

Libel trial McCann v Gonçalo Amaral - Day 2 Witness No 2

The testimony as it happened...

(13.09.2013, 11:30 am) **Angus McBride**. A lawyer, he first met the McCanns as an assistant advisor when they came back from Portugal at the beginning of September 2007.

The Judge, Maria Emília de Melo e Castro, asks him what kind of services he provided for the McCanns.

AM answers that he assisted the McCanns in the criminal investigation, was a go-between with their Portuguese lawyers and assisted them in their relationships with the media.

The Judge asks if his knowledge about the case is personal or through the media and if, in the first case, there are restrictions on what he can say, if there's a clause of confidentiality.

AM answers that he can't repeat what occurred when he worked with the McCanns, but can freely talk about the media.

The Judge reminds him that in Portugal the lawyers can't talk about specifics as long as a process is ongoing and that any information they acquired through their professional activity must remain confidential.

AM says that in the UK it's not like that.

The judge asks if there's anything that prevents him from talking

AM says he is registered as a lawyer in the UK and the only applicable secrecy law is related to this.

The judge asks if, in the perspective of the English law, he thinks something prevents him from speaking.

AM answers that nothing prevents it, unless it relates to his counselling activities. For instance his meetings with the media aren't under any secrecy law.

The judge concludes by asking **AM** to inform the court if he eventually can't answer any particular question, if it violates a professional confidentiality. She adds that she only mentions this matter because she wants him to feel at ease and not pressurised to answer any of the questions.

1) McCann family lawyer, Isabel Duarte, is the first to question the witness.

ID – Did you advise the McCanns about the reaction to the book?

AM says no. He adds that he is a specialist in the criminal defence of victims and management of the media.

ID – Are you aware of the impact the publication of the (Amaral) book had in the UK?

AM says he is.

ID – Did the public treatment of the case (media, comments, etc.) increase or decrease following the publication of the book?

AM says it increased, the internet included.

ID – You were very attentive in the first months, what was the result?

AM says some distance is needed. The people were compassionate in the UK. The rumours generated media's errors. The comments on the internet revealed the damages caused by the status of *arguido*. The book appeared as the official version of the rumours. It provoked an explosion of comments on the internet. People thought that there had been some judicial decision and this had a negative effect on the search for Madeleine.

ID – Have you read the book in a translation on the internet?

AM doesn't answer this question (*note: later he will say he read the book without specifying where*) but says he heard about the documentary and read a transcript of the documentary. He adds he is not an expert in libel.

ID – In what other countries of the world did the book have an impact?

AM observes the impact was worse because of the profession of the author.

ID – Do you know the books of Paulo Cristóvão, Manuel Catarino and Hernâni Carvalho? (*note: all of them wrote a book on the case*)

AM doesn't know them.

2) Defence lawyers.

The TVI lawyer is a substitute. He has no questions

a) Valentim de Carvalho (DVD production/distribution) lawyer's questions

VC - Are you aware of the process?

AM says yes, but not officially.

VC – Is the information in the media different from that in the Amaral book?

AM says yes, but they are more vague, they weren't said in the same way.

VC – Did the book confirm the rumours?

AM says yes, mainly the internet ones. People understood that these rumours were coming from the PJ. The fact the book repeated them increased that impact. He adds it is the only book that makes these allegations.

c) Guerra & Paz's lawyer's questions

GP – Do you know that other authors spoke in the media?

AM says he is vaguely aware that other books exist. He knows that the case was an important one in Portugal and beyond.

GP – Can you mention specifics about the effect of the book in July 2008?

AM says he can't.

GP – When did you know that the book was on the internet?

AM doesn't know. He says he read the book some time after.

GP – Do you know other books by Gonçalo Amaral on this case?

AM says no.

GP – What were the repercussions in the media of the *arguido* status?

AM says it was very damaging in the beginning but, as there was not much information about, the media found it increasingly difficult to pursue the issue.

GP – Between September 2007 and July 2008, was there an impact on the media?

AM says yes.

d) Santos Oliveira (GA lawyer) questions

SO I would like to know, in order to compare, about the impact following the disappearance, the *arguido* status and the book.

AM says he has no idea and doesn't have numbers.

The judge comments she wasn't expecting Mr McBride to pop up with numbers in his pocket.

SO – So when you say that the book had a growing impact, it's just your opinion?

AM says yes.

SO – Therefore the impact on the search is also an opinion?

AM says it is his judgement. He thinks that it's common sense.

SO – Do you know why they waited so much time before suing GA?

The judge overrules: it has nothing to do with the contemplated matter

SO – Do you know who the Amaral book site on the internet belongs to?

The judge again criticizes and overrules.

The judge (Maria Emília de Melo e Castro) is now asking

MC – what was the reaction to the shelving of the process?

AM says the impact was very quickly overshadowed by the book.

MC – What did the people think of the shelving?

AM says that they respected the AG Report that says that there was no evidence of anything.

MC - But the conclusions of the AG Report are two-fold. It established there was no evidence determining the nature of the crime, whilst indicating that there nothing more that could be done to find Madeleine.

AM concludes saying that the publication of the book raised many comments.

End of Day 2.

(Tribunal failed to resume in the afternoon as the Judge didn't return.)