

Libel trial McCann v Gonçalo Amaral - Day 7 Witness No 2

(08.10.2013, 11:45am). There are some video-link connection problems, a pause is decided. Once **Victor Tavares de Almeida** appears on the screen, the lawyers return to the Court and the trial commences at 11:55am.

The Judge asks the witness if he is a Chief Inspector.

TA says he is.

The Judge asks where he works and for how long he has been there.

TA says he has worked in the DIC (Department of Criminal Investigation) at Portimão since January 2007.

The Judge presents the reason for this trial and asks if the witness is aware of it.

TA says he knows exactly.

The Judge asks if the witness participated in the investigation.

TA says he started to work on the case two days after the disappearance of Madeleine McCann until the end of September 2007.

The Judge – Hierarchically, were you subordinated to Gonçalo Amaral?

TA said that Gonçalo Amaral was the Coordinator and he was under him.

The Judge – Were you Number 2?

TA says it can be said so.

The Judge asks whether, independently of professional ties, is there a personal friendship between him and Gonçalo Amaral.

TA said that is correct.

The Judge wants to know if the relationship with the McCanns was only professional.

TA says the unique relationship he had was exactly that, professional.

The Judge asks the witness if he has read GA's book.

TA says he only read the final part.

The Judge asks if he watched the documentary produced by Valentim de Carvalho.

TA says he didn't.

Witness says he will answer with honesty.

Guerra & Paz's lawyer's is the first to question the witness.

GP – You exercised your functions in the Madeleine McCann investigation until September 2007...

TA takes advantage of a pause – "why?"

GP – No, I just wanted to confirm this.

TA confirms.

GP – Do you have any knowledge of a note emitted by the media because of the shelving of the process?

TA doesn't know to what note the lawyer refers (see below*)

Then all the lawyers, one by one, state that they don't have any questions for the witness since he didn't read the book nor watched the documentary.

Evidence ends.

*** The note is an important feature of this case, it considers and lists the 3 possible methods whereby the case can be reopened following the shelving Report by the Public Ministry.**

They are as follows:-

1) A hierarchically superior magistrate can disagree with the shelving and order an instruction inquiry.

2) Any of the arguidos can request an instruction inquiry. They would have participated in the diligences, asked for new operations and finally had been part of a final contradictory debate.

3) Anyone who has a new and relevant piece of evidence can request the reopening of the process.

The question of the note to the media, asked of Eduardo Dâmaso by the Defence, isn't mentioned in the Dâmaso statement (he didn't know what it was). Since it is again asked of another witness, it is reproduced below in both Portuguese and English:

NOTA PARA A COMUNICAÇÃO SOCIAL

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.

NOTE TO THE MEDIA

By order dated today (21.07.2008) emitted by the two prosecutors in charge of the case, we determined the shelving of the investigation concerning the disappearance of the minor Madeleine McCann having failed to obtain any evidence of the practice of any crime by the arguidos.

II

Cessa assim a condição de arguido de Robert James Queriol Evelegh Murat, Gerald Patrick McCann e Kate Marie Healy, declarando-se extintas as medidas de coacção impostas aos mesmos.

Ceases then the arguido status of defendant Robert James Queriol Evelegh Murat, Gerald Patrick McCann and Kate Marie Healy, being declared extinguished the coercive measures imposed on them.

III

Poderão ter lugar a reclamação hierárquica, o pedido de abertura de instrução ou a reabertura do inquérito, requeridos por quem tiver legitimidade para tal.

Can be reopened following a hierarchical complaint, the request for opening an instruction or the reopening of the investigation, required by those who would have legitimacy to do so.

IV

O inquérito poderá vir a ser reaberto por iniciativa do Ministério Público ou a requerimento de algum interessado se surgirem novos elementos de prova que originem diligências sérias, pertinentes e consequentes.

The investigation will be able to be reopened at the initiative of the Public Ministry or on request of any person interested if new evidence arises deserving of serious, relevant and consequential diligences.

V

Decorridos que sejam os prazos legais, o processo poderá ser consultado por qualquer pessoa que nisso revele interesse legítimo, respeitados que sejam o formalismo e limites impostos por lei.

Lisboa, 21 de Julho de 2008

O Gabinete de Imprensa

Ana Lima

Elapsed since the legal deadlines, the process may be inspected by any person showing legitimate interest, in the respect of the formalism and the limits imposed by the Law.

Lisbon, 21 July 2008

O Gabinete de Imprensa

Ana Lima