

Libel Trial McCann v Gonçalo Amaral - Day 3 Witness No 2

The testimony as it happened...

(19.09.2013, 12:45 pm) **João Melchior Gomes** via video-conference. He retired (November 2010) but has the title of Deputy Attorney General (AG) and is addressed as *Procurador Geral Adjunto*. He must nevertheless swear to tell the truth (*but no bible and no gesture*). He is the (only) person who effectively signed the AG Report.

– The judge asks him if he is aware of what the court is judging.
– MG responds that it is a trial against Gonçalo Amaral.

– The judge reminds him that there are three other defendants in the libel case and asks what MG's involvement in the investigation amounted to.
– MG says that in September 2007 he was charged with the task of supervising the work of the *Procurador da Republica*, José de Magalhães e Menezes. He was then in Evora as Deputy AG but also visited Portimão and Praia da Luz a number of times. He had two contacts with Gonçalo Amaral. The first was related to the intervention of the British cadaver dogs (Eddie and Keela) and the subsequent forensic analysis of samples. The second was through Guilhermino da Encarnação, the PJ Director in Faro, they had a meeting with the investigation team in Portimão.

The judge asks whether his relationship with Gonçalo Amaral was personal or professional.
MG answers "only professional".

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

ID explains that the issue at stake is the effect which Goncalo Amaral's book had following its publication in July 2008. She asks whether **MG** is aware of any developments subsequent to the release of the AG Report which could have led to the reopening of the case. **MG** says no new element emerged which the Public Ministry was aware of. There was information received but it was found to be irrelevant to the case. That was the situation at least up until November 2010, when he retired.

ID asks if the AG Report reflects the results of the criminal investigation up to July 2008.
MG answers that the Report is based on evidence (*elementos de prova*) gathered by the PJ, GNR, etc. and also, by Leicestershire Police and others in the UK, He says that thousands of people were contacted.

ID – Was all the information made available to the public?

MG says "yes", except for documents relating to people investigated or convicted of sex crimes.

ID – Are the facts mentioned in his book (Amarals) and in the documentary part of the investigation?

MG says he didn't read the book nor did he watch the documentary.

A momentary silence envelops the court room. ID then states that, if that is the case then she will refer to the PJ Files 2587-2602 (Vol X) dated 10 SEP 2007 (Report by Inspector Tavares de

Almeida). She doesn't have a copy of the documents however and neither does the Judge. The Court clerk hurriedly exits the Court in an attempt to find them.

ID – The book and the documentary are based on the conclusions of this Report, do you remember it?

MG says he doesn't. He says that the first formal meeting he was part of was on the 12th September 2007. He says that intermediate Reports were signed by Magalhães e Menezes. He knows that Tavares de Almeida for some reason ceased collaborating.

He says his confidence is in the AG Report and he doesn't see any reason to alter its findings. He can only say that it was written in close collaboration with Magalhães e Menezes.

He remembers it was never understood at the time however how Robert Murat became a suspect merely on the basis of a British journalist's statement.

ID – But Robert Murat isn't "*autor*" (plaintiff)!

2) Defence lawyers.

a) Guerra & Paz's lawyer's questions

GP – Was it normal to nominate another Public Prosecutor to supervise the process?

MG observes that he was nominated as Deputy AG.

Meanwhile the Court clerk is back with a few CDs saying she found no paper copy of the Report. The Judge says she doesn't see the point in any event

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

MC – Therefore the content of the DVD doesn't include all the files?

MG says that files relating to sex offenders and those involved in sex related crimes were suppressed.

MC – Can we conclude therefore that, except for the identity of certain persons who were ruled out, a complete copy of the PJ files was released to the public?

MG hesitates a few seconds and answers "yes".

Evidence ends.