

Libel trial McCann v Gonçalo Amaral - Day 6 Witness No3

The testimony as it happened...

(02.10.2013, 2:50pm) – **Eduardo Dâmaso** is a witness for both parties. He is a journalist with the Portuguese Morning Mail (*Correio da Manhã*) based in Lisbon.

The Judge asks what exactly his job with the newspaper was when the interview with Gonçalo Amaral was published. (*Note: The article referred to only exists in print, a copy of which has been lodged with the Court.*)

ED says that at the time the book was published he was Deputy Director with the *Correio da Manhã*.

The Judge asks whether he knows why he has been called to testify.

ED says he is aware the reason is because he took part, he was present, at the interview of Gonçalo Amaral.

The Judge asks when that was.

ED thinks it was about one year after the disappearance of Madeleine McCann.

The Judge asks how the interview was set up and organized, who contacted who.

ED says that he and Henrique Machado contacted Gonçalo Amaral.

The Judge asks whether he remembers what they told him.

ED says he doesn't remember.

The Judge asks the Clerk of the Court to show the witness the newspaper clipping previously shown to the previous witness.

ED confirms that it is indeed the article mentioned which he has been shown.

The Judge asks whether the witness has any connection with Gonçalo Amaral or with the McCanns.
ED says "no".

The witness first takes the stand on behalf of the Plaintiff.

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

ID - wants to know whether Gonçalo Amaral's answers were subjected to alteration or does the article represent the transcript of what was actually said.

ED says that sometimes there's a difference and it may happen what is published doesn't reflect rigorously what was said.

ID - asks if it's common practice for journalists to edit their articles.

ED answers that it's an obligation. He explains that an interview represents hours of words whereas the space in the newspaper is limited.

ID - Do you edit?

ED answers "yes".

ID - asks who was in charge of editing this article.

ED says he doesn't remember.

ID - announces that she will read an extract from the interview.

(Note: it hasn't yet been possible to find the original article. This is a Joana Morais' English translation)

"The little girl died in the apartment. Everything is in the book, which is faithful to the investigation until September: it reflects the understanding of the Portuguese and the English police and of the Public Ministry. For all of us, until then, the concealment of the cadaver, the simulation of abduction and the exposure or abandonment were proved."

ID - asks whether the extract was actually worded as it was reported.

ED Yes.

ID reads another extract:

"And the issue of the bedroom window, where Maddie and her siblings slept, is vital. It leads to simulation. The question is whether or not it was open when Jane says that she saw the man carrying the child. The little girl's mother, Kate, is the only person that mentions the open window."

ID - pauses reading...

ED answers that he thinks so.

ID - reads another extract from the interview:

"Due to the type of fluid, we policemen, experts, say that the cadaver was frozen or preserved in the cold and when placed into the car boot, with the heat at that time [of the year], part of the ice melted. On a kerb, for example, something fell from the car boot's right side, above the wheel."

ED says that it was what Gonçalo Amaral said.

ID - resumes her reading:

"It may be said that this is speculation, but it's the only way to explain what happened there."

ID - asks, if the sentence "*the cadaver was frozen*" hadn't existed, would the newspaper have had a banner headline.

ED says "perhaps", he can't say.

2) Defence lawyers.

a) Santos Oliveira (GA lawyer) questions

SO – Did you have any prior knowledge of the case before the interview?

ED answers "yes".

SO – Taking into account the information you had, was the book unexpected?

ED says that after the McCanns were made *arguidos* the case was widely discussed.

SO - asks whether the information was easily accessed using the internet for the UK media.

ED says he was amazed by the depth and volume of detail given by the UK Press. He says they (the journalists) stayed up very late to see what would be printed in the front pages of the British tabloids the following day.

SO - asks if the content of Gonçalo Amaral's book was a surprise.

ED says it wasn't because its content was already more or less known. He believes the book didn't reveal anything extraordinary and refers to the fact that the media quickly obtained the DVD of the files.

b) Fatima Esteves (Guerra & Paz's lawyer) questions

GP – Do you remember the date of the shelving of the files?

ED says it was in the summer of 2008.

GP – What happened between the date of Gonçalo Amaral's dismissal and the shelving of the process?

ED says not much really happened. He says there was much debate around the status the McCanns had in the process, but he doesn't remember much more.

GP – Did the interest in the case decrease after the publication of the book?

ED says "no", the interest remained in the media for some time, because it was an extraordinary case. The fact it was very much beyond other cases can be explained by many factors like the circumstances and the worldwide solidarity for the family.

GP – Do you know of other books inspired by this case?

ED says he does.

GP – Are you aware of the comments made by Moita Flores on TV?

ED says "yes", MF made quite a few comments.

c) Santos Oliveira (GA lawyer) questions again the witness, this time for the Defence

SO - What effect did the book's publication have in relation to the investigation, did it hinder it?

ED says that he doesn't think so. He says the book was, in part, Gonçalo Amaral's legitimate defence because he was permanently hounded, with unpleasant things published about him. He says he was badly treated institutionally.

SO - In this context your conclusion is that the book is against the institution or against the McCanns?

The Judge overrules.

SO - His legitimate defence is the one of somebody who...

ED (finishing the sentence)... defends the work he did with sincerity.

d) TVI's lawyer questions the witness (here for the defence)

TVI - The suspicions concerning the McCanns started at a certain time. In the first days the UK media didn't criticise the parents nor cast doubts on them. They mainly focused on Madeleine and secondarily on the parents.

ED says that they rapidly mentioned an abductor, which gave an extraordinary dimension to the case, and then there was the spectacular TV appeal of the mother to the abductor. A mainly British media circus settled in. These media were ready to pay anything to obtain information. Then the parents started to travel, there was a big wave of solidarity, they met the Pope, etc. This was very uncommon and that's how the disappearance of Madeleine became a big event. In addition, an English journalist told the UK police of her suspicions concerning a man, Robert Murat. The event was taking aspects of a TV series (*telenovela*). Whatever happened thereafter, nothing could modify this situation. ED adds that the parents benefited from special treatment.

TVI - First the media's concern themselves with the child and then they centre on the parents. Is that normal?

ED Nobody knew whether the abductor was imaginary or real. The media focused on lateral aspects of the case, the group of friends, a certain neglect of the children, some contradictions.

TVI - Was the media presence generally predominantly British or Portuguese?

ED says that they waited to see what the UK press would publish the following day. He says they were amazed by the extracts from the September 2007 statements given to the PJ which the UK press reproduced. He added that it seemed as if the British Press had access to internal official sources.

The Judge overrules this last comment.

TVI wants to know about the importance of media treatment of this case in order to compare different years.

The Judge says that that issue will be considered by the Court.

e) Dra Duarte, the McCann's lawyer, questions the witness (here as a witness of the defence)

ID - Was Gonçalo Amaral's book published for his defence?

ED answers "yes" and adds that the police investigation coordinated by GA was severely criticised thus he was entitled to respond.

ID - Do you think the book contributes in the defence of GA?

ED thinks it does.

ID - For what reason?

ED – through this book he defends his work as a PJ Coordinator and why he came to certain conclusions.

ID – So why the need to publish a book?

ED answers that, as a citizen, it seems to him legitimate to do so, he adds that GA's team's work was attacked by many people after the McCanns were made *arguidos*. He says that the investigation led to his conviction.

ID asks about the media treatment when the book was launched. She wants to know what the consequences of the book and the documentary were.

The Judge interrupts saying that the witness has already answered to that.

ID - asks if the witness knows when the documentary was broadcast.

ED thinks it was later. He says he remembers the work of the cadaver dogs.

ID - asks whether the interest was maintained afterwards.

ED says "yes" and adds it's difficult to distinguish between the motives involved. He says there was no essential alteration.

Evidence ends.

End of day 6.