

Libel trial McCann v Gonçalo Amaral - Day 8 Witness No 1

A request is made to the Judge to disclose before the last session of the trial (27 November 2013), as to whether the plaintiffs will, on that day, be permitted to take the stand as plaintiffs (not as witnesses, therefore they do not have to be notified). There were no objections.

Another request is made and allowed by the Judge to postpone the testimony of Dr Paulo Sargento, whose absence today is justified. Again, there were no objections.

Publishers Guerra & Paz (G&P) lawyer, Dra Fatima Esteves, informs the Judge that she will no longer be calling witness, Mr Marreiros.

The testimony as it happened...

(05.11.2013, 9:45 am) **Mário Sena Lopes** greets the public when entering the court room and will greet them again before leaving it. He is the owner and manager of Publinédita, a Literary Agency and Publishing Company, based in Lisbon. From 2007 to 2009 he was Editorial Director for the publisher Guerra & Paz and was responsible for the Gonçalo Amaral book, *The Truth of the Lie*. He remains as Gonçalo Amaral's literary agent.

The Judge asks the witness whether he has knowledge of the trial. He replies that he is unaware of specific details. He adds that, following the publication of the Amaral book, he is no longer involved with it.

1) The defence G&P's lawyer, Dra Fatima Esteves, is the first to question the witness.

GP - Do you remember what the normal selling price of the book was when it was launched?
SL thinks it was €13.30

GP - asks what was the price in Brazil.

SL G&P did not market the book in Brazil nor made any approaches to have it published there. Some of the publishers have head offices in both Portugal and Brazil, but that is not the case with Guerra & Paz.

GP - How was the book distributed?

SL says there are two methods but in this case it was done through the Correio da Manha. The books were delivered to the bookshops. The unsold copies are sent back to the publisher who must accept them without invoicing.

GP - asks what are the reasons for the returns.

SL there are many, like the lack of public response, too many copies, contrary publicity in the media, unexpected social factors.

GP - What about the defective copies?

SL there are always damaged copies. They are destroyed either by the publisher or by the distributor. They are of no benefit to the authors.

GP - Other books were written about the McCann case. Have you knowledge of them?

SL thinks there are quite a few, such as, "A culpa dos McCann" (The Guilt of the McCanns) and the Kate McCann book, "Madeleine".

2) The Plaintiff's lawyer, Dra Isabel Duarte.

ID - alluding to the successive 12 editions of the book which she lists, asks the witness if he has an idea of the number of returns, either because the copy was defective or had been damaged.

SL says that G&P, in terms of editions and copies, takes good care to protect the rights of the authors. He adds that at the beginning there are more requests than copies provided. This changes with the final edition.

ID - What about the books which were controlled by the injunction?

SL there is always distributed books that escape an injunction, but most of the copies were delivered to the pursuers' lawyer, namely (Dra Isabel Duarte). He says he couldn't guarantee that all were delivered, but can guarantee that no copy remained at the publisher or at the distributor.

ID - About the sale price, are you certain of what you answered?

SL says he is.

ID - Wasn't the sale price lowered in the case of this book?

SL says that for most books that doesn't happen. It happens sometimes when the book has no success or when there's a motive to promote it. He doesn't think it is good practice.

ID - What likely happened in the case of this book?

SL nothing of this kind happened.

ID - Therefore the sale price was around €13. What about the hypermarkets?

SL states the hypermarkets don't normally promote books to the public and adds that the 15,000 copies of the first edition were sold in the same week. He adds that all editions are referred to in the following ones.

The Judge asks whether the witness knows the percentage of returns among the published books.

SL doesn't know.

Evidence ends.

Note:

Mário Sena Lopes was a witness in the matter of the temporary Injunction granted in respect of the McCanns v G Amaral & Others in relation to the publication of the Amaral book, The Truth of the Lie. The decision for which was delivered on 18 February 2010.

Mário Rui da Silva Sena Lopes, editorial manager for the publisher from July 2007 to September 2009, clarified questions regarding the choice of date to launch the book, foreign editions and destruction of books; he stated that negotiations for the book began in the first trimester [quarter] of 2008. <http://www.mccannfiles.com/id339.html>