

## **Libel Trial > McCann v Gonçalo Amaral - Day 2 Witness No 1**

The testimony as it happened...

(13.09.2013, 10am) **David Trickey**. He is a psychologist. He was contracted by Madeleine's parents concerning the twins. He went to PDL to meet them, then had some conversations on the phone with the McCanns, but only two meetings (without the twins).

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

ID says the issue here is the effects, on the twins, of the Amaral book and the documentary.

In your professional opinion what do you have to say?

**DT** says he is a specialist in child trauma. He has worked with ten families in cases involving abduction. (*note: unfortunately nobody asked what kind of abduction*) He saw the twins some weeks after Madeleine disappeared. They were asking where she was. He helped to answer that question. He says it is fundamental for a child to believe the world is safe and secure. Thanks to their age, the twins were protected from the book.

He has two preoccupations: 1) anything affecting the parents will have an impact on the children and 2) the twins will have increasing access to books, etc. He adds that it is easy to monitor young children but not teenagers. He is afraid that when the twins eventually read the Amaral book they will question their parents. This could have an enormous impact on them.

He is concerned that the twins will believe that the book hindered finding Madeleine, a belief that could lead to despair. In all the other cases he worked on, the children wanted to know if everything possible had been done.

He is also worried about the twins' friends having access to the Amaral book. Children cope better if they have social support and if their friends' families also support their parents. As far as questions are concerned, they can respond saying nobody knows what happened, but what if someone turns up saying that what happened to Madeleine is known? ...and refers to the book? Because it's a book, it has extra credibility (*note : he likely meant "authority"*). In such a situation therefore it would be very difficult for the twins to deny what the book states.

ID – What do the parents do in daily life?

**DT** says his concern is the children and most of his concern is the future.

ID – Are the parents anxious about keeping the twins away from the book etc.?

**DT** says there were occasions in which they had to control access to the internet.

ID – Why did you say the book had credibility?

**DT** says that it is much more difficult, especially for children, to dismiss a book written by a police officer who expresses his ideas.

ID – What are the effects on the children?

**DT** says there's a difference between the impact of a book and the impact of articles and news. He worries because the book doesn't suggest but concludes.

ID – What are the preoccupations concerning this family in particular?

**DT** says it's difficult to answer. The twins have done very well so far because their parents managed

to protect them. He worries about the future however, when the twins become independent. Some impact is unavoidable. It is difficult to predict which one it will be. He thinks the book leaves a feeling that the world isn't secure and that the parents are somehow dangerous. If they find that the book damaged the search for Madeleine, they'll be angry or depressed.

## **2) Defence lawyers.**

**The TVI lawyer is a substitute, he has no questions.**

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

VC – Have you had access to the book through the internet?

**DT** says yes.

VC – So you also had access to the comments about the book through the internet?

**DT** says yes.

VC – The investigation Report was spread in the media, translated into English and put on the internet. Does this worry you?

**DT** says that anything, any information that undermines the trust of the children worries him.

VC – Are you worried by the transcripts that are on the internet?

**DT** says he doesn't know what they are about and can't answer.

VC – What if the facts are similar to what the investigation Report states?

**DT** says the book is a clear statement that presents a unique conclusion.

VC – Is the death hypothesis the only thing that worries you?

**DT** says no. The issue is the involvement of the parents.

VC asks permission to read an extract from the book.

*Os resultados a que chegámos foram os seguintes:*

- 1. A menor Madeleine McCann morreu no apartamento 5A do Ocean Club, da Vila da Luz, na noite de 3 de Maio de 2007;*
- 2. Ocorreu uma simulação de rapto;*
- 3. Kate Healy e Gerald McCann são suspeitos de envolvimento na ocultação do cadáver da sua filha;*
- 4. A morte poderá ter sobrevivido em resultado de um trágico acidente;*
- 5. Existem indícios de negligência na guarda e segurança dos filhos.*

Translates as >

The results my team and I have arrived at are the following:

1. The minor, Madeleine McCann died inside apartment 5A of the Ocean Club in Vila da Luz, on the night of 3<sup>rd</sup> May 2007;
2. There was simulation of abduction.
3. Kate Healy and Gerald McCann are suspects of involvement in the concealment of their daughter's body.
4. The death could have occurred as a result of a tragic accident;
5. There are clues about the parents' negligence concerning the care and safety of the children.

**DT** says the idea that the parents aren't able to keep the children safe is terrifying for the children. Then there's the issue of the parents simulating abduction. The problem is that it isn't a suggestion but a conclusion.

VC now asks for a reading of the Conclusion to the Investigation Report dated 10<sup>th</sup> September 2007 which is also on the internet.

Isabel Duarte objects to this reading, but the judge overrules, saying it's within the files that were released (Vol X, p. 2587-2602)

*Por tudo o exposto resulta dos autos que :*

- A) A menor Madeleine McCann morreu no apartamento 5A do Ocean Club da Praia da Luz na noite do 03 de Maio de 2007.*
- B) Ocorreu uma simulação de rapto.*
- C) De forma a impossibilitar a morte da menor antes das 22h, foi inventada uma situação de vigilância das crianças do casal McCann enquanto dormiam.*
- D) Kate McCann e Gerald McCann estão envolvidos na ocultação do cadáver da sua filha Madeleine McCann.*
- E) Neste momento parece não existirem ainda fortes indícios de que a morte da menor não tenha ocorrido devido a um trágico acidente.*
- F) Do apurado até ao momento tudo indica que o casal McCann, como autodefesa, não queira fazer a entrega de forma imediata e voluntária do cadáver; existindo uma forte probabilidade de o mesmo ter sido trasladado do local inicial de deposição. Esta situação é susceptível de levantar questões quanto às circunstâncias em que ocorreu a morte da menor.*

Translates as >

From all the elements that have been exposed, it results that:

- A) The minor Madeleine McCann died in the apartment 5A of the Ocean Club resort, on the night of 3<sup>rd</sup> May 2007;
- B) There was a simulation of abduction;
- C) In order to make it appear impossible that the death of the minor occurred before 22.00hr, a system of checks on the McCann children while they slept was created;
- D) Kate McCann and Gerald McCann are involved in the concealment of the cadaver of their child Madeleine McCann;
- E) At this moment, there is no evidence that the death of the minor didn't happen due to a tragic accident;
- F) From what has been established until now, everything indicates that the McCanns, by virtue of self preservation, don't want to deliver immediately and voluntarily the cadaver, even though there is a strong possibility that the same was transported from the initial place of deposition. This situation consequently raises questions about the circumstances under which the death of the minor occurred.

**DT** says his concern is that the book is more accessible and easier to read.

#### **b) Guerra & Paz's lawyer's questions**

GP confirms that DT saw the twins only once in PDL, some weeks after Madeleine's disappearance.  
– What about the memory of a 2-year-old child? Will the child remember?

**DT** answers that the twins' age then was just around the time when a child's memory develops.

GP – What about the meetings with the McCanns?

**DT** says the first meeting (*actually his second intervention*) was requested as a support for the twins.

GP – Did the twins show preoccupation for having been left alone when sleeping?

**DT** says he's not aware of that.

The lawyer explains it was the reason why she had asked about memory.

GP – Concerning the security issue (since parents are expected to protect), is it possible that the fact they were left alone resulted in some trauma?

**DT** pauses, then says he has no evidence of this.

GP – Was your intervention only related to abduction?

**DT** says his job was to minimize the trauma and the impact of abduction.

GP – Was your intervention about abduction or disappearance?

**DT** says he spoke of disappearance: where is Madeleine? We don't know.

GP – At which age did the twins go to school?

**DT** doesn't know.

GP – Have you talked about the internet issue with the parents?

**DT** says he's aware that recently they had to forbid the twins to look for information on the web.

GP – In order to satisfy themselves that everything was done to find Madeleine, will they not try to look for information on the internet?

**DT** says his concern is that the book is so easy to access.

GP – Shouldn't we expect that sooner or later the twins will read what's on the internet?

**DT** says "possibly".

GP – At which age should the parents speak about the book?

**DT** says they'll have to do it before the twins discover by themselves. The parents know better than anyone else when they'll have to talk about it.

GP – With the explanations of the parents will the book cause trauma with the twins?

**DT** says it's very difficult to say. His job is to reduce that risk.

GP – What if they feel the parents are concealing the book?

**DT** pauses, then says it's difficult to find out the right time.

GP – Which option will cause the least damage to the twins. If they don't find the right time, isn't it more serious?

**DT** pauses, then says this is a difficult question.

GP – It's even common knowledge in the media that in missing children cases there's a big probability of abduction by a parent. What causes more psychological damage, not having the parents to help, access to the internet without the parents having talked before or access having spoken with the parents?

**DT** says knowledge reduces the risk, but doesn't suppress it.

### **c) Santos Oliveira (GA lawyer) questions**

SO observes that **DT**'s job is with the parents and that he hasn't seen the twins for a long time. Do the twins have no idea about what's in the book?

**DT** says he doesn't know. As they're young it's easy to protect them.

SO – So up until now they don't know about the book?

**DT** is not aware.

SO – Have they some idea that their parents were *arguidos*?

**DT** doesn't know. They (the McCanns and **DT**) never spoke about that.

SO – Do they know a book was banned and then authorized again?

**DT** doesn't know.

SO – Are your preoccupations projections?

**DT** says yes.

SO – With your experience will it be possible to reduce the effect (of the book)?

**DT** pauses, then says the impact is less between 20-30 years of age but from 8 to 18 years it increases.

SO starts to ask why the children were alone... but the judge overrules saying it is off topic.

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

MC –How old are the twins ?

**DT** says they're 8.

Continues...