

Libel trial McCann v Gonçalo Amaral - Day 7 Witness No 3

The testimony as it happened...

(08.10.2013, 12:01pm) **Luis Neves**, former Coordinator of the DCCB (*Direcção Central de Combate ao Banditismo*), now directs the UNCT (*Unidade Nacional de Combate ao Terrorismo*), the PJ unit that fights violent criminality.

The Judge asks the witness if he intervened in the criminal process related to Madeleine McCann's disappearance.

LN says he did, but not directly. He explains that, after some days, the then National Director of the PJ, Alipio Ribeiro, asked him to send officers of his unit who were specialised in cases of abduction and hostage. He adds that his team had collaborated in the Joana Cipriano murder case.

The Judge – What do you mean by "indirectly"?

LN says that, though he went to the Algarve a few times to meet Guilhermino Encarnação, then Director of the PJ in Faro, and Gonçalo Amaral, the operations were performed by Portimão police officers under the direction of his team.

The Judge asks if the witness' relations with Gonçalo Amaral are only professional or if there is a personal relationship.

LN says there's friendship between them.

The Judge asks if the witness had a relationship with the McCanns.

LN remembers he saw them at a meeting organized by Guilhermino Encarnação in the British Consulate in Portimão concerning diligences to perform on sightings.

The Judge – Have you read the book?

LN says he didn't read it completely. Somebody showed the book to him and he read a few sections, just before the injunction trial.

The Judge - Have you watched the documentary?

LN says "no".

He swears to tell the truth.

1) Defence lawyers

This witness is common to Defence lawyers acting on behalf of both Guerra & Paz and Gonçalo Amaral, the question being who will start.

a) Gonçalo Amaral's lawyer, Dr Santos de Oliveira, is the first to question the witness.

SO – Do you have any knowledge of the AG Final Report concerning this case?

LN says "yes".

SO – Do you know that the PJ went on gathering information after the case was shelved?

LN says he is aware of that.

SO – Was there some investigation?

LN says if there was he didn't take part in it.

SO – But didn't you receive Reports?

LN says "no", but as he had contacts with people in charge of the operations, he was informed about them.

SO – After the publication of GA's book, was there a breach in the flow of information?

LN presumes that there wasn't, but points out that he doesn't know. He says that, independently of the shelving of any criminal process, the PJ continue to work. They don't perform formal (official) operations but correlate and investigate any new information that is brought to them.

SO – What do you know about the Scotland Yard rogatory letter?

LN says he has no knowledge of its content.

SO – From what you read of the book, would you say it constitutes a revelation?

LN There's nothing new in this book.

SO – What about the conclusions?

LN says he only remembers clearly one or two chapters, about dogs and about an Irish family. He says that anybody who at the time was aware of this case knew all that was in this book. He explains that the Public Ministry had the files digitalised in order to make them available.

SO – Have you any knowledge about how the "death" theory came about?

LN says there was no such theory in the beginning; he even remembers that Guilhermino Encarnação talked of abduction. But with time this idea had to be contemplated. He says that Madeleine's parents were the first to talk of death. It occurred in the British Consulate when the parents wanted a South African ex-policeman to come with a machine supposed to find bodies from hair samples (*Note: Matter Orientation System or MOS*).

He remembers there were a lot of problems at the customs because of this device. The witness says that later, the British police officers who were collaborating in Portimão started speaking of special dogs that could discover bodies in a field. He says that it is where the initiative of sending for the dogs originated. Through the help of the dogs the investigation evolved. Death appeared a serious possibility. It led to the examination of telecommunications. From the end of 2007 on, the "death" theory became a distinct possibility.

SO – Was the investigation limited to the facts that are in the book?

LN Independently of the main theory, all lines of inquiry kept on being investigated. The witness adds that the dogs (Eddie and Keela) resolved many cases, they arrived with an impressive curriculum vitae and a lot of certificates that of course carried a certain amount of prestige.

b) G&P's lawyer, Dra Fatima Esteves.

GP – Your Unit is specialised in abductions. Concerning the reopening of the investigation...

The Judge overrules the question.

GP – When did you read the book?

LN says he read it before the judgement of the *providência cautelar* ("injunction", in January 2010), he read extracts of it.

GP – Were the facts in the book different from the facts that are in the criminal process Report?

LN says he remembers the facts in the book are those of the investigation.

GP – Do you know if the PJ continued to investigate?

LN says they didn't officially investigate. He adds that the police must take seriously and pursue all information that comes to them regardless.

d) TVI's lawyer, Dr. Miguel Coroadinha.

TVI – What about the South African called Krügel, who suggested he be sent for?

LN The parents did, particularly the mother, she made much pressure for it to happen.

TVI – Was the machine intended to find bodies or living people?

LN Bodies. It wasn't supposed to reveal the location of living people.

TVI – Then the parents considered death...

The Judge overrules.

LN spontaneously says it was very complicated to have the equipment pass the border.

TVI – When was it? One, two months later?

LN thinks it was in July 2007.

TVI – Was there a reaction by the British after those operations?

LN says he wasn't present during the Krügel diligence, but he was told how it occurred. He describes the methodology.

Then the witness mentions that some sticks were inserted into the ground in order to help the dogs find an eventually buried corpse.

TVI – Was that theory promoted among all others?

LN says he didn't say so and observes that Guilhermino Encarnação spoke of abduction in spite of having absolutely nothing that could substantiate it. He insists that, as in the Joana Cipriano case previously investigated, all hypotheses must always be on the table.

2) The McCann's substitute lawyer, Dr Ricardo Afonso.

RA – You spoke of a suggestion to send for dogs, is it in the process?

LN says he doesn't know if there is a Report on that. He knows that the proposal by the British police wasn't easy to accept because it involved high costs and there was no precedent in Portugal to work with this type of specialised dog. He remembers that, just after the operations with the dogs, he spoke to two British officials in Lisbon to whom he asked what use the English Courts made of the dogs' alerts.

RA – Then?

LN I was told they only perform a secondary part, but in many different cases they had helped to reach the truth.

And then nothing more was said.

Evidence ends.