

The case Haalboom – Overzier

On January 27, 2002 Henk Haalboom was run in by the police and in 2004 he was convicted to 20 years for murdering Pim Overzier because the judges considered it proven that Pim Overzier was murdered by him with malice aforethought by way of suffocation or strangulation, or by burying him alive, in any way by hindrance of the breathing or by using violence in any other way resulting into death. The judge used as a motivation ‘that the following elements indicate that Pim Overzier died an unnatural death:

1. The findings of the pathologist dr. Visser; 2. The blood in Henk Haalboom’s car; 3. The course of things before Overzier was buried; 4. The fact and the circumstances in which Overzier was buried.’

Since 2004 great doubts have arisen about the grade of truth of above conclusion of the judges, by the lawyer Geert Jan Knoops as well as by a number of scientists who did investigations in this case. I agree with professor Ton Derksen, science philosopher and author of a.o. ‘De Ware Toedracht’ (What really happened) that it would be useful if we could compare our truth to reality. Alas that is usually not possible, just like in this case. The pathologist was not present when Pim Overzier died. Nobody knows when exactly the DNA-material came into Henk Haalboom’s car and if it really was Pim Overzier’s. Those who were present at the moment that Pim died and when he was buried have not revealed themselves to give an eye-witness’s account. There are anonymous letters of eye-witnesses but they were not taken into account by the judges.

The best we can do, according to professor Derksen, is truth as coherence. An allegation is true when it fits with the other allegations we accept as true. In other words in a cluster of allegations that together give a certain scenario. If we accept as the truth that ‘Henk Haalboom murdered Pim Overzier’, we will be inclined to also see as true the following allegations suggested by the Public Prosecutors. Haalboom is the caller who called Overzier from a phone-booth on December 3rd 2001 in order to make a blind date for December 4th. Haalboom was seen near the spot where Overzier’s grave was found. Haalboom’s car was spotted. The judges did the same. These ‘truths’ are coherent with ‘Haalboom is the murderer’.

If we accept as the truth that ‘Haalboom has nothing to do with the dying of Overzier’, we will be inclined to accept other allegations as true. The caller was a Moroccan-looking man, so it was not Haalboom. Annelies S. saw another man near the grave and not Haalboom. She saw a blue car and Haalboom’s car was black. Haalboom’s lawyer and the scientists who doubt if the verdict was correct investigated the grade of truth of these allegations that prove that Haalboom is innocent. They come to the conclusion that Haalboom cannot have committed the murder. The ‘truth’ they found is coherent with ‘Haalboom has nothing to do with it.’

The only one who knows for sure if he has anything to do with the death of Overzier is Haalboom himself. During the first years of his detention he was so confused, yes almost not imputable by the enormous shock that was caused by the fact that he was blamed of a murder and by the Spartan treatment in prison and during the interrogations, that he could not declare steadily and clearly. That caused confusion in the detectives which made it more difficult to come to what really happened.

I will use the theory of ‘truth as coherence’ in the four elements mentioned above from the declaration of proof from the High Court. For each element I will give the allegations that suit scenario 1 ‘Overzier died an unnatural death. He was murdered by Haalboom’, followed by

the allegations that suit scenario 2 'Overzier died a natural death and Haalboom had nothing to do with it.'

Ad 1. What the pathologist discovered.

Scenario 1

- a. The pathologist could not exclude suffocation
- b. There was only a small chance that someone falls dead just like that.

Scenario 2

- a. The pathologist did not find any signs, certainly not proofs, for any form of suffocation or violence.
- b. He did see two signs that could indicate to an acute heart failure.
- c. The statistical data show that there is a chance of 1 to 1539 of a natural death and a chance of an impressive 1 to 52.091 of an unnatural death. The chance of a natural death is apparently many times bigger. The chance of suffocation is practically none.

Ad 2. The blood in Henk Haalboom's car

Scenario 1

- a. Overzier's blood was found in Haalboom's car. So Overzier has been in Haalboom's car while he was wounded. So Haalboom is lying when he says that he has nothing to do with Overzier's death.

Scenario 2

- a. The pathologist could not explain the tiny spot of blood (not bigger than a drawing-pin) because of the lack of injuries in and on the body.
- b. According to the pathologist it could have been other body juice and it is more exact to speak of a DNA spot.
- c. Haalboom declares to have already met a person, probably Overzier, a few weeks before he was missing, at which occasion DNA material could have been left on the armsupport of the left door of his car.
- d. The DNA match was with Overzier's toothbrush. The NFI later declared that a toothbrush is not a trustworthy monster, as this brush can also have been used by someone else. With the hairs in Overzier's hairbrush no match was found.

Ad 3. The course of things before Overzier was buried

Scenario 1

- a. Haalboom would have taken the postcard of letter, that Overzier would have sent to Haalboom's girlfriend Rianne Ee, from her letterbox on Friday 30 November 2001.
- b. Overzier would have said to witness Rianne B. that he sent a letter on Thursday 29 November 2001 before the pillarbox was emptied. He told this to Rianne B. on Monday 3 December 2001.
- c. Haalboom would have been the man who called Overzier from a phone booth in order to make an agreement for a blind date. William C. who was the next caller from this phone booth answered only

when he was asked for the third time who used the phone booth after him that he did not remember. And the garage where Haalboom had bought his car was a few streets away from the phone booth, so he could easily have been the caller.

d. Witness Annelies S. would have seen Haalboom on the place of the offence as well as his black Volvo.
Scenario 2

a. Witness Bart V. told that he accompanied Overzier on Thursday night 29 November 2001. The latter had said to Bart V. that he intended to send a postcard to Rianne Ee, but that he had not yet done so. Bart V. was the only one who could state from own experience that Overzier had not sent a card to Rianne yet on Thursday. Witness Everline S. wrote to people she knew that Overzier had told her that he had sent a letter to a girl on Friday. Proof that Haalboom had a theoretical chance to have seen a letter or a postcard from Overzier is therefore only based on the declaration of Rianne B. who played a conspicuous role as she trying to make a match of Overzier and Rianne Ee. The declarations of Bart V. and Everline S. contradict the option that Haalboom could have seen a letter from Overzier to Rianne on Friday 30 November 2001.

b. The telephone call to Overzier on Monday 3 December 2001 was made from a phone booth. William C. declared in the first two times that he was asked that he was able to observe the caller for 19 minutes. He saw a Moroccan-looking man of about 35 years of age with dark hair. This cannot have been the then 57 year old Haalboom with his grey/white hair and a Dutch outlook.

c. Witness Annelies S. saw a dark blue Volvo with a 45 year old man in it, with dark hair, brown eyes and tawny and trained sportsman's face. Professor Wagenaar concluded that a mistake had been made with the photo confrontation. The witness pointed out a different man than the man who was considered to be the wrong-doer, after which she was asked to have another look in order to see if there was someone else who looked like the wrong-doer. Her description does not agree with that of Haalboom, who was 12 years older, had grey/white hair and blue eyes. He did not have a tawny trained sportsman's face.

Ad 4. The fact that and the circumstances under which Overzier lay buried.

Scenario 1

a. When someone dies and his body is buried in the woods, where after no mention is made of the death, this is a sign that a murder has been committed.

b. According to the Public Prosecutor Overzier has been dumped into his grave.

Scenario 2

a. Overzier was found buried carefully in a grave of 2 x 0.60 x 1.00 m. His body lay straight and one arm was laid over the face, apparently to prevent the sand from landing directly onto his face. His tie was straight and his shirt was buttoned up neatly. There was no sign of a struggle or the use of violence. The grave was marked with sawn bows and small tree trunks were piled onto the grave. Apparently the grave was meant to stay visible. All the care spent on the burying and the grave itself was not a sign of dumping a body and of preventing a grave of being found.

b. The grave was near a meeting place of gay people. It appears from anonymous letters that Overzier was buried there because he died there and that people that accompanied him were in panic because they did not want to be traced as visitors of such a place. It is possible that these people were also afraid of being

brought into connection with this death.

Other aspects of proof

1. Traces of sand in the Volvo

Scenario 1

a. In Haalboom's Volvo traces of sand were found that had a strong agreement with the sand found in the area of the grave.

Scenario 2

a. Previous director of the Flevo woods, Jacob Vis, proved that these traces of sand are also found on the Dutch beaches. Haalboom visited several beaches that year. So the traces of sand in the Volvo had a strong agreement with the sand on the Dutch beaches and that in the area of the grave. In that case the traces of sand lose their value as material of proof.

2. The old spade in Haalboom's garden

Scenario 1

a. In Haalboom's garden an old spade was found with the traces of sand mentioned above. This spade must be Haalboom's and he must have dug the grave with it.

Scenario 2

a. The old spade was not Haalboom's. His gardener said that he had broken Haalboom's spade and that Haalboom had bought a new one. Also Haalboom's ex-wife did not recognize the old spade. There is no explanation for the traces of sand on the spade.

3. The supposed motive: Haalboom would have killed Overzier out of jealousy, because the latter had designs on his girlfriend Rianne.

Scenario 1

a. Haalboom intercepted a postcard or letter from Overzier to Rianne, became jealous and so had a motive to kill Overzier.

Scenario 2

a. The relationship between Rianne Ee and Haalboom had almost come to an end. Haalboom had told Rianne that he granted her the best man there was and that he was not that man. Rianne confirmed this. Moreover his ex-wife as well as Rianne and his friends said that Haalboom was not a jealous person.

The conclusion of the judges following their scenario 1 was 'Haalboom is guilty of murdering Overzier'. The conclusions that can be the result of scenario 2 and can be supported by proofs and facts are:

- It appears from the dissection report by dr. Visser that no cause of death can be stated. The only allegations for a cause of death point at an acute heart failure; so a natural death. That aspect was neglected by the Public Prosecutor and the judge. They concluded that someone who was buried on an unusual place had to have died by an unnatural cause.

- The Public Prosecutor and the Court had the opinion that an unnatural death could be concluded from the intention of Haalboom to kill Overzier. That would appear from the fact that Haalboom had seen a letter from Overzier to his girlfriend Rianne. I made clear that there are declarations of two witnesses which make clear that Haalboom never saw that letter, if it was actually written and sent.
- Haalboom would have called Overzier. The witness however saw a Moroccan-looking man while Haalboom is white and has light blue eyes.
- Haalboom would be the man in the Volvo. The witness however saw a much younger man with brown eyes and dark hair and a tawny trained sportsman's face and pointed out another man as the wrong-doer.
- The DNA material in the car does not have to be blood and can have gotten there during the meeting between Overzier and Haalboom in the beginning of November 2001. That is plausible as Overzier had no wounds when his body was found.
- The traces of sand are not exclusive for the area where the grave was found but also occur along the coast of Holland. - The old spade is certainly not Haalboom's.

Results of new investigations:

- The AMC (Amsterdam Medical Centre) investigated Overzier's heart texture. It appeared that he had a genetical deviation which under stressful circumstances can lead to a sudden death.
- Physical investigations made by professor Backx and candidate for the doctorate Bloem (scientist in fighting sports) make clear that Haalboom was not able to overpower a man of the posture of Overzier. Overzier was twenty years younger, a head taller and 25 kilo's heavier than Haalboom. The conclusion of both investigators was that with a probability close to certainty Haalboom has not been able to overpower, to suffocate or in any other way stop the breathing, as was stated by the Court.

Summary: there are clear signs and proofs of an acute heart failure and so for a natural death. There is no proof of a murder. Moreover it is clear that other people were involved in the missing of Overzier and not Haalboom. Haalboom has physically not been able to overpower and suffocate Overzier.

In 2011 and 2015 lawyer Geert Jan Knoops offered a request of review to the High Court in this case. These requests of review were turned down, so he will request again until he is heard. This request of review will hold, apart from the above mentioned investigations, the results of more recent investigations which contain even more obvious allegations for a natural death of Overzier and the innocence of Haalboom.

By Justine Mol.

She met Henk Haalboom in prison in 2006 when she started visiting him as a volunteer of Humanitas. Since then she has supported him in his attempts for rehabilitation. Justine is author, trainer and coach in Nonviolent Communication according to Marshall Rosenberg. Her most recent book *Voorbij Schuld en Onschuld (Beyond Guilt or Innocence)* is about Henk's life in prison and the love relationship that grew between him and her. The book shows how Henk manages to remain self-respectful and respectful to others by being compassionate towards what is alive in people. The book has not been translated into English yet. Two other books of her have: *Growing up in Trust* and *The Giraffe and Jackal within*

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