

Rapporten Kenny

Kenny 1 d.d. 31 maart 2006

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there was a bloodstain present on the back of the collar which was inconsistent with the rest of the blood pattern,

Commentaar: in het pakket rapporten zat kennelijk nog niet het rapport van Geradst en het NFI-onderzoek uit 2006. In beide rapporten staat een afbeeldingen van de sporen #27, #28 en #29, die juist consistent zijn met spoor #10. En daarmee is het sporenbeeld nog verre van compleet.

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several areas of the blouse gave a positive result when tested with a crimelite but that these areas were negative for blood, semen and saliva.

Commentaar:

Op speeksel was nooit getest.

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In cases where a mixed profile has been obtained (stains 1, 9, 18-20), when Mrs Wittenberg- Willemen's profile is removed the DNA components remaining match those of Mr Louwes and therefore in my opinion it would be reasonable to assume that Mr Louwes or another person with the same DNA components in their profile as him have contributed DNA to the stains. As it is known that Mr Louwes has been in contact with Mrs Wittenberg in my opinion it is likely that this is his DNA.

The information provided by the Netherlands Forensic Institute indicate that these areas of staining (referred to above) tested negative for blood, semen and saliva. It is therefore not possible to determine what body fluid the DNA that could have originated from Mr Louwes was obtained from. This profile may have arisen from saliva or from skin cells, for example.

Commentaar: op speeksel werd nooit getest. Er werd geen fluorescentie waargenomen, maar dat is iets anders dan een negatieve test op speeksel. Kenny werd verkeerd voorgelicht door het NFI (ze verkreeg alle rapporten en verslagen die op dat moment uit 2003/4).

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As stated previously, the possibility that DNA that could have originated from Mr Louwes was deposited as a result of secondary transfer from another item cannot be excluded but this mechanism of transfer is unlikely to have given rise to the bloodstain that could have originated from Mr Louwes.

Commentaar: Kenny komt niet op de gedachte dat het bloedvlekje van mevrouw Wittenberg is en is ondergedompeld in DNA van Louwes via een speekseldepositie. Dit rapport werd geschreven voor de rapportage van Geradts, waarin transfer van een soortgelijk een bloedvlekje werd bewezen.

Therefore I would have to agree with the Netherlands Forensic Institute that the traces of DNA **do not constitute direct evidence** but that they may have Indirect evidential significance as they can indicate that a suspect was present at a scene or has had some form of contact with the victim.

Commentaar: Kenny refereert hier duidelijk aan de opmerkingen van Kloosterman in het rapport van 5 december 2003. Dat rapport werd geschreven voor de interventie van AG Brughuis, die ten onrechte beweerde dat ze kon bewijzen dat Louwes niet op donderdagochtend een ontmoeting had gehad met mevrouw Wittenberg. In het bijzijn van de beide NFI-rapporteurs.

I understand that Mr Eikelenboom indicated that he was not able to comment on the force with which the bloodstaining was deposited on the blouse: **I agree with this comment.** As I have not been able to view the item I cannot comment on the likelihood that this bloodstaining (stain 10) has arisen as a result of contact between the blouse and an object

Commentaar: Prudent. Vermoedelijk was Kenny er zich niet van bewust, dat dat object de blouse zelf kon zijn (door opvouwen met name).

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Although, if this staining was make-up, **you might normally expect to detect make-up on the face.** As it would not be possible to determine when the staining on the blouse was deposited, the absence of make-up on the face would not assist/ refute the assertion that this staining was make-up.

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To summarise, I would expect some cell material from Mr Louwes to be transferred to Mrs Wittenberg-Willemsen and her clothing worn at the time as a result of normal businesslike contact. However it is not possible to measure the amount of cell material that would be transferred in this way and therefore I cannot determine if this DNA is more likely to have been deposited as a result of violent transfer rather than businesslike contact. However, the presence of blood that could have originated from Mr Louwes on the collar on the blouse is very significant as it is unlikely that this bloodstaining was deposited as a result of normal of businesslike contact or **as a result of contamination by the blouse being stored with items belonging to Mr Louwes.**

Commentaar. Kenny was op dat moment niet op de hoogte van het gegeven dat er contaminatie was opgetreden, zoals inmiddels was vastgesteld bij het NFI en was gebleken uit fotomateriaal (CDROM). Vermoedelijk was Kenny er zich niet van bewust, dat de oorzaak van contaminatie de blouse zelf kon zijn (door opvouwen met name). Voorts was Kenny niet geconfronteerd met het gegeven dat spoor #10 ook DNA-pieken overeenstemmend met het profiel van mevrouw Wittenberg liet zien.

Kenny 2 d.d. 21 februari 2007

Nu werd Kenny voorzien met informatie over de toestand van de blouse (mogelijkerwijs op basis van het rapport Geradts) en een analyse van de betekenis ervan (contaminatie direct na de veiligstelling en info over de wijze waarop de blouse was opgeslagen in opgevouwen toestand).

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From the information provided to me it is clear that there have been numerous opportunities for the possible transfer of the DNA that could have originated from Mr Louwes onto the blouse. These include:

- ❖ Innocent transfer of biological material such as saliva onto the blouse during the business meeting earlier that day,
- ❖ Secondary transfer from items at the scene that bore DNA from Mr Louwes,
- ❖ As a result of violent transfer during the incident,
- ❖ During the recovery of Mrs Wittenberg-Willemsen's body from the scene and during the post mortem,
- ❖ During the Netherlands Forensic Institute's initial examination of the blouse for stab cuts in 1999,
- ❖ During the storage of the blouse in an open envelope in a box containing items from Mr Louwes between 1999 and 2003,
- ❖ During the Netherlands Forensic Institute's examination and photography of the blouse before December 2003.

Commentaar: hier staat nog niet eens gespecificeerd dat er sporenoverdracht had plaatsgevonden tijdens niet gedocumenteerd onderzoek in het mortuarium d.d. 25 september 1999.

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Based on the information provided it can be seen that the biological material and alleged make up staining on the blouse has been altered thereby indicating that a transfer has occurred. The photographs also indicate that the blouse was wet at some point due to the altered makeup staining. If the blouse was wet/damp at some stage then this would facilitate the transfer of DNA as DNA is more likely to be transferred when one or more of the items were wet.

In my opinion, I believe that the Netherlands Forensic Institute were correct to examine the blouse given to its significance in relation to the offence. However, I feel that too much emphasis was placed on the significance of the DNA that could have originated from Mr Louwes associated with the possible makeup staining. In my opinion based on the information provided to me and information regarding the innocent transfer of DNA, the possibility that this DNA was deposited on the item during the storage and examination cannot be excluded and for this reason the level of support given to the working hypothesis of the Netherlands Forensic Institute, that the DNA detected was more likely to be transferred to the blouse during a criminal offence, rather than normal businesslike contact would have to be significantly reduced.