

From: R.V. de Mulder

Before: The Court of The Hague, for the attention of the examining judge
Mr. E. Rabbie, LL.M.

Date: August 31st, 2002

Re: report in the case against Lucia Quirina DE BERK

I have examined Dr. H. Elffers's reports dated 8th of February 2002, 8th of May 2002 and 29th of May 2002, respectively, which were placed at my disposal. I have also examined the details made available to me as submitted by Mr. Smits, Director of the Rode Kruis Ziekenhuis [Red Cross Hospital] and the Juliana Kinderziekenhuis [Juliana Children's Hospital], the details contained in the Evidence of Witnesses dossier, pages 284 up to and including 287 of the records of the police investigation, Mrs. Brand's evidence on pages 290 and 291 of those records and the details of the record of findings dated 5th of February 2002 on pages 380 and 381. The Court has requested that I answer the following questions:

1. Are the points of departure applied in the reports correct, particularly those having regard to the periods of time selected?
2. Was the calculation carried out correctly?
3. Were the results of the calculation interpreted correctly?
4. Should the results contain inaccuracies, can they be adjusted and if so, what results would ensue?

Re 1.

The points of departure applied in the reports seem correct to me. In respect of applying that which is termed the epidemiological method, not only does acquiring the correct and complete data present considerable difficulty, interpreting the results would be equally problematic. The method designated the conditional one, on the other hand, is more suited to both aspects seeing the data pertaining to the nurse in question are now compared, as it were, to those of others in the same environment. In respect of the period of time selected, I also consider the points of departure applied in the reports in relation to the period selected to be correct. I note that the body of data is such that a variation in the data selected, by virtue of slightly different points of departure, would fail to produce slightly to significantly different results.

Re 2.

I have not been able to find any inaccuracies in the performance of the calculations.

Re 3.

The interpretations, too, seem correct to me. Generally speaking, it should be noted that putting forward explanations for relationships established does not fall within the domain of the rules of either statistics or logical deduction.

Explanations other than those put forward at a particular moment may always be possible or construed. In refuting or validating explanations put forward, however, statistics and strict deduction do play a dominant role.

In addition to searching for hypotheses alternative to the assumption that the suspect caused the incidents, i.e. alternative explanations for the relationship that has been established and can hardly be denied, one might attempt to explain any causal relationship. I happened to notice that a substantial number of the names on the list of children who fell victim to the incidents reported most probably are of a non-Dutch origin. Depending on the composition of the entire group of children or, as the case may be, the group of children in whose care the suspect was involved, one might verify here, too, whether that which I noticed in actual fact is true and if so, to what extent this might be ascribed to sheer coincidence.

Re 4.

Seeing no errors have been determined in the results, the question as to the adjustability of incorrect results need not be answered. For the remainder, please refer to the comments set out under 1.

Rotterdam,
R.V. De Mulder.
August 31st, 2002