were analyzed from a forensic medicine perspective. Of the 196 cases, 72% (n=142) were from Civil Chambers and 28% (n=54) from Criminal Chambers. In civil cases, 56.3% (n=80) reversed due to lack of exhumation, while 17.6% (n=25) did not consider it a deficiency. Rejections were based on witness testimonies or burial site location issues. Exhumation was mostly for paternity claims (64.86%) in civil cases, while the Court of Cassation focused on maternity (60%). In criminal cases, exhumation was primarily for determining cause of death (81.08%), identifying trauma-related deaths in 43.24% (n=16), and decomposition in 21.62% (n=8). Court of Cassation rulings highlight exhumation as a key tool for determining cause of death and verifying familial ties. In cases without autopsy and paternity/maternity disputes, it expedites legal processes. Collaboration between forensic medicine and law is vital in uncovering facts.

Keywords: Exhumation, forensic medicine, cause of death, legal disputes, paternity claims, court of cassation

Introduction

Exhumation (grave opening), also known as feth-i kabir, plays a crucial role in the field of forensic medicine, requiring meticulous attention and a multidisciplinary approach. Particularly in cases where the cause of death is suspicious or uncertain, this procedure enables forensic experts to clarify the mechanism of death through comprehensive autopsy, toxicological analysis, and pathological examination of the body [1,2].

Exhumation procedures are not limited to resolving suspicions of homicide or facilitating the forensic resolution of crimes; they also play a critical role in addressing various legal and social issues, such as inheritance disputes, the identification of missing persons, and conflicts within the framework of family

law. This process significantly contributes to fundamental forensic functions, including the establishment of the chain of evidence, biological identification (through methods such as DNA analysis), and the pathological reconstruction of the mechanism of death. However, since the legal legitimacy of exhumation procedures is solely contingent upon a court decision, they have the potential to conflict with ethical dilemmas (such as the personality rights of the deceased and the inviolability of the corpse) and socio-cultural sensitivities (including religious beliefs and the sanctity of burial sites). As a result, exhumation emerges as a contentious area in both legal theory and practice. In this regard, it is a complex process that must be balanced through the oversight of multidisciplinary teams, including forensic experts, legal authorities, and ethics committees [3-9].

CITATION

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The primary functions of exhumation include postmortem pathological analyses—such as macroscopic and microscopic examinations in cases of suspicious deaths where no autopsy was performed prior to burial—biological identification (DNA profiling, dental record comparison), and the elucidation of legal cases through scientific evidence (e.g., homicide suspicion, compensation disputes). In instances involving unidentified individuals or mass graves, systematic identification is carried out using anthropological morphometric analyses and biometric databases. Throughout the process, forensic experts are responsible for maintaining the integrity of evidence, adhering to ethical protocols (such as bodily inviolability), and upholding the principles of scientific objectivity, thereby providing legally valid forensic data to judicial proceedings [5-7,10-13].

Within the scope of this study, the legal parameters of exhumation procedures in the interaction between forensic medicine and law have been analyzed in light of international literature and interdisciplinary perspectives. The content of legal decisions has been examined in detail, and the circumstances and justifications under which exhumation procedures are conducted have been scrutinized. In particular, the impact of these procedures on the legal system in forensic investigations, such as determining the cause of death and establishing identity, has been explored. The primary aim of this study is to enhance the awareness of forensic experts and judicial authorities involved in exhumation cases and to contribute to the more effective implementation of the legal framework in forensic proceedings.

Material and Methods

In this study, judicial decisions regarding exhumation procedures have been analyzed within the context of forensic medicine. Accordingly, a search was conducted on the Court of Cassation Decision Search website (<https://karararama.yargitay.gov.tr/>) between January 1, 2025, and January 10, 2025, using the keywords “fethi kabir,” “feth-i kabir,” “mezar açma,” “mezar,” and “ölüm.” Among a total of 9,184,068 decisions issued over all time periods, 455 judicial rulings were identified. These decisions were evaluated in terms of their direct relevance to forensic medicine, and those whose content could not be clearly understood due to the principle of anonymization were excluded. Only cases providing sufficient data for the study were included in the analysis.

Within this framework, a total of 196 decisions were deemed suitable for analysis and subsequently examined. The earliest of the reviewed Court of Cassation decisions was dated June 12, 2002, while the most recent was dated September 24, 2024, with all other decisions falling within this timeframe. The texts of these rulings were analyzed from a forensic perspective with a focus on exhumation and were systematically classified

by the researchers.

To avoid redundancy in the text, the Civil Chambers and the General Assembly of Civil Chambers of the Court of Cassation have been collectively referred to as the "Judicial Authorities of the Court of Cassation," while the Criminal Chambers and the General Assembly of Criminal Chambers have been designated as the "Criminal Authorities of the Court of Cassation." The selected Court of Cassation decisions have been presented in the discussion section with their case numbers and dates as representative examples, while they have not been repeated in the findings section.

Since this study is a retrospective analysis based on publicly available Court of Cassation judgments, involves no personal data, and utilizes only anonymized decision texts, ethical committee approval was not required.

Data were analyzed using descriptive statistical methods. Categorical variables were summarized using frequency distributions and percentage values. No inferential statistical tests were applied. All analyses were conducted using Microsoft Excel (Microsoft Corporation, Redmond, WA, USA).

Results

An analysis of the distribution of the 196 judicial decisions related to grave examinations revealed that 72% (n=142) were issued by the Judicial Authorities of the Court of Cassation between January 30, 2008, and September 24, 2024, while 28% (n=54) were rendered by the Criminal Authorities of the Court of Cassation between June 12, 2002, and May 28, 2024.

According to the data presented in Table 1, in 56.3% (n=80) of the 142 civil cases under appeal, the failure to conduct an exhumation was cited as one of the grounds for reversal, and the completion of this procedure was recommended. In 17.6% (n=25) of the cases, the absence of an exhumation was not considered a deficiency. In the remaining 26.1% (n=37), it was determined that the exhumation procedure had already been carried out by the court of first instance before the appeal process.

An analysis of the precedents established by the judicial authorities revealed that the majority of these cases were appeals from civil courts of first instance (72.5%; n=103). Additionally, in more than half of these precedents (64.1%; n=66), the Court of Cassation overturned the lower court's decision not to conduct an exhumation, ruling instead that the exhumation should be carried out. An examination of the precedents set by the criminal authorities indicated that the majority of these cases were appeals from high criminal courts (72.2%; n=39). The distribution of court rulings related to grave examinations by judicial body is presented in Table 1.

Table 1. Distribution of court rulings on grave examinations by judicial body

Civil authorities						Criminal authorities		
Court	Exhumation not performed		Exhumation performed	Total	Total	Exhumation not performed	Exhumation performed	Court
	Recommended	Not considered necessary cases*				Recommended		
Civil Court of First Instance	66 (64.1%)	20 (19.4%)	17 (16.5%)	103 (72.5%)	39 (72.2%)	14 (35.9%)	25 (64.1%)	High Criminal Court
Family Court	12 (35.3%)	4 (11.8%)	18 (52.9%)	34 (23.7%)	10 (18.5%)	0 (0%)	10 (100%)	Criminal Court of First Instance
Labor Court	0 (0%)	0 (0%)	2 (100%)	2 (1.4%)	3 (0.6%)	2 (66%)	1 (33%)	Peace Criminal Court
Peace Court	1 (100%)	0 (0%)	0 (0%)	1 (0.7%)	2 (0.4%)	1 (50%)	1 (50%)	Juvenile High Criminal Court
Anonymous Court	1 (50%)	1 (50%)	0 (0%)	2 (1.4%)	0 (0%)	0 (0%)	0 (0%)	Anonymous Court
	80 (56.3%)	25 (17.6%)	37 (26.1%)	142 (100%)	54 (100%)	17 (31.5%)	37 (68.5%)	
Total		142 (72%)				54 (28%)		Total
196 (100%)								
* These are cases where exhumation was not deemed necessary by the court of first instance and the Court of Cassation after the appeal.								

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When the case law provided by the Court of Cassation's Civil Chambers is analyzed by type of case, it is observed that nearly all of the cases (n=138; 97.18%) are related to civil registry matters. When the case law provided by the Court of Cassation's Criminal Chambers is assessed by type of crime, it

is found that more than half of the cases (n=31; 57.4%) relate to intentional crimes, with manslaughter being the second most frequent crime (n=16; 29.62%). The distribution of the Court of Cassation's decisions by case and crime types is presented in Table 2.

Table 2. Distribution of court of cassation decisions by type of case and crime

Type of case	n	Percentage
Cases related to civil registry transactions		
Correction of civil registry	100	70.42%
Action for the determination of paternity	30	21.12%
Action for the denial of lineage	2	1.4%
Cancellation of civil registry	2	1.4%
Action for the determination of identity and citizenship	1	0.7%
Action for the determination of sibling relationship	1	0.7%
Action for objection to civil registry registration	1	0.7%
Cancellation of death record	1	0.7%
Total	138	97.18%
Inheritance cases	2	1.4%
Compensation cases	2	1.4%
Total	142	100%
Crime type		
Intentional homicide / causing death by intentional injury / homicide with probable intent	31	57.40%
Unintentional homicide	16	29.62%
Sexual offenses	3	0.55%
Abuse of power in office	1	0.18%
Negligent abuse of duty	1	0.18%
Violation of the duty to assist or report	1	0.18%
Aggravated fraud	1	0.18%
Total	54	100%

In the total of 142 cases examined by the Court of Cassation's Civil Chambers, it was determined that in 37 cases, the exhumation procedure was carried out under the instruction of the first-instance court prior to the appeal; while in 105 cases, the exhumation instruction was not issued for various reasons. In 80 of the 105 cases where exhumation was not ordered, the Court of Cassation overturned the local court's decision on the grounds that exhumation could be considered as evidence. In the remaining 25 cases, the Court of Cassation did not deem it necessary to further evaluate whether the exhumation procedure was carried out, finding the first-instance court's investigations on this matter sufficient. The analysis of the decisions given by the Civil Chambers of the Court of Cassation regarding exhumation in terms of their

purpose is presented in Table 3.

In the total of 54 cases examined by the Court of Cassation's Criminal Chambers, it was determined that in 37 cases, the exhumation procedure was carried out under the instruction of the first-instance court prior to the appeal, with the majority of these procedures (n=30; 81.08%) being conducted to determine the cause of death. It was also found that in the cases where exhumation was recommended by the Court of Cassation, the majority (n=12; 70.58%) were suggested for the purpose of age determination. The analysis of the decisions given by the Criminal Chambers of the Court of Cassation regarding exhumation in terms of their purpose is presented in Table 3.

Table 3. Distribution of exhumation procedures according to their purposes in Civil and Criminal Courts

Purpose of exhumation	Civil authorities		Criminal authorities			Total
	Exhumation not performed		Exhumation performed**	Recommended	Exhumation performed**	
	Recommended*	Not considered necessary cases				
DNA Examination	79 (98.75%)	25 (100%)	35 (94.59%)	1 (5.88%)	6 (16.21%)	146 (74.48%)
Cause of death	0 (0%)	0 (0%)	2 (5.4%)	3 (17.64%)	30 (81.08%)	35 (17.8%)
Time of death	0 (0%)	0 (0%)	0 (0%)	0 (0%)	2 (5.4%)	2 (1%)
Documentation of death	1 (1.25%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (0.5%)
Determination of deceased's age	0 (0%)	0 (0%)	0 (0%)	12 (70.58%)	6 (16.21%)	18 (9.1%)
Recovery and examination of bullet shell	0 (0%)	0 (0%)	0 (0%)	1 (5.88%)	0 (0%)	1 (0.5%)
Total	80 (100%)	25 (100%)	37 (100%)	17 (100%)	37 (100%)	
	142 (72.44%)		54 (27.55%)			196 (100%)

* Cases in which the Supreme Court considered the failure to carry out the exhumation process by the court of first instance as a failure in evidence collection and issued a decision to overturn; ** Cases in which an exhumation order was issued by the court of first instance before the appeal; Note: Since exhumation procedures carried out by criminal courts can serve multiple purposes, the total numbers listed in the table exceed the total number of Yargitay decisions

The reasons for not carrying out the exhumation procedure in first-instance civil courts were found to be based on various justifications. Among these reasons are the sufficiency of witness statements and testimonies for making a judgment, the parties' refusal to consent to the exhumation procedure, the failure to pay the required fee for the procedure, the absence of biological samples from the deceased, and the acceptance of DNA analysis reports obtained from blood samples of the parties as sufficient evidence. Additionally, in forensic medical reports, the opinion that the DNA analysis from the exhumation procedure would not yield definitive results led the first-instance courts to decide not to carry out the procedure. However, despite these justifications, the Civil Chambers of the Court of Cassation deemed the exhumation necessary. Due to the anonymization of the data, a clear evaluation regarding why the first-instance criminal courts did

not issue an exhumation order during the prosecution process could not be made, and this issue could not be examined in detail.

An examination of the first-instance civil courts' decisions based on the reason that the grave location could not be determined revealed that the Court of Cassation identified some procedural deficiencies. Specifically, the failure to conduct necessary correspondence with the Directorate General of Cemeteries, the lack of consulting potential witnesses such as relatives, neighbors, and village heads who might provide information about the location of the grave, even when the parties could not describe it precisely, and the failure to prepare documentation such as location identification reports were considered by the Court of Cassation as significant investigative shortcomings in the legal process. For these

reasons, the Court of Cassation upheld the appeal, overturned the decision of the first-instance court, and ruled that the case should be reassessed due to the incomplete investigation.

When examining the distribution of individuals whose biological samples would be examined from the grave, it was found that exhumation procedures ordered by first-instance civil courts were most frequently (n=24; 64.86%) conducted

in relation to paternity claims. In cases where exhumation was not carried out by the first-instance court but was recommended by the Court of Cassation, the majority (n=48; 60%) involved maternity claims. Table 4 shows the distribution of familial relationships sought with the deceased in civil cases requiring exhumation. Since gender was anonymized in the case law of the Court of Cassation, no analysis could be made (Table 4).

Table 4. Distribution of the desired family relationship with the deceased in civil cases requiring exhumation

The deceased's specified family status	Recommended for exhumation by the court of cassation	Exhumation performed before appeal	Total
Mother	48 (60%)	10 (27.02%)	58 (49.57%)
Father	28 (35%)	24 (64.86%)	52 (44.44%)
Sibling	4 (5%)	0 (0%)	4 (3.41%)
Maternal grandmother	1 (1.25%)	0 (0%)	1 (0.85%)
Grandfather	1 (1.25%)	0 (0%)	1(0.85%)
Unspecified cases	2 (2.5%)	1 (2.7%)	3 (2.56%)
Deceased*	0 (0%)	2 (5.4%)	2 (1.70%)
Total	80 (100%)	37 (100%)	117 (100%)

*These are civil cases where the cause of death due to a workplace accident is investigated; Note: In some cases, multiple family relationships need to be established, so the total number of requests exceeds the number of decisions

When examining the exhumation procedures carried out by the first-instance criminal courts, it was found that in 30 out of 37 cases (81.08%), exhumation was conducted to determine the cause of death, and in 27 cases (72.97%), exhumation was required due to the failure to conduct an autopsy in time. The distribution of causes of death in the cases where exhumation orders were issued by the first-instance courts is shown in

Table 5. In 43.24% of the cases (n=16), the cause of death was determined to be trauma-related, which was identified through the exhumation process. Additionally, in 8 cases (21.62%), it was stated that a medically definitive assessment of the cause of death could not be made due to factors such as decomposition during the postmortem process and the inability to distinguish soft tissues (Table 5).

Table 5. Distribution of causes of death in exhumation orders issued by the First-Instance Courts

Cases where death is related to trauma	
Gunshot wound	4
Work accident	3
Traffic accident	3
Animal strike	1
Falling tree	1
Sports injury	1
Assault-Fight	1
Cutting and crushing tool injury	1
Cutting and stabbing tool injury	1
Total	16 (43.24%)
Cases where death is not related to trauma	
Substance intoxication	1
Drowning	1
Total	2 (5.4%)
Cases where the data is insufficient to determine the cause of death	8 (21.62%)
Cases where the cause of death is anonymized and unspecified	4 (10.81%)
Exhumations performed for purposes other than determining the cause of death	7 (18.91%)
Total	37 (100%)

Discussion

In this study, exhumation procedures and Court of Cassation rulings regarding exhumation were analyzed from a forensic medicine perspective. The 196 cases examined reveal that exhumation procedures represent a significant judicial process, particularly for determining the cause of death and establishing familial relationships. The study discusses how forensic medicine practices shape legal proceedings by exploring the different approaches between the legal and criminal justice systems. Additionally, considering the existence of the appellate stage at the Regional Court of Justice before the Court of Cassation, it must be emphasized that even a single case goes through legal scrutiny, and the rulings of the Court of Cassation hold legally binding authority.

It has been determined that the Court of Cassation frequently ruled on the necessity of exhumation (grave opening) procedures, particularly in cases related to civil registry matters. In 56.3% of 142 civil cases (n=80), the failure to carry out the exhumation procedure was cited as one of the reasons for reversal, and the completion of this procedure was recommended. The Court of Cassation's stance clearly highlights the critical importance of exhumation procedures in the process of evidence gathering and the pursuit of material truth.

In the study conducted by Gök and colleagues, which reviewed exhumation procedures carried out by the Forensic Medicine Institution Bursa Group Presidency Morgue Specialization Department between 2003 and 2009, it was stated that the gender distribution of the cases was evenly distributed [14]. In another study by Demirel and colleagues, examining exhumation procedures conducted in Ankara between 1996 and 2003, it was found that 57.7% of the total 52 cases were male [15]. Similarly, in an analysis by Yetik and colleagues of exhumation procedures conducted in İzmir between 2011 and 2018, 63.6% of the 66 cases were found to be male [7]. Another study on the same subject observed that 79.5% of the cases (n=89) were male [11]. In the aforementioned studies in the literature, no distinction was made between civil and criminal cases, and these studies covered exhumation procedures related to determining the cause of death. A study providing comparable figures specifically for kinship cases could not be found in the literature. In our study, when civil and criminal cases were analyzed separately, gender information was anonymized in the case law of the Court of Cassation, so no examination could be conducted in this regard. In the 37 cases in which exhumation procedures were applied before appeal in civil cases, it was determined that in 64.86% of the cases, the grave was opened for paternity determination, and this procedure was more frequently performed in cases involving male individuals, particularly in cases of lineage determination.

In our study, after the review of 80 cases where an exhumation order was not issued and appealed, it was determined that the

completion of this procedure was recommended by the Court of Cassation. 60% of these cases (n=48) involved claims of motherhood. In contrast, requests related to paternity claims were more frequently subject to exhumation orders issued by first-instance courts. Indeed, 64.86% (n=24) of the 37 exhumation procedures carried out upon the instruction of first-instance civil courts were related to paternity claims. The findings suggest that first-instance courts tend to postpone exhumation procedures for motherhood claims until after the appeal process. It has been noted that in motherhood cases, courts may base their evaluations on indirect evidence such as statements, witness testimonies, and medical documents [16,17]. Our findings indicate that first-instance courts might have relied on other types of evidence rather than exhumation. Consequently, it is believed that the lower rate of exhumation procedures in cases of motherhood in our study is associated with the local courts' access to birth reports and hospital records.

In the study by Demirel et al., it was found that in 25% (n=13) of the 52 cases reviewed, the cause of death could not be determined following exhumation [15]. In contrast, the rate was higher in the study by Gök et al., where the cause of death could not be determined in 56.94% of the cases [14]. In our study, this rate was found to be 21.62%, which is lower compared to the previous studies. Determining the cause of death in non-traumatic cases is generally more difficult. When the cause of death is largely determined based on soft tissue lesions, the deformation of soft tissues due to the decomposition process significantly complicates the identification of the cause of death during exhumation [1,10,11,15]. The proportional differences observed in the literature are believed to be influenced not only by these factors but also by the time the body remains in the grave and the degree of postmortem (post-death) changes. In fact, in the study by Demirel et al. [15], the relationship between the duration the body remains in the grave and the rate of determining the cause of death was examined, revealing that the rate of determining the cause of death was 90.9% for bodies that remained in the grave for 1-10 days, and dropped to 33.3% for those left for 61 days or longer. Similarly, in our study, it was found that in 8 cases (21.62%) where the cause of death could not be definitively determined, decomposition and the deterioration of soft tissues during the postmortem process were the primary contributing factors. Furthermore, when examining the decisions of the Court of Cassation, no similar issue was reported in cases related to determining parentage. This is thought to be due to the fact that DNA analysis is less affected by the time spent in the grave compared to the identification of the cause of death in criminal investigations.

In the study by Demirel et al. [15], it was found that 82.1% of the causes of death were due to unnatural causes, whereas in our study, trauma-related deaths accounted for 43.24% (n=16). These results highlight that exhumation procedures are an indispensable method in forensic medicine, especially

in cases of suspicious deaths. However, delays in performing autopsies or conducting exhumation procedures make it more difficult to determine the cause of death and negatively impact legal processes. Particularly in cases of pathological deaths, the detection and interpretation of positive findings in autopsies performed after exhumation become more challenging [10]. Therefore, it is of paramount importance to conduct autopsies and exhumation procedures promptly and efficiently in cases of suspicious deaths.

The success of the exhumation process depends not only on technical tools but also on factors such as the burial duration, conditions, and environmental influences. Success rates are higher in cases of short-term burial (66-78%), whereas these rates decrease after prolonged burial; key determining factors include soft tissue loss and environmental effects [18-23]. When our findings are evaluated alongside the literature, it becomes evident that, particularly in criminal investigations, decomposition can limit soft tissue analysis, underscoring the need for careful consideration when making decisions regarding postmortem autopsies. Unless there is a prohibitive reason, autopsy should be preferred for more accurate results. Additionally, in cases where autopsy is not deemed necessary, it is critically important to perform the exhumation process as soon as possible in response to any emerging new claims or suspicions. Even when a burial decision has been made, expediting the prosecution investigation and conducting the exhumation within the first 10 days could potentially triple the success rate of the process [15].

A review of the literature suggests that in cases of suspicious deaths, it is recommended to perform a classical autopsy before burial, as this could prevent situations that may not be reversible [14,15]. In the study by Demirci, Yetik, and colleagues, the highest proportion of exhumation reasons was found to be 45.5% (n=30) for "burial without autopsy or examination, and burial without a burial permit" [7]. In the study by Altunkaynak and colleagues, it was found that in 41.4% (n=46) of 112 exhumation cases, burial occurred without autopsy, and in 4 cases (3.6%), the autopsy was not performed according to the proper procedures, with three spaces not opened as required [11]. In our study, it was observed that exhumation was necessary in 27 out of 37 cases (81.08%) due to the failure to perform autopsy on time. The higher proportion of cases in our study compared to the literature can be interpreted as an indication of the importance the Court of Cassation places on performing autopsies in criminal cases. In this context, standardizing autopsy procedures and addressing gaps in implementation are crucial steps to enhance the effectiveness of forensic practices.

Exhumation is of critical importance in ensuring justice and preventing victimization. The state's obligation to uncover the truth forms the foundation of this process [8]. Parentage cases relate to public order, and the judge investigates the material

truth ex officio. When necessary, third parties are required to provide blood or tissue samples in accordance with scientific data and without posing any health risks [24]. In our study, although exhumation is significant in forensic medicine, it was found that local courts did not implement it due to reasons such as the sufficiency of witness statements, the cost not being borne by the parties, and lack of consent (18th Civil Chamber, 2013/14654 E., 2013/17784 K.; 8th Civil Chamber, 2017/8924 E., 2019/3797 K.). However, the Court of Cassation emphasized the necessity of this procedure in 56.3% (n=80) of 142 cases, overturning the local court decisions, and ruling that in cases where the burial location was not specified, the courts must correspond with relevant institutions to make the determination (2nd Civil Chamber, 2022/8594 E., 2022/7930 K.). This approach demonstrates the importance the Court of Cassation places on forensic medicine practices.

Conclusion

Exhumation procedures are of significant importance both legally and biologically. The decisions of the Court of Cassation emphasize that exhumation is a critical judicial tool for determining the cause of death and establishing parentage. Especially in criminal investigations, the necessity of post-mortem autopsies is highlighted. In cases where an autopsy has not been conducted, when new claims arise, it is essential to perform the exhumation without delay. Even if a burial decision has been made, we believe that speeding up the prosecutor's investigation within the first 10 days and performing the exhumation will increase the likelihood of success, according to the literature. Additionally, in parentage cases, exhumation can significantly shorten the judicial process. In this context, the collaboration between forensic medicine and law plays a vital role in uncovering the material truth.

The limitations of this study are as follows:

Data Source Limitation: The study was conducted solely based on the rulings of the Court of Cassation. These rulings generally rely on cases at the appeal stage and do not include information on decisions made by lower courts or practices at the first-instance court level. Therefore, more detailed information on decisions and practices in lower courts was not available.

Anonymization and Lack of Information: Since the study utilized anonymized data provided by the Court of Cassation, it was not possible to gather more detailed information regarding the reasons why criminal courts did not issue burial exhumation orders.

Conflict of Interests

The authors declare that there is no conflict of interest in the study.

Financial Disclosure

The authors declare that they have received no financial support for the study.

Ethical Approval

Ethical approval was not required as the study used only anonymized, publicly available judicial texts from the Turkish Court of Cassation, with no human participants or personal data involved.

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