



# DERK WIERSUM

**EARLY ONE WEDNESDAY MORNING** in the residential area of Buitenveldert, Amsterdam, as he had crossed the road to get into his car, lawyer Derk Wiersum was gunned down. A young man was seen fleeing the scene. Half an hour after the police arrived, they confirmed that Wiersum had died of his injuries. His wife, a judge, and one of his children were at home as Wiersum, splayed out on the street outside, was covered with a sheet while the police started their investigation.

A criminal-law practitioner, Wiersum was the lawyer acting for a state witness in a case against members of a drug gang operating in the Netherlands. Police chief Erik Akerboom said: ‘With this brutal murder, a new limit has been crossed: now even people simply doing their work no longer seem safe.’

Well known in the Dutch criminal-law circuit as a kind, intelligent, erudite and honourable lawyer, 44-year-old Wiersum had built his career around fighting for the underdog. ‘Whether the system is just or unjust: in both cases a lawyer is absolutely necessary,’ Wiersum said in one of his very few publicized interviews.

Wiersum had been representing a gang member who had turned state witness for the prosecution, Nabil Bakkali, whose brother was shot dead in 2018. Bakkali was a key witness in the case against a group of men accused of five murders between 2015 and 2017, dubbed the Marengo trial.

Two of the accused in those killings, Moroccan nationals Ridouan Taghi and Said Razzouki, are believed to be part of a drug ring that controls about a third of Europe’s cocaine trade. The EU police agency EUROPOL lists them among Europe’s most wanted fugitives.

In March 2018, Bakkali’s brother was assassinated as retribution for his cooperation with the state. If it is proven that Wiersum was assassinated because of his involvement in the case against some of the biggest names in the underground drug economy, it would be a first in the Netherlands.

The country erupted when news of the assassination broke. Members of government, the judicial branch and citizens were quick to condemn the murder as an attack on the rule of law. Courts, law firms, ministries and the Council for the Judiciary flew their flags at half-mast in Wiersum’s honour, and the Dutch Bar Association observed a minute’s silence. Wreaths of flowers were piled outside of Wiersum’s home and law firm in Amsterdam.

During a memorial service organized by the Amsterdam Bar Association, Bart Stapert, Wiersum’s closest colleague and mentor, said that even his murderer deserved legal representation. ‘It would be the best way to remember Derk, because that is the type of rule of law that he stood for.’

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The public display of national mourning prompted a discussion about lawyers' safety and the future of the system of key witnesses. While the police said they would intensify protection measures around such cases, another lawyer in the Marengo case, Natacha Harlequin, questioned in a late-night talk show 'at what cost' the Netherlands would continue working with key witnesses.

Offering a reduced sentence to a suspect willing to give information on criminal operations, like Bakkali in the Marengo case, 'comes with a great deal of uncontrollable and unforeseeable risks', said another lawyer in the same broadcast. These risks are present partly because of the transparency of the Dutch court system, in which hearings and verdicts are open to the public and the media.

A professor in criminal law at the University of Amsterdam said that Wiersum's murder is likely to make lawyers even more apprehensive of the key witness system: 'They know now that even in the Netherlands it could cost you your life.'

Since the assassination of Bakkali's brother, an attack targeting Wiersum had not been unthinkable. But, according to a friend and colleague of Wiersum, lawyer Jillis Roelse, he felt he should 'just be able to do his job. Derk would cycle to work: "We live in the Netherlands, don't we?" is what he would say.'

## 'WIERSUM'S MURDER IS LIKELY TO MAKE LAWYERS EVEN MORE APPREHENSIVE OF THE KEY WITNESS SYSTEM'



Well-wishers gather outside Wiersum's home, near where he was gunned down



The crime scene

Wiersum was a distinguished member of the Dutch legal community. Besides running his own firm, he was on the board of the Foundation for Legal Aid for Death Row Convicts, worked as lawyer at Dutch&Detained, an organization offering help to Dutch detainees abroad, and taught criminal law. He specialized in matters of extradition and organized crime.

After Wiersum's death, crime reporter and author Jan Meeus said that the Netherlands is 'naive' when it comes to organized crime and the influence of the cocaine trade in the country. In an interview, Meeus said that the Netherlands could well be considered one of the major cocaine hubs in western Europe, as most of the cocaine arriving in Rotterdam and Antwerp is trafficked by drug rings working from the Netherlands. The country has been described as a narco-state.

According to Meeus, the sheer amount of money in the drugs economy should inform discussions on legalization of drugs to avoid illegal trafficking, and he questions whether it is right that tracking down organized-crime cartels, such as the one in the Marengo case, should be to the detriment of the rule of law and the safety of lawyers.

Following Wiersum's death, the Dutch Bar Association has set up a point of contact for lawyers and judges who fear for their safety. A special team from the National Coordinator for Security and Counterterrorism is in charge of coordinating the safety measures for all those involved in the case.

Just a week after Wiersum's death, the case against Taghi and his criminal organization picked up again where it had left off. But this assassination had left its mark on the country.