

Madeleine Beth McCann

A Mystery Story



Albert Moisiu

On 3 May, 2007 a young girl, a few days away from her 4th birthday, disappeared from a holiday apartment in the seaside resort of Praia da Luz, Portugal where she and her 2 year old sibling twins had been left unattended while the parents ate dinner in a nearby restaurant with holiday friends.

The official police investigation, led by the Polícia Judiciária (the Portuguese Criminal Investigation Department) and supported by members of British CID and specialists in telecommunications and forensics, did not find an abductor.

During that investigation an Enhanced Victim Recovery Dog (EVRD) indicated possible traces of human remains in the apartment, on articles of the mother's and the child's clothing and in a vehicle hired by the parents. A Crime Scene Investigation (CSI) dog indicated traces of human blood in the apartment and in the vehicle in the same places indicated by the EVRD. Collected samples were sent to the British Home Office laboratory at Forensic Science Services in Birmingham, England where Low Copy Number DNA tests were pronounced as being unresolvable due to contamination by at least two other persons.

The parents insist that their daughter was the victim of a rare stranger abduction. They believe she is alive and continue to look for her. They are supported morally and financially by many of Britain's highest politicians, law practitioners and wealthiest individuals.

They have received financial support estimated to be in excess of £5-million: £1.5-million from a sympathetic public; £925,000 from libel settlements; an unknown value in payment of legal fees, spokesperson remuneration and investigation agency contracts. There is a £2.5-million reward for the girl's return.

Since the release of the 30,000-page official case file to the world media on 4 August 2008 the British media have been almost silent. The British Government retains control of an additional 11,000 pages of evidence as yet not released.

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To Bren, Beo and all the others – 'pro' and 'con' alike – who keep 'The 3 Arguidos' the best talking shop on the Internet.

To Tony and Debbie of 'The Madeleine Foundation' – I wish you well in your endeavours.

To British media groups without whom we would have so little to laugh at and to scorn.

To Portuguese media groups, and to the Polícia Judiciária who were involved in the case, who did their best and who are still trying.

To Gonçalo Amaral - Força!

Request

If you decide not to purchase a copy of this book then please consider donating something to maintain one or all of the following archive/information sites on this case:

<http://www.mccannfiles.com>

<http://www.gerrymccannsblogs.co.uk>

<http://madeleinefoundation.org>

<http://www.the3arguidos.net>

Foreword

If you are a person who did not follow the story of Madeleine Beth McCann during 2007 and 2008 then let me start by saying that this is a tale with minimal depth to it but one possessing a potentially huge breadth.

The deepest part to the story lay in the official case file that, in accordance with Portugal's constitution and penal code, was released by that country's legal system to the world press and media in August 2008. Despite that unconstrained access, however, that agency of supposed "values that matter" - to quote from the website of the UK Society of Editors - remained astonishingly silent about the facts of the investigation. This silence must surely play a part of the bigger picture if not the wider agenda.

Let us look quickly at those published purported values:

The universal right to freedom of expression

- including the right to remain silent, of course;

The importance of the vitality of the news media in a democratic society

- and silence always improves one's vitality;

The promotion of press and broadcasting freedom and the public's right to know

- with, in this case, silence clearly enhancing such promotion;

The commitment to high editorial standards

- the highest of which is, presumably, silence.

We shall return to this at the end of the book but, in the meantime, let me give you a quick guide to what, I hope, you will find to be an informative narrative.

Chapter One devotes itself to being a story about the main events and situations that transpired from the seaside resort in Portugal in May 2007 through to the release of the official case file mentioned above. It is only a few pages long and, if you are reading this in a book store and wondering if you should purchase it, I would suggest that if you are not intrigued by those events then return the book to the shelf.

Subsequent chapters are devoted to topics that evolve naturally from chapter one and conclude with the final chapter being a short bibliography.

This book is intended to be a reasonably objective source of information although subjectively presented through the eye and hand of the writer. To crib from Rupert Murdoch's "fair and balanced" Fox News - I write. You decide.

A small child disappeared apparently without trace and anyone who may know where she may be at the time of my writing has not volunteered that information. Shame on them!

Chapter One

The main players

On 28 April, 2007 four families from England - a group of nine adults and eight children - descended on the sleepy seaside resort of Praia da Luz (Beach of Light) in the Algarve, Portugal, for a holiday at the Ocean Club tourist complex.

Gerald and Kate McCann with their twins, aged 26 months, and their daughter, Madeleine, aged 3 years 11 months, were lodged in 5A, the corner apartment on the ground floor of building number 5.

Matthew and Rachael Oldfield with their daughter aged 19 months were lodged next door in apartment 5B.

Russell O'Brien and Jane Michelle Tanner, with their two daughters, one aged three and a half, the other 19 months were lodged in the ground-floor apartment 5D.

David and Fiona Payne with their two daughters, one aged three years, the other 12 months, and Fiona's mother, Diane Webster were all lodged in the first-floor apartment 5H.

All the men were medical doctors, as were Kate McCann and Fiona Payne, each with a different speciality.



Six of the seven holiday friends receiving apology and libel settlement - 2008

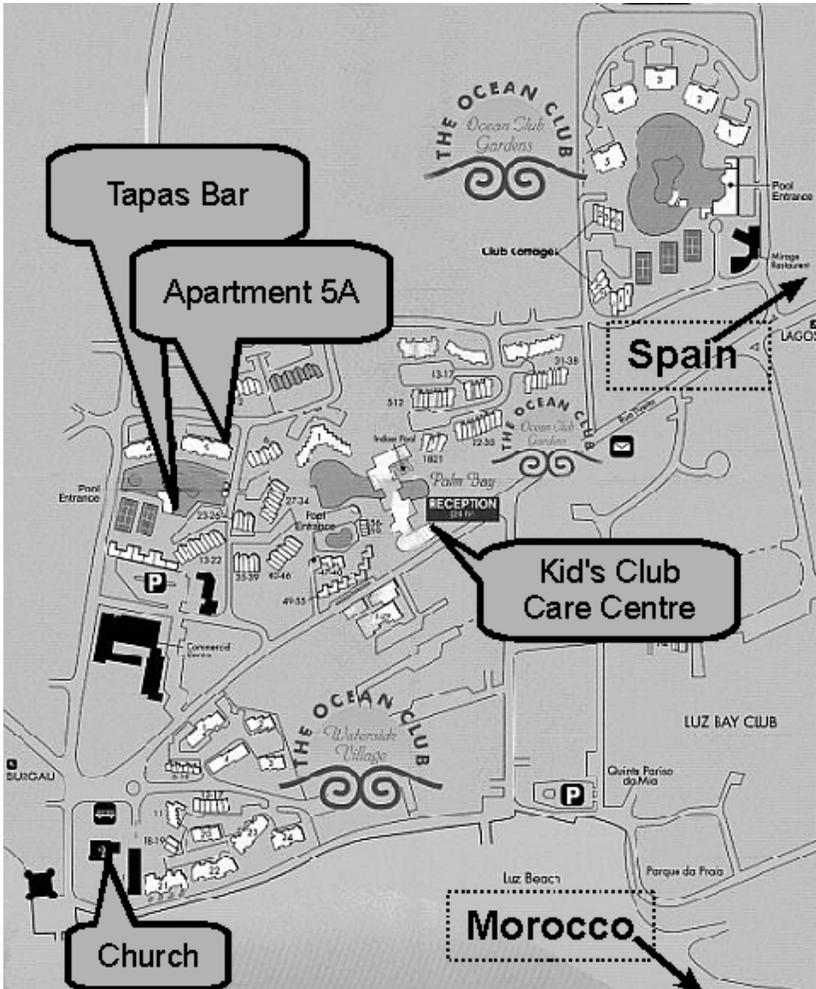
Setting the scene

The Ocean Club, a Mark Warner resort, was managed by John Hill assisted by an extensive staff - even when out of season - including Silvia Baptista, the Maintenance manager, and various child-minders employed to look after guests' children in the three care centres in the resort and, for a small extra fee, to babysit children after hours.

The entire village of some 1,000 inhabitants is essentially focused on tourism having been swept up in the revolution of the 1980's/1990's when extensive property development turned the greater part of the Algarve into Little Britain - that area of the country where Portuguese is the second or third language. The greater part of the village is, whether measured on a per-

room basis or land area covered, an integral part of the Mark Warner resort.

Along with its naturally self-contained beach on the Atlantic Ocean the resort guests were offered facilities that included tennis and sailing.



Ocean Club guest map of Praia da Luz and surroundings (annotated)

The holidaying families quickly settled into their respective regimes:

- the McCanns breakfasted at home while the others partook of the resort-provided breakfast amenities;
- the McCanns placed all their children in the care centre both morning and afternoon while other families spent at least some or all parts of the day with one or more of their children;
- the McCanns lunched as a family in their apartment while the others ate together as friends in one or other's apartment or selected locations;
- each night, for some two or three hours between 20:30 and 23:30, all nine adults left their respective children in their respective bedrooms without adult supervision while they, the adults, wined and dined with - except for the Paynes - one member of each family periodically interrupting their repast to walk back to their apartment to check on their children. The Paynes employed a radio monitor to continuously listen in on their children from the comfort of the dining table.

The main event

After one such check, shortly after after 22:00 on the night of 3 May, Kate McCann reported back to the group that her elder daughter, Madeleine, was not in her bed nor in the apartment.



Aerial view of Ocean Club Apartment blocks 5 (left) and 4 (right)

Searches were set up and conducted during the night by resort staff, some of the friends, other resort guests and local village inhabitants.

Enter the Portuguese police

Local police, the GNR (Guarda Nacional Republicana), in Lagos received a telephone call from the resort at 22:46 and a patrol arrived around 23:00 to find several people had been through, and were still in, the apartment. They proceeded to make inquiries and to commence their own search.

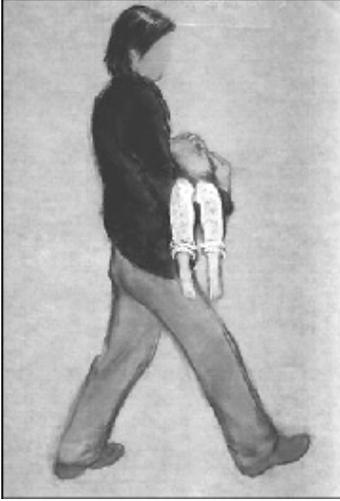
At 00:10 on 4 May they alerted the PJ (Policia Judiciária - the Portuguese Criminal Investigation Department).

Resort management arranged alternative accommodation for the McCanns while members of the police proceeded to photograph the apartment 5A and others made preparations for wider searches beyond the village itself and began to make contact with foreign police forces as well as other Portuguese civil defence and military services.



Portuguese police with tracker dogs looking for Madeleine Beth McCann

On 4 May the entire village was searched by police, including tracker dogs, and members of the public and civil defence. As the search widened to 15 then to 30 kilometres from Luz maritime services searched coastal waters, cliffs and beaches along the coast as well as investigating shipping movements, while the military Air Force provided helicopters to help coordinate ground forces as well as to seek in areas hard to reach from the ground or the ocean.



Second sketch of abductor

On that same day the PJ obtained formal witness testimony from the parents and other holidaying adults. In the most-detailed testimony forthcoming from all the parents and friends one friend, Jane Tanner, stated that she had seen a man carrying a child away from building 5 at some time between 21:15 and 21:20. This provided the initial impetus to the abduction theory. On that and subsequent days testimony was also obtained from all resort employees and hundreds of other people during door-to-door and other inquiries in and around Luz.

Enter the media

British press was reporting the disappearance of the child less than six hours after the mother raised the alarm. Within 24 hours the village was inundated with press teams of every description with more than 300 teams from around the world in place in under a week. Initially, the locals welcomed the additional revenue but that novelty soon wore off as foreign journalists became to be considered a pest little better than cockroaches.

The exact time that the first press contact was made does not appear to be known, nor between whom, but the *Associated Press* and *Reuters* appeared to be feeding the breaking story to (or receiving from) other news agencies in sufficient time for it to have been broadcast on the British *Sky News* 06:00am newscast on 4 May. The *Daily Telegraph* on-line website had the story timed at 12:01am - a mere two hours after the alarm was raised - and that story carried the comment that the British Foreign and Commonwealth Office also had knowledge of the disappearance - presumably, but not proven to be, through the good offices of their *Media Monitoring Unit*.

Regardless of however and from whomever the news originated it began a total media frenzy that lasted for more than a year, only to stop when libel suits became the norm to obtain money for the parents use through a trademarked legal vehicle established within days of Madeleine's disappearance.

Enter the money

The *Maddie Fund*, as it was to become known in the vernacular, appeared to have been established in concert with the private legal teams that arrived in Luz within days and followed on the registration of two Internet domains and the creation of corresponding websites.

The first version of the website was supposed to be the vehicle through which Madeleine would be kept in the eye of the world but with the press fulfilling that role more than

adequately it seems to have been decided to convert the site into one of many methods through which to transport money waiting to be donated without reservation to the parents. This brought about the second domain name with an updated website amended to receive on-line funds transfer and to publish other ways of being able to give money to the parents. Domain registrations were made on 10 and 11 May 2007.

After applying for and failing to have a charity registered in Madeleine's name, a company with no share capital, limited by guarantee was registered in Companies House on 12 May 2007.

Trademarks were applied for on 18 May 2007.

While there is neither a legal nor a moral requirement for a full public accounting of the Fund, fifteen months later the most conservative estimates of monies having been received exceeded £2-million. On 6 September 2008 the parents let it be known that £1-million had been spent "hunting for Madeleine" and, while refusing to comment on 'personnel, financial or operational details' on that date, a spokesperson for the parents had let it be known previously that the balance on hand was somewhere around £450,000. The true disposition of all the other money remains unknown to the public although several stories have emerged.



Contributors: Sir Richard Branson; Ms J.K. Rowling; Sir Philip Green and Sir Stelios Haji-Ioannou

In addition to monies received from a non-sceptical public the parents began to acquire some well-heeled financial backers - some adding a pledge to increase the reward put up by *The News of the World* newspaper to no less than £2.5-million, while others contributed directly to alleviate the obvious financial stress that the parents would suffer.

Enter the professionals

On the subject of a spokesperson, along with the press came the public/press relations experts: the first for a few days was from Bell Pottinger - the PR agency engaged by Mark Warner

for immediate damage control - in the form of Alex Wolfall who was quickly followed by the stream of experts from England.

The first of those was Sheree Dodd - personally seconded to the case for several days by the then-British Prime Minister, Anthony Blair, possibly at the behest of the then-British ambassador to Portugal, John Buck, or Lord Bell, of Bell Pottinger.

Next appeared Clarence Mitchell for the first time (then working for the Foreign and Commonwealth Office, later to be the Director of the British Government's *Media Monitoring Unit* in the *Central Office of Information*).

He left after a month being replaced by Justine McGuinness, under personal contract with the Fund for \$51,000. She survived the most turbulent three months before Clarence Mitchell suddenly resigned his Government job in September 2007 to become the permanent spokesperson for the parents.

Enter the Government

Speaking of the British Government and its representatives several sub-plots abound with respect to their activities ranging from known communications directly between the parents and the then-Chancellor, presently Prime Minister of Britain, to what some may possibly describe as deliberate interference in a criminal investigation.

Enter the British police

The first British police representative to appear in the Algarve was Glen Power, a liaison officer working in the British Embassy in Lisbon. He and the then-Portuguese CID Inspector leading the investigation, Gonçalo Amaral, knew each other from previous work on organised and violent crimes. He arrived on 5 May 2007 to advise that two officers from Leicestershire would come in due course to act as liaison between the investigation team and the parents.

Two days later Bob Small from Leicestershire CID arrived with a colleague to assess the situation. Then came the two family liaison officers who survived less than a week before being dismissed by Kate McCann on May 14 after they asked her where her daughter was. Then came the bulk of *Task Portugal* - the name assigned in UK to the squad of specialist experts in communications, special surveillance techniques, criminal profiling, and information analysis.

Enter the voyeurs, the seekers and the seers

As a direct result of the overwhelming press coverage more than 2,000 sightings of Madeleine were received, recorded and investigated by police forces seemingly from Addis Ababa to Zanzibar by way of Belgium, Canada, Dubai, Egypt, France, Germany, Holland, Ireland, Jamaica, Kenya, Luxembourg, Malta and Morocco to name some locations in addition to the

more obvious Portugal, Spain and Britain.

That number excluded the screeds received (and filed) from the more exotic elements in the public domain such as psychics, soothsayers, seers, astrologers, tarot readers, dream interpreters and even a pseudo-scientist from South Africa who was actually engaged by the parents to demonstrate the power of his ‘quantum’ DNA machine.

The World Tour

Not being people to sit idly by while others followed up the sightings and continued to look for their daughter, the parents, singly or together, started with some prayers at Fatima in Portugal, then (in no particular order) went to Rome for an ‘audience’ with the Pope; to Washington to discuss legalities with discredited former Attorney-General Alberto Gonzales; to Germany where the parents faced the first live questions that did not conform to the abduction theory; to Morocco to calm their troubled spirits with the scripted adulation of small children; to Huelva in Spain to distribute posters in shops that were closed on a public holiday.

Omitted from this tour were locations where their daughter had been sighted “with absolute certainty”. Certainly remote places like Singapore and Argentina were obviously unlikely candidates for a visit, but Belgium, Holland, Spain and Malta would seem to many to have been within range and within budget of the mounting bank balance of the Fund and the

availability of at least one private jet for their use, kindly donated by a wealthy well-wisher.

Dead to rights

The turbulence in Justine McGuinness' reign as PR expert came about as a result of the work of more British specialists - this time a forensic investigation specialist, Mark Harrison and, a little later, two specialist dogs with their handler, Martin Grime.

An EVRD (Enhanced Victim Recovery Dog) and a CSI (Crime Scene Investigation) dog working in tandem are a powerful team. The EVRD is trained to detect the scent deposited by the remains of a dead human body or cadaver. They are used in disaster areas after natural events such as earthquakes and floods as well as in cases of human-created events such as 11 September 2001 in New York City and in potential crime scenes such as Haut de la Garenne in Jersey in 2008. In similar vein, the CSI dog is trained to detect the scent from traces of human blood.



EVRD 'Eddie' at work on the hire car

In both cases the dogs react only to the scent they are trained to detect and to nothing else, but the real strength in their use is that they are incapable of lying.

In Luz in August 2007 both dogs signalled the detection of

scents they were trained to find - in and around apartment 5A; on articles of the mother's clothing and a T-shirt previously worn by Madeleine, and in the car hired by the parents some 25 days after Madeleine disappeared.

Despite some misgivings with the evidence amassed during the first three months of the investigation the police were reasonably comfortable with the abduction theory advocated and strongly promoted to this day by the parents and the friends.

This discovery by the dogs, however, prompted the local CID and *Task Portugal* officers to seriously consider, and to pursue, the possibility of parental involvement in two crimes, namely the illegal disposal of a body and the simulation/pretence of an abduction.

The aftermath begins

On 7 September, 2007 - four months and four days after the reported disappearance - the parents of Madeleine Beth McCann were attributed the legal status of 'arguido' in Portugal. This status permitted them have a legal representative present during questioning and the right to remain silent when being questioned.

On legal advice Mrs McCann availed herself of that defence and refused to answer 48 questions put to her by the CID. Conversely, Mr McCann responded to all questions put to him that day.

Two days later, on 9 September 2007, the McCann family flew back to England followed in very short order by the few remaining representatives of the British police.

The next day, 10 September, 2007, the former British ambassador to Portugal, John Buck, resigned from the diplomatic service entirely. The former British consul in the Algarve, Bill Henderson, had already resigned from his post in August 2007.

False accusations

The untruths, half-truths, misgivings and errors that led to the numerous false accusations that were to become something of a norm in the case began almost from its inception.

Aside from the terrorisation of obviously innocent victims during the plethora of false sightings, by far the worst accusations were those levelled at Robert Murat which began around 7 May when a female employed by a British paper revealed her suspicions to the Leicestershire Constabulary in UK about him reminding her of the perpetrator of the Soham murders. That police service, in turn, contacted the PJ who, after receiving direct accusations about him from, among others, a member of the holiday group, interviewed him and he was attributed the legal status of 'arguido' on 15 May. The media - not least the employer of the the would-be present-day Madame Defarge - went mad with the news but their thirst remained unslaked. Within days friends and acquaintances of

Robert Murat, two in particular, were being named and shamed in the media around the globe.

Having earned £-millions from such madness it fazed various elements of the British media little when, on 17 July 2008, they were ordered to pay a mere £800,000 in total to Robert Murat and his two friends in settlement of a libel suit.

'Arguido' status lifted

On 21 July 2008 the official case file of the PJ was rejected by the Portuguese public prosecutors as not containing sufficient evidence to take the case to court. The case itself was placed in a state of legal abeyance ('arquivado') pending the future receipt of viable and actionable evidence, and the 'arguido' status was lifted from Robert Murat and both parents of the still-missing Madeleine Beth McCann.

A little girl has disappeared seemingly without trace. The mystery is whether that disappearance occurred through an abduction or through deliberate concealment of her body - alive (in a similar manner to the Shannon Matthews case) or dead (in a manner reminiscent of too many previous missing-child cases).

Let us look at some of what the police found.

Chapter Two

Information sources

Information with respect to the disappearance of Madeleine Beth McCann, originates mainly with her parents and their holiday friends and largely comes from themselves in the form of media quotations and media video clips that are, or were, widely available on the Internet.

For various reasons, not least of which is the passage of time, many media reports have been edited, modified, updated or simply withdrawn from official media websites. Some reports were only ever available in printed paper form.

The survival of much information, especially that which had been officially edited or withdrawn to order after it was originally created and published, is thanks to a body of sceptics and truth seekers in the blogosphere and various discussion forums. Several of these are identified in the bibliography and hypertext links within the online version of this book.

We, however, will concentrate for the most part on the official versions of information that emanate from the Polícia Judiciária (PJ) - the Portuguese CID who were charged with the official investigation into the disappearance. Of necessity that inquiry obtained information from a far wider spectrum than merely the parents and friends.

It must be noted here that verbatim copies of the official case file are not permitted to be published even if translated into English, hence everything here is an encapsulation of summaries made from the case file or is sourced from outside the case file.

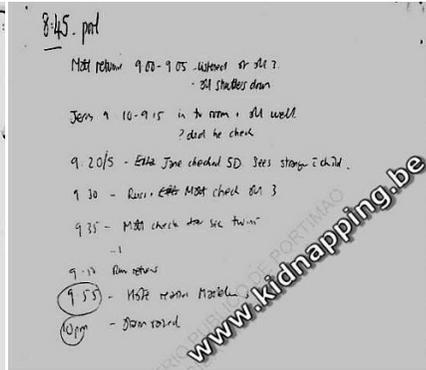
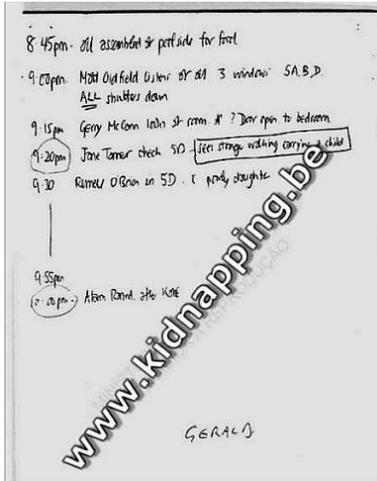
The Tapas Bar 20:30-22:15

The Tapas Bar and Restaurant is one of the Ocean Club's in-house eateries and it caters more to those who prefer to partake of a 'short-order'-style menu by the side of the swimming pool rather than full-blown à la carte cuisine with all the finery and frippery of a formal table. It is also ideal for families with children who are commonly given free rein in such eating places, of which there are over 15,000 in Portugal. Children are 'royalty' in Portugal.

There are at least 30 versions of what transpired in the Tapas Bar of the Ocean Club between the hours of 20:30 and 22:15 on 3 May 2007 as sourced from:

1 - The informal interviews that night, along with the two lists of 'who checked when' that had been hand-written on the covers of a child's colouring book and that were given to the PJ officers who arrived shortly before 01:00am on the 3-4 May.

2 - The initial descriptions given to the PJ by each of the nine adults during their formal interviews in the Portimão police station on 4 May;



*Timelines written on front and back covers of Madeleine's favourite book.
(Courtesy of www.kidnapping.be)*

3 - The descriptions given by those adults interviewed a second time in Portimão on 10 and 11 May;

4 - The joint typewritten statement given to the Leicestershire Constabulary during the third deposition in April 2008 after the Rogatory Letters from the PJ were finally agreed to by the British Home Office after weeks of prevarication;

5 - The additional statements given to the Leicestershire Constabulary in response to questions in the Rogatory Letters during that third deposition;

Aside from slight variations in times there was a general convergence of described activities as given in the official police report submitted to the Portuguese Procurator General.

In summary:

1 - All adults congregated at the bar some time between 20:30 and 21:05 and dinner was ordered when all were assembled;

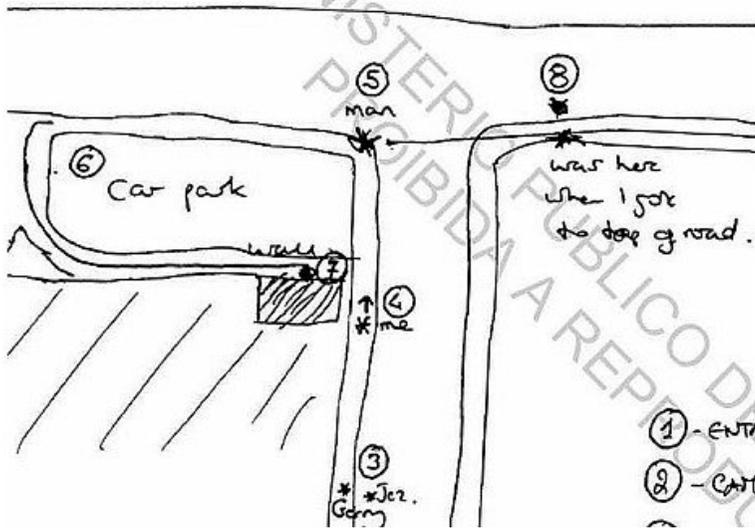
2 - Between 21:00 and 22:00 at least five meals were interrupted when various adults left the table to visit their respective and other apartments to listen for signs of unrest in the children, or to visually check the well-being of their own children;

3 - Returning from his check at 21:05 Madeleine's father ran into a tennis-playing friend in the street outside his apartment where they stood and chatted for several minutes;

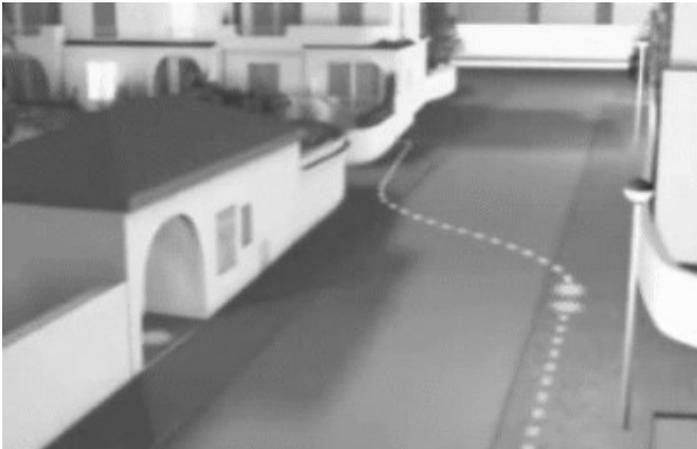
4 - During that chat Jane Tanner walked directly past them on the pavement and she saw another, unknown individual walking away from the block of apartments in an easterly direction across the road junction at the end of the street. She noted that the individual was carrying what may have been a child across his arms in a manner such that she could observe the child's dangling feet and legs which appeared to be clad in pyjama trousers.

5 - Despite their closeness to the action neither of the chatting men noticed her nor the unknown individual.

6 - At 22:00, or very shortly after, Madeleine's mother went to visually check her children to find that Madeleine was no longer in her bed nor anywhere in the apartment.



Jane Tanner's sketch of her 'abductor sighting' and the meeting point of the father and friend, She is at point (4); the abductor moved from point (5) to point (8); the two conversing men were at point (3). Point (7) is the children's bedroom. The relative positions of the conversing men was confirmed in a similar sketch by the man to whom the father was speaking.



The same encounter was erroneously depicted in the BBC Panorama documentary in November 2007, which showed the men on the opposite side of the street. Possibly a small case of director's licence

Statements to the police

Initial statements to the police were obtained during the first week after the disappearance. According to the official PJ report several people, including the parents and some of the friends, were deposed more than once. Further statements from the friends were obtained by British police in April 2008 and transmitted to the Portuguese inquiry team.

Based upon summaries that have been published on the Internet, on 4 May all nine adults were deposed giving generic background about their arrival (all arrived in two different planes at Faro airport on 28 April 2007); why they were in Portugal (all wanted some sun, sea and sand for a week); who they were with (each verified the other persons and children in the group and mentioned no-one else as having been part of the group); and their general routine during the holiday (already summarised in Chapter One).

Each was then asked to describe their understanding of what happened at the Tapas Bar on 3 May - as summarised above - and the rest of the day. Eight of the nine gave minimal or no information about what occurred during the day prior to 18:30, most saying that their activities were essentially the same as every other day. Jane Tanner, however, gave a comparatively very detailed statement that, among other things, revealed that all the families except the McCanns went to the beach together from 15:45 through to 18:30 - forgoing the usual children's

high tea/dinner provided by the resort in the play area near the Tapas Bar between 17:00-17:30 in favour of food purchased and eaten at the Paraíso beach café - after which they went to the tennis courts to watch the men’s tournament until around 19:00.

The Paraíso event was captured on CCTV which film, and still images derived from it, form part of the case file.

Finally, there appeared to be set of directed questions specifically about what the deponent knew about Madeleine; what they knew about the parents; what they knew of the relationship between the child and the parents; what they knew about any medical condition of the child; whether they had noticed anything ‘out-of-the-ordinary’ during their holiday; what they believed the child’s response might be if approached by a stranger; and anything else they thought may be of use. The following table reflects the similarities and differences in responses:

Person and time deposed	Implied questions and summary responses
QUESTION 1	What can you tell us about Madeleine?
The father 11:15am	“Concerning the child's personality, she is extrovert, hyper-active, good talker, smart and relates to other children with great ease.”
M Oldfield 11:30am	“... very lively, obedient, communicative and extrovert.”

Person and time deposited	Implied questions and summary responses
J Tanner 11:30am	"... a sensible child, very loving, very active and fun. She liked to play."
The mother 14:20pm	"Concerning the child's personality, she was extrovert, very active, talkative, smart and related to other children with great ease."
David Payne 14:45pm	"... a communicative girl, happy, obedient and very well behaved."
Fiona Payne 19:20pm	"... very intelligent"
Rachael Oldfield 19:20pm	"... a happy child, good humoured and full of energy"
Diane Webster 20:50pm	"... not familiar with Madeleine because she lives very far away, and therefore cannot give a detailed description of the personality of Madeleine. Nonetheless, Madeleine was calm but active, energetic and well brought up. She is a beautiful and attractive child"
Russell O'Brien 21:45pm	"... completely corroborates the statements by his partner, Jane Tanner, and Rachael Oldfield"

Person and time deposed	Implied questions and summary responses
QUESTION 2	What can you tell us about the parents?
M Oldfield 11:30am	“Madeleine's parents are both very friendly, communicative, happy and sensible.”
J Tanner 11:30am	(no opinion recorded or not asked the question)
David Payne 14:45pm	“Madeleine's parents are very sociable people, known by lots of people, kind and affectionate.”
Fiona Payne 19:20pm	“She has known the child's parents for around seven years. She met Kate while they were working together and she was already a friend when she met her future husband, David.”
Rachael Oldfield 19:20pm	“... has known Gerry and Kate since 2003 ... her relationship with them was one of good friendship and they meet each other occasionally at parties, weddings and birthdays.”
Diane Webster 20:50pm	“ ... has known the parents of the missing minor, Kate and Gerald, for about four years through her daughter. During that time they have become friends.”

Person and time deposed	Implied questions and summary responses
Russell O'Brien 21:45pm	“... is a colleague of (Gerry) McCann, having worked together for six months.” and “... completely corroborates the statements by his partner, Jane Tanner, and Rachael Oldfield”
QUESTION 3	What can you tell us about the relationship between the child and the parents?
M Oldfield 11:30am	“... that the couple have an excellent relationship with their children, not making any difference in the treatment of each, and that the three children were very much wanted by the couple, all three being the result of, "In Vitro," fertilisation.”
David Payne 14:45pm	“... that Madeleine is indeed the daughter of both her parents, that she was wanted and is the result of, "In Vitro," fertilisation. There was no difference in the treatment of Madeleine and the twins.”
All others	(no opinion recorded or not asked the question)
QUESTION 4	What can you tell us about any medical condition in the child?
The father 11:15am	“... she does not suffer from any illness and is not on any medication.”

Person and time deposed	Implied questions and summary responses
M Oldfield 11:30am	“... doesn't know if Madeleine was suffering from any illness or if she was taking medication.”
The mother 14:20pm	“... states that her daughter has no illnesses and is not on any medication.”
David Payne 14:45pm	“... doesn't know if Madeleine suffers from any illness, nor if she is on medication.”
All others	(no opinion recorded or not asked the question)
QUESTION 5	Did you notice anything out of the ordinary while on holiday?
The father 11:15am	(no opinion recorded or not asked the question) - but he did elaborate when deposed again on 10 May stating that he had noticed nothing out of the ordinary.
M Oldfield 11:30am	“... that during the holiday, and notably during the day yesterday and during dinner, nothing appeared unusual, and that there hadn't been the slightest change in the behaviour of any of the group, notably in that of Kate or Gerry and their respective children.” (additional prompting question: And outside the group?)

Person and time deposed	Implied questions and summary responses
	“No, there was nothing unusual and he knows of nothing special happening. The tourist complex was quiet and nothing unusual happened there. During the day the children were under the supervision of the Kids Club staff.”
J Tanner 11:30am	“... until yesterday, May 3rd, noticed nothing strange or suspicious concerning the group of friends or the children.”
The mother 14:20pm	“... never noticed any strange behaviour during these recent days which could explain the disappearance. After having been shown the list of the Ocean Club's guests, she says she only knows the names of those of the group. Other than the child, nothing else has disappeared, neither clothes nor any the child's things. They did not have a radio monitor, unlike David and Fiona Payne who were able to hear crying or any kind of noise.”
David Payne 14:45pm	“... during the holiday, saw nothing abnormal concerning the couple Gerry and Kate, neither with their children nor, notably, with Madeleine. In the context of the group, he

Person and time deposed	Implied questions and summary responses
	noticed nothing abnormal. During the whole holiday, and particularly during the day and the night yesterday, nothing unusual happened in the tourist complex which attracted his attention, or which could be correlated with Madeleine's disappearance”
Fiona Payne 19:20pm	“... noticed nothing unusual.”
Rachael Oldfield 19:20pm	“... never saw any suspicious attitudes, nor had the slightest suspicion about any person, whether during their individual activities or with the children.”
Diane Webster 20:50pm	“... did not notice, at any time during the holiday, anything unusual or which may be linked to the investigation.”
Russell O'Brien 21:45pm	“... until yesterday, 3 May 2007, has no knowledge of anything suspicious or strange happening around the group of friends or their children. Everybody seemed normal to him from the cleaning staff, to the gardeners, to the rest of the employees of the complex. In Praia, he never noticed anything strange or people who could have been thought of as strange

Person and time deposited	Implied questions and summary responses
	enough to attract his suspicions." and "... he completely corroborates the statements by his partner, Jane Tanner, and Rachael Oldfield."
QUESTION 6	What would the child do if approached by a stranger?
The father 11:15am	"She would never go with a stranger and he has no suspicions to talk about and finds no reason for this act. Neither he nor his wife has any enemies."
J Tanner 11:30am	"... the child was intelligent and if a stranger approached her she would shout.
The mother 14:20pm	"... she would never go with a stranger. She has no suspicions to talk about and finds no reason for this act as neither she nor her husband has enemies."
Fiona Payne 19:20pm	"... totally incapable of going with a stranger without screaming or protesting strongly unless she was very tired or asleep."
Rachael Oldfield 19:20pm	"... believes that it would not be possible for an unknown person to have taken the child without her shouting or crying. She is a smart child who knows good from bad."

Person and time deposed	Implied questions and summary responses
Russell O'Brien 21:45pm	"... completely corroborates the statements by his partner, Jane Tanner, and Rachael Oldfield."
All others	(no opinion recorded or not asked the question)
QUESTION 7	Is there anything you would like to add?
The father 11:15am	"Apart from the Kid's Club, and the apartment, they only went once to the beach with Madeleine and the twins and for a very short time, since the weather was changeable. In Praia, they only ate an ice cream and went back to the apartment. Apart from what has already been said, Madeleine and the other children at the Kid's Club went to the beach, five minutes walk from the club, for an hour. This outing was organised by the company itself. The supervision and organisation was the responsibility of the club: the interviewee and his wife were not present."
M Oldfield 11:30am	"The interviewee thinks that it is a kidnapping with the intention to demand a ransom from the parents, because these are people who are very comfortable financially."

Person and time deposed	Implied questions and summary responses
J Tanner 11:30am	"During their conversations she did not recall Kate having said that Madeleine slept badly or that she caused any problems."
The mother 14:20pm	"Apart from the Kids Club and the apartment, they only went once to the beach with Madeleine and the other children and only for a very short period of time, since the weather was changeable. They could only go to the beach between 1.30 and 3pm, the time when they went back to the club. At the beach, they only ate an ice cream then they went back to the apartment. Apart from that Madeleine went to the beach with the Kids Cub for an hour. The supervision and planning were the responsibility of the club. The interviewee and her husband were not present."
David Payne 14:45pm	"In answer to our question, the interviewee doesn't know how many times Madeleine left the tourist complex, but he knows she went, at least once, to the beach."
Fiona Payne 19:20pm	"Concerning what Jane said, the latter only said she saw a person with a child in his arms but she didn't know if it was Madeleine."

Person and time deposed	Implied questions and summary responses
Rachael Oldfield 19:20pm	"The interviewee recalled that Kate had said that the window at the front of apartment was open and the shutters raised. The couple never opened the shutters during their stay."
Diane Webster 20:50pm	"Regarding her daily routine, the interviewee informs that she spent only part of the afternoon with her family although not always. Sometimes she read, she went shopping or did other things. As for the mornings, she lunched only one day with her family, Wednesday, because it was raining. The other days she spent her morning at tennis."
Russell O'Brien 21:45pm	"Yesterday, as his youngest daughter was feeling ill, the informant dropped his other daughter at the Kids Club at around 10am after breakfast. He completely corroborates his partner Jane Tanner's statements for the rest of the day."

When was Madeleine last seen?

More correctly, when was she last seen by someone other than her parents prior to her disappearance?

From the statements of the holiday group families above, only the McCanns were at the children's regular high tea on that last day. Through their statements that the daily routine of their children was no different to that of previous days, the parents imply that Madeleine and the twins had tea between 17:00 and 17:30 and returned to the apartment with the parents as usual. Unlike previous days, however, instead of returning to the play area between the children's pool and the tennis courts where they would have been seen by many other people, the children remained in the apartment after 17:30.

Subsequent information was obtained from the care centre attendance register, the care centre employee assigned to look after the group of children in which Madeleine was placed and additional statements from the parents and the Payne family.

The attendance register shows Kate McCann signed out Madeleine at 17:30 - the usual time when the tea finished and children were handed back to parental control.

In her informal discussion with police on 4 May, aided by the attendance register, the care centre employee responsible for Madeleine stated that the child had been in her care from 14:50 - when the mother deposited her - to 17:30 - when the mother collected her - whereas in her formal statement to the

police on 6 May the carer did not state directly that Madeleine was in attendance at the care centre nor at the tea although this was strongly implied in her statement that one or other of the the child's parents always deposited and collected her, in person, each day. In April 2008 when reinterviewed by British police the carer's statement was not significantly different from those of May 2007.

The statements relating to the Paynes, however, include an additional dimension which remains, as yet, a mystery.

David Payne: the tennis and bath time mystery

With the attempted reconstruction of the evening of 3 May - an attempt that was thwarted when members of the holiday group e-mailed Stuart Prior of Leicestershire Constabulary, followed by a formal letter from the Payne family, indicating their refusal to participate - one area of inconsistency and confusion that the PJ had hoped to clear up related to the whereabouts and the activities of David Payne between 18:00 and 21:00 on that evening.

Depending on which member of the holiday group, and which version of the statements to police made in 2007 and in 2008 by that member, one would hear about David Payne:

- playing tennis from 18:30 until 20:00;
- bathing his children at 19:10 and then relaxing with his children and mother-in-law while his wife went jogging until 20:00;

- playing messenger between the McCann parents then dressing to play tennis in a tournament that had already finished;

- visiting Kate McCann for periods of time ranging from 30 seconds to 30 minutes while she was clothed in a bath towel after a having taken a shower and seeing the children who were too “shattered” to go out to play in the play area romping around the McCann apartment dressed in white “like little angels”.

Statements from the tennis coach who arranged and led the men’s tournament that evening, or from other players at the courts, or from families who came to watch their menfolk, could shed no light on the mystery.

Chapter Three

Xenophobia

At one point more than 300 officers of Polícia Judiciária (PJ) were engaged in the investigation into the disappearance of Madeleine Beth McCann. Some reports suggest that at its peak some 10% of the entire police force in Portugal were engaged in one way or another. Yet various elements of the media in UK, seeming to take their lead from some members of the child's family and later the PR people around the parents, persistently vilified everything done in Portugal by any Portuguese national and at least one expatriate Briton resident in Portugal. The xenophobia, while rampant ahead of the parents being attributed *arguido* status on 7 September 2007, soared to new heights after their homecoming on 9 September 2007.

The strangest aspect about this puerile reportage, some of which continues from certain quarters even now at the end of 2008, is that it was officers of the British Police Service - in particular officers from the Leicestershire Constabulary, and other members of *Task Portugal* from Scotland Yard and elsewhere - who provided much of the technical expertise in direct support of the investigation, and it was through them that the most potentially damning information in the case was obtained, yet scant, if any, mention was made of this fact in the

scathing UK media columns and editorials.

What was mentioned with alacrity among those diatribes, however, was the fact that an early offer by the Chief Constable of the Northumberland Constabulary (based in Durham in north-east England) for officers from his homicide division to go to Portugal was turned down by the PJ. Though a likely well-intended offer, why would Portugal need another UK police service to be involved after the inception and deployment of *Task Portugal* led by Leicestershire - the home county of Madeleine - and why would they need the services of a homicide division from the outset when the prevailing view, until August 2007, was that the disappearance was likely to have been an abduction?

What were those editorial values again?

While the entire legal system in Portugal came under fire in various ways at various times, the PJ certainly bore the brunt and one man in particular was singled out - verbally and physically.

The PJ senior inspector appointed to lead '*O caso Maddie*' ('the Maddie case') investigation was one Gonçalo Amaral - a man with qualifications in engineering and law and a history of successful police work against drug smuggling and peddling, violent and organised crime and people traffickers since 1982.

He was vicariously described in the best tradition of the UK media as a fat, lazy, slothful, sardine-munching, wine-tipping, beer-swilling, alcoholic, two-, three- or four-hour lunch-taker - depending upon the *adjectifs du jour* of the editorialist concerned. What was not mentioned was the fact that he and his men were working in rotation 24 hours a day on the mountain of documents and other material that had been, and was continuing to be accumulated - not to mention the hours spent in the field or on the phone following up plausible though false leads.

As investigation days turned into weeks then into months the UK media became the least of Mr Amaral's problems. Whilst remaining generally well-supported by his countrymen, his own superiors, far removed from the case in their offices in Lisbon, were becoming as restless at the lack of a solution in the case as much as the political appointees in the offices of the public prosecutor were feeling political pressure.

This came to a head when, without any warning or customary manager/ subordinate discussion, Mr Amaral received notification by facsimile (fax) that his services were no longer required in the case and that he was to be replaced by another senior inspector from Lisbon.



*Coordenador da Policia Judiciaria
Gonçalo Amaral, 2007*

The day was 2 October 2007 - Gonçalo Amaral's 48th birthday and exactly five calendar months after the child's disappearance.

A public authoritative source

Exactly nine calendar months later the succeeding investigation team, despite repeating several of Amaral's investigative steps; repeatedly sifting through the information

garnered up to September 2007; adding to it the results of additional work, continued false leads and bogus sightings that appeared to be coincident with various media events in England; and eventually surmounting the transparently procedural, if not political, impediments in Portugal and England to obtain the final round of witness testimony, progressed no further in resolving the case than had been achieved by 2 October 2007.

On 1 July 2008, after 27 years in the judicial service of his country, Gonçalo Amaral resigned from the PJ in order to regain his freedom to speak as a Portuguese man, as a European, but most importantly, as a human being.

On Monday, 21 July 2008 the Procurator General of Portugal announced the then-solution (solução) to the case as it had been presented to his service several weeks earlier during which time it had been examined in fine detail by no less than two public prosecutors, at least one judge and their respective staff. The solution was for it to be placed into a state of legal abeyance pending the receipt of viable and actionable evidence at some future time. If such evidence is forthcoming the case will be re-opened, the evidence investigated and the case reviewed once more in its entirety.

On Thursday, 24 July 2008, at a hastily convened reception in Lisbon, Gonçalo Amaral launched his book several weeks earlier than originally planned. The book, *A Verdade da*

Mentira (literally: *The Truth of the Lie*), came about (translating and paraphrasing from the flyleaf of the book) “... to restore my good name that was publicly tarnished while I was a member of the *Policia Judiciária* and therefore not permitted to defend either myself or that institution. I requested permission to respond but never received an answer to my request. Having strict respect for the institution and its rules I remained silent. This [lack of an answer] pierced my dignity still further.”

He concludes the flyleaf by saying “*A criminal investigation is only concerned with finding the material truth. It must not be concerned with political correctness.*”



A public authoritative source

Because the contents of the official source - the case file - are not permitted to be copied or published verbatim on penalty of two years imprisonment for contempt of court, Mr Amaral's book is the most authoritative source of most - but not all - the

facts published thus far in a single volume available at this time to the general public. Undoubtedly more books will follow as intrepid journalists analyse and synthesise the case file content

of 30,000 pages, though those books will not be published for a point of honour.

At the time of writing some 180,000 copies of the book in Portuguese have been sold and a Spanish version has been released. Versions in Italian and Nordic languages are reported as being expedited and the groundwork is being laid for versions in other European languages and in English. The English version will likely be released in USA before attempting an official release in UK where it has been promised to be greeted with a massive libel suit by, or on behalf of, the parents if not the entire holiday group.

Why should they be so afraid of the book? Surely the publication of the evidence gathered by the investigation would be a good thing to help to keep Madeleine in the public consciousness?

One reason lies in the meaning of its title and the main proposition being put forward by its author, namely:

- the proposed Truth is that, based upon almost all the circumstantial evidence collected, there is strong possibility that Madeleine Beth McCann died in Praia da Luz some time after 17:30 on 3 May 2007, and

- from that, the proposed Lie, therefore, is that the abduction story would be shown to be a complete fabrication.

Disinformation

Within the flyleaf overview Mr Amaral states that “... *the reader will find data that he didn't know, interpretations of facts - always within the limits of the law - and, naturally, pertinent questions.*”

Usually in a Portuguese criminal case access to the official investigation file is granted to the legal teams of those persons named in the case and to the media in general at the same time. Because there is so much information in the 'Maddie' case file the parents' legal teams were granted several weeks access to the actual documents ahead of the media, and even then the media were initially provided with a DVD containing copies of most, but not all, the documents contained in the file. Any person obtaining an official copy of that DVD had to sign a legal agreement in which they acknowledged the legal onus on them to not replicate all or any part of any of the documents contained in the disk.

There are reports of at least one illegal copy of a DVD in circulation purporting to be a replica of the official case file made available to legal teams and to members of the media from 4 August 2008.

It has been noted further on some Internet forums that while much of the information appears to be a genuine, albeit illegal, copy of files from an original disk, there are some files on the copy that appear to have been tampered with possibly with the

objective of ensuring that material facts are removed or, at worst, in order to disseminate false information about one or more aspects of the case.

Aside from authorised personnel in the Portuguese criminal court which now houses the actual case file, only the legal teams of persons directly involved with the case and members of the world-wide media have official access to the official DVD issued by officers of that court, so the appearance of a DVD being circulated raises some obvious questions:

1 - What was the legal origin of the illegal copy - a legal team or a media person or group?

2 - If that copy has been modified, why would someone go to such lengths in an attempt either to suppress facts in the case or to deliberately promote disinformation to members of the general public?

3 - Who would benefit most from such suppression or promotion?

Police work accomplished

I mentioned that there are some 30,000 pages of information contained in the case file. According to the official police report submitted to the Procurator General this data is organised into nine sets of appendices that support the main and supplementary reports. These appendices give some indication of the scope and volume of work accomplished by the PJ with assistance from *Task Portugal*:

Appendix I - Forensic Examinations

This appendix holds details about all the examinations and forensics work carried out by scientific and technical personnel and entities such as, among others, the British Home Office Forensic Science Services in Birmingham and the Medical Forensic Science Institute in Lisbon.

Appendix II - Communications analyses

This appendix holds information about the communications data obtained from various sources together with its analysis and subsequent correlation by the *Task Portugal* specialists engaged in those activities.

Appendix III - Inspections; canine, maritime and air searches

As suggested by the title this appendix holds all the reports relating to work done by police and other services in an attempt to physically locate the minor in the towns, villages and surrounding areas, including the coastal waters.

Appendix IV - Searches/seizures, examinations of goods

This appendix holds details of work performed on goods or items that may have had a connection to the disappearance. These include information about moveable (vehicles) and immovable (buildings and apartments) items in addition to household items (furniture and fixtures) and personal items (clothing, bags, mobile phones).

Appendix V - Supposed sightings and locations

Details about the thousands of sightings world-wide - those potentially viable (based on time and distance) distinguished from those less feasible - including the reports from foreign locations where police were contacted and requested to investigate a sighting.

Appendix VI 1 - Information/Lists of Suspects of Sex Crimes

Appendix VI 2 – Interviews, other work relating to the above persons

This appendix was withdrawn from release by the criminal court judge responsible for the case file in order to avoid possible vigilante action against persons included in the lists and/or interviewed by the investigation team. Much of the information about persons previously convicted of, or even suspected of sex crimes, especially against minors, originated in the UK.

Appendix VII - Letters Rogatory

Legal requests for work to be performed in foreign countries at the request of the Portuguese judiciary, and the resulting reports.

Appendix VIII - Transportation, Movement and Location of Sightings

This appendix holds information and analyses (including CCTV footage) relating to possible means and routes of

transportation/flight by land (road—trains), sea and air. It also holds information relating to photographs/films from individuals holidaying in the area as well as various hotel chains.

Appendix IX - Juridic Actions

Finally, in spite of their immediate irrelevance to the case, this appendix holds 22 “dossiers” containing notifications of a speculative or clearly incredible nature, such as psychic visions or divinations, which are carefully organized in case they may need to be consulted in the future.

To summarise all the work done above the Procurator General stated on 21 July 2008:

“Por despacho com data de hoje (21.07.2008) proferido pelos dois magistrados do Ministério Público competentes para o caso, foi determinado o arquivamento do inquérito relativo ao desaparecimento da menor Madeleine McCann, por não se terem obtido provas da prática de qualquer crime por parte dos arguidos.”

“By the dispatch of today’s date (21.07.2008) issued by the two magistrates of the Public Ministry competent in the case, it was decided that the inquiry relating to the disappearance of the minor Madeleine McCann will be archived due to there not having been obtained proof of the practice of any crime on the part of the arguidos”

Insufficient proof

A case file comprising 30,000 pages of information was insufficient for the public prosecutor to proceed to court. What went wrong?

First and foremost there was no body.

The primary charge that was intended to be raised against the parents was that of “hiding a body” but for that to be successful there had to be some clear indications that (i) there had been a body and (ii) that that body had been that of the child.

On the first criteria - was there a body? - we have the EVRD (the human cadaver detection dog) that indicated the presence of cadaver ‘odour’

- in two places inside apartment 5A;
- on the verandah outside the parents' bedroom of that apartment;
- the possibility of an odour in the garden bushes immediately below the verandah;
- in two places in the car hired by the parents;
- on the key of that car;
- on two articles of the mother's clothing and
- on a T-shirt and a cuddly toy belonging to the child.

On the second criteria - was that body the child? - after checking the records of the resort; anecdotal inquiry of the local population resident in Luz during and after the resort was

constructed; official police records and the official municipal and regional records of births, marriages and deaths, there was no record found of there ever having been a body in that apartment prior to August 2007.

These are strong indications, possibly, but not enough to proceed to court so we must consider the indications made by the CSID (the human blood detection dog).

In the apartment 5A the CSID indicated traces of human blood at the exact same place in the lounge where the EVRD had previously indicated a body. It also indicated on the car key and inside the wheel well of the car. Forensics specialists collected samples from the areas indicated by the blood dog, including uplifting several floor tiles from the lounge. All these, together with more than 200 hairs and fibres found in the wheel well and the car in general, were sent to the Home Office Forensic Science Services facility in Birmingham, UK - reputedly one of, if not the premier facility for forensic analysis and especially DNA analysis.

Leaving aside some details for discussion in a later chapter the FSS provided three reports:

1 – In the apartment samples 5 out of 19 DNA indicators matched to the DNA control profile - too few to definitely conclude that the samples were from the child.

2 - The preliminary report on the wheel well and other samples found 15 out of 19 DNA indicators matched to the

control sample - a strong suggestion but still not a 100% match.

3 - The final report countermanded the preliminary report with an associated memorandum explaining that some of the samples provided had been too complex for accurate analysis, the complexity arising from those samples being a mixture of material from at least three different people who could not be identified to facilitate the differentiation of each within the samples.

On this last point the number of 'three contributors' is important because the laboratory has advertised its capability to be able to distinguish between mixed samples from two contributors. But there is a key question here.

As we shall see in Chapter Nine the explanation of the complex sample states that there are 37 'markers' in the sample provided.

We are also told that the profile for Madeleine should have 20 markers but that because she inherited one marker from both parents those two markers form a single 'peak' in the analysis chart.

Therefore, one would deduce that if one can expect twenty markers from an average person then one would expect there to be forty markers identifiable in a mixed sample from two wholly unrelated people, sixty markers in a sample from three unrelated contributors and one-hundred in a sample from five unrelated contributors.

As the sample of 37 markers is said to be from at least three, possibly five, contributors then those contributors must be closely related.

Surely the Leicestershire Constabulary experts would have been able, unless instructed otherwise, to obtain profiles for all other members of the family - and even friends - who travelled in the hired car between May and July to facilitate the identification of the various contributors.

Further, should the laboratory suspect that the samples may have been contaminated during collection then a profile of each person involved in that collection should be easily obtainable.

Despite all these possibilities the biggest question in my mind about the DNA tests is why there was nothing in Praia da Luz from which the DNA profile of Madeleine could be obtained.



*Samples collected in apartment 5A.
(See Chapter Nine)*

It was widely reported that the father returned home to Rothley in mid-May 2007 to obtain a pillowcase from her bed. For some reason there was no toothbrush, no hairbrush, no clothing nor any other object exclusive to the child while on holiday from which a profile could be obtained. It would also seem that there was no toothbrush nor hairbrush available in Rothley, either.

Chapter Four

Maxims

There are several maxims, truisms and homilies that have evolved with respect to criminal investigations, ranging in complexity from Sherlock Holmes' rule of elimination and Occam's Razor through to the simple '*follow the money*'.

If for nothing else this case of a disappearing child will be remembered for its financial aspects, which memories, until the case is finally resolved with the parents and their friends being seen by the world public to be wholly guiltless of any involvement, will negatively impact the possible financial support for other families whose children may have been genuinely abducted.

Indeed, this negativity will likely have been exacerbated by the Shannon Matthews case where a young girl was deliberately hidden away by parents in the hope that they would receive substantial financial support from a caring public and voracious tabloids even if not from extremely wealthy angels such as those who still support the McCanns.

Another maxim comes to mind: *Once bitten; twice shy*.

Conspiracies notwithstanding, I am not sure if there is a rational explanation behind why Madeleine's disappearance - more than any other child's disappearance before or after - prompted such a reaction in so many people to contribute

money to help to find her.

Within days Internet blogs, forums and on-line newspaper comments to articles, along with letters to the parents, to the family, to *The Editor*, to members of Parliament in Westminster and in Brussels grew exponentially. All messages, regardless of media type, conveyed prayers, warm words of support and hopes for a safe return along with the expressed desire, almost a pathological need, to make a financial donation to the parents.

The reward was taken care of by *The News of the World* tabloid newspaper that, along with some wealthy angels, grew it from a paltry £250,000 to £1.5-million almost in the blink of an eye, and then further still to an unprecedented pledged £2.5-million as reported by the BBC on 14 May and affirmed by the *News of the World*. But that was only the reward and it was not to that that the general public wanted to contribute. They wanted to hand over money directly to the parents to help them find the child.

Presumably recognising the possible income tax implications of receiving large amounts of unsolicited money someone close to the family would have suggested the establishment of a separate legal vehicle, so lawyers/accountants were consulted and urgent work began on that vehicle culminating with the following sequence of events barely one week after 4 May.

Treasure hunt

Madeleine's aunt, Philomena, contacted a website developer, Infohost Ltd, based in Ullapool, Scotland to create a website to establish Madeleine's presence on the Internet and provide information about her case. According to the Infohost site this first contact was made on 6 May and a website "*www.bringmadeleinehome.com*" was set up and launched that day although Internet domain name registration records show that domain was belatedly registered on 11 May, and persons monitoring the father's blog state that the first site was 'officially' launched on 9 May.

A reputable Portuguese newspaper reported that lawyers flew into Portugal on Friday, 11 May and met with the McCanns at the Ocean Club.

On that same evening, 11 May, the father read a pre-prepared statement to the world in which the term 'leave no stone unturned' was heard for the first time in the case.

On Saturday, 12 May the name of a company was submitted for registration in Companies House: MADELEINE'S FUND: LEAVING NO STONE UNTURNED LIMITED: Nr. 06248215

On Sunday, 13 May the International Family Law Group (IFLG) released the following statement on their website:

"Last week, Gerry and Kate McCann instructed The International Family Law Group, London specialist lawyers in

child abduction and international family law, together with Michael Nicholls QC of 1 Hare Court, to help them in the search for Madeleine. They have been visiting the family in Portugal.

Gerry and Kate are very grateful for all the support and generous offers of help that they are receiving. Details of how contributions can be made to help get Madeleine back to the safety of her own family will be made available in the next couple of days.”

On Monday, 14 May the Charities Commission were approached with a view to having the Fund registered as a charity. On the same day the father stepped forward again and in acknowledging the IFLG he said: *“We have felt a burden lifted from our shoulders. It is one less thing to think about. It has allowed us to concentrate more on our own physical and mental wellbeing. We do need to spend more time focusing on that and with our twins Sean and Amelie. We do wish to keep communicating with the media however as this is essential in the search for Maddy.”* [Note the name used here]

On Tuesday, 15 May the company named ‘Madeleine’s Fund: Leaving No Stone Unturned Limited’ was incorporated as a private, limited by guarantee, no share capital company.

On Wednesday, 16 May the IFLG posted a further press release on their website:

“Date: 16/5/07

Time: 15:30

*Location: Walker Stadium, Leicester City Football Club,
Filbert Way, Leicester LE2 7FL*

Contact names: Esther McVey, Adele Cropper

*Wed 16th May at 15:30 in Leicester at the Walker Stadium
will be the press launch of:*

The Madeleine Fund - Leaving no stone unturned - www.findmadeleine.com

Attending the press conference:

*- Close family members John McCann, Susan and Brian
Healy*

*- Launching the Madeleine Fund Martin Johnson CBE -
Former England Rugby Union player and Captain*

*- Lawyers representing the family The International Family
Law Group, London*

*- The McCann's 'Medical Family' Dr Doug Skehan Clinical
Director of Cardiology Respiratory services University
Hospitals of Leicester NHS Trust*

*- Dr Tony Gershlick Consultant Cardiologist at Glenfield
Hospital*

- Leicester City Chief Executive Tim Davies"

On 16 May, according to the Infohost Ltd website, a second website was created. The domain for which - findmadeleine.com - was registered on 10 May.

On Thursday, 17 May the old website was withdrawn and the new, improved website was opened with the following message:

“From this morning, Thursday 17 May 2007: Members of the public will be able to make donations to ‘Madeleine’s Fund : Leaving No Stone Unturned Limited’ over the counter in any branch of NatWest and The Royal Bank of Scotland”.

Mindful of other possibilities, trademarks were filed for registration on Friday, 18 May 2007 as reported in *The Times* of 14 August 2007:

“The campaign to find Madeleine McCann has applied for British and European trademarks to protect its fundraising, internet and print promotions. The applications, which were filed on May 18, seek to protect the name “Madeleine’s Fund: Leaving No Stone Unturned”. The European application also seeks protection for the provision of social services and advice for people affected by missing children.” .

TIME OUT - just to catch one’s breath and take stock for a second.

4 May was a Friday as were 11 and 18 May.

On 4 May and 10 May the PJ interviewed the parents;

Between 6 and 9 May the first website was requested, created and ‘officially’ launched;

On 10 May and 11 May website domains were registered.

On Friday, 11 May lawyers from IFLG flew to Portugal and the world heard the phrase ‘leave no stone unturned’ for the first time;

On Saturday, 12 May the name of company incorporating that phrase was submitted for registration;

From Monday, 14 May through Friday, 18 May:

- a company was incorporated and launched at a press conference;

- a new website was designed and launched with full details about the company as well as information about payment of monies to it;

- UK and European trademark protection applications were submitted

Some very busy people were at work to contact IFLG and for them to complete all the legal preparation work; to arrange for the press launch; to open the bank account(s); and to create the new website.

One would surely wonder who paid for all this?

To continue:

According to the *Times* of 20 May 2007 “*The fund will not benefit from gift aid, a form of tax relief that allows charities to claim from the government an additional 28p for every £1 they receive in donations. And tax will have to be paid on all interest accrued by the fund.*”

Last night the Treasury refused to intervene, insisting it was the preserve of HM Revenue & Customs to decide tax liability.” while the Irish Independent of the same date reported that “A dedicated bank account is set up in Ireland to allow people to assist through donations.

Funds raised through the Madeleine McCann Appeal account at the AIB bank are to be used to help fund the ongoing search for Madeline, and to help defray the costs of legal representation for her distraught parents.”

That last sentence was not quite accurate as became apparent later in the story but in preparation for that here are the official Objects of the Fund:

“1.1 The full objects of the Fund are:

1.1.1 To secure the safe return to her family of Madeleine McCann who was abducted in Praia da Luz, Portugal on Thursday 3rd May 2007;

1.1.2 To procure that Madeleine’s abduction is thoroughly investigated and that her abductors, as well as those who played or play any part in assisting them, are identified and brought to justice; and

1.1.3 To provide support, including financial assistance, to Madeleine’s family.

1.2 If the above objects are fulfilled then the objects of the Foundation shall be to pursue such purposes in similar cases arising in the United Kingdom, Portugal or elsewhere.”

There are several potential minefields in these words:

First: there is no mention of covering any legal costs.

Next: what would be the legal position of the Fund if it should ever be proven that Madeleine was not abducted?

Last: Whom does the term ‘Madeleine’s family’ include in its scope for ‘support, including financial assistance’?

Accounting

As a company limited by guarantee there is no legal requirement for any form of full public accounting but, as the money rolled in, messages of support for the family began to be interlaced with questions about how much had been collected. In response to these queries a monetary value began to be displayed on the official website although it was never ascertained whether that value represented the gross receipts from all income sources, gross receipts minus tax paid or gross receipts minus all payments made, i.e. The ‘balance’ of the Fund assets.

As time went on messages of support also began to be interlaced with questions about how much had been paid out and, more interestingly, to whom it had been paid. There was never an official response to these inquiries although, from time to time, the official spokesperson of the day would drop some numbers to the public during one of his or her conversations with the press, rather like throwing breadcrumbs to pigeons or, possibly, casting pearls before swine.

As the tide of opinion turned decisively against the parents, especially after it became known in October 2007 that money from the fund had been used to pay mortgage bond instalments on their Rothley property, the website was modified again on 1 February 2008 and the value of the Fund disappeared from display. The last recorded value prior to the modification was £1,223,629.31.

With respect to known payments prior to 1 February we had reports in September 2007 that some £300,000 had been spent in setting up the Fund and website, that some £80,000 was to be spent on a new round of posters, other than those originally donated by the *News of the World*, and Justine McGuinness confirmed that her stipend had been £51,000.

Regardless of what the displayed value represented at 31 January it is known, again from information purveyed by the sole spokesperson during 2008 along with occasional assistance from a family member who was also a Fund director, at least £10,000 was being received each month.

This trickle was boosted significantly when the libel judgement against the *Daily Express* and *Daily Star* in March 2008 resulted in a £550,000 award, although that was significantly less than the £4-million that was reportedly being sought. According to the the *Guardian* newspaper of 7 March 2008, two weeks prior to the award, the family spokesperson stated that the amount of £4-million was “wildly speculative”

but added that any amount won would be added to the Fund that stood at £544,000 at that time.

Therefore, looking backward, we can see that at least £680,000 had been spent in the ten months to 7 March 2008 [in round figures: £1,224,000 -544,000.]

Looking forward, at the end of March 2008 one could say that the funds on hand would have been £544,000 (from the spokesperson) plus 550,000 (from libel award) plus 20,000 regular income for February and March, totalling £1-million and around £114,000 in small change.

The next time serious values were mentioned with respect to the Fund was in August and again in September 2008.

On 24 August, we are reliably informed in the 14:30pm *Daily Telegraph* report, updated from its less-than-precise report at 10:46am of the same date, about the £550,000 contract with *Oakley International*, a US-based firm of investigators engaged by the Fund and paid by it somewhere around May/June 2008. That report also states that the balance of the Fund was £450,000 which, if we add the £550,000 gives us the £1-million we had at the end of March, and suggests that the £114,000 small change at that date, together with the £40,000 (four months of £10,000 regular income) earned from April to July, had all been expended on other endeavours excluding legal costs.

The September bombshell, again reliably reported by, *inter alia*, the *Daily Telegraph* on 6 September, was much more succinct. In less than 12 months the parents, alias the Fund, had paid the Spanish investigation agency, *Metodo3*, no less than £1-million.

These categorical statements allow us to get a much better idea of the minimum value of money received by the Fund simply by adding the balance on hand and all high value costs specified above.

Reported funds on hand 24 August 2008	£ 450,000
Metodo3 cost reported 6 September 2008	£1.000.000
Oakley International reported 24 August 2008	£ 550,000
Known expenses prior to 1 February 2008	£ 431,000
Minimum value of funds received	£2,431,000

That's all very well but what about poor *Metodo3* - on the hook to the Spanish IRS (VAT and company tax) for receipts of at least £1-million. They complained to the Spanish press in August 2008 that they received nothing more than €108,306 - note that is EURO, not British pounds - comprising a €60,000 base contract and €48,306 in expenses. It had been reported by the family spokesperson in 2007 that the base contract for *Metodo3* was financed directly by British millionaire Brian Kennedy of the *Latium Group*.

One can but wonder at the present time whether the Spanish authorities will request the British authorities to examine the

books and vouchers of the Fund and, possibly, any relevant documents held by *Latium*.

Angels

In the following article of May 2007, the *News of the World* provided a list of the angels who pledged to support the reward for the return of Madeleine.

“THE News of the World has put up a record £1.5 million reward for the safe return of Madeleine McCann.

Stars and business leaders have donated huge sums in an unprecedented show of support for our Find Maddie campaign — to make up the largest award in newspaper history.

After we kicked off the fund with £250,000, Harry Potter author JK ROWLING put up a staggering amount — the largest single donation. But she asked us not to reveal the exact figure. Kind-hearted JK married a Portuguese TV journalist and her first child Jessica was born in Portugal, a few hours’ drive from Praia da Luz where Maddie was snatched 10 days ago. Her dad Gerry said: “We are very happy and pleased with what you are doing. Anything that can be done to publicise that Madeleine is missing and help with the search is very welcome.”

Topshop tycoon SIR PHILIP GREEN matched our £250,000 and said: “I hope this makes a difference.”

Virgin’s SIR RICHARD BRANSON put up £100,000, saying: “I’d like to appeal as a father to whoever is holding her to

please bring her home safe.”

Everton football club chairman and theatre boss BILL KENWRIGHT was one of the first people to see pictures of Maddie wearing his club’s shirt before they were released this week. Mr Kenwright, who has pledged a huge personal sum, said: “If it helps towards the reunion it will be the best cheque I’ve ever written.”

Footie chairmen EGGERT MAGNUSSON of West Ham and Reading’s JOHN MADEJSKI both gave £10,000.

Ann Summers boss JACQUELINE GOLD donated £100,000, explaining she wanted to get involved after meeting Sara Payne. She said: “I pray that this nightmare comes to an end soon with the safe return of their beautiful little girl.”

Telly star SIMON COWELL promised £50,000, saying: “I heard about the terrible situation here in LA and I hope she is found safe and sound.”

Manchester United star WAYNE ROONEY and fiancée Coleen McLoughlin pledged £25,000, telling us: “We are praying for Maddie’s safe return and for an end to what must be a nightmare for all her family.”

The England cricket team joined in with £20,000. Captain MICHAEL VAUGHAN said: “Our thoughts and prayers are for Maddie’s safe return.”

Entrepreneur SIR TOM HUNTER pledged £100,000 with EasyJet boss SIR STELIOS Haji-Ioannou and Matalan chief

JOHN HARGREAVES chipping in with large sums too.”

It was also reported that an additional £1-million was pledged by Scottish businessman, Stephen Winyard, to bring the reward up to £2.5-million.

Aside from their reward pledges, British millionaires Stephen Winyard and Sir Richard Branson joined Brian Kennedy (who paid the base contract of *Metodo3*) to help finance the legal costs after the revelation that the Objects of the Fund prevented it from paying these. Brian Kennedy also contributed the services of Latium legal expert, Edward Smethurst.

Aside from his reward pledge, Sir Philip Green lent the parents his private jet to fly to Rome for their audience with the Pope.

Aside from her reward pledge, J.K. Rowling reportedly insisted that all vendors of her final, and arguably most lucrative, book of the *Harry Potter* series also display posters of the missing child prominently wherever they displayed her novel.

On the footballing front: several British Premier League matches commenced with either a short mark of respect for the loss suffered by the parents and/or the playing of the ‘*Don’t forget about me*’ video, while David Beckham, Wayne Rooney and Cristiano Ronaldo all made video appeals that were widely broadcast.

Never before, nor since, has anything elicited such simultaneous outpourings of cash and gestures of magnanimity from so many hard-headed businessmen and women.

Not even the Princess Diana memorial has been so well supported.

Upon reflection, one cannot help but to ask - is there a new maxim to be found somewhere in this or did the bubble burst and everything return to business as usual when Shannon Matthews' disappearance was found to have been a scam?

Chapter Five

Sightings or sight-seeing?

Unfortunately, I do not have a copy of the official case file DVD so I cannot reveal a full summary of the thousands of sightings beyond what is contained in the formal PJ report and what has been reported in the popular media.

A local sighting

While not a sighting of Madeleine, for me the most notorious sighting in the case was that of Robert Murat by no less than four of the holiday friends and three other people, and, reportedly, even the mother of Madeleine had had her suspicions about him even though she apparently never met him, and when asked by a reporter if he knew Murat the father responded with a curt “*I will not comment on that.*”

First: Jane Tanner spotted the unknown individual carrying what may have a child and crossing the street at the top of the road next to Block 5 of the Ocean Club apartments on 3 May. She did not see the man’s face, only his hair, his clothing and his gait as he walked away from her.

When the PJ began to take an interest in Murat after receiving a notification from the Leicestershire Constabulary about the misgivings of a British female reporter in Luz, Jane Tanner was placed inside a van with darkened one-way-glass

windows and several PJ officers to observe Murat as he walked with other PJ officers along the street between the Ocean Club and his mother's nearby villa. Despite the total difference in hair length and cut she was sure that his gait resembled that of the unknown man she had seen.

Strike One!

The PJ placed Murat and his mother's house under physical and electronic surveillance while profilers from *CEOP* (Child Exploitation and Online Protection) deployed within *Task Portugal* began work on his 'profile' and became satisfied that he was a '*credible person of interest*' to the case - reportedly 90% credible, in their view.

Strike Two!

On Sunday, 13 May he hired a car and drove for miles over unpaved secondary roads around the area, possibly with the objective to confirm suspicions that he was under surveillance.

Strike Three!

The PJ immediately sought a court order and at 07:20am on 14 May moved in to search his mother's villa and at 10:00am they began to question him. During that questioning he responded to every question asked, even after he was attributed the legal status of '*arguido*' and had the right to remain silent.

As if by magic, and in the total absence of anything contained in their formal witness statements of 4 May, 10 May or 11 May, three more members of the holiday group recalled

seeing Murat at or near Block 5 at some or other time on 3 May - before and/or after the disappearance - or in the morning of 4 May during the early search of the town and immediate area. Other persons who were engaged in the search - local police officers, members of Ocean Club staff and local residents (most of whom knew Murat on sight) - all denied having seen him at any time during the evening of 3 May or morning of 4 May.

On 10 July the PJ re-questioned Murat for six hours and the following day they placed him in an interrogation room with the three holiday group people who had had their sudden recollections. The PJ watched the ensuing confrontation after which the three friends emerged seemingly even more convinced that they had seen him on the night in question.

Second, one of the care centre child minders, though not one who was in any way responsible for Madeleine, reported to the UK media and documentary producers on more than one occasion after the parents returned home that she had also seen Robert Murat at various times and places around the time of the disappearance. Unfortunately, she forgot to tell this to the police in her formal witness statement in May 2007 which is very surprising because Robert Murat was the translator employed by the police during her interview.

A quick digression while on the point of police record translations: some people appear to be under the impression that the language translation during the interviews was for the benefit of the Portuguese police but the contrary is true - translators are engaged primarily to convert Portuguese into English, the latter language being very well understood by many Portuguese people, especially those in authority and particularly those in the British-dominated province of Algarve.

Back to the forgetful lady. In the absence of any formal statement we are only able to judge the veracity of her sighting by comparing that and other statements made by her to the UK and other media. Again unfortunately, the lady appears to contradict herself on exactly when she saw Murat - in the *Daily Mail* reporting she claimed it was at 22:30, while in the *Sun* reporting it was at midnight. She also made statements that were wholly contradictory to statements made by persons in formal and informal depositions to both the Portuguese and the English police, the most (in)famous of which was that, in addition to “She’s gone!” and “We’ve let her down!”, and while standing near the flat very soon after the alarm had been raised, she heard the mother utter the words “They’ve taken her!” - something vehemently denied by the parents.

When last interviewed by the English police she simply stated that she had nothing to add to what she had told the

Portuguese police in May which, as mentioned above, makes no mention whatsoever of Robert Murat.

Third, and last, in this sorry saga, and solely for the sake of completeness and as evidence of the observable editorial values in this case, we have the statements of two English sisters from Kent who were on holiday independently in or near Praia da Luz from 21 April through early May 2007 and therefore not on any Mark Warner listing used by the Portuguese police to interview guests.

That being the explanation for the absence of any formal witness statement in Portugal during May, the ladies having chosen to report their concern to the Leicester police only after returning to England despite the presence of innumerable media crews; the coverage put out by them on paper, radio and television - in English and Portuguese as well as many other languages; the appeals for assistance; the posters that appeared on walls and windows; and the general furore in the entire area in the days following the disappearance. Then, feeling that little or nothing was happening after hearing further appeals from the parents in the English media, they decided to contact the Spanish investigation agency employed by the Fund.

Their concern was that they recalled seeing Robert Murat near the apartment 5A on the evening of 3 May shortly after the search commenced, and this recollection was enhanced in their memories because when they saw, met and spoke with him on

the street the following day, 4 May, one of the sisters thought that his behaviour was 'strange'. That apparent strangeness arose due to him wearing a blue T-shirt and jeans and saying that he had to go home to change his clothes while the sister distinctly recalls him wearing a completely different wardrobe - grey trousers and a different shirt - not minutes before their encounter.

As for the reported suspicions of the mother about Mr Murat, these were never elaborated upon although shortly after that report another appeared in which the Spanish investigation agency had, among other things, considered the possibility of him acting as a 'spotter' for an international paedophile group, which considerations may have been influenced by the growing number and locations of the international sightings of the young girl.

Another local sighting



Location of the Irish family sighting on 3 May 2007

Around 21:50 on the evening of 3 May an Irish family - four adults and five children - having enjoyed their evening meal were returning to their holiday apartment in Praia da Luz when they encountered a man carrying a child walking down a narrow street in the direction of the south-western area of the village. In response to their affable greeting the man merely averted his eyes, lowered his head and pressed on with his journey. Thinking little of the discourtesy at the time the family returned home to prepare for their trip back to Ireland the next day due to which they avoided the impending drama.

According to an article on *Sky News* on 4 January 2008, and repeated on 7 April, it was two weeks later when the Irishman's son phoned him to talk about that chance holiday encounter.

The story continues that after discussion and agreement among the family, the father contacted the Portuguese police and gave his account of the events to them over the phone. He was requested to also make a statement to his local Garda in Drogheda, County Lough, which he did.

Two days later he was contacted by Leicestershire Constabulary after which he, his eldest son and youngest daughter travelled back to Portugal to give official witness statements, including their assertion that the man they saw was not Robert Murat because the man was smaller in build, after which they returned home and heard nothing official for a further three months.

Unofficially, however, the drama had only just begun. The *Drogheda Independent* of 8 August 2007 reported that the family were dissatisfied with the distortion of the evidence that they had provided to the police. Erroneous UK media reports had been stating that the Irishman had seen Robert Murat in 'a bar' at periods of time ranging from two years previously right up to having seen him in a bar on the evening of 3 May 2007. The Irishman stated that he had never met Robert Murat.

On 9 September 2007 the father and other members of the Irish family watched as Madeleine's parents, carrying their two

children, descended the steps from the Easyjet flight on which they returned to England. Something on the television screen stirred a distant memory.

It is not known exactly what that ‘something’ was, nor whether it was during the descent or while the children were carried across the tarmac to the waiting microphones, but there was something in the way the soundly sleeping son lay in the crook of the father’s left arm with his head on the father’s left shoulder and his arms and legs dangling, seemingly lifeless. Whatever it was, the Irishman, after much discussion with family members, again contacted his local Garda on 20 September 2007 in order to update his previous statement, which update was duly submitted to the Leicestershire Constabulary and to the PJ.

A further, and final, statement was provided by him to the Garda on 23 January 2008 in which he stated that he and his family were “60-80%” certain that the man they saw in Praia da Luz at approximately 21:50 on 3 May 2007 had been Madeleine’s father.

A few other factors come into play with this sighting the first being that although the PJ reportedly bypassed the information because Madeleine’s father was reported to have been seated at the Tapas Bar between 21:50 and 22:00, although this fact has been attested to only by members of the holiday group, arrangements had been made for the family to

return again to Portugal but this trip was forestalled by the removal of Gonçalo Amaral from the case.

Later, however, the PJ included the re-examination of the Irishman's statements in the Rogatory Letters sent to the Home Office in Britain but, unfortunately for the Portuguese investigation, the Republic of Ireland does not fall within the ambit of Home Office authority and, therefore, no such re-examination was performed. One curiosity in this is that those letters were only eventually accepted and acted upon by British authorities in April 2008 after weeks of procedural wrangling and evasion, during which time someone could have pointed out the territorial jurisdiction error.

The second factor revolves around unverified reports that the Spanish investigation agency, together with their contractor - the millionaire Brian Kennedy - visited the Irish family in Drogheda. Requests for information on this matter submitted to Leicestershire Constabulary under the Freedom of Information Act 2000 have, so far, fallen into a 'public interest test' grave from whence none can say when, or even if, they will be resurrected.

An early 'post-abduction' sighting

A Briton who lived and worked in the area reported to police that around 6.00am on Friday, 4 May 2007 when he was driving home in nearby Lagos he caught a glimpse of a couple carrying a young child and hurrying across a road that led to

the train station and marina. He reported that he did not see them clearly, it being dark and windy and he caught them momentarily in his car headlights as they scurried down a side road and out of sight.

This sighting was subsequently taken up by the Spanish investigation agency and gave rise to a much-modified story in several newspapers of 28 November 2007 in which the child, now almost certainly Madeleine, was being ‘cruelly dragged along’ by a ‘vicious-looking man’.

One has to wonder why witness statements should be abducted in such a manner when the actual statements speak well enough for themselves.

A similar story was reported on 7 May in which police were said to be investigating a sighting of a young girl seen being ‘dragged’ towards the marina in Lagos.



Yacht transportation from Lagos marina became a popular idea.

These mentions of the marina in Lagos appear to be the precursors of speculation about ocean-going yachts transporting the child to various locations in the Mediterranean, to Morocco, to Brazil, to the USA as well as to the UK and northern Europe.

Unexpected behaviour

One local sighting of interest arose in the afternoon of 4 May. Among many other things in that first week the Portuguese authorities had put out the word that they wanted CCTV footage from all petrol stations and roadside cafés along the main routes out of the Algarve to be examined. Members of the traffic police had also visited many of those locations.

On 4 May, after having given their formal witness statements to police in Portimão, the parents were being driven back to Luz when the PJ were notified of CCTV images showing a small blonde girl with adults at one of the service stations on the main arterial road leading to Spain. The PJ requested the film to be sent to the Portimão police station immediately to facilitate viewing by the parents.

The police vehicle was turned and driven rapidly to get the parents to Portimão as quickly as possible.

Here was a possible quick and successful resolution to the case and, more importantly, possible conclusive evidence of an abduction and a sighting that might also lead to the rapid recovery of the child.

To the bewilderment of the police officers in the vehicle, rather than being hopeful and excited at the prospect of the recovery of her child, the child's mother appeared to be a little irritated about being forced to return to Portimão and somewhat more concerned about the speed at which the car was travelling to get them there.

At the police station the images of the child were dismissed by the parents.

CCTV and other images

On 9 May it was reported that Police had been examining CCTV tape recovered from a petrol station located a few miles to the east of Praia da Luz on the motorway that leads to Spain. The footage showed two men and a woman with a girl fitting Madeleine's description.

In a second incident, a local man had reported to the police that some days prior to 3 May a 'foreign man' had taken a photograph of his young daughter while she played on the beach in Sagres, a town 19 miles west of Luz. The father challenged the photographer who fled.

These two incidents come together when the alert father was shown the CCTV footage and asserted that one of the two men at the service station was the man whom he had challenged at the beach.

If this had been all there was to these incidents then most likely it would not be mentioned here. The uncomfortable truth

is that the above description of events is but one, and the mildest, of several reports that circulated in various newspapers for several days. Between them there were reports about:

- a blonde woman and a man 'canvassing' children and photographing them for an international paedophile ring;

- when challenged in a café, the blonde woman and the man made good their escape in a car the number plates of which were 'proven' to have been false;

- the father of the photographed child managed to take to take a photograph of the foreign man;

- that photograph became the basis for the first genuine 'e-fit' picture of a possible abductor created by the PJ;

- the two foreigners were observed eating breakfast in a rented apartment in nearby Burgau although that block of flats was known to be deserted;

- the entire McCann family had been on the beach in Sagres on the same day that the foreigners had been doing their dastardly deeds;

- the description of the blonde woman 'matched' that of someone seen near the bedroom window of apartment 5A on the evening of 3 May.

With the release of the official case file the real testimony underlying the above story and its many variants can be read and, suffice to say, this provides but one possible reason why the media today - in late 2008 - will not publish accurate details of information contained in the case file thereby allowing the

general public to compare the real evidence gathered with the rubbish that was written in their columns barely 12 or so months previously. Here is a summary of the actual witness testimony underlying some parts of the above news reports:

“The witness, a local man by birth but an emigrant to Germany for fourteen years after marrying a German woman, was on holiday and staying at his mother’s house in Sagres. While on the beach on 29 April he saw a man taking photographs of children - both his and those of a neighbour of his mother - and he heard the distinctive ‘click’ of the camera. After he began to stare at the man in an assertive and aggressive manner the man left the beach.

Later, the family left the beach for some refreshments at a nearby cake and coffee shop. While seated there his daughter began to play around the tables when she ran into a man who had entered the shop. He stooped to play with her whereupon she returned to her parents. The father saw that the man was the beach ‘photographer’. The man then left the shop only to return a few minutes later to sit down but he purchase nothing from the shop. The father was convinced that the man was awaiting an opportunity to abduct his daughter.

The father attempted to take photographs of the man with his mobile telephone but, somehow, his finger lay across the camera lens. The man eventually left the shop to get into a grey car in which a woman was seated. The father followed the man

and attempted again to take a photograph, this time of the car. The date and time of that picture was 18:08 on 29 April 2007. Remembering the number plate he wrote it down on a napkin but that was later mislaid or thrown away.

On 4 May, when returning his hired vehicle to the car agency in Sagres he observed the same man walking alone around the town square. On returning home his wife told him about the disappearance of a young girl who strongly resembled their own daughter whereupon, after reading the local paper, he contacted the police to whom he described the man and gave what he could recall of the vehicle number plate. He also helped them to compile an ‘e-fit’ of the man”.

A further police note at the bottom of the statement indicates that on 5 May the CID in Portimão compared the description given [and presumably the e-fit image] against photographs of people with known similar physical characteristics and with criminal backgrounds similar to the described ‘*modus operandi*’. The comparison revealed nothing of interest.

At best, I think we can be thankful that the police performed their job more conscientiously than did certain media operations, but I think also that this example illustrates why the media should be kept far away from any criminal investigation evidence until it is either presented in court or released for media consumption.

Having said that, I should be fair to the media in that there was some police work in hand with respect to a Polish couple who had arrived on 28 April from Berlin, Germany. They had hired the car that the father of the Sagres girl photographed, had stayed in Burgau nearby Luz and had left early on 5 May - the same day that the PJ found out about them. The German police were contacted immediately through Interpol/Europol and they managed to speak with most of the passengers on that return flight but the Polish couple had since left for Poland by train. The German police reported that no-one recalled seeing a child of Madeleine's description on that flight. Gonçalo Amaral, in his book, states that the following day, 6 May, Polish authorities reported that they had found the couple but that the results of that visit were effectively non-productive because they did not obtain the camera nor any of the holiday photographs. Amaral's superiors made further official contacts with Poland contingent upon new information coming from the local investigation. A lot of information about that couple's time in Portugal was uncovered, some of which was massaged into the news reports, but nothing linking them to Madeleine's disappearance came to light.

Chapter Six

Global presence

There is sufficient material for a book to be written on the international sightings alone but we will limit ourselves to those most widely reported.

At the outset, despite the rather over-dramatised assertions about incompetence and failures of the Portuguese authorities from time to time by the family spokesperson of the day - possibly as justification for the maintenance of the Spanish investigation agency and other ill-fated contracts with apparently dubious investigation companies - the official PJ report states that all sightings known to them - and there is no guarantee nor any way of knowing that all sightings made known to private agencies employed by the parents were communicated to the PJ - were investigated to the furthest extent possible. It is clear from the official report that the hundreds of reports received on an ongoing basis were filtered between those of a 'psychic sighting', or similar nature, and those possessing a more worldly and realistic aspect. Those in the former category were filed for possible future use while those in the latter category were assessed, initially at least, with due cognisance being taken of the feasibility of the geographic location in terms of time and the distance from Luz. Later credible reports were all followed up.

The typical routine would be to formulate a request for assistance from the indigenous police authorities of the country in which the sighting occurred commonly through a notice to Interpol/Europol. The local police in the target country would then conduct their investigation and respond. These make up a large part of the papers in the case file.

Malta

Among the early sightings were those in Malta - five in one week rising to more than twenty altogether.

The Malta police investigated all sightings. Initially, these were centred in the capital, Valletta, and in the resort town of Sliema. Most of the sightings had been reported by British tourists who, taking their cue from the UK media reports on the changing descriptive statements made by the Praia da Luz holiday friends and family, were keeping their eyes open for incongruous situations involving young blonde girls of European complexion in the company of swarthy, Mediterranean- or Arabic-looking adults. Some went even further with one sight-seer being certain that the young girl he believed to be Madeleine had been wearing a black wig to disguise her hair.

The parents, through their spokesperson of the day, were reported to be not giving credence to, nor focusing upon the sightings at that time preferring to wait for more information to be presented to them from an official source.

Conspiracy theorists on the Internet had a field-day with the Malta sightings bringing to bear the results of their armchair-detective research in the form of a fact that an affluent resident of Malta shared the surname of the missing child, and that he may have possessed an ocean-going yacht. This expanded the earlier reports about local sightings that mentioned Lagos marina into more than just a mere possibility of a yacht having been used in an abduction from Praia da Luz. They also climbed into the possible relationships between the histories of Malta and Rothley in Leicestershire - the location of Madeleine's home - specifically with respect to Knights Templar, both places having had long associations with the order under various names through the centuries since the Crusades, not to mention the equally long-standing association with Portugal in Templar history.

Belgium

Some of the most intensely investigated sightings were the 107 reported in Belgium, a country with an unenviable reputation with respect to paedophile activity.



'De Pauze', Tongeren, Belgium

As an example, the 'Tongeren' sighting - so named from the town of Tongeren which lies in eastern Belgium a few miles to the north-west of Liège and a similar distance to the south-west of the

Netherlands city of Maastricht - began after a report was made of a small blonde girl being seen with a couple in a roadside café - 'De Pauze' - on 28 July 2007.

The report was made by a woman immediately after she observed the young girl, and while she was making the phone call to the police the couple and the child exited the café leaving behind their plates, utensils, bottles and drinking straws.

The local police moved quickly to take statements, to create an 'e-fit' picture of the man, and to take the bottles and straws for 'testing'.

The e-fit picture was subsequently published locally on 3 August but was very soon circulated around the globe through on-line newspapers, Internet blogs and forums, with extensive media coverage between 4 August and 9 August when the police reported that it was not Madeleine. They also named the girl on 21 August and stated that she had been at the café with her father.

Besides the parents reportedly feeling glad that people were still looking for their daughter two other things were notable about the reporting of this sighting in the media:

- the timing and duration of this sighting coincided with the examinations of the car hired by the parents, apartment 5A and the family clothing by the EVR and CSI dogs, and

- the person making the phone call was later reported to state that she wished she had 'rescued Madeleine' as soon as she had seen her.

While the Tongeren sighting may have delayed the results of the canine examinations from being in the media spotlight for a few days, the vigilantism expressed by the woman was to have more serious results especially a year later after the case file went 'public' and the family spokesperson rallied the troops with his exhortations about not all sightings having been followed up by the Portuguese authorities.

This had the effect - desired or not - of having many media operations scour the case file documents to see who could be the first to discover and report on - though not investigate - all those elusive sightings that had not been followed up.

I do not recall any specifically being reported as having slipped the PJ net but the papers managed to propagate columns of dubious copy for a few more weeks. More recently, in November 2008, the parents - through their spokesperson - have been quoted as bewailing the fact that there is so little information contained in the official case file. We shall have to wait and see how many more sightings eventuate.

East (Croatia) to west (Guatemala)

Croatia: Two British tourists on the Croatian holiday island of Krk spotted a woman walking with a child with long blonde hair and automatically assumed the worst. After surreptitiously

taking photos without apparent detection one was sufficiently emboldened to make a grab for the child when the woman with him was not looking.



The accosted child with his father

As the tourist did so the realisation struck that not only was the child not Madeleine but he was not even a girl. Oops!

The boy's father is a famous Croatian footballer and his mother is a renowned glamour model - reputedly the 'Posh and Beck' of Croatia. 'Helpers' were not very helpful on that day.

Guatemala: After an eye-witness report was made by a British diplomat - the consul to the central American republic, no less - local authorities accosted a man who was accompanied by a little girl in a shopping mall in the city only to find that not only was the child not Madeleine but the adult was the child's bodyguard working for with a little girl's father - a prestigious and well-connected lawyer.

Her father accused the British Government of plotting to kidnap his daughter and demanded a formal written apology from the British Embassy.

Elsewhere, there have been incidents where would-be helpers have accosted parents with blonde daughters,

demanding to see their eyes to check if they have Madeleine's distinctive fleck.

The family spokesperson side-stepped all and any intimations of possible culpability for instantiating such actions with platitudes such as: *'Our investigators have the capacity to move quickly to any part of the world. For example there was a sighting in Chile a couple of months ago and we had people on the ground - within the building she was supposed to have been seen in - in three hours.'*

Perhaps, regardless of whether such events were or were not perpetrated by 'authorised' investigators, a timely reminder may be in order to certain people that the following are among the several dictionary definitions of the word 'terror':

1. Intense, overpowering fear;
2. One that instils intense fear;
3. The ability to instil intense fear;
4. A person or thing that is especially annoying or unpleasant; an intolerable pest.

North (Norway) to south (Morocco)

After Belgium, Morocco was one of the hardest hit with respect to sightings. After all what are the chances of there being a naturally blonde female child being born and raised in such a swarthy country as Morocco.

Perhaps certain people would have profited from listening during History at school then they may have heard something about a tribe called the Visigoths who journeyed from eastern Europe to populate the northern and north-western coasts of Africa. They may also have heard about the Romans who, while somewhat swarthy themselves, conquered and colonised most of Europe and north Africa and had no immigration or people trafficking problems when shipping slaves from northern and eastern Europe to Africa for purposes of work or pleasure. Then there were the Nordic people who travelled as free men and were known to have sailed their longships down to Mediterranean shores. More recently, we should not forget the various colonial powers with their traders, settlers, adventurers, soldiers, prisoners and other hangers-on who co-habited with indigenous people or stayed as residents and eventual citizens of the independent states.

Small chance indeed of there ever being a locally-grown blonde child in Morocco.

On 9 May a Norwegian lady, resident in Spain with a British husband, was in Marrakesh, Morocco when she saw a small blonde girl, whom she believed to be Madeleine, together with a dark-haired white man. On returning home she said she had reported her sighting to authorities in Portugal, Spain and Britain but none had taken a statement from her.

Again on 9 May in Marrakesh a British man holidaying there claimed to have seen Madeleine in the Ibis Hotel.

On 11 May a British woman holidaying in Marrakesh saw a dishevelled blond child in Café de Epices. Leicestershire police took her statement in July.

On 30 May a Spanish woman, resident in Melilla, travelling by car in Marrakesh with her husband saw a blonde girl being 'dragged' across a street by a woman wearing a Muslim-type headscarf. She



Sighting 30 May 2007

stopped the car and returned to the spot only to find that the woman and child had gone but, instead, she now saw a European couple. That couple were eventually reported in the media as possibly having been friends or associates of Robert Murat.

On 21 August a Spanish tourist in Fnidk saw a blonde child getting into a taxi with a woman. The tourist tried to get into the cab as well but was prevented. She took a card from the driver and speaking with him later she was told that he had driven 300km to the port of Al Hoceima. She reported the sighting to Portuguese detectives. The news story only appeared in November when members of the Spanish investigation agency were reported to be searching the port.



Zinat sighting, 31 August 2007

On 31 August a Spanish woman saw a family walking by the side of the road near Zinat, south of Tangiers, and spotted a blonde child being carried on the back of one of the women. She photographed the group and reported it to Portuguese authorities. The news broke on 25 September and the photographs were published world-wide. The child, a local girl from Zinat, was later identified and named by local authorities.

Dutch primer

The interesting thing about the significant sightings in Holland (Netherlands) is that they seemed to surge only after the case file was released to the parents' legal teams on 22 July 2008 and the spokesperson launched a media barrage about how many sightings had not been followed up by the Portuguese authorities, that the parents had not been notified of the status of all the sightings and that these would 'all' be taken up by the Spanish, and other, investigation agencies employed by the Fund.

The case file was opened to the world media on 4 August 2008 and as early as 5 August we heard about the joke-shop sighting in Amsterdam followed by a second Amsterdam sighting after which there was a sighting at Schipol

International airport, while back in Belgium there were sightings on a tram in Brussels and a train going to Antwerp.

Not to be outdone, and in short order during that week, we also heard about the the mother's written plea to be kept informed, the service station CCTV footage again - this time with pictures - along with information about a Belgian paedophile ring that was received by Scotland Yard, passed immediately to Leicester police but took a further six weeks to be passed to the PJ. Robert Murat also appeared briefly.

Back to Holland, several interesting points emerged from the reported joke-shop sighting:

- the shop worker's suspicions were not aroused until the child volunteered to speak to her;
- the child referred to herself a 'Gabby' or 'Maggie' or 'Maddie';
- the family spokesperson subsequently insisted that Madeleine would only ever refer to herself as 'Madeleine';
- the mother of the child openly spoke with the shop worker and purchased goods for over €200;
- two more artist's impressions were rendered - a female with long blonde hair and a sallow, drawn face, and a man with short-cropped dark hair and a wide, pudgy face. Many blogs and forum members remarked on a strangely coincidental resemblance to Madeleine's parents;



Artists impression of the persons observed in the joke-shop sighting

- all reported sightings in Holland had been followed up by Netherlands authorities;
- the shop worker visited the parents and their spokesperson in Rothley.

Final splurge

By week's end, 9 August 2008, as a result of the joke-shop sighting it was reported that the spokesperson feared people may not come forward with new sightings were they to assume that she is in Amsterdam.

Despite the shop worker's visit to Rothley he added, *"It would be wrong to concentrate on this one sighting. We haven't found it more credible than any other."*

And so we entered what has, thus far, been the final splurge of sightings:

- between 9 and 12 August 2008 we heard about - and saw the CCTV footage and images - of Madeleine walking with a woman wearing a headscarf near a Belgian bank;



Image from CCTV of the Belgian bank 'sighting', August 2008

- we heard about British Government authorities tapping Voice-over-Internet (VOIP) telephone calls between child-sex perverts in England and their counterparts in Europe;

- on 9 August we heard about a strange Englishman taking photographs of children on a beach near to a restaurant where the whole McCann family were supposed to have visited even though their statements to the police state that there was only one beach visit by the whole family during the holiday, and that that visit was in Luz and only for one hour due to unstable weather.

- we heard about the sighting in Venezuela on 16 May 2008 by a British yachtsman;

- on 12 August we heard about 30 ‘new’ sightings in Brussels during the previous week;

- we also heard that the father of the bank-video girl contacted the Belgian police;

- we were treated to an overview summary of sightings listed in the case file from Albufeira to Sao Paulo by way of Rhodes, Rio de Janeiro and



May 2008

Romford, but, more tellingly in that report was the admission that “*Newly released Portuguese police files contain 2,550 pages of sightings spread over 17 volumes. They reveal that every effort was made to interview each witness and check out every sighting. Most were made in the days after Madeleine first disappeared from her holiday flat in Praia da Luz on May 3. A dip into the files throws up reams of reports and hastily scribbled notes as officers followed them up, checked them out and disregarded them, one by one*”.

Finally, we heard about the report of the physical molestation of a small blonde boy in Croatia - hopefully the last time that such a thing will happen - but, for some reason, that irrational action also seemed to signal the end of all sighting reports.



August 2008

Chapter Seven

Open Government

I mentioned previously a few of the rather bizarre interactions between the family and Government personnel, past and present. This section looks at some of these interactions, insofar as is possible, along with a Freedom of Information request that has been raised.

Foreign and Commonwealth Office

The case file has several sections relating to telephone calls including lists of numbers dialled and received retrieved from the mobile phones of the parents and friends in Praia da Luz, as well as signal records from the various masts around the country that were activated by those phones.

Among the various phone calls and text messages made and received by the parents was a call from the father at 08:48 on 4 May to a Consular official in Portugal. That such a call was made is not surprising but what was considered strange by the PJ was that it was made to a personal mobile number and that no other records to or from that person were found on the father's phone log whereas the mast signal records show the following:

Mast time	From	Duration
00:29:37	Consular official	00:04:53
00:47:41	Consular official	00:02:15
01:16:11	The father	00:01:57
07:15:09	The father	00:04:51
08:35:15	The father	00:01:43
08:50:27	The father (timed at 08:48)	00:04:47

The importance of this call list is that it appears to be the first known contact between the holiday group and Government officials, and it gives credence to the report in the *Daily Telegraph* - datelined at 12:01am on 4 May 2007 - that a small child had “gone missing” in the Algarve and that, according to a Foreign office spokesman “*They [the parents] reported it straight away,*” he said, adding that consular assistance was being offered.”

What is not known is when, from whom and through what channels the FCO - whether in London or in Portugal - first became aware of the situation, nor when the story first began to break on the international news wire services so soon after the event given that the local police (GNR) only arrived around 23:00, after being called from the resort at 22:46 - not 'straight away', and they only notified the PJ at 00:10 that there had been a possible crime.

On the street where you live ...

While not a direct call to the Government, it was widely reported - including in the *Guardian* on 2 June 2007 - that a close female friend of the mother was called by her at sometime around 07:00am on 4 May - although that call is not among the records of the mobile phone.

According to the *Guardian* report the friend not only phoned *GMTV* (an English breakfast television show ‘Good Morning TV’) but also phoned the family’s wider circle of friends. These efforts reportedly resulted in subsequent contacts being made with an officer in the English CID of one of the police services; another with the then-British Secretary of Defence; and another with a presenter of *Newsnight* (another British television programme). Finally, while out on the street the next day, the friend ran into the brother of the then-Chancellor, presently Prime Minister of Britain, and said, ‘*These are my friends. Do you think you could speak to Gordon about it?*’ to which the brother responded affirmatively.

... and in the House

On 16 May 2007 a *Daily Express* article - all now removed from the Internet since the libel case brought against it by the parents - reported the following:

“... *Prime Minister Gordon Brown has offered “practical help” in the search for Madeleine.*”

The offer was disclosed by Madeline's aunt, Philomena McCann, as she visited Westminster today to lobby MPs for their support.

Ms McCann, who is from Glasgow, and other family members are due to meet John Prescott, the Deputy Prime Minister, almost two weeks after her disappearance.

Standing in for Tony Blair at Prime Minister's Questions today, Mr Prescott said: "I'm sure that the thoughts of the whole House will be with them at this terrible time."

Shadow foreign secretary William Hague said: "May I echo what you've said about Madeleine McCann and her family - and their terrible worries at this time.

"In all parts of this House and throughout the nation, people will be praying for the safe return of this little girl."

Many MPs wore yellow ribbons that have become a symbol of hope for the missing four-year-old."

The politicians' statements are recorded at column 603 of Hansard for 16 May 2007 and several further newspaper reports, with pictures, spoke of the meetings and photo opportunities taken advantage of by Ms McCann and various members of Parliament of various political persuasions.

The father's blog commenced on 20 May but in it he did not mention, acknowledge or thank the politicians making the comments or those involved in the above meetings – perhaps he did so with a personal phone call to each.

Rapid response

Going back to 4 May and events after the early morning phone calls, it was reported that the British ambassador, John Buck, travelled from Lisboa to Luz and was with Madeleine's family that afternoon and he later confirmed that three family liaison officers from Leicestershire Police had arrived and were with the family.

Craig Mayhew, Mark Warner UK operations director, and a counsellor, were also reported to have travelled to Luz on that same afternoon.

Also, a Foreign and Commonwealth Office spokesman was reported to say that the Serious Organised Crime Agency (SOCA) was liaising with British and Portuguese police, and that two officials from the British Consulate in Portimão were with the family.

All this within 18 hours.

What other British family of a missing child had ever received such a rapid - and personal - response from such high-ranking dignitaries and agencies? Was it, perhaps, because her Scottish-Irish lineage struck a chord with the rank, if not the file, in Westminster and Whitehall? Or was it, perhaps, a knee-jerk reaction in belated response to the young British girl who had disappeared in the same region nine years previously?

And that is not all.

According to, among others, Gonçalo Amaral, both in his book and various interviews, a number of events transpired before, during and after the meeting between the ambassador and the Portuguese inquiry team that same day, namely:

- prior to leaving for Luz, the ambassador had a meeting with the Portuguese Minister for Foreign Affairs - less than 12 hours after the alarm was raised;

- the ambassador insisted that the PJ announce to the press that the child had been abducted and that the parents were innocent victims - less than 24 hours into the police investigation and before the inquiry team had had barely sufficient time to set themselves up;

- the ambassador denied the PJ access to the clothes of the child despite acknowledging that such a request may well be 'standard procedure' in a police investigation. His reason, according to Mr Amaral, was that he was afraid of what the media might think or make of such a request;

- through subsequent police work with statements from Mark Warner staff it was determined that clothing - from adults and children of apartment 5A - had been laundered on 5 May.

The ambassador continued to pay very close attention to all events during that first week as evidenced by the statement published on the FCO website:

“Statement to the media by John Buck, British Ambassador to Portugal, Praia da Luz, Algarve, Portugal, 08/05/07

‘Ladies and gentlemen good evening. As you know I spent quite a lot of time with the McCann family on Friday and over the weekend and also supporting our Consular staff here in the Algarve. I wanted to come down today to see Kate and Gerry again and to continue to support our Consular staff who’ve been dealing with this case continually now for a number of days. I also wanted to assure myself personally that the necessary links between British and Portuguese experts here on the ground are working well and they are.

‘As you know we have had three family liaison officers from the Leicestershire Police here with the family acting as a point of communication with the Portuguese Police. As I think you also know additional experts arrived today to work with their Portuguese colleagues on this investigation. I don’t want to say anything in detail about the investigation but it might be helpful if I said a word or two about the background.

‘This is and must remain a Portuguese Police investigation. As you know the Portuguese Police operate under Portuguese law and Portuguese law puts constraints on what they can say publicly and the information they can release. Against that background I have been in touch closely over the last few days with Cabinet Ministers here in Portugal, with the Prime Minister’s Office and with the Portuguese Police authorities.

They all assure me that everything possible is being done to ensure the safe return of Madeleine.

'We continue to work closely with the Portuguese authorities. They are very pleased with the collaboration with the British authorities. They are in close touch with Interpol and Europol and I and I know Kate and Gerry with whom I've just been speaking for the past hour are very grateful for their efforts. Thank you very much.'

He continued close contact by giving the parents a private and direct phone number.

On 24 May, the day after the parents visited Fatima, the ambassador had another informal meeting with them - two days after the father returned from UK with Clarence Mitchell, he having been assigned by the FCO to be the family media liaison officer. Consular officials and British police were also said to have been present at the informal meeting.

As an aside, 24 May was also the day on which the famous 'last photo' was put out for public consumption - 21 days after the inquiry began - followed by two others on succeeding days. Questions about the holiday photographs are discussed in a later chapter.

Top dogs

The father's blog for Day 67 was upbeat:

"Day 67 - 09/07/2007 - Monday

No major news today but it was heartening to see both the British and Portuguese Prime Ministers, Gordon Brown and Jose Socrates, publicly pledge they would continue to do everything to help find Madeleine.”

Many reports and confirmations from spokespersons circulated about telephone calls and contacts between the parents and the Chancellor, and, later, the Prime Minister. The cabinet minister responsible for running the Office of the Prime Minister also got in on the act on occasion.

Strangely enough once the information about the detection dogs' results started to circulate within the kennels of the higher echelons indications were that such connections not only stopped but, in true Nu-Labour fashion, distance and prevarications became the order of the day.

One such indication came to light in the *Daily Express* of 28 August 2007 where it was reported that ‘a source close to the family’ - a well-worn euphemism for the spokesperson of the day - claimed that there had been several conversations between the Prime Minister and the parents. *“Meanwhile, it has emerged that the Find Madeleine campaign has been scaled down on advice from Downing Street”* and the father had started to think about returning to work and easing back on the campaign. *“A source close to the family claimed they had spoken to Gordon Brown on a number of occasions and had been advised that it was time to take a step back.”*

The father seemed to be more prescient of the scaling down than the *Express* as may be seen in his blog of 13 August, two weeks previously:

“The campaign, as planned, will enter a quieter phase again. We have always envisaged that media attention focussed on Madeleine and us would quieten down and just occasionally we would try to remind people that Madeleine is still missing and that we are still looking. There cannot be many people who do not know these facts after the events of this last week.”

“... events of this last week”? - or perhaps he meant two?

August 2nd: Detection dogs indicated human cadaver contact on the mother's clothing and the child's toy. The planned trip to Huelva in Spain that day was postponed because the father was under the weather;

August 3rd: Detection dogs indicated human cadaver contact and traces of human blood in apartment 5A. The trip to Huelva, complete with personal camera crew and documentary producer, was followed on their return by pre-recording some media interviews and a church service;

August 4th and 5th: Detection dogs and ground penetrating radar were used to examine the house and property of Robert Murat and his mother. Nothing was detected or found on the property. The parents did more interviews.

August 6th: Detection dogs indicated human cadaver contact and human blood traces in the vehicle hired by the parents while they acquired a new printer and wrote in the blog: *“We are pleased that the investigation remains so active and we are cooperating fully with the Portuguese and British police, as we have done since day 1. We continue to hope and pray daily for that vital breakthrough or sighting that will let us be reunited as a family.”*

August 7th: The parents did a pooled interview for the media hordes that had descended once again, and wrote, *“We wanted to make it clear, that as far as we know, there is still absolutely no evidence that Madeleine has been seriously harmed and Kate and I have to believe she is still alive. The Portuguese police have assured us on numerous occasions that they are looking for Madeleine and not a corpse.*

Of course all possibilities are being considered and the police have to be certain before eliminating any of the scenarios. It is absolutely right that we are subject to the same high standards of investigation as anyone else. Kate and I have, and will continue to assist the police in every possible way. We hope there is a breakthrough in the investigation very soon.

In the meantime the campaign to keep the public involved in the search for Madeleine continues. We are always trying to think of ideas that will reach people who may not have heard

of Madeleines disappearance.”

August 8th through 12th: More media interviews and photo opportunities; more church attendances; more affirmation of their confidence in the police investigation, albeit amid resurgent media-driven speculation.

Alternating currents

As the campaign moved into its quieter phase, and some British powers appeared to quietly withdraw to a more politically-correct and defensible position - though they did not fully retract as the Vatican had done by 30 May, others stepped up to the plate particularly those involved with the intended introduction of, *inter alia*, a Europe-wide sex-offenders register and the European version of the US ‘Amber Alert’ system based upon an already identified emergency number of ‘116’.

A survey of UK and European members of parliament was published on 23 August and gave rise to further interviews and photo opportunities four days after donations to the Fund were reported to have topped £1-million for the first time.

The survey was reportedly commissioned by the *Find Madeleine* campaign although work had begun subsequent to the Prüm Treaty of 2005 and it rode on the back of previously abortive attempts by EU Commissioner for Justice, Freedom and Security, Mr Franco Frattini, who first launched the concept of a missing children alert system in 2006 and again in January 2007.

To temporarily liven things up even further, on 31 August we heard about the first of the defamation writs. This one was against a minor Portuguese tabloid *Tal & Qual* as reported by the father in his blog:

“There has been some wild speculation reported in the press about what may have happened to Madeleine. Most of the innuendo regarding Kate and me has died down in light of the statements from the official Portuguese Police spokesperson. However last Friday, a Portuguese newspaper published a front-page headline ‘PJ believes that the parents killed Maddie’.

We firmly believe that the report was speculative, defamatory and published despite official statements to the contrary. As well as damaging our personal and professional reputations, such allegations smear the investigation, the campaign to find Madeleine and cause great offence and anxiety to all our family.

This is why, after careful consideration, we have issued a writ against the newspaper for defamation.

Our focus has, and always will be, on doing our best to help find Madeleine. This lurid allegation is so serious and wide of the mark that we feel it cannot go unchallenged.

The legal expenses for the proceedings will not be paid from Madeleine’s fund.”

Today, after the release of the official case file, we now



Erroneous claim in Portugal

know that the police did indeed believe that there was a death, accidental or otherwise, involved in Madeleine's disappearance, but *Tal & Qual* were wrong in putting forward the notion that the PJ believed that the parents actually killed their daughter. The principal

crime that was being considered was that of hiding the corpse.

It was subsequently reported that by the time the writ was issued and served the tabloid had already closed up shop and gone out of business having been on the verge of bankruptcy for some time. It is known that, to the date of writing this, no other writ has been issued against any other Portuguese publication.

After another short lull during which time some preliminary results of the forensic evidence derived from the dogs' detective work was analysed by the police we reach 6 and 7 September on which days the parents were interviewed by police for the final time and each were attributed the status of *arguido* (legal suspect) in the investigation, and with further assistance from the British FCO the family left Portugal on 9 September.

Arguido

Two things must be made clear at this point.

First: in a criminal investigation in Portugal a witness is required, by law, to respond to any and all questions asked of them by the PJ. Further, a witness is not allowed to have legal counsel present during questioning because there is no need for one as the PJ are permitted to solicit information only about people and places relating to the possible crime situation in a manner that is non-accusatory. In other words witnesses are questioned in order to obtain background information in a way that does not implicate them in a crime.

Should, however, the police detect during the questioning that the witness may have been implicated in a crime they are required to stop witness inquiry immediately and attribute the *arguido* status to the witness.

This attribution affords the *arguido* protection by allowing them to have legal counsel present during subsequent questioning and permits them to refuse to answer questions put to them without any such refusal prejudicing in any way the presumption of their innocence. On the PJ side the attribution permits them to ask questions that may be directly accusatory of the person being questioned.

Second: in a case in which the possibility of a corpse arises, such as in this case after the EVRD detection in and around the apartment as well as on the clothing of the mother and clothing

and toy of the missing child, the PJ are legally compelled to attribute the *arguido* status to those persons most likely to have been associated with that corpse.

This legal compulsion made the comment by the National Director of the PJ in February 2008 that making the parents *arguidos* had been ‘precipitous’, i.e. ill-judged and too early, appear puzzling to some. Even more puzzling was his alleged resignation as National Director of the PJ followed, after a few months, by his sudden reappearance as the appointed head of a department responsible for monitoring the actions of the Portuguese police, and the PJ in particular.

If he didn’t know the rules in February why should anyone believe that he knows them now? Some might begin to think that the Portuguese government is as open as that in UK after the return of Peter Mandelson but the local *realpolitik* is fairly clear. The PJ is the only agency in Portugal that has the legal authority to investigate the actions of politicians so it makes perfect sense for the politicians to appoint someone with proven political purity as their watchdog over the PJ.

Freedom of Information

Before leaving the subject of open government, the following request for information was submitted to the FCO on 3 October 2008 by “a concerned UK taxpayer and voter” through a [democracy group website](#). The response is awaited.

“Dear Sir or Madam,

Firstly, I would like to quote part of a newspaper report in order to provide you with the source of my personal concerns about the matter I have referred to in the Summary box you provide regarding this FOI request by myself.

[Http://www.dailymail.co.uk/news/article-...](http://www.dailymail.co.uk/news/article-...)

“The Foreign Office was alerted to fears over Gerry and Kate McCann by a British diplomat in Portugal just days after their daughter Madeleine went missing. The diplomat was sent to the holiday resort of Praia da Luz in the days following the four-year-old’s disappearance and soon became concerned over “inconsistencies” in the testimonies by her parents and their friends. After visiting the McCanns, the unnamed diplomat sent a report to the Foreign Office in London, admitting his worries about “confused declarations” of the McCanns’ movements on the night of May 3. He also noted the couple’s “lack of co-operation” with the Portuguese police. The diplomat’s concerns were made over four months before Gerry and Kate were named arguidos (suspects) on September 7. Contents of the letter were leaked to Belgian newspaper La Dernière Heure over the weekend. The diplomat expressed his fears after receiving instruction from the Foreign Office to provide “all possible assistance to the McCann couple”.

The French-language paper printed excerpts of the letter, quoting the diplomat as saying: “With the greatest respect, I would like to make you aware of the risks and implications to

our relationship with the Portuguese authorities, if you consider the possible involvement of the couple.

“Please confirm to me, in the light of these concerns, that we want to continue to be closely involved in the case as was requested in your previous message.”

Although the Government was quick to assist the McCanns in the days following Madeleine’s disappearance, direct contact with the couple ceased when they were named as suspects. La Dernière Heure pointed out that a majority of the diplomats originally involved in the case have now been taken off it. The then-Prime Minister Tony Blair sent special envoy Sheree Dodd to act as a “media liaison officer” for the pair soon after Madeleine vanished. Ms Dodd has since resigned from the Foreign Office, while the British consul in the Algarve, Bill Henderson, has retired. John Buck, the British ambassador in Portugal, no longer works in the country.”

Furthermore : BRITISH CONSUL Celia Edwards, who replaced Bill Henderson upon his retirement, resigned from her post on July 1st 2008, after one year’s tenure.

My questions which I request an answer to via the FOI facility are:

A : Was such a report forwarded to the Foreign Office in early May 2007 ?

B : If so, who was the British Diplomat who forwarded this report ?

C : What was the reply/response from the Foreign Office to this British Diplomat's report about such concerns ?

D : Why did the Foreign Office provide such an unusual amount of Diplomatic and Government assistance to the McCann's ?

E : Who was the person, or person's, within the Foreign Office who seemingly overruled the British Diplomat's concerns ?

I hope that clear and unequivocal answers to my questions about these matters can be provided via your FOI facility.

Yours faithfully,

A concerned UK taxpayer and voter."

Chapter Eight

Conspiracy of silence

We've been talking about interactions between high-level persons and what one could be forgiven for believing is a run-of-the-mill middle-class family of doctors. During the period of supposed 'judicial secrecy' mandated in the Portuguese penal code these interactions were widely reported, as we have seen previously with a few examples. Subsequent to the release of the case file, similarly mandated in that penal code, the silence of the UK Press and media on these interactions, and most of the content of the case file, has led many to suspect a cover-up of some kind. The question is simply "Why would any newspaper or broadcasting channel suppress suspicions of possible culpability in any of the three possible crimes being considered by the Portuguese police?" Supplementary questions include "Is there any evidence that there is, in fact, a conspiracy of silence?"

Prima facie evidence is in our faces - or, to be more accurate, it is not in our faces - because from a regimen that thrives on so-called "human interest" and "public interest" stories and employs hordes of 'investigative' journalists to 'dig up the dirt' on almost anything that moves on the face of the planet there has been so little actual detail published from the case file whereas prior to the release of the case file, and

certainly prior to the various libel cases, that same regimen fought tooth-and-nail to get the smallest piece of gossip and 'leakage' about the investigation.

Why? Is the case no longer of "human interest" or "public interest" - possibly relegated to being just another unsolved case about a missing-child? Should we simply add one more digit to the statistics and move along?

As an example, compare the level of recent reportage with that on the days when the Portuguese paper *Sol* broke the story about the alleged "pact of silence" between members of the holiday group. Perhaps the recent libel settlement between the friends of the family and the *Express* has served a higher purpose than may have been inferred from the *Independent* of 7 July 2008 ahead of the latest contribution to the Fund:

"At the centre of possible action would be suggestions that the friends kept a "pact of silence" in their dealings with police, and that they refused to take part in a reconstruction of the night Madeleine disappeared."

If the *Independent* was correct then where was the libel in the *Sol* story or in the UK papers that repeated it? Far from being mere 'suggestions' there was indeed a pact of silence - albeit one that was periodically broken by the family, at least two of the friends and the ever-voluble spokesperson when it suited them - and that pact was the 'judicial secrecy' requirement under Portuguese law that witnesses named in an

ongoing investigation do not speak about their testimony.

Also, the case file shows the e-mails from all the friends explicitly stating that they refused to take part in the requested reconstruction. There is certainly nothing suggestive about them and this adds further to the puzzlement for the man-in-the-street. Why have those e-mails not been published or at least mentioned in summary form by the British media?

In the Foreword I mentioned the ‘values’ expounded by the Society of Editors. There are some other ideas that have been committed to paper and the website including ‘The Public Interest’ which may provide some insight:

“THE PUBLIC INTEREST

1. The public interest includes, but is not confined to:

i) Detecting or exposing crime or serious impropriety.

ii) Protecting public health and safety.

iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.

4. The PCC will consider the extent to which material is already in the public domain, or will become so.

5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the

normally paramount interest of the child.”

The PCC - Press Complaints Commission - is chaired until 2009 by a man whose wife is directly involved with at least two public service operations that are complicit in the promulgation of the European ‘Amber Alert’ system and the proposed database of sex-offenders. She is another person who is known to have maintained close contacts with Madeleine’s parents through their becoming frontispieces for those European proposals even during the period in which they were named suspects in the investigation.

Item 5, though the genuine intent behind it is obvious, can be misused, even abused, by adroit wordsmiths, especially those one encounters in Internet forums. The argument goes: *“Anything that is done to question the possible involvement of the parents and friends will seriously impact upon the interest of the missing child. The Public Interest, therefore, cannot be served by raising any such questions.”*

While there are some adherents to that argument, I am one who finds it fallacious simply because if Madeleine died on 3 May then nothing now can possibly impact her further, and if she was abducted then how can questions about the case file affect the situation in which she finds herself?

Conspirators

If there is a conspiracy then there must be at least two conspirators.

If every editor of every media group in UK have elected, each of their own volition and freewill, and without consultation with any other person, to drop the Madeleine case from their publication then there is no conspiracy of silence in the UK media.

If, however, they have mutually agreed - voluntarily or otherwise - to adopt such a course of action, or they have accepted some form of imposed restraint of trade or similar limitation on publication of some or all of the case file, then there is a conspiracy.

I cannot believe that there has been a unanimous, voluntary suppression of all material contained in the case file without one single dissenter or 'grass' so I have to believe that something has been imposed and the obvious next question is : "By whom?", followed in quick succession by:

- Who would be in a position to suppress publication of "Case Maddie"?, and
- Who would benefit from such suppression, or repression, of the media?

To the first two questions there is only one answer: Politicians - with or without corrupting paymasters and agendas - are the only persons with sufficient legal authority to repress the media in "the public interest".

This was publicly observed when Prime Minister Anthony Blair ordered the suppression of information relating to Operation Ore in which over 7,000 people were identified

during a massive pay-to-view child pornography investigation. That repression is still in force.

Who would those politicians be?

From the top we have two Prime Ministers although the former, now a globe-trotting public speaker reputedly raking in some £12-million a year to help keep the wife happy and to pay for however many mansions, houses and apartments he may now own around the world, would have been more concerned with making as clean an escape from British politics as he possibly could given all the surviving questions that remained with respect to his tenure in that office.

The present incumbent, as stated in previous chapters, was closely associated with the case at the outset but withdrew rapidly once the canine discoveries became known. The only remaining question in my mind relates to the allegation by Gonçalo Amaral that he, or someone in his office, may have telephoned the lead British police officer assigned to the case in Portugal as to whether or not Amaral had been dismissed from the case, that alleged call being made some two hours prior to Amaral receiving the fax message from his boss that he had been so dismissed.

A Freedom of Information Act request made to the Office of the Prime Minister was responded to, and signed by one Nicholas S Howard, stating that there is no record held by that office of any such call being made on or about 2 October 2007.

A response to the same question submitted to the Leicestershire Constabulary has been delayed for several months due to the 'Public Interest Test' that was started in September 2008.

The Minister for the Cabinet Office would likely have knowledge of any coordinated, cross-Departmental operation and although he may not have been associated with the holiday group he would certainly be closely aware of it given his responsibility for the Central Office of Information and its Media Monitoring Unit, the director of which unit suddenly resigned to become the holiday group's spokesperson in September 2007.

The Foreign Secretary - both before and after the Cabinet changes of 27 June consequent upon the change of Prime Minister - as head of the FCO would have specific knowledge of the case and any Governmental actions and instructions, not least being all the ambassadorial and consular actions and instructions pertaining to both the case and relations with Portugal which, from July 2007, held the Presidency of the EU and later played host to the signing of the Treaty of Lisbon.

While the above ministers may have certain authority the real powerhouse of any media repression is the Home Office ruled by the Home Secretary with two additional ministers of state - one for security, counter terrorism, crime and policing; the other for borders and immigration.

The first of the two ministers of state is also responsible for the Forensic Science Services - the agency that claimed to be unable to analyse conclusively certain forensic samples supplied during the case; the Independent Police Complaints Commission - to whom certain case-related complaints were submitted without meaningful response or action; the Serious Organised Crime Agency - who were known to have had agents/officers involved throughout the investigation; and the Security Industry Authority. The particular minister for crime who was incumbent during the case was reassigned to another ministry after the 'Public Interest Test' began.

Knowing who are the people with the power may be useful but it doesn't really help to answer the third question - that of 'who would benefit' from media suppression of the case.

In a government that swept to power in 1997 on a manifesto of, among many things, effective, efficient and 'sleaze-free' governance, one would think that the 'Maddie case' would have minimal, if any, significance for them after eleven years in which that same crew has:

- taxed, borrowed and spent the country into near bankruptcy - particularly through awards to itself in the form of billions of pounds of gold-plated pensions, above-inflation pay rises and questionable expenses and allowances for, *inter alia*, parliamentarians and faithful civil servants;

- lost more personal data of individuals than many previous governments collected;

- exposed, at best, poor judgement in embarking on two wars - one under patently false pretences - deploying troops with inadequate, if not obsolete, equipment tragically observed to have been unsuitable for the terrain or even with which to communicate with an ally's forces to prevent the death of troops in 'friendly fire' incidents;

- overseen sleaze of the highest order in the BAE affair; cash-for-honours; the Ecclestone £1-million; infidelity of cabinet ministers and of a deputy prime minister;

- promulgated some 300 or more new criminal offences to exacerbate the massive overcrowding of prisons to the extent that some prisoners had to be accommodated in cells at police stations;

- created one of the most inefficient police forces in the world through an excessive and wholly unworkable administrative regimen that has now had to be partially revoked by its creators;

- fostered a benefits regime that attracted hundreds of thousands of free-loading 'immigrants' from around the world, many of whom the responsible Government department could not account for;

- fostered a health and safety regime that is so scared of its own shadow that, to take a few simple examples from hundreds of such reports: firemen are warned not to rescue a cat in a tree; children can no longer play conkers; bonfire night has no more

bonfires, and a lifeboat station and crew were reprimanded after saving a person in difficulties.

With a track record such as this - and much more - how can one possibly imagine that such a shower could maintain an official conspiracy of silence even with the media repression methods available to them?

Chapter Nine

Forensic science

Detection

In August 2007 the “OPERATION TASK CANINE SEARCH REPORT” was written in which the dog-handler provided his personal profile outlining his being a ‘retired’ police officer, formerly a senior instructor at the South Yorkshire Police dog training establishment, with 35 years experience in the training of dogs within the police service and in the public sector specialising in the development and training of specialist search dogs to detect narcotics, explosives, currency, human remains, blood and semen.

He went on to state his being a Special Advisor to The U.S. Department of Justice, Federal Bureau of Investigation Canine Forensic Program as well as being a police dog training instructor accredited by UK A.C.P.O. (Association of Chief Police Officers, England and Wales), a Subject Matter Expert in forensic canine search and being on the N.P.I.A. (National Policing Improvement Agency) Expert Advisers database advising both domestic and international law enforcement agencies on the operational deployment of police dogs in homicide investigations as well as participating regularly in homicide cases in which a ‘Specialist Canine Homicide Search

Team' is formed with specialist dogs from Dyfed Powys and USA.

He then briefly describes his two dogs - Eddie, a 7-year old English Springer spaniel dog who is trained as an Enhanced Victim Recovery Dog (EVRD) and Keela, a three-year old English Springer spaniel bitch who is trained as a human blood search dog (C.S.I. Dog).

The report proceeds:

OPERATION TASK CANINE DEPLOYMENTS 1-8 AUGUST 2007

On the instruction of The PJ Director, The Portuguese police kept all search records concerning the deployment of the search dogs. All dog searches were recorded by video.

The following searches were conducted:

- Five apartments at a complex in Praia Da Luz.
- Mr. Murat's property at Praia Da Luz.
- Mr. McCann's Villa at Praia Da Luz (Present occupancy).
- Articles of clothing from Mr. McCann's residence.
- Western beach Praia da Luz.
- Eastern Beach Praia Da Luz.
- 10 Vehicles screened at Portimao.

CANINE SEARCHES AT FIVE APARTMENTS AT PRAIA DA LUZ.

All five apartments were searched using the EVRD. The only alert indications were at apartment 5a, the reported scene.

The EVRD alerted in the:

- Rear bedroom of the apartment in the immediate right hand corner by the door.

- Living room, behind sofa

- Veranda outside parent's bedroom.

- Garden area directly under veranda.

My observation of the dog's behaviour in this instance was that the dog's behaviour changed immediately upon opening the front door to the apartment. He will normally remain in the sit position until released and tasked to search.

On this occasion he broke the stay and entered the apartment with an above average interest. His behaviour was such that I believed him to be 'in scent' and I therefore allowed him to free search without direction to allow him to identify the source of his interest. He did so alerting in the rear bedroom.

I released him from this and tasked him to continue to search. He did so alerting in an area to the rear of the sofa in the lounge.

The dog's behaviour for these alerts led me to the following opinions:

- The first alert was given with the dogs head in the air without a positive area being identified. This is the alert given by him when there is no tangible evidence to be located only the remaining scent.

- The second alert was one where a definitive area was evident. The CSI dog was therefore deployed who gave specific alert indications to specific areas on the tiled floor area behind the sofa and on the curtain in the area that was in contact with the floor behind the sofa. This would indicate to the likely presence of human blood.

The forensic science support officers were then deployed to recover items for laboratory analysis.

There were no alert indications from the remaining properties. I did however see the dog search in the kitchen waste bins. These contained meat foodstuffs including pork and did not result in any false alert response.

CANINE SEARCH OF MR MURAT'S PROPERTY.

The property was subjected to a search for human remains or blood stained articles. The outside of property was stripped of vegetation and after the ground being probed was searched by the EVRD dog. The inside of the property was then searched by the dog.

There were no alert indications and no human remains were located.

CANINE SEARCH OF MR McCANN'S VILLA, PRESENT OCCUPANCY.

The villa interior, garden, and all property within were searched by the EVRD. The only alert indication given was when the dog located a pink cuddly toy in the villas lounge.

The CSI dog did not alert to the toy when screened separately.

It is my view that it is possible that the EVRD is alerting to cadaver scent contamination. No evidential or intelligence reliability can be made from this alert unless it can be confirmed with corroborating evidence.

BOXES OF CLOTHING 1 PROPERTY FORM MR McCANN'S RESIDENCE.

At a suitable venue numerous boxes of clothing 1 property taken from the McCann present residence were screened using both the EVRD and the CSI dog. The venue was screened by both dogs prior to introducing clothing / property. Neither gave an alert indication. The screening then took place with the contents of each box being placed around the room in turn. The process was recorded by video and written records were taken by PJ officers.

The only alert indication was by the EVRD on clothing from one of the boxes. I am not in possession of the details as these were recorded by the PJ officers present.

It is my view that it is possible that the EVRD is alerting to 'a cadaver scent' contaminant. No evidential or intelligence reliability can be made from this alert unless it can be confirmed with corroborating evidence.

WESTERN BEACH

The beach above the waterline was searched. This extended to areas of fallen rock and the cliff face as far as the dog could

negotiate the incline.

There were no alert indications.

EASTERNBEACH

The beach above the waterline was searched. This extended to areas of fallen rock and the cliff face as far as the dog could negotiate the incline.

There were no alert indications.

CANINE VEHICLE SEARCHES.

Ten vehicles were screened in an underground multi storey car park at Portimao. The vehicles, of which I did not know the owner details, were parked on an empty floor with 20-30 feet between each. The vehicle placement video recording and management of the process was conducted by the PJ. The EVRD was then tasked to search the area. When passing a vehicle I now know to be hired and in the possession of the McCann family, the dog's behaviour changed substantially. This then produced an alert indication at the lower part of the drivers door where the dog was biting and barking. I recognise this behaviour as the dog indicating scent emitting from the inside of the vehicle through the seal around the door.

This vehicle was then subjected to a full physical examination by the PJ and no human remains were found. The CSI dog was then tasked to screen the vehicle. An alert indication was forthcoming from the rear driver's side of the boot area. Forensic samples were taken by the PJ and

forwarded to a forensic laboratory in the U.K.

It is my view that it is possible that the EVRD is alerting to 'cadaver scent' contaminant or human blood scent. No evidential or intelligence reliability can be made from this alert unless it can be confirmed with corroborating evidence. The remainder of the vehicles were screened by the EVRD without any interest being shown. Therefore the CSI dog was not further deployed.

SUMMARY

The tasking for this operation was as per my normal Standard Operating Procedures. The dogs are deployed as search assets to secure evidence and locate human remains or Human blood.

The dogs only alerted to property associated with the McCann family. The dog alert indications MUST be corroborated if to establish their findings as evidence.

Therefore in this particular case, as no human remains were located, the only alert indications that may become corroborated are those that the CSI dog indicated by forensic laboratory analysis.

My professional opinion as regards to the EVRD's alert indications is that it is suggestive that this is 'cadaver scent' contaminant. This does not however suggest a motive or suspect as cross contamination could be as a result of a number of given scenarios and in any event no evidential or

intelligence reliability can be made from these alerts unless they can be confirmed with corroborating evidence.



EVRD dog 'Eddie' attempting to get behind the sofa in apartment 5A.

Collection

The following is a translated version of the official police report in the case file:

Date: 31 July 2007 - 20h00:

Report: Inspection of the apartments

Participants:

PJ: Tavares A. & Ricardo P. Inspectors

UK: Mark Harrison, Martin Grime (UK Forensic Canine PSM Expert),

Eddie & Keela (English Springers)

Silvia B. Manager of the Ocean Club complex.

On that date, inspections were conducted in the apartments occupied by members of the McCann family as well as the group who were with them at the time of Madeleine McCann's

disappearance. It was only on that date that the apartment, identified as that of the parents, was empty allowing further investigation which was authorised by the respective occupants. Thus, at the appointed time, the search with the dogs began, covering the following apartments:



EVRD 'Eddie' behind sofa

5A (Gerry/Kate McCann):

From 20h00 to 21h20, the dogs go through.

20h20: The cadaver dog, «marks,» the couple's wardrobe area in the bedroom.

20h22: The cadaver dog, «marks» an area behind the sofa in the sitting room near the window overlooking the road.

From 20h47 to 21h20, the blood detecting dog goes through.

21h10 The dog, «marks» an area of floor behind the sofa in the sitting room, near the window overlooking the road.

5B (Matthew/Rachael Oldfield):

21h24 to 21h27: The cadaver dog did not alert on anything.

5D (Russell O'Brien/Jane Tanner):

21h29 to 21h34: The cadaver dog did not alert on anything.

5H (David/Fiona Payne & Dianne Webster):

21h35 to 21h38: The cadaver dog did not alert on anything.

4G (McCanns' second Ocean Club apartment):

21h42 to 21h45: The cadaver dog did not alert on anything.

Garden belonging to apartment 5A (with access via the balcony and the steps):

21h49 to 22h00: The cadaver dog «marks» an area of the garden immediately below the window.

Date: 01 August 2007 - 06h00

Report: Inspection of the surrounding areas.

After evaluation of the area surrounding the Ocean Club tourist village, based in Praia da Luz, taking account of the characteristic topography of the ground and the distance from where the small child Madeleine McCann disappeared, an inspection was carried out with the help of dogs specialised in the detection of cadaver odour, in various places, such as described:

1 - At 06h40, an area between the «Piteira» road and the «Oliveira» road, was inspected. At 07h15 the inspection was completed with nothing being detected by the dogs.

2 - At 07h25, an area adjacent to the «BEIJAFLOR» property on the «Figueira,» road, defined by the «Ramalhete» road. An inspection of the whole area was made and nothing abnormal was noted. The inspection was completed at 07h45.

3 - At 07h55, an area between the «Casa Azul» residence on the «Figueira» road and the «Casa Pandora» residence as well as a dirt road on the left of the «Figueira» road was inspected by the dogs without anything abnormal being noted. The inspection ended at 08h05.

4 - At 08h20, an area between the residences «Casa Pandora» on the «Figueira» road, «Quinta Mimososa» and «Casa Ladeira» without anything abnormal being noted. The inspection ended at 08h40.

A photographic report of the places inspected is attached.

Initial conclusion.

To the coordinator of the criminal investigation.

Faced with new elements revealed by the dog handling unit's search, attached to the report, and on the basis of Mark Harrison's report, there is every reason to believe that the small child Madeleine McCann died in apartment 5A where she was spending her holiday with her parents at the Ocean Club in Praia da Luz. Following the markings by the cadaver odour detecting dogs and traces of human blood inside the apartment from which the child disappeared, we have done further extensive research, revealing that there was never a death, or a

body, notified in this same apartment before. In this report, several places were marked, signaling the presence of cadaver odour and human blood. In addition, we can observe that a cadaver odour was detected in the garden adjacent to apartment 5A. Nothing was detected in the other residences.

It follows from this investigation that there are indications, in practice and in the facts, of the crime of murder such as defined in Article 310 of the Penal Code.

So as to go further with this lead, of which certain results may reveal new evidence, we request authorisation to carry out further inspections, within the legal framework, in two distinct places:

1 - Rue des Fleurs no...The McCann family's current residence in Portugal.

2 - Rented vehicle Renault Scenic, registration ...DA - 27.

We suggest that this inspection is entrusted to the PJ and ask the Public Prosecutor for a 20 day mandate. Thus, we consider that there are indications that consolidate strong suspicions according to which, there are elements of evidence of a crime, inside the vehicle used by the McCanns and, moreover, likely to reveal important details of fundamental importance for the investigation.

Date: 02 August 2007 - 18h14

Report: 27 Rue das Floras- Praia Da Luz - Lagos

Participants:

PJ: Ricardo P & J. Carlos P., inspectors.

UK: Mark Harrison, Martin Grime & Eddie.

On that date, within the context of a residential search, carried out at the McCann couple's current residence, an inspection by a dog handling team was made. Thus, at the time indicated at the beginning of the report, all areas of the property were inspected and the following results obtained:

18h36 - The dog Eddie, who detects cadaver odours, «marked» the area of a cupboard in the living room. On checking, the dog was indicating a pink soft toy belonging to MadeleineMcCann.

The clothes

Date: 02 August 2007 - 23h20

On that date, following the home visit made to the McCanns' current residence, on the Rue des Fleurs, various items of clothing were laid out in an appropriate place for this purpose, to carry out an inspection by the dog handling unit.

The collected items of clothing were set out individually with the agreement and under the directions provided by the British technicians, the dogs having previously covered the space where the clothing was laid out.

1 - 23h20: Prior reconnaissance of the place by the two canine units to guarantee that the space was clear of all odours being sought. The reconnaissance was completed at 23h30 without anything being signalled by the dogs.

2 - 23h30: An initial inspection by the human blood detecting dog, began with the clothing packed in the box bearing the notation: «Living room.»

At 23h40, the inspection was completed without the dog showing anything abnormal.



23h41: The canine human remains recovery dog started its inspection and «marked» various clothes. The inspection was completed at 23h52. The clothes were returned to their box for later use.

EVRD 'Eddie' marks a child's T-shirt

From 00h02 until 01h30, (03/08/07) all the other boxes, containing clothing from the twins' bedroom, from the friends' bedroom, from the bedroom of the couple labelled 1 & 2, as well as the empty luggage, was inspected by the two dogs without conclusive results.

Apartment 5A - OCEAN CLUB

As joinder to the procedure. It is made known and according to superior orders that today at 20h00, specialists from LPC (Police forensics lab) Fernando V. And Lino R., after having seen the recorded images resulting from the inspection by the dog handling unit on 31/07/07 in apartment 5A, duly

mandated, proceeded with the collection of whole floor tiles where the dogs used in the inspection indicated the possible existence of traces of human blood as well as the presence of a body in the apartment. The tiles were lifted so as to preserve possible samples to be analysed by the appropriate laboratory. This entire action was filmed in order to illustrate the way in which the lifting was accomplished and with what tools so that the experts had a better idea of the work.

Date: 04 and 05 August 2007

Report: Casa Liliana, residence of the suspect Robert Murat, situated on «Ramalhete» road - Praia da Luz - Lagos.

Participants:

PJ: Tavares A., chief inspector, J. Carlos P., Ricardo P, inspectors

UK: Mark Harrison, Martin Grime and Eddie.

On that date, within the context of residential visits, which were carried out at the home of the suspect ROBERT MURAT, an inspection by the dog handling unit was made in the gardens and inside the residence of the accused.

August 4th 2007 - 19h28: Start of the inspection of the gardens of the residence. Eddie, human remains recovery dog, covered the whole perimeter outside the dwelling and nothing abnormal was signalled.

August 5th 2007 - 15h22: The same dog inspected all rooms of the residence and nothing in particular was signalled.

RUSSELL O'BRIEN

To the coordinator of the criminal investigation.

In the context of the investigation, we have collected information concerning a vehicle used by RUSSELL O'BRIEN, friend and member of the group who spent their holiday with the McCann family in the Algarve . At the time of the request for vehicles considered important to the procedures that follow, we were not aware of the identification details of this vehicle. Meantime, our investigation has led us to establish that it may be a vehicle of the «Opel» range, a «Corsa» model, registration....AG - 62. At the present time, we do not have a mandate to search for and seize the vehicle to allow us to add the vehicle to the planned inspections. As a consequence, we request such a legal mandate in order to be able to realize the planned inspections.

Samples sent to the lab

Between 15h00 on August 4th 2007 and 06h30 on August 5th 2007, the following samples were recovered in the living room of apartment 5A at the OCEAN CLUB where a murder probably took place.

Samples 1A to 3B: recovered on the floor.

Samples 4A to 13B: recovered on the wall.

Samples 14A to 15B: recovered behind the sofa.

Sample 16A: recovered from the blue curtain.

Samples 16B: recovered from the white curtain behind the blue curtain.

All of these elements have been handed over to the Birmingham Forensic Science Services. (FSS)

Date: 06 and 07 August 2007

Report: Between August 6th at 21h30 and August 7th at 04h00, the following samples were recovered in the grey Renault Scenic car.

From the driver's side:

1A: Hair

1B: Fibre and hairs

1C: Fibres and hairs

1D: Fingernail

Front passenger side:

2A: Hair

2B: Hair

2C: Fibres and hairs

2D: Fibres and hairs

2E: Fingernail

Between the seats:

3A: Hair

Back seat:

4A: Hair

4B: Fibres and hairs

4C: Fibres and hairs

Centre seat:

5A: Hair

5B: Fibres and hairs

5C: Fibres and hairs

Right-hand seat:

6A: Hair

6B: Fibres and hairs

6C: Fibres and hairs

Luggage compartment (rear boot)

7A: Hair

7B: Fibres and hairs

7C: Fibres

8A: Hair

8B: Fibres and hairs

8C: Fibres and hairs

9, 10 and 11: Hair

12: Car key

13: Control samples of seat fabric

All of these were handed over to Birmingham FSS for analysis.

Analysis

There were multiple reports from the Forensic Science Services lab in Birmingham - the laboratory service controlled by the British Home Office Secretary of State for Crime and Policing.

The following, mostly compiled by a multi-lingual journalist in Portugal, is a summary of the 'explanatory' memorandum issued to the investigation team by one J.R. Lowe of FSS after (or with) the final report:

"According to a document from the FSS, signed by Mr. J.R. Lowe, analysis of the samples collected in the boot of the Renault Scenic produced a complex Low Copy Number DNA result which appeared to have originated from at least three people. Madeleine's DNA profile had 19 elements, each one represented by a peak on a chart, explains Mr. Lowe.

As Madeleine has inherited a same DNA component from both parents, the number of peaks in the chart is 19 instead of 20 as two components appear in the chart as only a single peak.

The FSS document states that of those 19 components, 15 are present within the result of the analysis to that specific sample. But the total number of components is 37, because there are at least three contributors, may be up to five, in the sample.

Mr. J.R. Lowe's opinion was that the result is too complex to have a meaningful interpretation or conclusion.

But, concerning the question asked, when the samples were sent to the FSS - whether or not it could be Madeleine's DNA - the FSS scientist admits that it would be very simple to say yes, because of the number of components, within the sample, that are also present in Madeleine DNA profile - 15 of 19.

However, as Mr. J.R. Lowe emphasises in the document, the scientists need to consider if the match is genuine and legitimate. Meaning, to be sure if either Madeleine's DNA was deposited in the car or if the result matched Madeleine's DNA just by chance.

To explain in more detail this question, the FSS scientist reminds us that individual components of Madeleine's DNA are also present within the profile of many of the scientists that work in the Birmingham laboratory. Mr. Lowe even refers to his own DNA profile as an evidence of that.

As the sample analysed has a mixture of elements from more than two persons, it is not possible, according to the FSS expert, to determine or evaluate which specific components

pair with each other. Another difficulty mentioned is the fact that it's not possible to separate the components out into three individual DNA profiles.

As a conclusion, Mr. J.R. Lowe wrote that he could not answer the question as to whether the partial match was genuine or just a chance match.”

Among several reports put out by the *Daily Mail* on 4 August 2008, the day on which the case file was officially made available to the world media, was the following:

“THE OMAGH FACTOR AND A CONTROVERSIAL SCIENCE

THE Portuguese police evidence was based on the controversial ‘low copy number’ DNA technique.

More established methods of DNA matching rely on the presence of bodily fluids or significant amounts of skin or hair.

Forensic experts can then be sure they have a reliable DNA sample of a suspect or someone else involved in an investigation.

However, low copy number profiling relies on a much smaller sample - and claims to produce an accurate ‘genetic fingerprint’. A cell of sweat or skin, left by a mere touch, is all that is needed.

The tiny DNA fragment is then copied many times to provide a big enough sample to match with other profiles.

The Forensic Science Service in Birmingham, which pioneered the technique, claims it is just as reliable as standard DNA testing.

However, it was called into question after the collapse of the Omagh bombing trial last year.

In the trial of Sean Hoey, the prosecution used the technique to link him to some of the explosive devices in the case.

But its accuracy was brought into question when a sample taken from a car bomb in Lisburn, Co Antrim, was wrongly linked to a 14-year-old boy in Nottingham.

The judge at Belfast Crown Court pointed out that the process is only admissible as evidence in two other countries in the world - New Zealand and the Netherlands.

The Crown Prosecution Service has since ordered a review into dozens of other cases that rested on the same type of DNA evidence."

The Lowe memorandum is reported to discuss the samples retrieved from the boot - samples 7A through 11 according to the police report. Of the 28 samples from the car 26 were hair or fibre, the remaining two being described as 'fingernail' - presumably parings of some kind.

While I can understand how there may be multiple 'contributors' to any external substance found adhering to the fibres and hair, I cannot understand how a hair itself can have three - or possibly five, according to Mr Lowe - contributors.

In layman's terms:

- were any hair samples in the car found to be from Madeleine?
- can it be stated with certainty that Madeleine was never in that vehicle?

The Objects of the Fund state:

“1.1 The full objects of the Fund are:

1.1.1 To secure the safe return to her family of Madeleine McCann who was abducted in Praia da Luz, Portugal on Thursday 3rd May 2007;

1.1.2 To procure that Madeleine's abduction is thoroughly investigated and that her abductors, as well as those who played or play any part in assisting them, are identified and brought to justice;”

It was reported that, after the police had released it, the hired vehicle had been taken and stored in a friend's villa somewhere in the Algarve. It was also reported that the parents intended to conduct their own forensic examination of the vehicle. On whether or not that was ever done I have seen no results.

My question here, however, is why has the Fund not stepped forward to fully resolve the outstanding DNA issues? How does the Fund know that the contributors to the complex sample were not the abductors?

The police investigation is presently in abeyance, but the rules of the Fund should, in my reading of Object 1.1.2 above, compel it to 'thoroughly investigate' the DNA question by - to refer once again to Sherlock Holmes - eliminating all of the obvious possibilities thereby leaving only the truth, however improbable that may be.

If profiles of any persons known to have been associated with the vehicle between its hire date by the parents in May and the date on which the police samples were collected have not been submitted to the FSS laboratory for elimination, then wouldn't it be reasonable to expect such an action be undertaken by the Fund to meet its Object?

Chapter Ten

Silence (redux)

To return to the notion of silence in this case, one of the most consistent positions put forward by the various spokespersons was their insistence that the parents and friends would do everything possible to assist the investigation - certainly no silence from the spokespersons.

We heard that the father responded to all questions put to him by the investigators, both before and after being made *arguido*, whereas the mother - following legal advice - declined to answer all but one question after she had been made *arguido*. These, unlike most other material, were widely reported in the UK media as early as 4 August 2008:

THE 48 QUESTIONS KATE DIDN'T ANSWER

1. On May 3 2007, around 22:00, when you entered the apartment, what did you see? What did you do? Where did you look? What did you touch?
2. Did you search inside the bedroom wardrobe? (she replied that she wouldn't answer)
3. (shown 2 photographs of her bedroom wardrobe) Can you describe its contents?
4. Why had the curtain behind the sofa in front of the side window (whose photo was shown to her) been tampered with? Did somebody go behind that sofa?

5. How long did your search of the apartment take after you detected your daughter Madeleine's disappearance?

6. Why did you say from the start that Madeleine had been abducted?

7. Assuming Madeleine had been abducted, why did you leave the twins home alone to go to the 'Tapas' and raise the alarm? Because the supposed abductor could still be in the apartment.

8. Why didn't you ask the twins, at that moment, what had happened to their sister or why didn't you ask them later on?

9. When you raised the alarm at the 'Tapas' what exactly did you say and what were your exact words?

10. What happened after you raised the alarm in the 'Tapas'?

11. Why did you go and warn your friends instead of shouting from the verandah?

12. Who contacted the authorities?

13. Who took place in the searches?

14. Did anyone outside of the group learn of Madeleine's disappearance in those following minutes?

15. Did any neighbour offer you help after the disappearance?

16. What does 'we let her down' mean?

17. Did Jane tell you that night that she'd seen a man with a child?

18. How were the authorities contacted and which police force was alerted?

19. During the searches, with the police already there, where did you search for Maddie, how and in what way?

20. Why did the twins not wake up during that search or when they were taken upstairs?

21. Who did you phone after the occurrence?

22. Did you call Sky News?

23. Did you know the danger of calling the media, because it could influence the abductor?

24. Did you ask for a priest?

25. By what means did you divulge Madeleine's features, by photographs or by any other means?

26. Is it true that during the searches you remained seated on Maddie's bed without moving?

27. What was your behaviour that night?

28. Did you manage to sleep?

29. Before travelling to Portugal did you make any comment about a foreboding or a bad feeling?

30. What was Madeleine's behaviour like?

31. Did Maddie suffer from any illness or take any medication?

32. What was Madeleine's relationship like with her brother and sister?

33. What was Madeleine's relationship like with her brother and sister, friends and school mates?
34. As for your professional life, in how many and which hospitals have you worked?
35. What is your medical specialty?
36. Have you ever done shift work in any emergency services or other services?
37. Did you work every day?
38. At a certain point you stopped working, why?
39. Are the twins difficult to get to sleep? Are they restless and does that cause you uneasiness?
40. Is it true that sometimes you despaired with your children's behaviour and that left you feeling very uneasy?
41. Is it true that in England you even considered handing over Madeleine's custody to a relative?
42. In England, did you medicate your children? What type of medication?
43. In the case files you were shown canine forensic testing films, where you can see them marking due to detection of the scent of human corpse and blood traces, also human, and only human, as well as all the comments of the technician in charge of them. After watching and after the marking of the scent of corpse in your bedroom beside the wardrobe and behind the sofa, pushed up against the sofa wall, did you say you couldn't explain any more than you already had?

44. When the sniffer dog also marked human blood behind the sofa, did you say you couldn't explain any more than you already had?

45. When the sniffer dog marked the scent of corpse coming from the vehicle you hired a month after the disappearance, did you say you couldn't explain any more than you already had?

46. When human blood was marked in the boot of the vehicle, did you say you couldn't explain any more than you already had?

47. When confronted with the results of Maddie's DNA, whose analysis was carried out in a British laboratory, collected from behind the sofa and the boot of the vehicle, did you say you couldn't explain any more than you already had?

48. Did you have any responsibility or intervention in your daughter's disappearance?

A QUESTION SHE DID ANSWER

Q. Are you aware that in not answering the questions you are jeopardising the investigation, which seeks to discover what happened to your daughter?

A. 'Yes, if that's what the investigation thinks.'

Reconstruction declined

On this point the e-mails and letter speak for themselves. They cannot be posted *verbatim* and the following is a summary of key points in those communications.

Email sent to Ricardo Paiva (officer of the PJ) from Michael Graham (Major Crime Unit, UK)

19 March 2008

Mr Graham confirms the content of a recent telephone call, and acknowledges receipt of further questions to be put to the Forensic Science Services.

He affirms contact with the holiday group regarding their availability for the proposed dates for a re-enactment of the events in Portugal, but notes several questions from them as to the necessity for, the objective of and the timing of such a re-enactment. Other questions relate to the possible use of actors, whether the footage of the televised re-enactment will be released to the media and what security would be in place to protect the group from paparazzi-style exposure.

Email sent from Ricardo Paiva to Michael Graham / Stuart Prior

20 March 2008

Mr Paiva transmitted the responses to the above questions that he had received from Paulo Rebelo, the lead PJ officer Portugal who was appointed after the dismissal of Gonçalo Amaral on 2 October 2007.

Essentially, the PJ wanted the group to take part in the re-enactment because they, and only they, were the ones who experienced the actual situation and therefore were the only

people who could accurately describe and re-enact their own individual and collective actions.

As to the objective, as well as the possible use of actors, the PJ were seeking accuracy with respect to people and places and, as nearly as may be possible, to the timings of, and between, events.

[While not in the e-mail, the reader could well imagine, for example, each person retracing their own steps during the monitoring of the children and also where exactly they went when searching for the missing child after the alarm was raised.]

With respect to the timing being close to the one-year anniversary it was desirable to have weather conditions as similar as possible to those of the original events.

[Again, not in the e-mail, but the reader can understand that lighting conditions surrounding the area and, in particular, those pertaining to the possible abduction sightings by Jane Tanner and by the Irish family, would be extremely useful and not readily reproducible at any other time due to the rapidity of the changes in natural light during the period between the spring equinox and the summer solstice in that part of the world.]

Assurance was given that no televised footage would be released to the media by the PJ, and that sufficient security would be in place against any media intrusion.

Email sent to Ricardo Paiva by Michael Graham

28 March 2008

Despite rapid and forthright response from the PJ, and after several conversations with the UK police, the holiday group remained reluctant and undecided as to their participation in the re-enactment.

This message indicated that the group were also waiting to see whether or not the parents would participate and, if not, then neither would the group.

The group had also added the requirement for written reassurances about how the process was going to be conducted before agreeing to attend.

These two new issues had to be resolved to the group's satisfaction before they would commit to either of the proposed dates.

Email from Russell O'Brien and Jane Tanner to Stuart Prior

23 April 2008

With respect to the re-enactment of events of 3 May 2008 this couple acknowledged having received the responses from Paulo Rebelo and, while feeling somewhat reassured to see in writing that the PJ harboured no suspicions about the couple having been involved in criminal acts, they recalled having heard similar assurances prior to 7 September 2007 when the parents were attributed *arguido* status.

They were also concerned that, in their mind, the thrust of the PJ's closed questions [presumably those contained in the rogatory letters that underlay the interviews recently held in UK in April 2008] gave an impression of being targeted at the parent's culpability, the questionableness of the written timeline proffered to police by the group, and at the question of who contacted the media after the alarm had been raised.

The couple went on to note their revulsion at what they believed the parents had had to endure in the past year and their feeling that, along with the recent interviews, the re-enactment was too little, too late.

They further noted a concern that any apparent 'stand-off' between themselves and the PJ would be seized upon by the press, and that the parents desperately needed the cloud of suspicion to be lifted from them. To this end the PJ were requested to remove the arguido status of the parents prior to any agreement to participate in a re-enactment.

Some specific wording was tendered for use by the PJ in their recantation which, in terms of the request, had to be fully disclosed to the public at large, failing which it was their sense that the re-enactment would be little more than an opportunity for further libel by the media.

After this they assured the reader of their keenness to help an investigation aimed at establishing what had happened to Madeleine, and that they would require no reimbursement.

Email from Paulo Rebelo to Stuart Prior

29 April 2008

With respect to questions posed by witnesses to the events of 3 May 2007, Mr Rebelo reminds us that, in Portugal, the responsibility for a criminal investigation lay with the PJ under supervision of the Public Prosecutor's Office, not with the witnesses in the case.

He further reminds us that under Article 132(1)(a) of the Code of Criminal Procedure whenever a summons is served on a witness then that person is required to act in accordance with that summons.

He goes on to advise the reader that all questions previously raised by witnesses, and directed at the PJ, had been addressed in full.

Finally, he asks for the witness' formal response – by noon on 30 April 2008 - as to whether they will, or will not, go to Portugal to attend the re-enactment.

Email from J. Tanner to Stuart Prior

08 May 2008

Acknowledging a personal telephone with the police officer the previous evening the lady advises that another female member of the holiday group has sought further legal advice and that, until that advice is received, no definite answer can be given.

Further, doubting the dates to be suitable for another couple of the group, she observes that that legal advice may be, in any case, immaterial.

[The original proposed re-enactment date of 3 May 2008 is changed to a new proposed date of 15-16 May 2008.]

Email from Rachael Oldfield to Stuart Prior

10 May 2008

This holiday group couple decided not to attend.

No reason is tendered in the e-mail.

Email from Russell O'Brien to Stuart Prior

10 May 2008

Understanding that other members of the holiday group were unable to, or had decided not to attend re-enactment, and understanding further that the Portuguese prosecutor required that all or none of the witnesses attend, he held that the decision for him was 'academic'.

[Technically, therefore, he did not refuse to attend.]

Email from the Paynes to Stuart Prior

12 May 2008

Having received legal advice this trio from the holiday group found themselves unable to attend the re-enactment.

Official letter from the Paynes to the investigation

22 May 2008 [ten days after the e-mail above]

Being in receipt of the official letter dated 09-05-2008 they regretted that they wished not to attend the re-enactment.

Photographs

As part of the parents' strategy to wrest control of the investigation even before July 2007 they advertised through the father's blog and the official website for "*the upload of pictures of people who were in the Algarve leading up to Madeleine's abduction.*"

To date no information has been forthcoming from them about how many images were submitted nor what, if any, leads they may have provided but, that aside, was he seriously asking for pictures of people who were in the Algarve - that is, pictures of all people across the entire region? Not merely those in Luz or the immediate area around it, but the whole of the Algarve? Why not ask for pictures in the whole of Portugal, and why not add Spain and Morocco for good measure?

On my family holidays I would take upwards of 100 pictures of my family - unlike Madeleine's family who appear to have taken less than one picture per day, on average, and then required 21 days and more to have those few digital images 'developed'. Had I been in Luz in April or May 2007 what possible use would my family snapshots have been in finding their missing child?

I ask this because I was not in the habit of taking snapshots of strangers as part of my portfolio and, as far as I am aware, I was not an abnormal father in that regard. Indeed, I would deliberately go out of my way to avoid including any of the flotsam and jetsam of holidaying humanity in pictures of my family and even in those of countryside landscapes and of the holiday areas in which we stayed or we visited.

I realise that in UK there is one CCTV for every 14 people but has it also become a recent norm for people to take photographs of non-relatives while on holiday? Is this part of some new Home Office instruction or advice on 'security' for holidaymakers?

Before I get swamped with irate e-mail let me assure the reader that I do understand what the father was attempting to convey in his statement but one would expect - especially as doctors are usually well-educated people, and given that he had such articulate support close to hand for all published work, verbal and written - that the request would have been more clearly phrased.

I say this also because by the time the parents put out their personal classified advertisement for pictures there had already been one almost-serious incident with respect to an innocent bystander whose image had been captured along with the father and children playing on the grass area near the Tapas Bar and tennis courts. Nicknamed 'Playground man' across the Internet,

that gentleman, admittedly swarthy in skin-tone prompting descriptions of ‘Asian’ and ‘Arabic, possibly Egyptian’, was distinguishable in other pictures notably those taken by international cameramen when he was walking with Robert Murat and with officers of the local police force.

One can only imagine the media disappointment when he turned out to be a Portuguese police officer on an ill-timed holiday with his family.

But what of the five photographs of Madeleine published as having been taken during the holiday in Luz?

The first purporting to be of the holiday was seen on 6 May together with several others that were clearly of a younger Madeleine who appeared to be at her home in England. The holiday snap showed her in a pink hat, t-shirt and shorts with blue ankle socks and white sandals standing at the end of a tennis court while



'Tennis ball' picture

claspings several tennis balls tightly and smiling impishly as though to say ‘You’re not having these back’.

The lack of information as to when or at what time the picture was taken, nor whether it came from the family camera or from someone else, gave rise to some considerable

speculation.

The famous ‘last’ photograph of Madeleine seated with her sister and her father dangling their feet in the kiddies’ pool was generally available from 25 May.



The 'last' picture

It had been taken during the day with the sun high in the sky but, unlike the first photo, was published with its own ‘black box’ of technical information embedded within the image. Everything about the image was available for scrutiny such as the type of camera and of all its settings which included the date and time - recorded as 13:29 on 3 May 2007 although this was reported by the mother as being incorrect due to Daylight Savings time not having been adjusted in the camera even though the internal time stamp shows the +01:00 hour typical of that adjustment.

Needless to say, going from no information on the first picture to more than one could wish to know on the second, gave rise to even more speculation, especially with respect to those ‘black box’ entries that indicated the date and time that the image was last modified, and that it had been modified using a version of the Photoshop (tm) computer program very popular with people who manipulate digital images - some for clarity, some for fun, some for malice.

The remaining three photographs were seen publicly in succeeding days but, like the first, these had no published ‘black box’ information.

They had been taken together on the same day in the play area near the Tapas Bar in the late afternoon/early evening. The same day is adjudged by Madeleine’s clothing being the same

in all three images and different from her clothing in the other published pictures of her. The time having been close to sundown is adjudged by the length of the shadows in one image showing the three



children playing with the father - the same one on which the ‘Playground man’ appeared - and the absence of sunlight in the

other two that show Madeleine by herself but clearly interacting with someone off-camera.



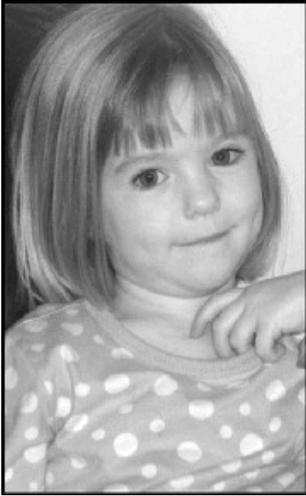
The 'playground' photographs

Corroboration

These photographs were important to the investigation for several reasons, the main one, initially, being as potential corroboration of early witness testimony and, as the case evolved into one involving the possible demise of the child, to affirm to the police the last indisputable date and time that she was alive.

As Mr Amaral notes in his book, all photographs taken by the holiday group were requested but only those taken during the daylight hours were subsequently produced even though it was known that digital cameras were present at the evening meals, including the evening of 3 May.

More curious that night was the production of multiple



The 'first' picture

pictures of Madeleine preprinted on photographic paper. In the newspapers some were reported to be A4 in size while others were an even larger 'poster-size', but witness statements from the case file indicated that they were all postcard size and all the same head-and-shoulders image of the child in a pink top with white dots.

Why curious? Consider these facts gleaned from various official statements:

- the alarm was raised between 22:00 and 22:10 but the office of local police (GNR) received the first call from the resort at 22:46;
- there were multiple copies of the same image;
- the pictures had been printed before the GNR arrived because the first thing the police asked for were the family passports and a picture of the missing child;
- the pictures were printed on photographic quality paper and subsequent police inquiry found that such paper was not readily available in the resort;
- the printer used to generate them was owned by the boyfriend of one of the female child carers employed at the

resort;

- reportedly, the pictures were printed in a block of four from a camera 'memory' cartridge provided by one of the friends, then cut to size;

- when the police wanted to examine the printer it, plus boyfriend, had departed to France;

- from the very beginning the family and friends were insistent that Madeleine had been 'abducted' - using that specific word - and that the media (press) should be advised immediately;

With respect to the image of the girl, the length of her hair - back, sides and fringe - in the pictures given to the GNR was distinctly shorter than that on other photos taken during the holiday, including the famous 'last' photo.

Certain questions spring readily to mind:

- to whom did the memory cartridge belong - the friend or the family? [NOTE: a purported transcript of a rogatory interview of a witness conducted by Leicestershire police in April 2008 suggests that the memory card came from the mother's camera, and that all other images were of little or no use, being out of focus or insufficiently detailed.]

- why was an earlier image of the girl used rather than one of her taken during the holiday?

- what other images were on that memory cartridge and were they all made available to the investigation? [See NOTE

above.]

- if that one image was available so quickly then why did it take 21 days and more for the published holiday images to be produced?

One further curiosity with respect to corroborative photographs was that there were none depicting the parents or their friends on any evening, but especially not the evening of 3 May - not even by the police themselves when they recorded the apartment 'crime scene' in pictures during the early hours of 4 May.

Chapter Eleven

Whenever I hear the term 'Chapter Eleven' I am always reminded of those individuals whose actions have driven businesses or families into bankruptcy. Individuals who, on the face of it, were for years fine, decent, honest, law-abiding citizens, often well-educated, both generally, as well as in their respective fields of endeavour, but who - for some irrational reason - overreached themselves or the entities with which they were involved.

Am I, and others like me who believe that there is more to the 'Madeleine case' than meets the eye and that justice has not been served in the case, in danger of bankrupting ourselves - morally if not financially - for an irrational reason?

Such a question prompts some self-analysis about how I first became interested in the case, how that interest has been maintained for more than a year and why, at this moment, it shows little sign of abating.

As a person with a long-time technical interest in the field of computers and networking, having started back in the 1970's when the 'Internet' as we know it today did not exist but was still an experiment known as ARPANET (Defense Advanced Research Projects Agency network) and most 'browsers' were text-only and the graphical browser MOSAIC was still many years away, I was intrigued by reports on televised news channels in May 2007 about a website that was receiving

millions of ‘hits’ per day.

Technically, a ‘hit’ is a connection established between a browser (like Microsoft Internet Explorer, Mozilla Firefox or Opera) on a home or business computer and a website on the Internet.

From the archives of the *Find Madeleine* website we can see that the reported hit-counts rose from 97-million on 19 May (approximately 96 hours after launch) to 128-million on 25 May and 171-million on 7 June, after which the counts were no longer reflected.

One million hits per hour is an average of 12 simultaneous new connections per second - every second of every day - which, in technical terms, requires an excellent network connection as well as a very robust server to receive and respond to each new connection. That such computer hardware and software exists and may even be deployed by - in global Internet terms - a virtually unknown vendor in the far north of Scotland is not a point of curiosity, but it would be interesting to know how many connections were received by the website from the same computers around the Internet, and the consistency or regularity of those connections.

Unlike Internet forum hot topics that can be updated with new postings from opinionated users several times a second at peak posting times, static websites - even mainstream media sites like the *Daily Telegraph* or *Daily Mail* - are seldom

updated more than two or three times per day and those such as the official *Find Madeleine* site would most likely be updated with any meaningful information no more than once per day, if that.

It is not technically infeasible for there to have been 24-million or more people following the incident from around the world in those early days, and each one making a connection to the official website each day to check for updated information, though most Internet-savvy people would rely more on their regular news sites to guide them on such updates.

To my mind the numbers seemed to be excessive and this feeling grew the more often that I heard the reports on the British and Portuguese news channels. I began to wonder if other people in the world felt the same way.

It didn't take long for Internet forums to sprout and three forums - the *Daily Mirror*, *Sky News* and *Digitalspy* - fast became the most 'authoritative' for rational as well as wholly irrational discussions on the disappearance. Others followed.

It also did not take long for three distinct 'camps' to evolve within those forums:

- those people who believed the parents were wholly innocent of neglect and that there had been an abduction;
- those people who believed the parents had been negligent in leaving three very young children alone, and that the missing child was probably dead; and

- those who would not commit to any position until the investigation was completed.

In the early days I was a member of the third ‘camp’ but as weeks turned into months I morphed into holding a hybrid position that while I agreed strongly that the parents - and the friends - should be brought to account for leaving their children unattended, I could not make up my mind about whether there had been an abduction or a death.

The reason for my view on the adults is easy to explain: As the father of five children that I acknowledge as having been sired by me and, when I think back to their childhood both at home and during our holidays together some twenty-thirty years ago, I feel that the actions of the adults in the Praia da Luz holiday group were despicable even if not immediately illegal under the Portuguese penal code due to the apparent lack of ‘dolus’ - intent to cause harm to the children.

With respect to the abduction versus death uncertainty, while the abduction story put out by the adults was demonstrably a total nonsense, the technical feasibility of there having been an abduction was never fully dispelled.

With information about the apartment, the outside steps and street from early news reports and other visual sources, including *Google Earth*, I was able to simulate a similar topography in my own block of flats. In that simulation I determined that, with an unsecured patio door, it would have

been possible to mount the steps, enter the premises, lift the child and return to the street in less than sixty seconds. What happened after that, and the time involved, would depend on either where the vehicle had been parked or on the location within the village to which I would need to walk.

On the side of death were the dogs, their British handler, the British police expert and the scent of death in the apartment and on the mother's clothing – on the face of it, a very tough situation to deny.

And what of the testimony of the Irish family that may, and does in many conspiratorial minds, combine the two scenarios - a dead child being carried through the village streets - although this also highlights a stark difference on what may seem to be a minor point.

The alleged 'official' sighting by Jane Tanner gave rise to several FBI-trained artistic inspirations and drawings of a man carrying a child across both his forearms outstretched in front of him, whereas the Irish family report was of a man carrying a child in the normal manner where the child is seated on one forearm, leaning against the carrier's body with its head on the carrier's shoulder.

The only time I can ever recall seeing a man carry a child that was laying across both forearms in front of him was in images of the carnage in Somalia, in Bosnia, in Palestine, and in Darfur when a father carried his deceased child away from

the scene of death, shocked to the point being sightless to his surroundings and careless to what might have happened to him as he walked on.

This image of Jane Tanner's would-be abductor brings to mind statements from other female members of the family and the holiday group:

On 7 September 2007, Ms McCann, sister of Madeleine's father, said when speaking about her brother in an interview on *This Morning*, a programme on the British television station *ITVI*: "*But he's not the main suspect, for some unknown reason there's something about a sniffer dog sniffing Kate. Suddenly a dog can talk and says she smelled a death. How can that be when a British sniffer dog came out months after Madeleine's case. They're doctors, if there's a smell of death on them could that possibly be a patient?*"

Ms McCann did not seem to realise that it was a British "sniffer dog" that "talked".

Further, Madeleine's mother was a two-day per week General Practitioner at a local clinic, not someone who worked in a major hospital or a morgue.

On 19 November 2007, *BBC One*, the main British television channel, aired an independently produced documentary on *Panorama*, formerly a premier programme of investigative journalism but the release of the detailed case file

permitted several errors to be identified in the broadcast though, it must be said, these errors were most likely made by the independent producer rather than by the *BBC* or the programme's presenter. In one segment of the documentary, Mrs Healy, the mother of Madeleine's mother, Kate, said *"If Madeleine had an accident in Kate's presence, Kate is a doctor for goodness sake, they were on holiday with doctors, the first thing she would have done would have been to have sought help for Madeleine, you know, it's absolutely ridiculous to think that Kate would do anything else."*

In an interview on *Radio 4*, a popular British radio programme, on 24 April 2008, one of the friends spoke out for the first time and only time, saying: *"I was there on the night. I spent time with Gerry and Kate during the week, you know, before the 3rd of May and afterwards. You know, their emotions and their reactions was just agonising. It was just no way they're involved in anything to do with Madeleine's disappearance.*

You know, if you take the common sense approach as well and just look at, you know, timings of how things happened and the fact that they're both medics, there are four other medics in the group, they would know what to do to resuscitate a child... or anyone else for that matter. Anyone with an ounce of common sense really would be able to see that they couldn't

have done it. I was there and I know that they didn't do it."

The picture of a man carrying a child across both forearms; the suggestion of a deceased patient possibly transferring a smell of death onto holiday clothing, a missing child's toy, the apartment floor and into a car; medical doctors knowing what to do - even resuscitation - had there been an accident.

These, and other coincidental comments and situations, make it difficult not to remain intrigued by this mystery.

It is also extremely tempting to think, as some have done, that the judicial secrecy rule in Portuguese law was a godsend for the holiday group. Without it, who knows what else might have been said?

Conclusion

I have touched on many, but by no means all, of the facts of this mystery as I understand them to have been presented by the joint investigation team led by the Portuguese CID and ably supported by members of their British equivalent.

I have also touched on some of the worst, and some of the most-telling, media reporting and human actions during and after the investigation.

Reportedly, there is a huge volume of 30,000 pages of gathered evidence in the case file along with a further 11,000 pages held by the Leicestershire Constabulary as yet unreleased by them, though how much of the documentation held in

Britain duplicates that released in Portugal is not known.

Nor will it ever be known without some realistic effort on the part of the British media to get it released and, one would hope, to objectively report on the entire content of the case for no other reason than to present what is actually known about the mystery of the missing child, Madeleine Beth McCann.

This hope is consonant with published editorial values and 'Public Interest' definitions.

Wherever Madeleine might be, and in whatever condition she might be, our thoughts and prayers are with her. It is my sincere hope, and that of many other people, that one day the full truth will emerge and fair justice prevail such that the case can be finally closed.

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