

Outcome of the Trial Reports – 21st January 2015

In a civil court, the facts that were gathered and considered as evidence by the judge, within the limits fixed for a trial, are normally not publicised, whereas in a penal court they have to be stated publicly.

This morning's session, which was no hearing, happened to be open to the public (reduced to 3 persons, me included, no journalist) just because, due the restructure of the juridical system that occurred end of August, the judge Maria Emilia de Melo e Castro has been nominated to another section and doesn't belong to this civil court anymore, having therefore no office in the Tribunal Civil de Lisboa. So she needed a court room to release to the lawyers the document she elaborated.

Only four lawyers were present:

For the claimants, Dr Ricardo Afonso (representing Dra Isabel Duarte)

For the defense, Dr Miguel Cruz Rodrigues, Dra Fatima de Oliveira Esteves, Dr Henrique Costa Pinto. Dr Miguel Coroadinha (TVI) was absent.

The Judge asked the lawyers to read the document in case they needed clarification on some points or had any objection, suggesting it wasn't definitive. In fact it is on this document that the lawyers who solicited it at the last hearing (all of them) will build their "allegations of law", i.e indicate how they would interpret the law on these topics. The judge left the court room, leaving the lawyers at their reading.

And so it happened.

A quarter of an hour later, the judge entered the room (through the witnesses', clerk's and lawyers' entrance and not through the judge's special entrance) and asked for observations. The only lawyer who intervened was Dr Henrique Costa Pinto (Valentim de Carvalho Multimedia).

He found some contradiction concerning the green light given for the DVD's production. He underlined that he was mentioning this issue informally. The judge explained that she took various sources into account and that commercializing is one thing and selling another. Therefore she thought it wasn't contradictory, but admitted that without the context it might let one think it was.

The other issue was related to the WOC issue. From this day on, the claimants have 30 days to hand over the London Court's authorization to have Madeleine McCann represented by her parents in this trial. Meanwhile the trial is suspended. After the 30 days delay, which of course can happen to be shorter, the lawyers will have ten days to hand in their "allegations of law".

When the judge left the room after distributing the document to the lawyers, as if the benches for the public were empty, looking literally through the three members of the public, I entered the "sacred" area and asked the clerk if I could read the document. The clerk looked embarrassed, hesitated but then said "no", adding, as a justification, that it was "informal". As there was no journalist neither in the court room nor outside (only photographers expecting the McCanns like Vladimir and Estragon wait for Godot), as none of the defense lawyers would have misled the Press Agency Lusa to their disadvantage, the reader will need no hypothetico-deductive method to find out who grossly disinformated an institution that still plays a decisive part in the international circulation of the news.

This note is obviously my last contribution to the trial reports, as the sentence will be notified to each lawyer by mail.

Analyzing the terms of the sentence is another chapter.