
From: Richard Gill
Subject: Email to chairman of board of Haga Hospital
Date: May 21, 2010 02:17:10 PM CEST
To: Elly van Schaik , communicatie@hagaziekenhuis.nl

Dear Haga Hospital

I repeat my request of two days ago:

Please confirm receipt of this email and forward it, if you please, to the chairman of the board of Haga, drs Huffmeijer.

Yours sincerely
Richard Gill

Member KNAW
President Dutch Statistical Society
Distinguished Lorentz Fellow, 2010-2011, NIAS
President and founder of BOLC

Date: May 19, 2010 12:18:46 GMT+02:00
To: communicatie@hagaziekenhuis.nl
Subject: please forward to chairman of your board drs Huffmeijer

Dear Haga communications department

Please forward the email below to the chairman of your board drs Huffmeijer.

Please confirm receipt.

Yours sincerely
Richard Gill

Dear board of Haga

I yesterday received an invitation to give a talk on Sept.13 at the Dutch Royal Dutch Academy of Sciences on the case of Lucia de Berk in all its ramifications and societal aspects. I would so like to be able to report in "Learning from Lucia" that a mutually respectful and beneficial collaboration between scientists and Haga Hospital is now helping to clarify what really happened, and to uncover the lessons that should be learnt for the future.

Now that the Lucia case is completely closed – in particular, there were no murders or otherwise unnatural deaths at all – I suppose there can no longer be any objection to a thorough multidisciplinary and in particular statistical / epidemiological analysis of medical incidents at JKZ, say between 1995-2005. This would be so valuable for the future, and moreover, in accord with the current insight that sophisticated scientific evidence in

the legal context has to be made as publicly available (to scientific inspection) as possible (cf reports of US Academy of Sciences, adopted by many scientific organizations worldwide).

Thanks to the investigations of Meulenbelt, Tytgat and Aderjan we now know that the nurses at JKZ worked in emergency situations with exemplary professionalism, in contrast to the more mundane level of diagnosis and treatment. Moreover their insights into the medical state of the babies in their care was often better than that of specialists or their assistants, though usually not acknowledged as such.

Unfortunately, 30% of the Dutch population still believe that your former employee Lucia de Berk is a serial killer, and influential circles still broadcast the messages: "there is so much more against her", "the whole case is nothing but an out-of-control family feud", "it became an awful media hype, what could 100 professors of statistics or a once popular novelist know about the case?".

Despite repeated attempts from 2004 onwards to warn the concerned individuals and organizations that something was terribly wrong with the whole case, your hospital and its senior personnel took no notice whatsoever, but instead intensified attempts to discredit those who had uncovered this particularly inconvenient truth.

Doctors and nurses in confidence told us of many persons' deep concern about the case, but no-one dared to speak out. Even a retired medical specialist wouldn't say anything in public, since that would damage the prospects of his children in medical school. The few medical experts who dared to contradict or criticise findings of some colleagues during the trial were later ostracized by other colleagues for the breach in collegiality.

Confidential inside information about the case was repeatedly leaked from the Public Ministry and from the judiciary (even from the supreme court) to senior employees of your hospital. "Outsiders" foolish enough to be driven by a dedication to justice and truth were subject to personal attacks in the media, accused of undermining the foundations of the state, and subjected to phone-taps and ostracism.

Disinformation about your former employee Mrs de Berk was leaked from your hospital to the press. Critical police investigators were taken off the case and critical hospital employees were silenced.

But that is all in the past now.

As always, despite this past, I remain hopeful of a mutually fruitful, mutually respectful, and civilized (gentlemanly) collaboration in the future.

Yours sincerely
Richard Gill

PS To repeat my main question: I hereby propose a scientific investigation into the original sources of the statistical data on the basis of which Lucia was convicted (first explicitly, later implicitly). Witness Prof.dr. Henk Elffers (prof. of law psychology) never asked to see the sources of the data he was given by police which they had got from the hospital. No one has ever seen them. Some parts of it have been reconstructed from documents in possession of the courts and it turns out that the data was badly biased indeed. Thus Elffers reported an irrelevant number (1 in 342 million) computed from bad data using an inappropriate model which did not take account of hidden confounders. To mention just one: Lucia had more weekend shifts than most of her colleagues, and incidents often happen in weekends, as everyone knows... But no-one asked and no-one checked.

PPS I don't know if you know that Haga hospitals, via Boekx.com, is threatening legal action against me because of the comments I made on various internet articles and blogs on the case of Lucia de Berk. Apparently these

count as “publications” and they are all the more serious because I am a university professor, hence people are bound to believe every word I write. Apparently it would have been OK to post the comments anonymously, and to replace the names of various key persons by their functions (former chef-de-clinique/chief paediatrician at JKZ; former director of JKZ). And of course every statement should be preceded by “apparently/allegedly/it’s my opinion that”. Finally: humour, irony, hyperbole, or understatement are not appreciated.

It’s my opinion that understanding the personalities of the key persons around which this whole case revolved, is the key to understanding why there was a case at all. Moreover: “tout comprendre c’est tout pardonner” – this understanding exonerates those persons (chef-de-clinique/chief paediatrician at JKZ; director of JKZ) from any blame, of course they could not do otherwise and would do the same again today, if the case happened again; they have both said so, in public. Allegedly (ie, according to the report of the Committee for Evaluation of Closed Criminal Cases to the Dutch Public Ministry, of Advocate-General Mr. Knigge to the Dutch Supreme Court, and of Prof Meulenbelt to the high court at Arnhem) they committed errors of professional judgement (both medical and managerial) which caused the whole catastrophe to explode out of control, devastating lives, almost killing Haga’s employee Mrs Lucia de Berk (she lay paralyzed by a stroke on the floor of her cell for 10 hours and was later refused decent medical treatment), ruining Netherlands' international reputation for justice and humanity, and costing the Dutch taxpayer millions of Euros.

Once we know that those couple of people are not to blame, it follows that blame falls on the organisation around them (and above them). It follows that a great deal needs to be learnt about the root causes of the case, so as to prevent some bad luck and some unlucky personality interactions from unleashing a new social nuclear bomb and social nuclear winter yet again.

=====

Date: May 20, 2010 7:20:28 GMT+02:00
To: Matthijs Kaaks <Kaaks@boekx.com>
Subject: Juridisch bijstand

Dear Mr Kaaks,

Yesterday I was at last able to discuss matters with the board of my faculty. The upshot of this was, that I should have my own personal legal representation later today.

The position of my university is that though it fullheartedly supports (my) freedom of speech, it does not accept legal responsibility for my private activities as a citizen and a scientist with concern for and responsibilities towards society (I don't know if you realise that the degree of PhD carries moral obligations, as well as conferring rights).

In the meantime my personal position is unaltered, namely: I will do nothing concerning my discussion contributions on various internet fora unless advised by my lawyer. I do assure you that I am doing my utmost best to get you into contact with him/her as soon as possible.

However, I would much appreciate an open discussion with you and/or responsible persons at Haga Hospital in order to come to some mutual understanding and to restore mutual respect and confidence. I feel that frank exchange of information might well help you, as well as myself, to understand the other's position and to possibly reconsider their own.

I repeat that I had requested an English translation of your legal communication which I could communicate to dr Ben Goldacre, for the eventuality that I'm obliged to request him to modify discussion contributions on his site.

Mr Kahn of Haga had asked me to keep him informed of my scientific publication plans. However he no longer responds to any communication from me so I don't know whether this request still stands nor whether my communications reach him.

I am talking about the Lucia casus today, by invitation, at a "study day" in Nieuwegein about "forensic reporting". A conference talk "Learning from Lucia" at AStat 2010 last week (Chia laguna resort, Sardinia) was filmed and will be on internet shortly. I will also give a lecture with this title at KNAW, 13 September 2010.

Yours sincerely
Richard Gill