

Libel trial McCann v Gonçalo Amaral - Day 6 Witness No2

Note: This witness is the last witness of the accusation strictly speaking, unless the Judge agrees to Mr Gerry McCann taking the stand in November.

The testimony as it happened...

(02.10.2013, 11:30 am) **Henrique Machado** – Staff reporter with the Portuguese Morning Mail (*Correio da Manhã*) newspaper in Lisbon since 2005. He is not a freelance journalist.

The Judge asks him if he knows why he has been asked to testify.

HM – I think I'm here because I interviewed Mr Amaral in June 2008, before his book was published. I was with Eduardo Dâmaso for this interview.

The Judge asks in what circumstances this interview occurred.

HM – It was an initiative of the *Correio da Manhã*. At the time Gonçalo Amaral had already resigned and had left the Polícia Judiciária (PJ).

The Judge asks whether the witness knew that Gonçalo Amaral had a thesis about the case.

HM – Yes. He says that this understanding was induced by the orientation of the investigation.

The Judge observes that the process had evolved (after GA was dismissed).

HM says it's normal that Gonçalo Amaral had a thesis.

The Judge remarks that it is based on Dr Amaral's own experiences as Coordinator and not on the investigation as a whole. The investigation went on (after GA's dismissal). How could he know what was happening?

HM says he knew the McCanns were *arguidos*, that what was happening was public knowledge. He says he never had any contact with Gonçalo Amaral (before the interview).

The Judge tells him he can sit down.

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

ID asks the witness whether he knows if Eduardo Dâmaso had contacts with Gonçalo Amaral.

HM argues that the journalists' sources are protected.

The Judge overrules the question.

ID – Do you know that Mr Amaral was dismissed from the case?

Santos de Oliveira, GA's lawyer, protests and the Judge overrules.

ID – Do you know why he was dismissed?

The Judge again overrules.

ID insists her question about what led to the dismissal is important, but the Judge overrules. SO starts protesting and ID raises her voice.

The Judge overrules SO, but ID interrupts the Judge saying that it was GA who made affirmations... The Judge interrupts reminding that she is the one who directs the session, she asks ID to please not interrupt her.

ID wants to show a document to the witness, a newspaper (a copy of the *Correio da Manhã*), in order to confirm that they will speak of the same interview.

ID justifies this request by saying to the Judge that she wonders if there are things in the interview that weren't actually said by Gonçalo Amaral or if GA did say all that's there.

The Judge asks the witness to read the article.

The Judge asks the witness if the interview was taped.

HM answers that interviews are normally tape-recorded in order to provide an accurate transcript.

Valentim de Carvalho (VC) (lawyer for the documentary maker) intervenes to ask whether the transcript is complete or partial or if it was adapted for journalistic reasons.

HM Of necessity it had to be adapted to the allotted space in the newspaper.

VC – Are the titles (means the title of the article) the responsibility of the newspaper or did Gonçalo Amaral participate?

HM says GA didn't participate, all titles are the responsibility of the newspaper.

ID starts reading an extract of the interview that mentions the freeze and transport topic and asks if it suffered journalistic treatment.

HM – In what way? Then adds that sometimes they have to suppress parts of an interview, but they always respect what is said.

The Judge asks whether this applies to all interviews.

HM says that with so much time passing he can't answer. He said they were careful to keep a certain distance.

VC quotes a sentence on condensation and asks whether it had journalistic treatment.

HM says that things were said that weren't published, but what is published attributed to GA is accurate. He says that it sometimes happens that a 40-minute speech has to be shortened, but he doesn't cut it in the middle of a sentence. The interviewee might have said things that the journalist considers not relevant and therefore doesn't publish.

The Judge says the witness may go.

Evidence ends.

ID dictates to the Clerk of the Court the proceedings concerning Mrs Healy. She states that, after the Court session was adjourned for reasons independent of the Judge's will, she had given up calling this witness. However she then thought the witness had important things to tell, but she forgot to reapply for this witness to be called. She says she asked the witness to return from the UK hoping that the Court would allow her to testify.

GP (Guerra&Paz's lawyer) dictates her position, the rules have to be respected.

SO (GA's lawyer) dictates that it seems the witness wasn't so important or significant evidence to report since her colleague opted first to give her up. He observes that it is not a case where, in the course of the trial, an unexpected witness pops up with crucial facts to reveal.

The Judge remarks that on the 24th of September 2013, Dra Duarte declared that she relinquished all additional witnesses except for Mrs Cameron. She says it's possible to forfeit a witness at any time, but the Court may judge differently and notify the witness if reasons exist to presume that witness has knowledge of important facts for a forthright discussion of the available evidence.

She adds that the production of testimony evidence up until now does not lead the Court to believe that the witness Susan Healy's knowledge is relevant to the discussion about the case considering her relationship with Kate McCann and the fact that the lawyer for the plaintiffs had officially given her up. She therefore doesn't authorize the witness to take the stand.

End of session