

Aspects of Criminal Mutilation with Analysis of 3 Cases

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Abstract

Criminal mutilation is not a frequently seen event in forensic medicine. The perpetrator dismembers the victim's body for different purposes. In this study, criminal mutilation was examined from different perspectives and three cases of mutilation in Turkey were analyzed, to comprehend the concept widely.

Keywords: Mutilation; Corpse Dismemberment; Homicide

Introduction

Nowadays, while violence has increased quantitatively, also the form of committing violence has become crueler. "The Small Arms Survey report, estimated that 385,000 people were killed in homicides across the world in 2016, an increase of 8,000 on the previous year [1]."

According to World Health Organization's definition homicide is killing of a person by another with intent to cause death or serious injury by any means [2]. It can be described as an individual's willingness to take the right to live of another individual intentionally or not. "Criminal homicide is presently defined as the unlawful taking of a person's life, with the expressed intention of killing or rendering bodily injury resulting in death, and not in the course of some other criminal activity [3]." It is acknowledged that "Homicide is the most extreme form of violence and the highest level of aggression found in all cultures" [4]. Homicide has its own dynamics and these should be well understood. Social environment, cultural structure, belief, economic situation, physical geography conditions, psychological status, physiological health of the individual are some of the factors that can be effective in the processing of this action [5]. Thus, homicide is a complex concept that its definition varies from country to country [6].

Mutilation is a method of homicide which has not been studied in depth for now. The verb "Mutilate" is defined as "to damage someone's body very badly, often by cutting off a part of it" [7]. Mutilation, in other words corpse dismemberment, is not a very common phenomenon at criminal acts. But the numbers of cases are increasing.

Most of the studies about this topic are case based which is one of the weakest methodology of research that they are inadequate to "generalize the behaviour as a whole" [8].

"Mutilation has always been viewed by society to be a more dreadful crime than the homicide itself" [9]. In other words, it has been known that homicide is the highest level of the violence, moreover it can be declared that mutilation is the peak point of the homicide.

Corpse dismemberment means that the attacker put the victim's body into pieces or cut a part of the body [10]. However, dismemberment of the body in case of an accident or explosion here should not be considered as mutilation [11]. According to German sources only one fragmented body is found out of 500 autopsies [12].

Mutilation is the perpetrator's deliberate disintegration of a body in the direction of a specific purpose and falls within the scope of a major crime because of the violation of one's body integrity and the lack of respect for the deceased person.

By dismembering the body, the perpetrator ensures the disappearance of the evidences and delay in the investigation process as it becomes difficult to find the body [13]. In this way the perpetrator gains time to escape or erase all his traces.

In their study, Black, Ruddy, Hainsworth, and Thomson, specified some key facts about corpse dismemberment. These key facts are listed below: Corpse dismemberment has different aspects and apart from rare cases of necrophilia, the victim of dismemberment is usually a victim of homicide [14].

1. Homicides that end with corpse dismemberment are most commonly committed by a person who is close or at least acquainted, with the victim.
2. Stranger homicide and dismemberment are rare.
3. Dismemberment is nearly always performed at the site of the homicide and most frequently in the place where either the perpetrator or the victim live.
4. A homicide that ends with corpse dismemberment is generally not planned by the perpetrator. Homicides followed by dismemberment are rarely serial in nature.

It is stated in the literature that mutilation murders are basically carried out with four different purposes: Defensive, Aggressive, Offensive and Necromaniac.

Defensive purposes are the most common type of mutilation killings [15]. The main object here is disposing of the corpse, destroying the evidences or making sure the identity of the victim can not be determined [16].

Aggressive mutilation is the second most common type in the cases. The main point here is the desire of the perpetrator to torture and to destroy the body. Mutilation is the continuation of murder [15].

Offensive is necro-sadistic and passionate. The main purpose here is to shred the body [15].

In the necromaniac mutilation, the perpetrator takes the parts of the corpse in order to use those parts “as a trophy, symbol or fetish” [17].

The dismembered organ/ organs of the body differ due to the motivation of the mutilation. However, it has been found that mostly the head and extremities are cut off the trunk or the body is cut in halves across the trunk [18].

Essentially, the desire to kill someone and to dismember that person’s body in an extremely brutal manner that has different psychological motives.

There are very few studies on the relationship between psychiatric diseases and mutilation. There is no specific study on the association of psychopathic disorders and mutilation [19]. However, studies of Porta et al.’s have pointed out that perpetrators who commit aggressive and defensive mutilation have a history of alcohol and substance abuse, as well as previous psychiatric disturbances and criminal recordings. Furthermore, a substantial association was found between mutilation/corpse dismemberment and childhood/ adolescent sexual victimization [19]. According to the results of a study (1986), % 67 of mutilation murders committed by victims of sexual violence. Also this study showed that comparatively the ones who had been sexually abused in adolescence are more likely to commit mutilation than the ones who had been abused in childhood [20]. However these results should be updated with present conditions.

In Turkey, according to the judicial record statistics of the Ministry of Justice in 2015, 23,2% of the cases arised from the “Crimes Against Body Immunity” (TCK 86-93). According to a media research in Turkey which includes the datas of last five years (2012-2017) 52% of the victims of the mutilation were men while 38% were women. Furthermore 58% of the perpetrators were men while 24% were women. The same research shows that “fight” is the most frequent cause of the mutilation (22%) [21].

In the Turkish Penal Code numbered 5237, the articles number 81 and 82 include the crime of intentional killing [22]. Article 81: “A person who deliberately kills a person is punished with life imprisonment.” Article 82, on the other hand, is the article in which the qualified cases of intentional murder are stated. According to this article the penalty of this crime is aggravated life imprisonment. At 82 / b, intentional killing is referred upon by “monstrous feelings and persecution”.

Methods

In this study, the cases were selected with a research of 5 national mainstream media source including newspapers published 128.000 copy and up daily. Primary, the online newspapers that will be involved in the study was determined. Three main factors were selected as criterias: the dissemination of the newspaper, the appropriateness of the website of the news paper for media research and the homogeneti of the newspapers’ ideology

The next step was determining the keywords of the search. Randomly selected news of mutilation was examined and 8 keywords covering mutilation were selected. These keywords are:

- Dismemberment
- Dismemberment homicide
- Cut homicide
- Hack Homicide
- Disguisement homicide

- Hiding homicide
- Violence homicide
- Brutal homicide

It is found that in the last 5 years there have been 127 mutilation cases that were reported at the newspapers. All of them were reviewed and to select three cases 6 factors were searched.

These factors are:

- Characteristics of the victim
- Characteristics of the perpetrator
- The reason of the homicide
- Dismembered parts of the corpse

3 of 127 cases were selected including all these factors that were showing characteristic criminal mutilation.

Case Analysis

Case 1

T.K. (43) filed a missing persons report for his wife, K.K. (42). After 3 days of research, it was found that K.K.'s wife, T.K., was stabbed from her neck while eating. At the end of the autopsy, K.K. was found to be killed by at least 12 knife cuts.

During the dinner, there was no discussion between T.K. and K.K. However, according to their neighbours' statements T.K. and K.K. had fight because of a good-luck- charm that K.K. had made written. He killed his wife with a big knife. Later, he took the body to the bathroom, took off her clothes and dismembered the body. The corpse was divided into head, arms, and legs and then into 40 pieces totally. During the incident, 3 knives, 2 saws, 1 cutter, 1 razor blade were used.

The assaulter put his bloody clothes in a garbage bag and threw it into container. He put the pieces of the body separately in the garbage bags and carried them in a market cart to another container which was 1.5 km away and under the ground. At dawn, he went to the police and told him that his wife had disappeared.

During his interrogation, T.K. explained he had been diagnosed with schizophrenia 9-10 years ago and stated that he had heard sounds whispering him 'Kill, Kill' during the incident. As a result of the examination at the forensic medical institution, it was reported that T.K. had no mental disorder and was not lack of mental capacity.

During the fifth trial of the case in the high penal court, the accused was prosecuted for life sentence aggravated on charges of "intentionally killing by monster feeling or persecution.

Case 2

At the age 16, S.E., who escaped from Germany and came to Adana, married here with his cousin (27). Later on, she was taken back to Germany by his brother, but she fled back to Adana again. She was a drug user, and despite all the treatments she had received, she did not get treated for drug addiction and she got divorced twice. She had a son.

The day of the incident S.E. entered a coffee house around 01.30 a.m., she said she was hungry and cold and wanted to sit at the coffee house for a while. F.K. (37) wanted to intervene and ordered food for the young woman. During this time F.K.'s friend left the coffee house and F.K. and S.E. got alone.

When S.E. pulled the drug from her pocket according to F.K.'s testimony F.K. said "You don't have money for food, you want food from us so why do you use drugs?"

S.E. who first lost consciousness under the influence of drugs for couple of hours. Due to a conflict of opinions, the tension between them turned into a fight. During the fight, F.K. could not manage his anger, and he strangled S.E. with his hand. Later, he hit her head with a hammer and killed her. He took her to the toilet by pulling her hair. He separated her head with his hammer and knife. Then he separated her arms and legs from her body and put her parts in four different garbage bags. After that he cleaned blood stains with bleach. Then he threw those garbage bags at the container.

The incident started to be resolved by the discovery of a leg that was found at garbage treatment plant. After that, an arm belonging to the corpse was found by the the special team of the police department. But the other parts of the body could not be reached.

After the incident F.K. visited his brother who lived in Uşak and then when he returned to Adana he was detained at the bus station.

In his statement, FK admitted coldly all the details of the incident. After that he was referred to court and he got arrested by the vacation court.

Case 3

I.B. and M.B. were living at Nevşehir and they came to İstanbul to visit their son who was studying there. I.B. had already been

treated for depression but she went to a doctor in İstanbul as well and she was again diagnosed with Minimal Depression. Then she was dispatched to Bakırköy Psychiatric Hospital.

On the day of incident police went to I.B.'s son's house upon a denunciation. At the end of the investigation it was found that I.B. killed her husband by stabbing through his heart three times with a knife and then cut off his genital.

After she killed her husband, she cleaned up the blood stains and dressed up her husband's dead body with clean clothes. Then she called her son and told that she killed his father.

When she was taken to the police station it seemed that she was really affected by the situation and shocked. Thus she did not talk during the interrogation. However it had been stated that when police first entered the scene and asked her the reason of the murder, she told that while she was preparing the breakfast a voice in her mind ordered her to kill her husband. Then she said M.B. came to the kitchen and asked whether the breakfast was ready or not. According to her statement she did not remember anything after that moment. In her statement she told that his husband forced her anal sex many times and exposed psychological violence. Furthermore, the relatives of I.B. stated that I.B. was exposed violence by her husband that this she had been treated for her psychological illness, had taken pills for ten years. As she told she had heard those kinds of voices that make her kill her husband since she had been mentally ill.

I.B.'s lawyer requested that his client to be treated at the Bakırköy Psychiatric Hospital under Article 32 of the Turkish Penal Code in case of her arrest. The court decided to arrest I.B. on charge of "murder her husband".

Results

In 2 of 3 cases the reason of the dismemberment was cleaning the crime scene to delay the investigation and this result supports that the defensive mutilation is the most common type of mutilation. In the last case the reason of the dismemberment is not obvious, however the perpetrator's mental situation was not healthy and she cut off her husband's genital that this case can be classified as aggressive mutilation which is according to the literature the second common type of mutilation. Furthermore, according to perpetrator of Case 3's testimony, she had been exposed sexual violence by her husband that cutting of his genitals may be reflection of this situation. In other words it is thinkable that in this case the perpetrator's motivation for mutilation was vengeance. Thus, this supports that Case 3 is an example of an aggressive type mutilation.

Two of three victims were female and two of three perpetrators were male. In all of these cases mutilation occurred after the murder, in other words the victim was dead while his/her body was dismembering.

Conclusion

Violence is increasing every day in the world; furthermore the form of the violence is evolving. The number of deaths due to homicide is increasing. However; the manner in committing murder is also varied. Mutilation, in other words, corpse dismemberment is becoming a common phenomenon day by day.

Despite the increase in mutilation cases, there are not adequate studies on this topic in the literature. Most of the researchs about mutilation and the statistics are limited to genital mutilation that applied to women in line with cultural norms. Whereas criminal mutilation is much more than this.

In this study, the mutilation cases of last five years that had been reported on the most reliable news of Turkey were examined.

Inspite of the fact that the number of studies on the definition and types of mutilation is high; the factors that distinguish mutilation from other types of murder have not been fully identified.

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