

Libel trial McCann v Gonçalo Amaral - Day 12 – Kate McCann's deposition

The hearing as it happened

(08.07.2014, 9:45am)

The judge Maria Emília de Melo e Castro starts by asking the lawyers for the defence whether they intend to speak out about a request that was made by the plaintiffs on the 26th of June. They say they give up.

The judge then refers to the fact that the plaintiffs appealed against the decision not to hear the parties whereas Gonçalo Amaral didn't and that therefore only Gerald and Kate McCann will be heard to-day.

The judge finally clarifies what was her first point: the plaintiffs had asked for information about the financial situation of GA on the 6th of January but didn't obtain it, Dra Isabel Duarte having requested on the 26th of June a Court's order for the *Autoridade Tributária e Aduaneira* (HM Revenue and Customs) to disclose confidential documents concerning GA.

The judge decides to grant this request, which was opposed only by the Guerra&Paz lawyer who finds it unnecessary and increasing the delay up to the end of this trial. The plaintiffs have ten days to obtain the documents and release them to the tribunal.

Therefore the hearing scheduled for this afternoon (Dra Duarte) and the hearing on the 10th (the defence lawyers) will have to be postponed. Sine die, because of

1) the tribunal holidays (starting on 16 of July and ending on 31 of August) and

2) A new judiciary organization that will be implemented in the whole country in the beginning of September.

Statement of Kate McCann

The first plaintiff to be heard is Kate Healy (name on her passport). Standing, as any witness did, she indicates her identity, address, profession (says she is a doctor but doesn't work any more), etc. Finally the judge claims that the plaintiff is here to make a statement on some facts of this trial. The plaintiff is expected to speak the truth about those points. Then she's invited to sit down.

The statement that the new CPC authorises is in fact not a voluntary and deliberate oral deposition, but consists of replying to the judge's questions. After that questioning, the lawyers are invited to submit their own questions, but those are themselves questioned by the judge who will reformulate or possibly reject some of them.

Judge – Do you remember when you first learnt about the book by Gonçalo Amaral and when you read it?

KMC learnt that the book existed through the media and read parts of it that were quoted. She read it completely around the end of 2008.

Judge – How did you feel when you read the book?

KMC says that she was devastated. She already had an idea of what was in that book, but when she read it all she felt desperate because of the injustice against her and her family as a whole and also felt anxious because of the damage that this book was causing to Madeleine. She gives as an example the fact that the book accuses her and her husband of being somehow involved and of faking abduction. The book smears her and her husband throughout.

Judge – What data are you now referring to?

KMC says that the book had many negative effects in Portugal. She says that this book sounds credible and if people believe what it says, that Madeleine is dead, they will not search for her and bring more information about her. She says that it is a particularly serious matter that such a theory is published in Portugal, because it is from there that Madeleine disappeared.

Judge – Do you remember the documentary?

KMC says that Portuguese and non Portuguese friends told her that it had been horrible, they didn't dare to tell her on the night it was broadcast, but the following day they gave her details.

Judge – Did you happen to watch it?

KMC says that she watched it when it was available on the Web.

Judge – What new element does this documentary bring? How did you feel watching it compared to what you felt when you read the book?

KMC finds that the destructive power of the documentary is bigger, it is yet more damaging.

Judge – Did you feel worse and why?

KMC explains that the documentary is more definitive and cutting than the book. She felt despair because of the injustice towards her family as a whole and she was anxious that it would damage the search since there was no official

investigation and they were the only ones working very hard. As it was jeopardising their efforts, she felt pain and fear.

The Judge asks whether KMC knows about an interview given by Gonçalo Amaral to the *Correio da Manhã*, whether she remembers a particular interview.

KMC remembers an interview about the documentary, she remembers in particular one where it was said that Madeleine was dead, that they had kept her body in a freezer and transported it in the car boot.

Judge asks how KMC was made aware of the interviews.

KMC replies that she has friends in Portugal and that those friends sent her the articles and indicated the essential points.

Judge – When did you learn of that interview?

KMC doesn't remember the date but thinks it was soon after... (Suspended voice)

Judge – How did you react?

KMC says that her friends in Portugal were a big support.

Judge – How do you feel concerning the perception that the majority of Portuguese are against you?

KMC says that negative claims are very distressing and bothering.

Judge – Do you feel rather uncomfortable, ashamed?

KMC replies that "ashamed" is not quite the right word for it. She clarifies that it makes her lose confidence.

Judge asks whether she suffered because the people thought that they were cowards for having hidden the body.

KMC, after a silence, says that people thought much worse than that.

Judge – Did that cause you insomnia?

KMC says that it happened obviously, but that she isn't no more as she was, destroyed. She says that she cried, that the book brought her pain and emotion while she was desperate to find Madeleine.

Judge – Do the twins know about the book, the documentary?

KMC answers that of course they use computers at school and at home and she has to be very careful and try to supervise the information they get.

Judge – Do they have a global idea about what people say?

KMC mentions that her son, in October asked her why Mr Amaral said that they hid Madeleine. She answered that there were many stupid things in his book.

Judge – How did your son know about that? How was it possible if you were careful to prevent access to the book?

KMC thinks he heard it on the radio, in the school bus.

Judge – So what did you do?

KMC says that they spoke to David Trickey who advised them to let the twins make comments and just answer when they ask questions. She says that they had to contact the school in case a child would tell the twins about something that is in the book. She says that the book is noxious for adults and must be even more damaging for children.

Judge asks if KMC had a depression.

KMC says no, but of course she had been depressed.

Judge – Clinically?

KMC – No.

Judge – Did you publicly say that you wished you were in a coma to forget the pain?

KMC – Yes.

Judge – In what circumstances? Was it linked to the disappearance of Madeleine or to the book and the documentary?

KMC replies that the pain was increased by the book.

The judge asks how old the twins are (9) and when they started school (2009).

Isabel Duarte (for the plaintiffs) – Was there a reaction to the book and the documentary in the UK?

Judge reformulates but keeps the question

KMC says that there were a bit less reactions than in Portugal and that it was because of the media who accepted what the book said and published reports upon it. People on the Web and through e-mails were stimulated to insult them, like the Madeleine Foundation, and created a lot of damages. As Gonçalo Amaral was the coordinator of the investigation, it provided him credibility and it intensified the vilification of them.

Judge – What is the Madeleine Foundation?

KMC explains that it's a group of people who essentially promotes theories up to the point of trying to manipulate people in their village.

Judge – What relation is there between this group and the book?

KMC says there is none, but they invited Gonçalo Amaral. She thinks that he didn't go.

Judge – This group was created because of the book?

KMC – No, it existed before the book was published. She says that obviously the book strengthened them.

Isabel Duarte says she wants KMC to speak of the threats. The judge asks from who, from where, but as Isabel Duarte doesn't know the judge rejects this question because it is not within the scope of the trial.

The judge gets back to the conversation with Sean and asks whether he left it at that.

KMC says it occurred only then, after that they followed the Trickey's advice.

Judge – Did Sean speak again to you about it?

KMC – No.

Gonçalo Amaral's new lawyer, **Miguel Cruz Rodrigues**, wants to know what caused more distress to KMC.

The judge rephrases – What disturbed you more: the disappearance of your daughter, the fact you were made arguido or the reason for this trial, i.e the book and the documentary?

KMC says there's nothing worse than the abduction of a child, but that the rest intensified the pain and that there are limits to what a person can bear.

MCR mentions the topic of the social (image) destruction. The judge confirms that it is an issue to establish or refute.

Judge – Did you have the support of famous people like Angelina Jolie?

KMC says that she has no idea about Angelina Jolie, but knows that renowned people supported them.

MCR mentions a celebration that gathered 20 thousand people in order to pray on the 8th of December 2008

http://www.blackburncitizen.co.uk/news/3959495.Thousands_join_East_Lancashire_group_s_prayers_for_Madeleine_McCann/

KMC doesn't remember and asks where it was.

MCR says it was in the UK.

KMC says that there are obviously people who pray.

MCR mentions that **KMC** became an ambassador for Missing People in July 2012. Judge repeats the question.

KMC – Yes.

MCR mentions a gala party in January 2010 to commemorate 1000 days. Does she remember?

KMC – Yes.

The judge tells **KMC** that she's free to leave or to remain in the Court room. She remains there, sitting next to her lawyer.

And so it ended

With many thanks to QV and Astro for review