

Libel trial McCann v Gonçalo Amaral - Day 8 Witness No 3

The testimony as it happened...

(05.11.2013, 3:30pm) **António Paulo Antunes dos Santos** is a Lawyer and post-graduate in Communication Law specialising in the field of Intellectual Property Rights. He is currently the Chief Executive of the *Federação Editores de Videogramas (FEVIP)*, a Portuguese Association which represents the interests of its affiliate members in the coordination of the national programme against audiovisual piracy. He is also a former Polícia Judiciária Inspector.

Up until 2009, VCFilmes was an affiliate member of FEVIP.

The Judge Maria Emília de Avelaz Melo e Castro – Do you know what this trial is about?

AS says he remembers the issue of the Providência Cautelar (Injunction hearing).

The Judge – Do you know Gonçalo Amaral?

AS says he does, they were colleagues in the Policia Judiciaria for some years and they occasionally talk to each other. He adds that, as a juridical consultant, he helped GA concerning the contract with G&P and the rights related to the documentary's production by VCFilmes.

The judge raises the issue of confidentiality, but AS says he was not Gonçalo Amaral's lawyer. It is established that there is professional confidentiality covering the issue of the contracts, but questions can be asked concerning other matters. This limitation will be observed.

The defence lawyer for VCFilmes, Dr. Henrique Costa Pinto, is the only lawyer to question the witness.

VC - Did you know GA before the book was published?

AS answers that he met GA at the PJ. Though their areas were different, they worked together for some time and had a good relationship. He says that he left the PJ in 1991 in order to lead a program for the protection of authors against the violation of their rights.

VC - Do you know the book by Gonçalo Amaral?

AS says he does.

VC - This book was the basis for a documentary, it was adapted into a film that was broadcast by TVI Have you watched it?

AS says he did. He adds that he bought the DVD with a copy of the Correio da Manhã.

VC - Do you remember when that was?

AS says it was in 2009.

VC - Apart from the version broadcast by TVI, have you knowledge of any copy made of this audio visual work?

AS – No legal one. He adds that an illegal reproduction appeared on the Internet on a certain site. He says that a complaint was lodged with the PJ.

VC - Was it a Portuguese site?

AS says he doesn't know who the webmaster was, but that the site was a Portuguese. He adds that the pirated copy had subtitles in English.

VC - Did VCFilmes put this documentary on-line?

AS says that they didn't, they were the victims of a fraud and started an action against the hackers.

VC - Did your association (FEVIP) protest against foreign sites?

AS says "no".

VC - Was VCFilmes damaged in the process?

AS - Of course they were. If people have free access to the documentary on the Web, it represents a significant loss of clients.

VC - Are you sure that VCFilmes didn't authorise this?

AS - Absolutely.

VC - Have you some knowledge of the Criminal Process in the Madeleine case?

AS says he knows some parts of it but none in particular.

VC - Have you seen, in the documentary, parts that weren't in the Criminal Inquiry?

AS answers "no".

VC - What about the facts themselves?

AS says he doesn't know the details, but he thinks that what is in the book is in the Criminal Inquiry. He adds that GA's book analyses the case from the perspective of the investigator, namely, Gonçalo Amaral.

VC - But this perspective ended up not being confirmed.

AS says he doesn't understand what the lawyer means.

VC - What is the conclusion of the book?

AS - The evidence established at that determinate time allowed for some conclusions. The shelving of the case was months afterwards. The book, which was published afterwards, might have divergence points, but it clearly states that there is case for further investigations.

Evidence ends.

Note

The witness was consulted by the 8th Committee (education, science and culture) of the Parliament about the Cinema and Audio-visual Law on the 2 July 2012

<http://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalleIniciativa.aspx?BID=37048>

About the testimony of this witness in the Providência Cautelar (injunction hearing)

<http://www.mccannfiles.com/id297.html> (10:32 am)

About the Court decision on the temporary injunction (February 2010)

<http://www.mccannfiles.com/id339.html>