

Aggressions Committed with White Weapons and Injuries Caused

Ovidiu Andrei Hamburda

*Faculty of "Economic Sciences and Public Administration," Law Specialization, University "Stefan cel Mar" Suceava, Romania, Master in Criminal Sciences at "Dimitrie Cantemir" University, Bucharest, Romania
ovidiu.andrei20@yahoo.com*

ABSTRACT: Violence is one of the negative signs of our time, without age, gender and continent limitations, combining peace partnerships with bloody crimes. Aggressions using white weapons are more frequent than other vulnerable agents due to accessibility to these objects. Guns such as the knife, the ax were originally designed as tools; they were the first tools of humanity. But with time, they became weapons. There is a difference of the "weapon", a distinction that lies not in the material from which they are made but in the way humans use them. Thus, by using them as a "weapon", the rights of the human being are violated which implies liability in accordance with the law. White weapons are part of the category of mechanical traumatic agents, acting on the skin they always affect its anatomical integrity. Classification of white weapons is important because the lesions have characteristic shapes depending on the properties of the white weapon that created them.

KEYWORDS: body integrity, lesion, white weapon, violence

Introduction

Of particular importance is the knowledge of the causes that generate such antisocial behaviors in order to prevent and limit them. However, weapons offenses are numerous as a topical issue.

In order to classify certain circumstances regarding the means and procedures used by the perpetrator to suppress the victim's life, it is necessary to take into account the specificities of the injuries caused by the vulnerable agents from the beginning of the research. White guns are all the mechanical agents acting on the body, causing specific lesions by its sharp features.

Gh. Scripcaru defines weapons as "mechanical objects with brilliant blades, and which may be classified by their way of reflection into the wound in splintering, dirty or sharp objects" (Scripcaru 1993, 141). As we can see, the attributes of the white weapon are:

- the existence of a blade (the word "brilliant" probably suggests metal shine and "white" association);
- the possibility of causing wounded, cut and split wounds.

In a short comparison with the legal provisions, it is observed that the effects of the white gun, the lesions that the forensic traumatology catalogues and individualises through the characteristics given by the reaction of the human body, where they are similar to those of the objects listed by the legislator (type of action): cutting, punching = punching, hitting = splitting. However, Gh. Scripcaru significantly reduces the number of objects that can cause such injuries to those who necessarily have a "white" metal blade.

General classification of white weapons

Classification of sharps weapons is important because the lesions have characteristic shapes depending on the properties of the weapon that created them. Sharpened weapons act on the human body on a surface of varying length and width, along a line, over a point. (Dix and Graham 2000, 85). According to some authors, the sharp weapons have been classified in terms of how they are handled as follows:

- Weapons held in hand by a handle (knife, sword, sword);
- Guns handled by their right position at the tip of the rifle, being bayonet;
- Guns handled thanks to a long and light rod - the lance;
- Weapons to throw (spear, arrow). V. Beliș resumes the classification of vulnerable objects, which he does not call "white weapons," but "sharp weapons," made in I. Moraru's legal medicine

manual, considering it the most morphologically closest to the appearance lesion result (Beliş 1995, 320):

1. Stinging: They act by their sharp tip when they are pushed and twisted at the same time around their spindle. They can be grouped as follows:

- with circular section: needle, sula, nail, tooth of a brush, circular saw (conical and cylindrical-conical);

- with the semicircular section: the tip of the skewer, the semi-circular saw);

- with the fusiform section: two-sided and two-edged saw;

- with triangular or patricular section: compass, floret, pole; screwdriver;

- with irregular section: glass bead; scissors.

2. Cutter: scissors, knife blade, tipless scalpel, saw, saw, glass.

3. Sharps:

- with cutting edge: knife;

- with two edges: peaked knife;

- three edges: the bush;

- four edges: floret.

4. Splitting: ax, sower, bard, sword, chisel.

Scraping objects and tools are also called cut-offs. They have a sharp blade, a volume and a weight that, animated by a kinetic force in a perpendicular or oblique direction on the surface of the body, come in contact with its tissues and organs. The other used tools (hard knife, blade, sword, hoe, hack, chisel, hook, bard) are rarely encountered in court practice and their injuries are the same as those produced by the ax and the sower. The guillotine, a weapon of historical interest and meeting at some museums in the world - once produced numerous victims as a tool for the execution of legal judgments (Knight 1992).

Precious data are found in foreign literature. The French Encyclopedia “Focus” quotes, in general terms, on the contents of the French Criminal Code of 1791. Thus: “The delinquency committed by the use of weapons is that committed with the aid of rifles, pistols and other firearms, spears, swords, daggers, machetes and all cutting, drilling and boring tools.” Article 101 of the same Code of Criminal Procedure states: “All the machines, tools or utensils that cut, drill or blunt are included in the word weapons. Knives and scissors will not be retained as weapons unless they have been used to kill, injure or strike.”

The bottom line is that there are two categories of weapons:

- those whose mere possession is an aggravating circumstance;

- those whose use can lead to aggravated punishment.

Sticks and stones are considered to be blunt objects.

Remaining with the French, the 1967 “Petit Larousse” dictionary describes “blanche weapons” as a weapon that acts through an iron.

According to the explanatory glossary dictionary of H. Möller and H.Kölling’s “European Weapons and Pruning Weapons”, “white guns” are all blade weapons, intended for hitting, cutting, punching and throwing by hand.

In this amalgam of definitions, history intervenes and simplifies. Surely there are others like this, but they are not useful since they are not found in legal formulations. But the information given by these definitions can be synthesized in order to find a single one, giving the white weapon the correct and complete understanding of which the Romanian judicial practice needs.

Classification of white weapons by destination

1. Combat white weapons: they have a precise attack / defense destination derived from their construction - sword, dagger, sword, jatagan, spear, box, etc.;

2. Occasional white weapons: they have domestic use (tools) but can be used due to their construction as weapons - knife, crochet, fork, ax, hoe, chisel, etc.;

3. White hunting weapons: bow with arrows, spear, hunting knife, basket, etc.;

4. White sporting weapons: guns used in demonstrations and competitions, cutting and punching with a rounded tip or with a blade unshaven;
5. White parade weapons: richly decorated and inscribed fighting weapons;
6. Panoply white weapons: from arms collections;
7. Props white weapons;
8. Hidden white weapons - disguised in different objects: umbrella, pen, etc. (Iftenie and Dermengiu 2009, 123).

Classification of white weapons according to their structure

This classification is relative, as a bullet weapon can cause, using the handle, a crushed wound, specific to a shot with a blunt weapon. From a forensic point of view, the general issue of white weapons refers to determining whether an object is a weapon white or can be assimilated to a white weapon (in the case of tools that occasionally become white weapons) (Ciornea et al. 1986).

- Simple white weapons: a single body with the appropriate accessories: sling, crotch, pole, boot, bucket, box, disc, boomerang, fight whip, etc.;
- White weapons with handle: buckle, knife, sword, sword, bayonet, sickle, ax, secure, bark, battle hammer, dagger, etc.;
- White guns: halebard, spear, seashell, lance, battle fork, etc.;
- White weapons with a mechanism: crossbow, archery.

Injuries produced by the action of white weapons

Traumatic Mechanical Agents combine harsh vulnerable objects that cause traumatic lesions due to their kinetic energy coming in contact with the human body in a violent action. (Iftenie and Dermengiu 2009). More often than not, the violent action of mechanical traumatic agents is a consequence of heteroaggression, criminally punishable criminal activity by interfering with the social relationships that are constituted and carried out in connection with the absolute right of every person to life, body integrity and health, legal objective is dependent on the medical forensic evidence.

Blunt bodies act by compressing and crushing tissues. In relation to the impact surface and the force with which they have acted, they produce superficial or profound lesions. Sometimes these bodies do not damage the integrity of the skin. As a result, there can be no evidence of ecchymosis, hematoma, rupture and muscle strain on the body. If there was a small body with a small surface, there would be limited areas of damage to the corpse without reproducing the shape and particularities of the vulnerable agent. If it acted in the head area, the blunt body causes limited, clogged fractures that reproduce its shape and size. If a large body has been used, depending on the weight and speed at which the perpetrator acted, fractures, multiple lesions on the head, with or without the integrity of the skin, will be discovered on the body (Buzatu 2013, 141).

Under the name of wound or wound is understood the solution of continuity of the integrity of the skin or mucosa with the participation of the underlying tissues or organs.

Gh. Scripcaru asserts that the deadly wound is any lesion that either immediately or lately causes death.

Offensive and defensive injuries are injuries as a result of the victim's attempts to defend himself.

These plagues can be:

- Offensive or active defense wounds, especially located at the palm of the hand - the victim tries to grab the white gun;
- Defensive or passive defense wounds, usually located at the level of the antebrates - the victim tries to conceal the blow.

The diagnosis of such defensive injury is not anatomical or pathological and is indeed a circumstance with a dependent name. For example, it can be sustained while eating, sliding the knife as cutting a sliced tomato and becoming a pathological defensive injury and not a defensive defensive injury. Cuts on the hands, typical of active defense attempts, knocking, or passive defense by covering

the face or the chest, exclude the possibility of suicide as well as back injuries inaccessible to possible autolysis. (Spitz, Petty, Fischer 1961).

Offensive complaints target certain regions of the victim's body, depending on the purpose pursued by the aggressor are: death of the victim, in which case the wounds concern the projection of vital organs; disfigurement, where wounds are located mainly visceral level; threat when localization of wounds is of particular interest to regions whose functionality is not of vital importance. (Beliş 2001).

The plaque contusion, also called crushed wound, is produced by bumping with or rough body.

It has the following features (Iftenie and Dermengiu 2009):

- Low depth (and therefore reduced bleeding);
- Uneven, ragged, toothed edges, sometimes alternating with intact skin surfaces), unequal in size, with excised areas and / or adjacent bumps;
- The bumpy walls are united from place to place by bridges;
- Anfractus with blood clots;
- Edges can be taken off, echoed or peeled in the body.

In skull, anterior and cubital tibia, contusive wounds can take the form of star wounds with multiple overlapping and often, due to overlapping tears directly on the bone, imitate cut wounds (due to their "hit") (Astărăstoae, Grigoriu and Scripcaru 1993).

The hit plaque is encountered when the blunt body acts in an area where the skin is immediately above a bony plane (head, knee, elbows, etc.), having the following characteristics (Beliş 1995):

- The form is sterile (when the traumatic agent is flat), sometimes linear (when the traumatic agent is long and thin), with small secondary tracts;
- The margins are relatively straight, with small irregularities (frizz);
- Decreased deflection (due to tissue bridges) (Iftenie, and Dermengiu 2009) due to tissue bridges that do not allow margin removal.

The crushed plaque is described when the weight of the traumatic agent is significant; this type of wound contusion has (Groza and Astărăstoae 2007):

- Irregular shape;
- Rough edges (jagged);
- Multiple excised areas and / or bruising on the skin around the wound.

The bruised plague, which can be produced by man or animal, the bile contusion wound reproduces the shape of the dental arches and, depending on the force they act on, carries different aspects: (Dolinak, Matsher and Lew 2005):

- Superficial traumatic lesions represented by bumps, sometimes confluent, or small tooth wounds (generated by each tooth), arranged in the form of two springs (brackets) joining at the extremities;
- The skin at the center of this lesion is indisposed;
- Deep wounds, with the shape of the tooth, corresponding to the dental arcade; adjacent to each wound appears ecchymosis that can sometimes confuse;
- Detachment of the bite fragment/area; on the edge of the remaining skin can be ratified the traces generated by each tooth in the form of depressions, between which the skin is slightly protruding due to interdental spaces.

The plaque pull recognizes as a mechanism of production a forced traction that exceeds the resistance (elasticity) of the tissue; may appear in the form of scalp wounds when a piece of tegument detaches (usually bones) or tears (which is, in most cases, a biting-throat wound) (Iftenie and Dermengiu 2009).

Differential diagnosis between the lesions produced by hetero- and auto-aggression is by way of: the way, the position, the direction of the lesion, the number of lesions, the combination of the wounds between them, the presence or absence of defense lesions, the breaking of the clothes that denote the fight between the victim and the aggressor, (in the case of suicide - from top to bottom), the presence or absence of the instrument used, and the on-site examination.

Conclusions

The right to life is the most natural human right; he imposed himself in rules and norms in the legal system of time, being enshrined in both the first declarations of rights and in constitutions. The prevention of murder crimes (as well as other antisocial deeds) presupposes the elaboration on scientific bases of new and effective methods work. This involves; necessarily the scientific knowledge of the criminal phenomenon by Criminological studying the facts (as well as their triggering causes) in order to find efficient ways and means of action against criminality. Individual criminogenic factors associate with social and political criminals, preceding crimes through small criminality and collective assaults through false alarms. The knife is replaced by the gun and the professional killers join the killers. Studies and statistics reveal the criminogenic role of situations such as: lack of school education, lack of interest in culture, low living standards, socio-professional disintegration, exaggerated consumption of alcoholic beverages, drug use, existence of conflicting states, inadequate mood, and so on These features have been exacerbated for several years, with no signs of recovery.

References

- Astărăstoae, V., Grigoriu C. and Scripcaru, C. 1993. *Practical Guide to Legal Medicine for Lawyers*. Contact International Publishing House.
- Beliş V. 1995. *Treaty of Legal Medicine*. Vol. I. Bucharest: Medical Publishing House.
- Beliş V. 2001. *Forensic Medicine - course for the faculties of law*. Bucharest: Juridica Publishing House.
- Buzatu, N.E. 2013. *Forensic Science*. Bucharest: ProUniversitaria Publishing House.
- Ciornea T., Scripcaru Gh., Loghin O., Radu D., Mihăescu V., Drăghici Gh., and Astarastoae V. 1986. *Legal Medicine, Definitions and Interpretations*. Iaşi: Junimea Publishing House.
- Dix, J. and Graham, M. 2000. *Time of Death, Decomposition and Identification - An Atlas*. New York: CRC Press L.L.C Publishing House.
- Dolinak, D., Matsher, E.W., and Lew E. 2005. *Forensic Phatology, Principles and practice*. Academic Press.
- Groza, I.L. and Astărăstoae, V. 2007. *Introduction to Legal Medicine for Lawyers*. Bucharest: C.H. Beck Publishing House.
- Iftenie, V. and Dermengiu, D. 2009. *Legal Medicine*. Bucharest: C.H Beck Publishing House.
- Iftenie, V. and Dermengiu, D. 2009. *Legal Medicine*. Bucharest: C.H Beck Publishing House.
- Knight B. 1992. *Lawyer's Guide to Forensic Medicine - Handbook for Courts and Chambers*. London: Heineman.
- Scripcaru, Gh. 1993. *Law Medicine*. Bucharest: Didactic and Pedagogical Publishing House.
- Spitz W., Petty C., and Fischer R. 1961. *Physical activity until collapse following fatal injury by firearms and sharp pointed weapons*. J Forensi Sci 1961; 6: 290-300.