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## **Libel trial McCann v Gonçalo Amaral - Day 12 - Gerald McCann's deposition**

The hearing as it happened

(08.07.2014, 11am)

The lawyers asked for a pause after KMC's deposition. At the end of a 10' pause, the clerk arrived with GMC. He was asked to stand to answer the usual identity questions and commit himself to tell the truth.

**Judge** – When did you learn that Gonçalo Amaral's book had been published?

**GMC** says it was in April 2008, a friend sent them translations of media articles.

**Judge** – The book hadn't been published yet?

**GMC** – No. He says that the book was introduced in the media before it was published.

**Judge** – Was it through interviews?

**GMC** – Yes.

**Judge** – When was the book published?

**GMC** says it was published 3 days after the releasing of the AG final report.

**Judge** – When did you have access to the book?

**GMC** replies that he learnt through the media, particularly the *Correio da Manhã*, that the book was published. Portuguese friends daily translated for them what the media said.

**Judge** – Have you read the book entirely?

**GMC** says that he read translated parts. Only later a translation of the whole book was available.

**Judge** – When?

**GMC** – Later in 2008. He adds that he must say that their lawyer Rogério Alves read the book, made a report upon it and then had a discussion with them about it.

**Judge** – How did you feel?

**GMC** says that what was said in the media, before he himself read the book, was the cause of much anxiety for him.

**Judge** – And the book?

**GMC** says it was shocking. The book is an affront to him, to his wife, to his family and to the people who believe in them.

**Judge** – How did you feel?

**GMC** says that he obviously felt anguish, despair and of course anger reckoning that someone so close to the investigation alleges claims without evidence that his missing daughter is unequivocally dead. The most important issue for them was that the book was read by hundreds of thousands of people and widely publicised. That made the people believe in the conclusions, preventing information about Madeleine from being brought up.

**Judge** – Then the documentary was broadcast?

**GMC** says that it was even worse then.

**Judge** – Why?

**GMC** explains that it states right at the beginning that Madeleine is dead, that there was no abduction, that he and his wife are liars, that they are cold and ruthless enough to hide a body instead of rendering assistance. There's no evidence of that and the evidence that the documentary presents doesn't match.

**Judge** – Have you watched the documentary?

**GMC** watched it on the Web.

**Judge** – Have you been feeling the same as with the book?

**GMC** says it was worst.

**Judge** – In what way?

**GMC** says it was horrible to realise that people were watching something that wasn't true. They were working very hard on the investigation, including people in the Algarve who had been brought in to help. The documentary destroyed all the possibilities of obtaining assistance.

**Judge** – Do you know about interviews of Gonçalo Amaral in the *Correio da Manhã* ?

**GMC** says that he read many interviews.

**Judge** – What about interviews upon the thesis of the book?

**GMC** argues that there were many articles on the theme published in the *Correio da Manhã* and also in other newspapers.

**Judge** – Do you remember an article published in (30) Julho 2008 in the *Correio da Manhã* ?

**GMC** remarks that articles were published almost on a daily basis and asks whether he can see the headline.

**The Judge** asks the clerk to show the article to GMC, says that the header is

"Madeleine died in the flat" and ask the interpreter to translate the beginning of the article.

<http://www.cmjornal.xl.pt/noticia.aspx?channelid=00000009-0000-0000-0000-000000000009&contentid=F4C302DD-058C-44C9-8D9E-84C08B61B68C>

**Judge** – Do you remember it?

**GMC** says that he saw that in many other newspapers.

**The Judge** observes that this was the first of a series of excerpts of "A verdade da Mentira" published by the *Correio da Manhã*.

**Judge** – Have you had insomnia, lack of appetite?

**GMC** says there were not many nights without thinking of that book. Anxiety was big and of course appetite was failing, but it wasn't permanent.

**Judge** – Have you observed that people thought differently of you after the publication of the book?

**GMC** notes that it is difficult to answer because this requires knowing what the people thought before.

**Judge** – Do you think that for most people these theories are true?

**GMC** argues that there was clearly no evidence that Madeleine was dead and that nothing supported that Kate and him were anyhow responsible. People strongly

believed them, but after the book was published and after a huge media coverage most Portuguese stopped believing because they were bombarded by the idea of Madeleine's death and of a staged abduction.

**Judge** – What about the public in the UK?

**GMC** says that, thanks to the legal actions, the content of the book hasn't been published by the MSM, but small minority groups, in the UK, have launched campaigns of persecution against them, based on the book.

**Judge** – Can you name them?

**GMC** – Yes, we had legal actions against the Madeleine Foundation and the name is Anthony Bennett.

**Judge** – What relation exists between this group and the publication of the book?

**GMC** says that AB used parts of the book, interviewed Gonçalo Amaral and invited him on a forum.

**Judge** – Did the group exist before the publication?

**GMC** isn't sure about that. But he's able to say that the material they used was based on the allegations of the book. They published pamphlets that said that Madeleine hadn't been abducted. They distributed them to his neighbours and in the whole Leicestershire. This led AB to receive many warnings from his juridical counsels and finally to be sued.

**Judge** – The twins know the theory of the book?

**GMC** says they try not to talk upon that subject, but they answer the twins' questions. Sean asked Kate a specific question; he asked why Mr Amaral said that they hid Madeleine. They're aware that the twins make those questions because they hear people tell things.

**Judge** – What did you do?

**GMC** mentions that they were very worried about the twins and took a professional advice. They contacted a child psychologist who told them how to handle the issue the best way. He still advises them when they need it. GMC adds that the key-piece of advice is to answer the questions as openly as possible, at their understanding level. Up to now, he says, it has functioned very well, but he's worried by the fact they're going to discover on the Web horrible things about their parents. He's worried by the effect it will have on them.

**The Judge** asks whether there is a coordination with the school upon that issue.

**GMC** says that the school provided a big support and is in contact with Kate, but there hasn't been specific incidents.

**Judge** – Do you know a book by Paulo Cristóvão on the Maddie Case (*A Estrela de Madeleine*)

**GMC** says he vaguely heard of it.

**Judge** – Do you know a book by Manuel Catarino (*A Culpa dos McCann?*)

**GMC** says he doesn't know that name.

**Judge** – Do you know a book by Hernâni Carvalho and Luís Maia (*Maddy 129*)?

**GMC** says he knows the name Hernâni Carvalho because his comments in the media on GA's book. But he doesn't know that he wrote a book.

Gonçalo Amaral's new lawyer, **Miguel Cruz Rodrigues**, is the only one who has a question for GMC. He wants to know what caused more distress, the disappearance, the arguido status or the reason for this trial.

**The judge** rephrases – What disturbed you more: the disappearance of your daughter, the fact you were made arguido or the reason for this trial, i.e the book and the documentary?

**GMC** says that those events happened at different times. A missing child is the hugest pain there is, but the publication of the book sharpened the pain.

There's no more questions and the Judge is about to dismiss the plaintiff when GMC claims that he has something to say.

**The judge** says that in a civil trial the parties aren't allowed to spontaneous depositions. But she allows him: please do speak!

**GMC** says that he wants to make a comment about the dogs; he wants to make it clear that it is not a fact that they detected blood...

**The judge** interrupts him – The issue here isn't not to elucidate what actually happened. The perspective, in this trial, is to determine whether the book and the documentary affected the plaintiffs.

**GMC** – But the book mentions facts that aren't true.

**The judge** – The point isn't to establish whether things are true or not, this is not the issue. We want to know whether we are in the juridical remit of offence to persons. For this it's not necessary to know what the truth is. As a judge I'm not supposed to stand in for a criminal investigation.

And so it ended

Many thanks to Astro and QV for review