

What really happened to Madeleine McCann ?

Put yourself in the mind of a detective and work it out for yourself

**Or put yourself in the place of a parent, and ask
“If you had let your child go on holiday with the McCanns and they lost her, would you accept their version ?**

These articles contain factual evidence and statements from the official files. It is quite possible that this ‘public but hidden’ evidential material will amaze and worry you.

This e-book is a compilation of some documents relating to specific parts of the continuing saga of the quest for the truth about the reported disappearance of Madeleine Beth McCann.

It is doubtful whether anyone in the literate civilised world does not know that Madeleine was reported missing by her mother about 10 pm on 3rd May 2007, from an apartment in Praia de Luz, on the Algarve in Portugal.

The parents, both doctors, immediately claimed that their daughter was abducted from her bed in the apartment in a block outside the holiday complex, whilst the parents dined at a Tapas bar on the other side of the pool within the complex. They use an alleged sighting of a man carrying a child along the road adjacent to the apartment within minutes of Gerry McCann’s last check as evidence of this abduction. They have refused to consider any other possibility, and have sued for libel people who have put forward alternative theories.

They further insist that Madeleine was taken by a predatory paedophile, but then curiously insist that there is no evidence that she has come to harm.

The local and then the national police attended, statements were taken and the matter was investigated by a dedicated team. The police found themselves somewhat hampered by significant changes and major inconsistencies in the stories given by the parents and the main witnesses, and the Senior Investigating Officer began to suspect that they had not been told the whole truth for a particular reason.

British police officers assisted, and on the advice of one co-ordinator two highly specialised search dogs were taken from the the UK to Portugal. These dogs alerted to blood and human cadaverine in the apartment and on clothing and other items associated with Madeleine, but to no other locations or items.

The McCanns sought legal assistance from one firm of lawyers who specialise in defamation, and from another who specialise in extradition. Those choices in themselves have raised eyebrows.

They also very quickly set up a Limited Company and people were invited to make contributions to “Help the Search” for Madeleine. As part of this purported search they spent a large amount of money on a firm of private detectives in Barcelona, which has since closed with the arrest of the principal; a further large amount on a man who was subsequently extradited to the USA where he was wanted for fraud; and finally on two retired police officers who set up a small company in a cottage in Wales, some time *after* it had been announced that the firm had been contracted.

None has produced anything of value.

Almost all the facts have been the subject of claim and counterclaim, of conflict of evidence, and above all of the crushing financial and legal might of the best libel lawyers in the world bearing down on anyone who dares to express a view different from the official one put out by the McCanns and their spokesperson. The amount attributable to legal fees already substantially outweighs the amount paid to the various firms of private detectives.

It is important to note however, that nothing which has been said or written has ever been proved to be libellous in a Court of Law, after proper examination. Everything has been settled out of court, or by undertakings.

Readers may decide for themselves if the official story is physically possible, or bears a proper relation to the observable facts.

One other test which may be applied when examining the evidence is to look at any incongruence between what was said, and what was observed.

For example, this is what was said - about the 8th day of the "search"; the 8th day of the investigation into the disappearance; 12th May 2007, Madeleine's 4th birthday

"We ate mostly in silence, concentrating on the kids. I couldn't eat much, and alcohol was completely off my agenda. Fiona recalls that Gerry and I were completely shut down that day, barely able to talk, and although our friends tried to remain cheerful and behave normally to get us through it, they all felt awkward about being at this lovely villa, in the sunshine, in these circumstances. There was no cake. Gerry did attempt a toast but he was visibly upset and couldn't manage much more than 'I can't even say happy birthday to my daughter . . .' before choking up. The physical loss was more intense than ever. I ached for Madeleine."

from the book "madeleine", by Kate McCann - p. 128

This is what was observed as they emerged from a solemn church service that morning.



In preparing the various chapters I have tried to rely on what witnesses and the parents themselves said in their statements.

The statements have not been interpreted, but the obvious inconsistencies and frequent changes of story have been left in and highlighted for readers to make up their own minds.

The structure of the e-book is that each chapter is in the form of a self contained monograph, with its own list of references. For ease of research the original source material has also been appended in full where possible.

Although that makes it slightly cumbersome it gives the reader instant access to the source material, so that any mistake or wrong interpretation can be immediately identified.

If there are mistakes they are entirely mine.

If anything has been taken out of context this is my misunderstanding

If I have quoted anything without giving a reference or acknowledgement, I apologise

There is much more to be said about this case, about the Limited Company, about the Private detectives, and the way in which the media have been manipulated, but this is just a brief dip into the evidence for people who thought they knew the story.

There are those who argue that this matter is one which should now be laid to rest, or that the McCann's version, or versions, should be accepted in its entirety.

To them I would say we should always bear in mind the following

**Madeleine Beth McCann is missing
It is not know what happened to her
Her whereabouts are unknown**

**The search for her, or for her mortal remains must continue
The search for the truth about what happened must continue**

No one should seek to prevent or to hinder either of those

And in support of those ends -

**No one with a valid theory or hypothesis should be crushed before the
theory or hypotheses can be tested**

**No one with a differing point of view should be silenced, except by defeat
in logical debate, or by production of evidence**

**Bullying, victimisation, name-calling, "trolling" and other techniques have
no place in the search for the truth**

Nor in the search for a missing child

It is not known why the McCanns do not publicly distance themselves from the foul language and vile insults, threats and abuse directed by several blog sites against people who are seeking the truth. Nor why they allowed evidence obtained by criminal activity to be adduced in support of their case.

Chapter

1 Changes in Story

Changing the initial version of events is a classic 'red flag' warning to police investigators

2 Did they Search ?

Did the McCanns physically search for their daughter Madeleine?

3 Curtains, Door and Windows

We examine Kate's claim that the door slammed, and when she went in the curtains "Whooshed" open.

4 The "Window of Opportunity"

We calculate the vanishingly small "window of opportunity" for the alleged abduction.

5 Sedation

In this study we attempt to answer three questions

1 Were the twins sedated on the night of 3rd May 2007?

2 If so, were they sedated by an intruder ?

3 If so, but not by an intruder, then by whom ?

6 Cold and Windy

Was the weather hot, as Gerry insisted, or cold and windy, as the others do, and what are the implications of this apparently trivial remark.

7 Just Checking

We take another critical look at the inconsistencies in the Tapas group's statements about their checking of the children during dinner.

8 Egregious examples

The most egregious examples of "economy with the truth".

9 On the reliability of Cadaver Dogs

Some of the leading recent cases involving Cadaver dogs are examined.

The final two chapters are included to show the way in which people are capable of acting out a role, despite the pressures on them and despite their being in possession of the truth. They are relevant only to show sceptics that this can, and does happen, perhaps more often than people remember.

10 Appeals and Pleas

Cases in which persons were reported missing or abducted, when in fact they had been harmed by a family member who made the false report.

11 Crocodile Tears

Overlaps with the previous Chapter, but gives more examples of Television appearances.

1 Changes to the original story

Changing the initial version of events, especially concerning a report of a missing child, is a classic 'red flag' warning to police investigators to query both, or all, versions of events in great detail. Indeed when presented with changes the Police may begin to focus on that aspect, to the exclusion of the original report.

First reports

In the 24 hours following the report of Madeleine's disappearance the following family members and close friends reported almost identical stories to the press

They are of course hearsay as to the state of the shutters and window, but they are direct evidence of what they were told by the McCanns.

That is a crucial difference.

Trish Cameron -

Gerry McCanns sister, said she received a telephone call from her 39-year-old brother, a consultant cardiologist, who was "hysterical and crying his eyes out". She said: *"They last checked at half past nine and they were all sound asleep, sleeping, windows shut, shutters shut. Kate went back at 10 o'clock to check. **The front door was lying open, the window had been tampered with, the shutters had been jemmied open or whatever you call it and Madeleine was missing...**"* [1]

Brian Healy -

Madeleine's maternal grandfather, told the Guardian his son-in-law had phoned him shortly after returning "Gerry told me when they went back **the shutters to the room were broken, they were jemmied up** and she was gone," said Mr Healy. "She'd been taken from the chalet. **The door was open.**" [2]

Jon Corner -

a close friend of Kate McCann and godparent of the twins, said she phoned him in the middle of the night distraught. He said: *"She just blurted out that Madeleine had been abducted. **Kate said the shutters of the room were smashed. Madeleine was missing It looks as though someone had gone straight past the twins to get to her.**"* [3]

Jill (or Gill) Renwick -

a family friend told GMTV the McCanns were certain that Madeleine has been abducted. "They were just watching the hotel room and going back every half-hour and **the shutters had been broken open** and they had gone into the room and taken Madeleine," she said." [4]

Observation

- 1 In all four cases it is reported that the shutters were *broken open, smashed, or jemmied*.
- 2 Three of the reports include that *the door* was open, or hanging open.

As one commentator, Antony Sharples writing under the name John Blacksmith, percipiently noted -

“What must be appreciated, at this point, is that these comments, from closest family and friends - the first to be contacted, are not Chinese whispers. It is not a case that the McCanns rang one person, who got the message wrong, and this got passed on to everyone else. These are four people who received independent telephone calls from Gerry or Kate, in the hours following the 'abduction', and made independent statements. Yet, the statements all recount the same story. The McCanns' apartment was locked, so the 'abductor' must have gained access via the jemmied shutters and left via the front door.” [5]

First change of story.

This change relates to the shutters' being damaged

The first police statements were taken during the morning of 4th May 2007, by which time the story had already changed in regard to the shutters having been damaged. Now they are merely “raised”.

It is also notable that all reference to *the door* being open, or hanging open has been quietly dropped.

Gerald McCann, statement, 4 May 2007: 11:15 a.m.

*“. . . Thus, at 9.05 pm, the deponent entered the club, **using his key, the door being locked, and went to the children's bedroom and noted that the twins and Madeleine were in perfect condition.** . .*

*“. . . At 10pm, his wife Kate went to check on the children. **She went into the apartment through the door using her key and saw right away that the children's bedroom door was completely open, the window was also open, the shutters raised and the curtains drawn open.** The side door that opens into the living room, which as said earlier, was never locked, was closed. [6]*

Kate McCann, statement, 4 May 2007 2:15 p.m.

*“. . . At around 10pm, the witness came to check on the children. She went into the apartment by the side door, which was closed, but unlocked, as already said, and immediately noticed that **the door to her children's bedroom was completely open, the window was also open, the shutters raised and the curtains open, while she was certain of having closed them all as she always did.** [7]*

Observation

1 *The door* is now ignored

2 The McCanns and two of their friends were taken from Praia da Luz at around 10 am for the statements to be taken. [8]

Gerry was first. He was interviewed alone. When his statement was completed Kate followed.

Unusually Gerry was permitted to remain in the interview room, whilst Kate was interviewed and her statement was taken. [9]

He was permitted to sit behind her and she states that from time to time he “*would place a hand on my shoulder or give me a reassuring squeeze*”. [10]

Further observation

3 Physical contact of this sort may be reassuring. It can also be a very effective method of communication.

During the same morning, whilst those two statements were being taken the PJ started the forensic examination of the apartment, including of the shutters, and took photos.

It is clear that the shutters had not been broken, smashed, or jemmied open. [11]

Meanwhile other people with a knowledge of the resort were giving evidence.

John Hill Mr Hill said that *despite the report by a family friend that the shutters to the couple's apartment were broken, there was no sign that anyone had forced their way in while the McCanns ate at the tapas restaurant 200 yards away.* [12]

"It's still questionable as to whether it's abduction," [13]

Chief Inspector **Olegario Sousa**, spokesman for the investigation, later confided in British former Chief Inspector **Albert Kirby** that neither the windows nor their shutters had been tampered with.

Mr Kirby told The Mail on Sunday: "

*I had a very interesting chat with the officer in charge. **The window shutters are not an issue. Their mechanism makes them almost impossible to open. The door was left unlocked. They did that every night.***" [14]

Photos exist of the forensic scientist from the PJ examining the shutters. It is clear that the shutters are in perfect condition. [15]

A short video clip of an attempt to open the shutters from outside may also be seen on YouTube. In this it is clear that the shutters jam into the housing above the window, and do not remain in the raised position once released. [16]

Second change of story

This concerns the point of entry of Gerry and Kate into the apartment

In the second statement, made on 10 May, Dr Gerald McCann changed his story for a second time, this time in relation to his point of entry.

*"He is certain that, before leaving home, the children's bedroom was totally dark, **with the window closed, but he does not know it was locked, the shutters closed but with some slats open, and the curtains also drawn closed.** Asked, he mentions that during the night the artificial light coming in from the outside is very weak, therefore, without a light being lit in the living room or in the kitchen, the visibility inside the bedroom is much reduced. **Despite what he said in his previous statements, he states now and with certainty, that he left with KATE through the back door which he consequently closed but did not lock, given that that is only possible from the inside. Concerning the front door, although he is certain that it was closed, it is unlikely that it was locked, because they left through the back door**".* [17]

Observation

This brings his version into line with that of Kate's statement of 4th May, and incidentally makes it more compatible with the first version given by Dr Matthew Oldfield.

“ That the door through which he entered the apartment was closed but not locked. That he doesn't know if it is usual for Madeleine's parents to leave the door closed but not locked in so far as that door is visible from the restaurant.” [18]

It also brings it in line with the statement by John Hill [supra, 14]

Third Change of story

This concerns the first acceptance that the window was not the point of entry.

On 18 October 2007 the Dispatches programme aired “*Searching for Madeleine*”. In that programme it was effectively proved that there was **no way anybody could break into the apartment and leave no forensic trace** or damage to the lightweight aluminium shutters, which are covered with a fine coating of polyurethane paint which marks extremely easily.

David Barclay (Former Head of Physical Evidence UK National Crime and Operations Faculty) *“We must be very careful that we're not saying this is actually staging, but it is difficult to see how anybody could have interfered with those shutters from the outside without leaving some trace. In fact, having looked at them, I think it's almost impossible.” [19]*

Important Note: *The statements detailed above were not made available for examination and comparison until the case was shelved in July 2008. What follows is therefore a significant announcement, as it was placed into the public domain BEFORE the public at large were made aware of the previous contradictions and changes in stance.*

During the week following the Dispatches programme the McCanns' official spokesman, Clarence Mitchell, announced that the McCanns now reversed their previous stance on the break-in story.

*“THE spokesman for the family of Madeleine McCann has reversed a statement made in the early days of the search for the missing child. . . However, in the early part of the hunt, friends and family members told journalists that the shutter on the apartment where the McCanns were staying had been broken. . . **“There was no evidence of a break-in,”** said Mr Mitchell. “I'm not going into the detail, but I can say that Kate and Gerry are firmly of the view that somebody got into the apartment and took Madeleine out the window as their means of escape, and to do that **they did not necessarily have to tamper with anything.** They got out of the window fairly easily.” [20]*

David Barclay repeated this view on “Madeleine McCann - The Mystery,” by Sky News 24.12.07 when he said,

“I think it is impossible for someone to get in and out of that window without leaving a forensic trace . . .” [21]

The McCanns' change of view was reinforced 18 months later by the McCanns themselves, on their “Find Madeleine” web site, where they admit the force of some arguments.

“Lisbon 14th January 2010

There are few points which have been raised in the last few days which I would like to address specifically:

Abduction theory: *For us, there is only the abduction theory possible because we were not*

involved in Madeleine's disappearance and we know Madeleine did not wander off by herself. It is obvious and right that the police should consider other theories initially.

***The window:** I described to the police officers **exactly what I found that night, as it was and is highly relevant and I knew that every little detail could be helpful** in finding my daughter which is our only aim. The window which is a ground floor window was completely open and is large enough for a person to easily climb through it. Whether it had been opened for this purpose remains unknown. It could of course have been opened by the perpetrator when inside the apartment as a potential escape route or left open as a '**red herring**'. [22]*

Observation

- 1 Kate refers to the "abduction" as a theory. Not as a proven fact.
- 2 Kate described in her statement an open window and wide **open** curtains. She described in interviews and in the 'truthful' book an open window and completely **closed** curtains.

References

Important Note

A Many of these references may be accessed on the web site <http://mccannfiles.com> which has a good search engine.

We have tried wherever possible to find and to quote the original source.

B In several cases an original interview was reported by different newspapers. In some cases there are slight differences in the actual words in the quotes used, which may be for several reasons. We have tried to attach the correct reference for the exact wording shown, but there may be instances where a slight variation can be detected.

It is submitted that the importance is the meaning, rather than the actual form of words used.

C Some of the original web site references are no longer available, having been deleted, or archived beyond the reach of a casual researcher. In those cases we show the original as it was recorded at the time, indicate by strike through that it is no longer available, and where possible show a web reference to which the original material and the original reference was copied and pasted, and where at the time of publication it may still be viewed.

References and Links

- 1 http://news.bbc.co.uk/2/hi/uk_news/england/leicestershire/6623127.stm
- 2 <http://www.guardian.co.uk/uk/2007/may/05/world.topstories31>
- 3 ~~<http://www.timesonline.co.uk/tol/news/uk/crime/article1750081/eee>~~
<http://www.mirror.co.uk/news/uk-news/maddy-3-goes-missing-472340>

- 4 ~~<http://www.independent.co.uk/news/world/europe/british-girl-missing-on-algarve-holiday-447404.html>~~
~~<http://www.24dash.com/news/Communities/2007-05-04-Holidaymakers-join-Algarve-hunt-for-missing-three-year-old>~~
Reported on <http://hypocriteandliar.wordpress.com/tag/jill-renwick/>
- 5 <http://www.mccannfiles.com/id21.html>
copied and pasted from *Blacksmith bureau blogspot*
written by one John Blacksmith
- 6 Witness statement Gerald Patrick McCann, 4th May 2007,
may be accessed on <http://mccannfiles.com/id192.html>
- 7 Witness statement Kate Marie Healy, 4th May 2007,
may be accessed on <http://mccannfiles.com/id192.html>
- 8 *madeleine*, by Kate McCann, 2011, Bantam Press, at p.88
- 9 Ibid. p. 90
- 10 Ibid. p. 91
- 11 <http://mccannfiles.com/id155.html>
- 12 ~~<http://www.independent.co.uk/news/world/europe/british-girl-missing-on-algarve-holiday-447404.html>~~
Quoted at <http://themaddiecasefiles.com/topic15821.html>
referring to Press Association ,4 May 2007 By PA Reporters
- 13 http://news.bbc.co.uk/2/hi/uk_news/england/leicestershire/6623127.stm
- 14 <http://www.dailymail.co.uk/news/article-454466/Madeleines-parents-left-patio-doors-unlocked.html>
- 15 http://www.gerrymccannsblogs.co.uk/ocean_club_apartment-.jpg
- 16 http://www.youtube.com/watch?feature=player_embedded&v=leuMzyaCnnY
- 17 Witness statement Gerald Patrick McCann, 10th May 2007.
may be accessed at <http://mccannfiles.com/id261.html#tap10>
- 18 Witness statement Matthew Oldfield - 4th May 2007
may be accessed at <http://mccannfiles.com/id261.html#tap3>
- 19 ~~http://www.youtube.com/watch?v=s2xkju4OBi4&feature=player_embedded~~
(NB; This is no longer available. That account has been closed.)
Transcript is to be found at <http://www.mccannfiles.com/id49.html>
- 20 <http://www.independent.ie/world-news/europe/mccann-family-reverse-story-over-breakin-evidence-1203473.html>

21 <http://www.youtube.com/watch?v=6yFZ2eVuC4Q>

22 <http://www.findmadeleine.com/updates/updates@page=1.html>

2 **Did the McCanns physically search for their daughter Madeleine?**

Kate McCann - statement 4th May 2007 [1]

The group immediately headed to the club, and set about searching in all the buildings, swimming pool, tennis courts etc. as well as in the apartment with the help of employees.

Gerry McCann - statement 4th May 2007 [2]

Immediately, the group headed for the club and searched across all the facilities, swimming pool, tennis etc., as well as in the apartment, with the help of Ocean Club employees, while at the same time they contacted the authorities, that would later appear.

Gerry McCann - statement 10th May 2007 [3]

They continued with searches outside, around the various apartment blocks, the deponent having asked MATHEW to go to the secondary reception in order to communicate the fact to the local police, since he had no doubt that his daughter had been abducted.

Gerry McCann statement as Arguido 7th September 2007. [4]

(Status "Arguido", under caution (In English Law terms), and with Lawyer present.)

When asked why instead of scouring the land next to the complex they remained inside the apartment, he replies that it did not happen that way. While the guests and resort workers were searching, he went to the main reception to check whether they had called the Police, and told Kate to wait inside the apartment. After returning from the reception he went back into the apartment where he stayed in the living room and in their bedroom.

Observations

1 It is evident from the context in the first two statements that "**the group**" means the rest of the group, and does not include the McCanns themselves.

2 There is a clear contradiction between the 10 May statement where it is stated that Gerry sent Matthew to the reception, and the 7th September statement, where he states that he himself went, before returning to the apartment.

3 Matthew Oldfield's statements of 4th and 10th May, are silent on this point. Neither statement goes into details of any search.

4 Matthew Oldfield's rogatory interview a year later states that both he and Gerry went to Reception, apparently independently. [5]

BBC TV interview

A fortnight after Gerry's second statement, on 25th May 2007, the McCanns were interviewed by Jane Hill of the BBC.

The clip may be viewed on YouTube [6]

Transcript -

Jane Hill: *"I met people who didn't go to work for more than a week because everyday they were down on the beach, searching the streets. Did you, as a mother Kate, just sometimes think 'I've got to go and be out there with them. I want to go and just physically look as well."*

Kate: *"(Pause) I mean, I did. Errm... (Long Pause) Errm, we'd been working really hard really. Apart... I mean, the first 48 hours, as Gerry said, are incredibly difficult and we were almost non-functioning, I'd say, errm, but after that you get strength from somewhere. We've certainly had loads of support and that's given us strength and its been able to make us focus really so we have actually, in our own way, it might not be physically searching but we've been working really hard and doing absolutely everything we can, really, to get Madeleine back."*

Gerry: *Made no reply.*

Observations

1 The parents are being given every opportunity to say publicly what searches they had done. They have the opportunity to emphasise, for example, that Kate had remained to look after the twins and that Gerry had searched extensively. They have the opportunity to explain in great detail what they had done.

2 They remain silent.

3 They do not mention anything which appears in the following extract from the book, "*madeleine*", by Kate McCann, published in 2011.

p. 73 *Gerry, David, Russell and Matt split into pairs and dashed around the adjacent apartment blocks, meeting back at our flat within a couple of minutes.*

p. 80 *On my insistence, Gerry and Dave went out again to look for some sign of Madeleine. They went up and down the beach in the dark, running, shouting, desperate to find something;*

p. 81 *I walked briskly up and down Rua Dr Agostinho da Silva, sometimes breaking into a jog, clinging to the hope that I'd spot something in the dark.*

p. 81 *Back in the apartment the cold, black night enveloped us all for what seemed like an eternity. Dianne and I sat there just staring at each other, still as statues. 'It's so dark,' she said again and again. 'I want the light to come.' I felt exactly the same way. Gerry was stretched out*

on a camp bed with Amelie asleep on his chest. He kept saying, 'Kate, we need to rest.' He managed to drift off but only briefly, certainly for less than an hour. I didn't even try. I couldn't have allowed myself to entertain sleep. I felt Madeleine's terror, and I had to keep vigil with her. I needed to be doing something, but I didn't know where to put myself. I wandered restlessly in and out of the room and on to the balcony.

At long last, dawn broke.

p. 83 Friday 4 May. Our first day without Madeleine. As soon as it was light Gerry and I resumed our search. We went up and down roads we'd never seen before, having barely left the Ocean Club complex all week. We jumped over walls and raked through undergrowth. We looked in ditches and holes. All was quiet apart from the sound of barking dogs, which added to the eeriness of the atmosphere. I remember opening a big dumpster-type bin and saying to myself, please God, don't let her be in here. The most striking and horrific thing about all this was that we were completely alone. Nobody else, it seemed, was out looking for Madeleine. Just us, her parents.

We must have been out for at least an hour before returning to David and Fiona's apartment . . .

Observations

- 1 This is the **first** occasion on which we are told that the parents searched.
- 2 None of these details were included in any statement, nor in any interview prior to publication.
- 3 If we add the total time spent by the parents in searching, we find "a couple of minutes," plus a "run up and down the beach", plus "a brisk walk up and down the road", plus "at least an hour".
Total search time, it seems, no longer than **1 hour 45 min.**
- 4 It is entirely unclear why Kate would need to **insist** that Gerry went out to search.
- 5 Matthew Oldfield's rogatory interview does not say that he and Gerry were searching together. In the rogatory interview there is an ambiguous passage which may indicate that he and Gerry were together on the beach. [7]
- 6 It is also made clear that both parents spent the latter part of the night either sleeping (Gerry), or "keeping vigil" (Kate)
- 7 The use of the word "resumed" on p.83 is therefore questionable.

References

Note: Nos 1 - 5, and 7 may be found in <http://mccannfiles.com>

- 1 Witness statement Kate Marie Healy, 4th May 2007,
<http://mccannfiles.com/id192.html#sta4>
- 2 Witness statement Gerald Patrick McCann, 4th May 2007,
<http://mccannfiles.com/id192.html#sta1>

- 3 Witness statement Gerald Patrick McCann, 10th May 2007,
<http://mccannfiles.com/id192.html#sta2>
- 4 Arguido questioning of Gerald Patrick McCann, 7th September 2007
<http://mccannfiles.com/id192.html#sta3>
- 5 <http://mccannfiles.com/id219.html>
- 6 http://www.youtube.com/watch?v=_YWCVSjJk8
- 7 <http://mccannfiles.com/id219.html>

*The transcript of the Rogatory interview with Matthew Oldfield follows.
The "raw" transcript is given first, and then for ease of understanding the relevant parts are rendered in a more coherent form in Standard English*

Matthew Oldfield, Rogatory Interview Leicestershire Police HQ, 9th April 2008.

Reference 5

Raw Transcript

Erm, at some point we were back and forth to the, to the reception as well. And I think what the reception probably did was ring the MARK WARNER people and say, there's somebody that's saying there's a child missing, because by that time there were lots of MARK WARNER people around, erm, and they were very good, they, you know, they obviously, you know, got there and that might have been the impetus that got them to ring the Police, if, because I understand that there is some discrepancy about when we thought we'd called the Police and when the Police were actually called and that might be that they went on the, on that route first and then went, I think it's Stuart HILL or, well the Manager, the sort of Manager got involved, that might have been when it occurred. Erm, so there was plenty of running around through the back streets and back to the apartment and then, you know, where's the, where are the Police, where are the Police, erm, and so went back down to the reception, this would have been about thirty minutes or so later, erm, back to reception, erm, and at that point, Gerry had come down as well, erm, and, erm, you know, was obviously, you know, sort of intermittently sort of calm and then completely, you know, hysterically upset, it was sort of, you know, it was sort of pretty sort of upsetting, because you didn't know what to really say, because you can't really say, you know, it's going to be okay, because, you know, you assume the worst and it's going to be particularly awful, you know, it's going, you know, some, erm, person's got, (inaudible), some xxxxxx's got my, you know, got my daughter and she's so innocent.

Edited text

*. . .we were back and forth to the reception as well.
And I think what the reception probably did was ring the MARK WARNER people and say there's somebody that's saying there's a child missing, because by that time there were lots of MARK WARNER people around,
and they were very good, that might have been the impetus that got them to ring the Police, so there was plenty of running around through the back streets and back to the apartment and then [I] went back down to the reception, this would have been about thirty minutes or so later, and at that point Gerry had come down as well, and, was sort of intermittently calm and then completely hysterically upset . . .*

Reference 7

Edited text

Reply *"No I don't remember much about the weather on that night, I'm just thinking more about when we were actually running along the beach and along the front doing the search and I don't recall it being particularly windy .*

3 We examine Kate's claim that the door slammed, and when she went in the curtains "Whooshed" open.

In 2008 Kate McCann gave an interview in which she described graphically what happened when she entered the apartment for her check, and discovered Madeleine to be missing.

"I did my check about ten o'clock and went in through the sliding patio doors, and I just stood actually, and I thought, uh, all quiet. And to be honest, I might have been tempted to turn round then, but I just noticed that the door, the bedroom door where the three children were sleeping, was open much further than we'd left it.

I went to close it to about here, and then as I got to here, it suddenly . . . slammed, and as I opened it, it was then, that I just thought I'll just look at the children.

I see Sean and Amelie in the cot

I was looking at Madeleine's bed which is here, and it was dark and I was looking and I was thinking is that, is that Madeleine or is that the bedding and I couldn't quite make her out, and it sounds really stupid now, but at the time I was just thinking I didn't want to put the light on because I didn't want to wake them, and literally as I went back in, the curtains of the bedroom which were drawn, [demonstrates with both forearms together] that were closed, "wheesh" like a gust of wind kind of blew them open.

And cuddle cat was still there, and the pink blanket was still there. I knew straight away that, err, she'd been . . . taken, yer know." [1]

We notice a number of significant points in this interview.

- We are told that the door was open "further than we had left it", but on the video it is clear and demonstrated that this did not mean fully open.
- We are told that the curtains were fully closed, and this is demonstrated on the video by the forearms being held vertically in front of the body and together
- We are told that the curtains blew into the room.

There are problems with this version of events.

If the curtains had blown up in the manner described they would have fallen back onto the bed, and have been lying across the bedclothes and across the chair

The photos taken by the PJ show clearly that the curtains are hanging down, and held firmly, one trapped down the side of the bed against the wall, and the other behind the wicker chair. The folds in each curtain are clearly flattened against the wall by the furniture.

The bed is unmade. It is alleged that Kate had slept in this bed the night before.

The photos show the windows closed. They are of the type that lock together automatically when closed, and require a finger inserted into the black mechanism in the centre to release the catch. They also show the shutters in the almost closed position



[2]

And the photos also show the curtains half closed, the left curtain slightly more closed than the right one.



[3]

However,

From Kate's police statement, dated 4th May we learn,

"At around 10pm, the witness came to check on the children. She went into the apartment by the side door, which was closed, but unlocked, as already said, and immediately noticed that the door to her children's bedroom was completely open, the window was also open, the shutters raised and the curtains open, while she was certain of having closed them all as she always did." [4]

Gerry's statement of 4th May does contain hearsay evidence, but as husband and wife they have obviously spoken between themselves, and the statement can be taken at face value.

"At 10pm, his wife Kate went to check on the children. She went into the apartment through the door using her key and saw right away that the children's bedroom door was completely open, the window was also open, the shutters raised and the curtains drawn open. The side door that opens into the living room, which as said earlier, was never locked, was closed." [5]

In Gerry's 10th May statement we find

"The deponent ran into the apartment accompanied by the rest of the group who, at the time, were seated at the table. When he arrived at the bedroom he first noticed that the door was completely open, the window was also open to one side, the shutters almost fully raised, the curtains drawn back, MADELEINE's bed was empty but the twins continued sleeping in their cots. He clarifies that according to what KATE told him, that was the scenario that she found when she entered the apartment.

Then he closed the shutters, made his way to the outside and tried to open them, which he managed to do, much to his surprise given that he thought that that was only possible from the inside. " [6]

Kate made the first half of a statement on 6th September, but it was adjourned late at night, to be resumed the following day. It was at this point that the events of late evening of 3rd May were about to be discussed.

The following day Kate immediately exercised her right to remain silent as *arguida* and said nothing more of evidential interest. The more detailed analysis of her story was therefore never undertaken.

So

- in the original statements the curtains were drawn back, or fully open.
- in the police photos they are half drawn.
- In the subsequent explanation they are fully closed

In addition the windows are sliding, so only one half can be open, that pane moving in front of the other. A gust of wind would therefore disturb only one curtain.

But now let us examine the story around the children's bedroom door.

In her police statement of 4th May, which was then confirmed, albeit in hearsay form in both of Gerry's statements, she says, explicitly, ". . .the children's bedroom door was completely open". The same form of words is used by Gerry. "*the door was completely open*". and he clarifies that this is what he was told by Kate.

But months later the story of the slamming door, and the door left open a bit more *than we had left it*, is told to journalists as in the video [q.v.], and it is this version which appears in the book.

p. 71 *“Then I noticed that the door to the children’s bedroom was open quite wide, not how we had left it. At first I assumed that Matt must have moved it. I walked over and gently began to pull it to. Suddenly it slammed shut, as if caught by a draught.”* [7]

Leaving aside for a moment the clear indication in that passage, and in the video, [see transcript] that Kate had no intention of looking in at the children, this is clearly at odds with all the police statements so far given, which emphasise and repeat that the door was *“completely open”*

What are the possible ways of understanding this paradox ?

The first option is that Kate immediately started rearranging the room, but in this case did not make the bed, which was still unmade from the previous night.

It is of interest to note that she had not even pulled the bed straight when she got up, or when she made Madeleine's bed, which is neat and tidy in the photos, with the corner neatly turned down, giving at least the appearance that no one had slept in it, and certainly that no one had been unceremoniously removed from it. [8]





But she must have tucked the curtains back down the crack between the bed and the wall, certainly having to move the bed out to do so, and made sure they were hanging properly, before pushing it back against the wall before the police arrived.

She must also have done this **before** returning to the Tapas bar to give the alert, as none of the friends mention any such activity.

Again she must also have partially closed the curtains, since both statements insist that the curtains were “open”, “drawn open” or “drawn back”. and in the photos they are not.

The second option is that the curtains did not "whoosh".
And if the curtains did not "Whoosh" then the door did not slam.

It is important to remember that it was not reported in either of Gerry's statements, nor in Kate's statement that the curtains blew open or that the door slammed. This detail was only reported by Kate to journalists several months later.

The weather that night was mild, with a light breeze,. In Faro it was recorded as reaching only Force 3. At 10pm only 14.4kph. This is the bottom end of Force 3. [9]

Beaufort Force 3 Gentle breeze 12–19 km/h (3–5 m/s)
Leaves and small twigs constantly moving, light flags extended. [10]

Might that be enough to slam a door ? Or to whoosh a curtain trapped behind a bed ?

Neither Kate nor Gerry mentions closing the window.
In her statement Kate does not mention Gerry's closing and opening the shutters.

In view of the evidence of the above, one is surely entitled to question the “official account” or indeed any of them, in that they seem unsupported by evidence.

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4 **The “Window of Opportunity” for the Abduction of Madeleine Beth McCann**

**In this study we shall assume that what the McCanns
and other witnesses said was correct.**

From time to time it is of course necessary to ‘interpret’, as when one witness gives more than one version of an event, or when two or more witnesses give inconsistent testimony. Such points will be identified

In the early stages of the publicity round the mystery of the disappearance of Madeleine Beth McCann it was widely suggested and reported in the Press that the abductor might have had nearly an hour between Gerry McCann’s last visit and Kate’s discovery of Madeleine’s disappearance to prepare for and then to commit the crime. Alternatively that he may have had half that time, after Gerry’s visit but before Matthew Oldfield’s visit, or possibly after Oldfield’s visit and before Kate’s.

On subsequent analysis of the main statements, and taking into account the McCann's very early insistence that Jane Tanner's sighting **was** of the abductor with Madeleine, that could no longer be sustained. This fact had been recognised by Gerry McCann as early as 1:00am on 4th May. [1]

The McCanns themselves clearly both accept that the "Window of Opportunity" for an abduction was small. During one interview Kate McCann said - in a high pitched and emotional voice - "Yyyeeah, yeah you're right. It was a very small window of opportunity but they saw it and then *click*!!!!!! Here Kate makes a clicking sound with her tongue and a simultaneous downward chopping motion with her right hand. [2]

On 10th May 2007 Gerry McCann made a statement in which he confirmed this, although at that time he seemed equivocal about the Jane Tanner sighting.

The passage bears repeating in full, for the avoidance of doubt.

"The deponent had had the wrong idea that MATHEW had seen the bedroom shutters closed when he was there at 21H30, and therefore he thought the disappearance would have taken place between 21h30 and 22h00, but presently he is fully convinced that the abduction took place during the period of time between his check at 21h05 and MATHEW's visit at 21H30. It was not until about 01h00 on 4 May 2007 that he learned through RUSSEL that his partner, JANE, at around 21h10, saw a man crossing the top of the road with a child in his arms, that may or may not have been his daughter MADELEINE. [3]

Quite how small was that window and the consequences that follow are examined here.

From their Police statements we learn the following :-

- The McCanns left the apartment to go for dinner around 8:30pm [4]

- Gerry McCann left the Tapas restaurant at 9:04 pm, walked back and re-entered the apartment. He did a physical check on the children. He saw all three. [5]

Observation 1 : From the absence of any further comment in any of his statements it must be assumed that the front door, the patio door, the garden gate and the security gate, and the windows and shutters and curtains in the children's bedroom, were all in order.

Observation 2 : It takes one minute to walk at a normal speed from the Tapas bar to the small gate at the bottom of the outside stairs. It would take around a further 20 seconds to open the gate, climb the stairs, open the patio doors quietly, enter the apartment and reach the children's bedroom. [6]

- He remained in the apartment for a little time, two or three minutes [7] recording that he stood in the children's room "*and thought to himself, She's so beautiful.*" and took the opportunity to use the bathroom. He then left the apartment through the patio doors, and went down the outside stairs, through the gate and out onto the street. There he met Jeremy (referred to throughout as Jez) Wilkins. The two men spoke for a short time, estimated at between 3 and 4, or 3 to 5 minutes. [8] [9] or "only a few minutes" [10]

- Jane Tanner left the Tapas bar at between 9:05 and 9:10 pm. Significantly she times her own departure at five minutes after Gerry's [11] She walked past the men whilst they were talking. She reports seeing the two men [12] although the men state they did not see her. [13]

- Immediately after passing the two men Jane Tanner states that she saw a man carrying a child along the road across the top of the street, from left to right. The child was being carried flat, across the forearms, and Jane Tanner saw its feet, which were towards her. She then continued to her own apartment. **[14]**
- Gerry McCann then returned to the dining table in the Tapas bar. This time is given as between 9:10 and 9:15 pm **[15]**

Working purely from the statements of **Gerry McCann, Jeremy Wilkins, and Jane Tanner**, and adding the time as we proceed we can estimate the following -

Gerry McCann left the Tapas bar	9:05 pm
Arrived at gate at bottom of stairs	9:06
Climbed stairs, entered apartment and went to bedroom	9:06.30s
Looked at children and had “proud father” moment	9:07
Used toilet	9:08
Left apartment, closing doors, went down stairs, met Jez Wilkins	9:09
Talked to Jez Wilkins	9:09 - 9:13 pm
Jane Tanner left Tapas bar	9:10 pm
JT arrived bottom of stairs, saw and passed the two men	9:11
JT saw abductor carrying child across top of road	9:11.05s

There is therefore, on their own timings, just **two minutes and five seconds** for the intruder to get in, seize Madeleine, get out again, and make his way round to the top of the road. To walk from the front door or window of the apartment to the left behind the low wall, then across the car park, then right to the corner of the street takes around **45 seconds**. and a further 5 seconds to cross the street. **[16]**

He has therefore around **one minute and twenty seconds** to enter, commit the crime, and exit. **This is an important point for the understanding of what happened.**

Let it be stated once again.

If the man seen by Jane Tanner was the “abductor” and was carrying Madeleine, as the McCanns insist, he had available to him the time from Gerry McCann’s leaving the apartment to the sighting by Jane Tanner. And no more.

In this time the intruder has to

- Enter the apartment
- Sedate all three children - in the dark
- Select Madeleine as the victim - in the dark
- Open the shutters and window - if he used the front door to enter
- Pick Madeleine out of her bed - in the dark
- Turn her round so that her head is now to his left, rather than to his right, which is the way he would have approached her in the bed.
- Exit the apartment, either through the opened window and shutters, or through the front door, which he must then close silently behind him.
- Walk to the **left** along the path in front of the apartment, walk straight ahead across the car park, and then walk to the **right** along the road, and cross the street in front of Jane Tanner, the father of the very child he had just abducted, and another man who has his own child in a buggy.

Taking into account the travelling time, he has around **one minute and twenty seconds** in which to achieve the first seven items on the list.

Clearly he could not enter through the patio door within this time frame, since Gerry was standing either at the bottom of the steps, or on the other side of the road, depending whether we follow the statement of Gerry McCann, Jez Wilson, [17] [18] or Jane Tanner. (During the televised “documentary reconstruction” Gerry McCann’s version took precedence, and viewers were treated to the sight of Jane Tanner being reduced to tears as her detailed recollection was publicly destroyed.) [19]

For our purposes this important contradiction is, for the moment, irrelevant. As Kate has observed, *“What may be important is that all three of them were there.”* [20]

It is indeed a very important point, **as it fixes forever Jane Tanner’s sighting relative to Gerry McCann’s leaving the apartment, in a way which cannot be altered by debate or legal argument.**

It could only be altered by admission of error, but Jane Tanner has several times then and since publicly insisted that she was telling the truth. [21] [22]

Possible scenarios.

One scenario is therefore that immediately on Gerry McCann’s leaving the apartment, the intruder entered through the front door by means unknown, or, having forced up the shutters, propped or jammed them in a high position, forced open the window, and climbed in. This is not supported by examination of the operation of the shutters, or the locking mechanism of the windows. No implement to support the shutters was found, and no forensic traces were seen on the window sill, or on the windows.

A second scenario has more recently been put forward to the effect that the intruder may have already been in the apartment as Gerry McCann entered. This would allow him a few more seconds or fractions of a minute in which to complete his crime. And in fact we find that this was raised as a possibility by Dr Gerry McCann himself some time later. [23]

But the apartment is largely open-plan, there are only three doors, to the bedrooms and the bathroom, and this theory leads to some vague stories being suggested about where the intruder might have been secreted. None is persuasive. “Behind the door”, or “in the cupboard,” have been offered. Examination of the photos of the bedroom, and indeed of the entire apartment may lead a researcher to question this. [24]

Gerry McCann recounts seeing all the children, and having the “proud father” moment, and of looking down at Madeleine. In none of his three statements does he report the smell of anaesthetic gas or the presence of any other anaesthetic paraphernalia, and we conclude that this procedure must therefore have been performed after he left.

Kate was initially sure that the children had been sedated. [25]

As the almost infinitely small window of opportunity contracts till further, other possibilities have been put forward.

- The intruder had been watching the apartment [26]
- The Intruder had been watching the family and taking notes. This was mentioned two years later in the Vanity Fair interview [27]

It is notable that the more details are provided for this scenario, the more difficult it becomes. Adding the sedation, for example, or the opened window and shutters purely as a “red herring”, as Kate did nearly two years later, [28] cuts down still further the time available to perform the *actus reus*

Another even more strange possibility put forward by Kate was not only that the intruder had been ‘making notes’, but later still there was even a suggestion that he might have done a preliminary reconnoitre, a “dummy run”, during one of the previous nights.

This is a consequence of the ‘*curious incident of the children crying in the night time*’, reported at some length and on a number of occasions by Kate. [29] [30]

Whether it is remotely credible to think that an intruder would not complete the crime, but would instead choose to repeat the actions on a subsequent evening, when the crying alert given by the children might have been heeded by the parents, is something the critical reader may wish to consider.

I started this piece by attempting to build up a picture of what might have happened during the admitted small window of opportunity.

Gradually, and at each step, the story becomes ever more difficult to follow, and the time available for any action by anyone becomes ever smaller, to the point where one must be permitted to ask if there is anything left which is even remotely possible.

It must surely also be permitted to ask the people who steadfastly proselytise the theory of sedation followed by abduction within the tiny window of opportunity, to give at least some details of how they imagine it might have been carried out.

“Once you eliminate the impossible, whatever remains, no matter how improbable, must be the truth.” Sherlock Holmes. a.k.a. Sir A Conan Doyle

IMPORTANT OBJECTIONS

There are at least three important objections to what has been written above.

The first objection is that the times given by the various people in their statements were not necessarily accurate. A combination of stress and confusion on the night, and trying to fit the story together within a few hours after the event would have made the times approximate at best.

(In fact one of Clarence Mitchell’s more notorious outright falsehoods was to the effect that none of the group had watches or mobile phones with them, and that therefore the exact times were not to be taken as wholly accurate. [31]

Unfortunately for him he said this nearly a year after the Tapas7 group had drawn up two separate and detailed time lines on the night, and a third mutually agreed amalgamation of both, [32] but also the statements of the Tapas 7, of Gerry McCann “*When asked at what time he went to check on the children the night Madeleine disappeared, he recalls that this was around 21:04 according to his watch*”, [33], and subsequently Kate McCann in her book “*by his watch*”. [34] , all contradict his assertion.

He backtracked six weeks later. [35] Quite why Mitchell invented, or was asked to tell this particular lie is difficult to understand.

But the first objection is a valid one, and it is accepted.

It is however **entirely irrelevant** whether the events described took place exactly between 9:05 pm and 9:15 pm, or five minutes later, or five minutes earlier.

The **time** is not important. It is the **timing**, and the statements of the three main people involved which define the “*very small window of opportunity*”, and that remains unchanged regardless of the exact start or finish time of that window.

To recap, in case this is not understood or fully appreciated

**Any abduction, and all ancillary matters necessary for an abduction,
must have been carried out
between the time Gerry McCann left the apartment having seen the children
and the time Jane Tanner passed him and saw the abductor carrying Madeleine
whilst he was talking to Jez Wilkins in the street outside.**

And that time is measured in only a very few minutes and seconds.

The second objection is that the timings for climbing the stairs and opening the patio doors, for example, or the 45 seconds allowed for walking from the apartment across the car park and then to the right and across the street might be inaccurate, as they would depend on the individual person’s walking speed.

This is again fully accepted. This objection however is dealing in seconds, or small fractions of a minute. It does not go to the heart of the issue, and could not for example get near to doubling the time available for the preparation and execution of the crime.

The third objection is that of considering median times. In other words if it is supposed that Gerry McCann’s talk with Jeremy Wilkins was 5 minutes, and that Jane Tanner passed them at the very end of their conversation, so that Gerry returned to the Tapas bar immediately she had passed, then the total *apartment time* for the abductor might be extended to nearly four minutes.

This is of course accepted, but it still remains to be explained how the first six items on the list of necessary procedures could be carried out, even in this time, undetected and unremarked by two fathers, speaking quietly together in an almost silent street just yards from the *locum delicti*.

And we must remember that Jeremy Wilkins had his own child in a buggy, and that it was a cold night. This is attested to by Jane Tanner “*it was quite a cold night*” “*It was actually quite cold*”: [36] and by Kate McCann “*It was so cold and windy*”. [37] The actual length of the conversation between the two men, who profess to be only passing acquaintances and one of whom was returning to his interrupted dinner, must be judged against those facts.

Summary and Comments

All the above is based on the assumption that the witnesses have told the truth.

It is difficult to understand how Madeleine Beth McCann could conceivably have been abducted from the apartment in the time available.

The PJ wished the McCanns and their friends to return and to take part in a reconstruction. All refused.

Gerry McCann and Jane Tanner did return to take part in a documentary, in which a partial reconstruction was to take place. The reality was that this was effectively “directed” by Gerry McCann himself, one of only three persons officially named as a suspect, and no important points were explored or challenged. The issue of the “*window of opportunity*” seems to have been totally ignored. [38]

The bald statement in the book, “I knew”, then repeated in italic, thus - “*I knew*”, - falls, with respect, somewhat short of the burden required in a court of law for proof that a most serious crime has been committed [39] [40]

Madeleine Beth Mccann remains missing.

Her whereabouts and her fate are still unknown.

References And Appendices

Important Note

A Many of these references may be accessed on the web site <http://mccannfiles.com> which has a good search engine.

We have tried wherever possible to find and to quote the original source.

B In several cases an original interview was reported by different newspapers.

In some cases there are slight differences in the actual words in the quotes used, which may be for several reasons. We have tried to attach the correct reference for the exact wording shown, but there may be instances where a slight variation can be detected.

It is submitted that the importance is the meaning, rather than the actual form of words used.

C Some of the original web site references are no longer available, having been deleted, or archived beyond the reach of a casual researcher. In those cases we show the original as it was recorded at the time, indicate by strike through that it is no longer available, and where possible show a web reference to which the original material and the original reference was copied and pasted, and where at the time of publication it may still be viewed

The Appendices contain the extracts from the statements released by the PJ when the file was archived, from the raw transcript of the rogatory interviews, from Kate McCann's book and from several other sources. In this way it is intended that this document may stand alone, without the need to search for the original sources.

The numbering follows that of the references above and in the body text

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- 33 Arguido questioning of Gerald Patrick McCann, 7th of September 2007
<http://www.mccannfiles.com/id192.html#sta3>
- 34 “*madeleine*”, by Kate McCann, *ibid.* p.70
- 35 Yorkshire Post 29 May 2008
- 36 Panorama documentary, 'The Mystery of Madeleine McCann', *ibid*
- 37 “*madeleine*”, by Kate McCann, *ibid.* p. 73
- 38 Panorama documentary, 'The Mystery of Madeleine McCann' *ibid.*
- 39 “*madeleine*”, by Kate McCann, *ibid.* p. 73
- 40 http://lawiki.org/lawwiki/Burden_Of_Proof

Appendices

1 The deponent had had the wrong idea that MATHEW had seen the bedroom shutters closed when he was there at 21H30, and therefore he thought the disappearance would have taken place between 21h30 and 22h00, but presently he is fully convinced that the abduction took place during the period of time between his check at 21h05 and MATHEW's visit at 21H30. It was not until about 01h00 on 4 May 2007 that he learned through RUSSEL that his partner, JANE, at around 21h10, saw a man crossing the top of the road with a child in his arms, that may or may not have been his daughter MADELEINE.

2 *“Yyyeeah, yeah you’re right. It was a very small window of opportunity but they saw it and then *click*!!!!!!* Here Kate makes a clicking sound with her tongue and a simultaneous downward chopping motion with her right hand.

3 The deponent had had the wrong idea that MATHEW had seen the bedroom shutters closed when he was there at 21H30, and therefore he thought the disappearance would have taken place between 21h30 and 22h00, but presently he is fully convinced that the abduction took place during the period of time between his check at 21h05 and MATHEW's visit at 21H30. It was not until about 01h00 on 4 May 2007 that he learned through RUSSEL that his partner, JANE, at around 21h10, saw a man crossing the top of the road with a child in his arms, that may or may not have been his daughter MADELEINE.

4 Yesterday, after the daily routine, MADELEINE and the twins were put to bed in their respective beds, and he stresses put to bed, at 7.30 pm. The deponent and his wife remained in the apartment to relax and drink a glass of wine until 8.30 pm. After checking the children, the deponent and his wife and the adults went to the "Tapas" restaurant, around 50 metres away, where they had dinner together.

Yesterday, after the daily routine, Madeleine and the twins went into the bedroom and were put in their beds at around 7.30. The witness and her husband stayed in the apartment, relaxing, until 8.30pm. She took a bath, did her make-up and drank a glass of New Zealand wine with her husband. Just after 8.30pm, the witness and her husband, after checking on their children, joined the other adults of the group at the "Tapas" restaurant, about 50 metres away, where they had dinner.

5 Therefore, he entered the children's bedroom and established visual contact with each of them, checking and he is certain of this, that the three were deeply asleep.

6 •

7 He adds that he did not enter any other part of the residence, where he was for only two or three minutes,

8 He crossed the road in JEZ's direction who was walking up on the right-hand side, in the ascending direction, both having chatted for 3 to 4 minutes, about tennis, holidays and children.

9 The conversation lasted for about three (3) to five (5) minutes.

10 “The conversation probably lasted only a few minutes . . . “

11 She remembers that at about 21h10 Gerald left the restaurant (3) to go to the apartment to check on the children. Five minutes later, the witness left, to go to her apartment to see whether her daughters were OK.

12 At this moment she saw Gerry talking to an Englishman called Jez whom they had got to know during the holidays.

13 He was adamant that he did not see any one else in the area. When spoken to in reference to Jane Tanner walking by, he again stated that he saw no one. He also stated that he did not see or hear anyone to his right.

14 About the description of the child, she confirmed that it was being carried in his arms, with the legs in her direction and barefoot. She thought that it was a female child because the pyjamas were a light colour (seemingly pink to her). She never saw the hair of the child. She never saw it move nor make any sound, thinking that it was asleep.

15 He then returned to the TAPAS, between 21h10 and 21h15, dinner having gone as normal.

16 •

17 After leaving through the side gate, and while on his way to the secondary reception entrance, less than 10 metres from the gate, he saw "JEZ" walking up the street on the opposite pavement, bringing with him a baby buggy with his youngest child. He crossed the road in JEZ's direction who was walking up on the right-hand side, in the ascending direction,

18 At this time he was walking on the right side of the road passing the Tapas bar area to his left. He noticed the bad street lighting and although it was not completely dark there was enough light to see clearly. As he approached the corner of the McCanns apartment, he saw Gerry appear from the area of the gate. He crossed the road and engaged in general conversation with Gerry

19 •

20 "Either way, exactly where they were standing is not crucial. What maybe important is that all three of them were there."

21 She swore "by everything most sacred" that what she said is true, namely that she saw an individual with a child in his arms. Confronted, she demonstrated the distance at which the man with the child had passed her, and that was gauged to be about 5 metres.

Confronted with the information that the [tracker] dog teams had followed/ followed the scent trails in which, purportedly, Madeleine Beth McCann had not passed the intersection where she indicated a man carried a child, she affirmed, immediately, that she was not lying, maintaining the honesty of her initial version.

22 •

23 Madeleine McCann's parents say they believe that an intruder hid inside their holiday apartment before snatching their daughter from her bed.

Gerry McCann says he is convinced that, when he checked on Madeleine at 9.05pm on the evening she disappeared, the abductor was somewhere inside the ground-floor flat.

24 •

25 “Had Madeleine been given some kind of sedative to keep her quiet ? Had the twins, too?”

26 “I will tell you what I haven’t told anyone,” says Jon Corner, a family friend. “In August, I was with Kate in Portugal. She told me, ‘I wish I could roll back time and go back to the day before Madeleine was abducted. I would slow down time. I would get a really good look around and have a really good think. And I’d think: *Where are you? Who are you? Who is secretly watching my family?* Because someone was watching my family very, very carefully. And taking notes.’?”

27 *ibid.*

28 The window: I described to the police officers exactly what I found that night, as it was and is highly relevant and I knew that every little detail could be helpful in finding my daughter which is our only aim. The window which is a ground floor window was completely open and is large enough for a person to easily climb through it. Whether it had been opened for this purpose remains unknown. It could of course have been opened by the perpetrator when inside the apartment as a potential escape route or left open as a 'red herring'

29 On Thursday 3 May I awoke in the children’s bedroom. I can’t remember who was up first but I know we had all surfaced by about 7.30am. I’m not even sure whether Gerry had actually noticed I’d slept in the other room and I chose not to mention it. At breakfast time, Madeleine had a question for us. ‘Why didn’t you come when Sean and I cried last night?’

We were puzzled. Did she mean when they were having their bath? we asked her. Or just after they’d gone to bed? Children often get a bit fractious around bedtime, though I had no recollection of any tears from either Madeleine or Sean before they settled the previous evening. And it certainly hadn’t been in the early hours, because I’d been in the room with them, even closer than usual.

Madeleine didn’t answer or elaborate. Instead she moved on to some other topic that had popped into her head, apparently unconcerned. She certainly didn’t seem to be at all anxious or upset. Madeleine is bright, articulate and has never been backwards in coming forwards. If something had happened to make her cry, it was pretty unlikely that she wouldn’t tell us about it, assuming she remembered what it was.

Gerry and I were disconcerted. Could Madeleine and Sean have woken up while we were at dinner? If so, it was worrying, obviously, but it didn’t seem very probable. As I’ve said, not only did they rarely stir at all at night, but if they did it was hardly ever, and I mean ever, before the early hours. If they had done so on this occasion, it would mean they’d woken up, cried for a while, calmed themselves down and fallen asleep again – all within the space of half an hour. Or forty-five minutes, if it had been after our last check. Children usually need some soothing back to sleep once they’ve woken, especially if two of them are awake and upset at the same time, and it seemed highly unlikely they’d have gone through all these stages without one of them overlapping with one of our checks. It wasn’t impossible, but it seemed implausible.

Not for a moment did we think there might be some sinister reason for this occurrence, if indeed anything had occurred. If only foresight came as easily to us as hindsight. Within hours, the explanation for this would seem hugely important, and so haunted have I been ever since by Madeleine’s words that morning that I’ve continued to blame myself for not sitting down and making completely certain there was no more information I could draw out of her.

Why hadn’t this rung any alarm bells with me? How did I manage to conclude, subconsciously or otherwise, that if she had woken it was simply a rare aberration with a benign cause: a bad dream, perhaps? If in fact I ever did come to any real conclusion. It was

more a case of her question just hanging there quietly, unanswered. This could have been my one chance to prevent what was about to happen, and I blew it. In the infrequent moments when I'm able to be kinder to myself, I can acknowledge, if only temporarily, that there was absolutely nothing to give me any reason for suspicion and that we can all be clever after the event. But it is my belief there was somebody either in or trying to get into the children's bedroom that night, and that is what disturbed them.

30 "Madeleine made a comment, erm, in passing that, erm, "where were you when I cried"
...

31 Mitchell said he was not surprised by the inconsistencies in the initial accounts. *'You had nine people in a bar without watches on, without mobile phones, and absolute panic set in when they realised what had happened.'*

32 •

33 When asked at what time he went to check on the children the night Madeleine disappeared, he recalls that this was around 21:04 according to his watch.

34 "After ordering his food, Gerry left to so the first check just before 9.05 by his watch."

35 *"It was made out to be the biggest 'conspiracy' since the Diana 'conspiracy,'" says Mitchell. "Some of the group (of friends in the tapas restaurant) had their watches on that night, and others didn't."*

36 *Excerpts from transcript:*

JT: Well I could see. . . I could tell it was a child, and I could see the feet and... feet and the bottom of the pyjamas, and I just thought that child's not got any shoes on because you could see the feet, and it was quite a cold night in Portugal in May it's not actually that warm, and I'd got a big jumper on, and I can remember thinking oh that parent is not a particularly good parent, they've not wrapped them up.

RB: And could you tell if it was a boy or a girl?

JT: Only because the pyjamas had a pinky aspect to them so you presume a girl. It was actually quite cold.

37 "It was so cold and so windy."

38 •

39 "I'd done that, and I knew, *I knew*, that Madeleine had been abducted."

40 In English criminal law, the burden of Proof generally lies with the prosecution -- it has to prove all the facts that establish the guilt of the accused, except those which are assumed to be obvious (see judicial notice). The standard of proof is, nearly always, *beyond reasonable doubt*.

In this study we attempt to answer three questions

- 1 Were the twins sedated on the night of 3rd May 2007 ?
- 2 If so, were they sedated by an intruder ?
- 3 If so, but *not* by an intruder, then by whom ?

1 Were the twins sedated on the night of 3rd May 2007 ?

The question of sedation of the three McCann children is one which has caused problems since the very beginning.

Reported facts.

Around 10 pm 3rd May 2007 Kate McCann entered the apartment in the holiday resort and reported Madeleine missing. The younger twins were still in their travel cots in the same room, and were asleep.

What followed is a matter of public record. The apartment was searched, several times, by many people, the surrounding area was searched by large numbers of police and ex-pats and villagers, and huge amount of activity was directed to discovering Madeleine's whereabouts. All were in vain.

BUT . . . during all of this commotion -

despite a window and shutters having been open for an hour on a cold night,
despite the door slamming shut,
despite curtains blowing into the room,
despite their mother frantically opening and closing wardrobes and cupboards
despite their mother rushing out screaming for help,
despite the entire Tapas 7 group searching throughout the apartment,
despite Kate and the Tapas group shouting Madeleine's name outside,
despite Gerry McCann's closing and opening the shutters multiple times
despite Mrs Webster's similarly attempting to open the shutters but failing,
despite the Police investigating the scene,
despite Gerry's "roaring like a lion" and then prostrating himself on the floor,
despite both parents repeating this action and wailing
despite Kate's checking the twins for vital signs,
despite the twins being lifted from their cots by people not their parents, and
despite their being carried out into the cold night air, and to another apartment. [1.1]

Despite all of this . . . **the twins did not wake**

Kate McCann stated in 2011 that she had suspected sedation from the very first. Given the above perhaps this is understandable. [1.2]

In her book, "*madeleine*", which she described as "A Version of the Truth", she says this explicitly.

3 May 2007

(NOTE: this information was not released until May 2011)

p. 75 *“Had Madeleine been given some kind of sedative to keep her quiet ? Had the twins, too ?”* [1.3]

[She also reported this to the Officer in the case](#)

3 August 2007

(NOTE: this information was not released until June 2008)

“due to which she now presumes that they were under the effect of some sedative drug that a presumed abductor had administered to the three children in order to be able to abduct Madeleine, a situation which Kate refers to being possible . . .” [1.4]

[The McCanns then organised their own drug tests](#)

24 September 2007

Forensic scientist from Control Risks take hair samples from Kate and the twins at the McCanns' own request [1.5]

[A family member was 'allowed' to release this to the press.](#)

02 October 2007

“Madeleine was drugged by her abductor”, says her grandmother [1.6]

[Gerry McCann reconfirms their suspicions](#)

19 Nov. 2007

“Gerry McCann: The twins were still sleeping in the their cots so . . . we tried to leave it as undisturbed as possible, and they slept very soundly until we moved them out their cots into another apartment . . . which does make you wonder if there was [sic] any substances used to keep them asleep.” [1.7]

[Independent witnesses report and confirm the McCanns' suspicions](#)

25 April 2008 (referring to early May 2007)

They also wanted to know whether the PJ had any evidence that would suggest that the person who took Madeleine had used any substance to facilitate the abduction. [1.8]

5 Nov. 2007

Diane Webster - Fiona Payne's mother: *“Err the twins were still asleep in the cot and I, with all the noise going on I don't know how they slept through it which makes me think there was, they must have been err drugged with something.”* . . .

Q: *“So how would you imagine that they may have been drugged?”*

DW: *“Err by the abductor. I think Madeleine would have been drugged as well.”* [1.9]

10 April 2008

Fiona Payne: *“But they were okay, I mean, they were fine, they didn't, they were asleep, but at the time it did seem weird . . . they didn't wake up and, again, that was quite strange, even in the transfer and, and being handled by people that weren't their parents, they didn't, they didn't wake up.”* [1.10]

[Their own private detectives make a statement](#)

11 Oct. 2009

Former police detectives David Edgar and Arthur Cowley . . . are convinced the abductor went to the family's apartment on May 3 2007 fully prepared with sufficient drugs, probably chloroform, to knock out all three children. The fact that Sean and Amelie, then just 18 months old, failed to wake when the alarm was raised, nor even as they were taken to another apartment in the cold night air, has persuaded the detectives that they, too, must have been drugged. [1.11]

And just before the release of her book '*madeleine*', Kate says she believes they **were** drugged.

13 May 2011

Kate McCann: *I believe kidnapper drugged my twins on the night Madeleine was taken.* Kate McCann said the kidnapper who seized Madeleine may also have drugged her other two children, as she launched a new appeal in the hunt for her missing girl today.

Mrs McCann said she had to check that twins Sean and Amelie were still breathing because they did not wake as they began a frantic search for the missing three-year-old. **[1.12]**

Those then are the facts relating to the McCanns' belief in sedation of the twins, and by extension, of Madeleine.

NOTE:

Levels of sedation are assessed according to the The Ramsay Sedation Scale. RSS. This was the first scale to be defined for sedated patients and was designed as a test of rousability. The RSS scores sedation at six different levels, according to how rousable the patient is. It is an intuitively obvious scale and therefore lends itself to universal use, not only in the ICU, but wherever sedative drugs or narcotics are given. It can be added to the pain score and be considered the sixth vital sign.

Ramsay Sedation Scale

- 1 Patient is anxious and agitated or restless, or both
- 2 Patient is cooperative, oriented and tranquil
- 3 Patient responds to commands only
- 4 Patient exhibits brisk response to light glabellar (forehead) tap or loud auditory stimulus
- 5 Patient exhibits a sluggish response to light glabellar tap or loud auditory stimulus
- 6 Patient exhibits no response **[1.13]**

The twins are clearly in point 6 on the scale. They are failing to respond to external stimuli, cold, light, noise - including screaming, the inevitable jolting of the cots placed so close together in a small room during the search and window / shutter procedures, human touch, being picked up by person other than their own parents, and so on. **[1.14]**

We should remember that **Kate McCann and Fiona Payne are both qualified anaesthetists.** Even a non qualified parent should recognise the difference between a child which was merely asleep, and one that was sedated. or unconscious. We return to this aspect in the third question.

So to restate the original question - were the twins sedated ?

The reply must surely be, that having regard to all the available evidence, we can confirm the parents' and witnesses original and subsequent thoughts and say that **on the balance of probabilities** -

the twins Amelie and Sean McCann were sedated

We now turn to the second question

2 Were the twins sedated by an “intruder”.

Medical note for non-medical readers

There are five routes for the administration of sedation.

Injection, inhalation of gas, or by mouth are the most common three.

Absorption *per rectum* or *per vaginam* are possible, but specialised and rare.

All methods require some co-operation on the part of the patient.

* Injection of three small children without raising the alarm is almost unthinkable. Intramuscular injections take between 3 and 15 minutes to work. Intravenous injection is difficult. (Paediatric anaesthetics is a specialised subject: finding a vein is more difficult than with an adult)

Injection of three children, in turn, in silence, is a suggestion which is difficult to accept by anyone with experience of children.

* Administration of sedative by mouth would require all three to be at least half awake, so they could sit up to drink and swallow, and in any event drugs taken in this way require time to act. The fastest acting such drugs in regular use take around 20 minutes to begin acting.

Each child, in turn, would need to have the drug administered.

* Anaesthetic gas requires equipment for its effective administration, and leaves a distinctive smell. The classic “*filling the room with chloroform*”, or other gas exists only in Victorian novels, and in any event would overcome the intruder himself, unless he had breathing equipment, in addition to the equipment for administering to the children. (It would incidentally also require the window and door to be shut !) Even properly administered gas inhalation normally requires time, measured in minutes, before sedation begins.

Again, each child would have to be sedated in turn.

Because it has been raised, we must briefly consider the McCanns’ principal private detectives, Edgar and Cowley, and their statement that chloroform was used on all three children. [2.1]

Chloroform is the stuff of Victorian melodrama, and like ether has no place in modern medical practice. It has a distinctive sweet smell that lingers for a very long time. Inhalation of the vapour gives an ice-cold feeling that can cause immediate vomiting. Any doctor, and indeed any *O level* chemistry student knows and can immediately identify chloroform. The liquid produces burn marks on the sensitive skin round the nose and mouth, [2.2]

What is interesting is that the McCanns have allowed this suggestion to remain in the public consciousness, and have never corrected the impression given. Even less have they specifically repudiated the possibility of the use of chloroform. Matthew Oldfield was asked in detail about any unusual smell in the apartment when he entered. He stated he detected nothing. [2.3]

As our commentator has aptly said, an intruder would need nothing more than a bottle of chloroform, a rag, and a kidney dish for the vomit. [2.4]

Given a sufficiently heavy dose a child **could** be unconscious in 15 seconds.

But importantly it would start to wake immediately the anaesthesia were stopped. It would

wake, cry, and probably vomit. It would **NOT** remain comatose for three or more hours, then drift into normal sleep, and then wake the next morning with no after effects. **[2.5]**

Observation.

Jane Tanner's description of the "abductor" did not include anaesthetic equipment or gas cylinders, nor even a back pack in which they might be carried, and nothing was found in the apartment or the immediate surrounding area.

The "Window of Opportunity"

The window of opportunity for an intruder has been discussed in another study. This is a straightforward assessment based on the times taken from Gerry McCann's leaving the Tapas bar, walking to the apartment, entering, seeing the children, completing the tasks he reports, and then leaving by the patio doors. Jane Tanner who left the table five minutes later by her own account, saw him talking to Jez Wilkins the street a few seconds before she saw the person who the McCanns now insist was the 'abductor' of Madeleine. **[2.6]**

Allowing for the time to exit the apartment and cross the car park to the point where he was seen, gives the window of opportunity **inside the apartment** of around 1 minute and 20 seconds.

In that time he has to

- Enter the apartment
- Sedate all three children *- in the dark*
- Select Madeleine as the victim *- in the dark*
- Open the shutters and window *- if he used the front door to enter*
- Pick Madeleine out of her bed *- in the dark*
- Turn her round so that her head is now to his left, rather than to his right, which is the way he would have approached her in the bed.
- Exit the apartment, either through the opened window and shutters, or through the front door, which he must then close silently behind him.

and then

- Walk to the **left** along the path in front of the apartment, walk straight ahead across the car park, and then walk to the **right** along the road, and cross the street in front of Jane Tanner, the father of the very child he had just abducted, and another man who has his own child in a buggy.

We repeat, taking into account the travelling time, he has around one minute and twenty seconds in which to achieve the first seven items on the list

- No equipment or paraphernalia was found.
- There was no smell of anaesthetic gas
- Two children aged 2 years were left comatose for 10 hours
- * When they woke no after effects were recorded. **[2.7]**

So far as can be ascertained - there is NO substance or technique known to medical science which can do this.

So to restate the original question - were the twins sedated by an intruder ?

The answer must be, that having regard to all the available evidence, we can surely say that **on the balance of probabilities** -

the twins Amelie and Sean McCann were not sedated by an intruder.

In fact the evidence and logic is such that this conclusion moves on the legal continuum a long way from merely “*On the balance of probabilities*” and very much further towards “*Beyond a reasonable doubt*”

3 We now turn to the third question

**If the twins were sedated, but not by an ‘intruder’ -
then by whom ?
Specifically we must ask whether the parents were involved**

This is a more problematic issue. The parents **clearly now accept** that the twins were sedated, and if they wish to deny the second answer will have to draw on their medical and expert anaesthetic knowledge to show why that conclusion is wrong, how it might have achieved, and what substance or technique might have been used.

In the absence of such an explanation, however, it is surely justifiable to continue to examine some features of this extraordinary case.

The McCanns have wavered between initial acceptance, through a period of stout denial during which they aggressively threatened to sue, and ultimately back to a clear statement that they now believe the children were indeed sedated.

This is part of the genesis of the story. It repeats some of what was seen earlier.

Initial recognition and acceptance

3 May 2007 (NOTE: this information was not released until May 2011)
p. 75 “*Had Madeleine been given some kind of sedative to keep her quiet ? Had the twins, too ?*” [3.1]

5 May 2007 (NOTE: statement dated 25 April 2008)
“*They also wanted to know whether the PJ had any evidence that would suggest that the person who took Madeleine had used any substance to facilitate the abduction.*” [3.2]

3 August 2007 (NOTE: this information was not released until June 2008)
“*due to which she now presumes that they were under the effect of some sedative drug that a presumed abductor had administered to the three children in order to be able to abduct Madeleine, a situation which Kate refers to being possible . . .*” [3.3]

August 2007

Q: *Do you think the children were sedated?*

A: *There is no doubt. (Here he told an anecdote: that Kate called a colleague of Gonçalo Amaral's in the PJ, in August, to ask them to check the twins for traces of sedation. Apparently Kate was alone when she called, and a bit upset. That same afternoon, Gerry called and cancelled the request.)* [3.4]

First denials that the parents had used sedation

August 2007

See previous entry. *"That same afternoon, Gerry called and cancelled the request."* [3.5]

10 August 2007 (or thereabouts)

Gerry: *"you know we're not gonna comment, on anything but you know there is absolutely no way we use any sedative drugs or anything like that an' you know we we have co-operated with the police we'll answer any queries ermm ... any tests that they want to do. . . "* [3.6]

Implied acceptance of possibility

24 September 2007

Forensic scientist from Control Risks take hair samples from Kate and the twins at the McCanns' own request [3.7]

2 October 2007

"Madeleine was drugged by her abductor", says her grandmother [3.8]

Resumed denials

20 October 2007

Scientific tests now support the denials by Gerry and Kate McCann that they ever sedated their children, it emerged yesterday. [3.9]

25 Oct. 2007

The McCanns, of Rothley, Leics, were asked if reports that they sedated their children were true. Cardiologist Gerry replied: *"It is ludicrous. These sort of questions are nonsense and we shouldn't be giving them the time of day. **There is absolutely no suggestion that Madeleine, or the children, were drugged.** It's outrageous."* [3.10]

Oct 2007

Oprah Winfrey *"And then, there were the... the hurtful rumours that you drugged Madeleine or that you gave her sedatives; that you accidentally caused her... her death..."*

KM: *(After a long pause) "I mean we know it's all lies."*

GM: *"It's just nonsense you know, there's no... that people can have theories and that's all it is, there's no evidence to suggest any of that and it's absolute ludicrous, you know, and it's..."*

[3.11]

Second acceptance of possibility

19 Nov. 2007

"Gerry McCann: *The twins were still sleeping in the their cots so . . . we tried to leave it as undisturbed as possible, and they slept very soundly until we moved them out their cots into another apartment . . . **which does make you wonder if there was [sic] any substances used to keep them asleep.**"* [3.12]

Independent Witnesses

25 April 2008 (referring to early May 2007)

They also wanted to know whether the PJ had any evidence that would suggest that the person who took Madeleine had used any substance to facilitate the abduction. [3.13]

5 Nov. 2007

Diane Webster - Fiona Payne's mother: *"Err the twins were still asleep in the cot and I, with all the noise going on I don't know how they slept through it which makes me think there was, they must have been err drugged with something." . . .*

"So how would you imagine that they may have been drugged?"

"Err by the abductor. I think Madeleine would have been drugged as well." [3.14]

10 April 2008

Fiona Payne: *“But they were okay, I mean, they were fine, they didn’t, they were asleep, but at the time it did seem weird . . . they didn’t wake up and, again, that was quite strange, even in the transfer and, and being handled by people that weren’t their parents, they didn’t, they didn’t wake up.”* [3.15]

NOTA BENE: July 2008

Documents in the case including witness statements were released to the public. At this point Diane Webster’s and Fiona Payne’s statements (above) became public knowledge, and may have been seen by the McCanns for the first time.

Public statements that it MUST have happened

11 Oct. 2009

Former police detectives David Edgar and Arthur Cowley . . . are convinced the abductor went to the family’s apartment on May 3 2007 fully prepared with sufficient drugs, probably chloroform, to knock out all three children. The fact that Sean and Amelie, then just 18 months old, failed to wake when the alarm was raised, nor even as they were taken to another apartment in the cold night air, has persuaded the detectives that they, too, must have been drugged. [3.16]

13 May 2011

Kate McCann: *I believe kidnapper drugged my twins on the night Madeleine was taken.* Kate McCann said the kidnapper who seized Madeleine may also have drugged her other two children, as she launched a new appeal in the hunt for her missing girl today.

Mrs McCann said she had to check that twins Sean and Amelie were still breathing because they did not wake as they began a frantic search for the missing three-year-old. [3.17]

How then are we to make sense of this ?

Firstly we note that on occasion the question being asked is whether the children were sedated, but the McCanns answer a totally different one. The parents deny sedating the children themselves, but often do not address the question of whether they were sedated by someone else.

Some forensic linguistics analysts have proffered views on why this might happen.

It is also striking that we are never told of the laboratory which performed the analysis on the hair samples, we are never shown the results, and in fact we have to turn to an *Indian* newspaper to find these details. Here it is stated that a company called TrichoTest performed the analysis. [3.18] [3.19]

And yet even then we have this strange passage,

“All the hair samples produced negative results. While this didn’t totally exclude the possibility that the children had been sedated, especially given the time that had elapsed, it meant nobody else (including the PJ and the media) could prove otherwise.” [3.20]

The emphasis is not on the twins’ welfare or whether some noxious substance had been administered. Kate McCann is purely concerned with whether there is sufficient “proof” **against the parents**. But at the same time she is by implication admitting that the twins might have been sedated.

There are other bizarre aspects of the hair analysis. Laboratories advertise their ability for analyse for a period of 90 days. The McCanns' samples were not taken until 24th September, almost six months = 144 days later. Although it is possible at that stage to test for continuous drug use, it is not believed in any event that a single dose of a drug, given in the tiny amount appropriate to a 2 year old would be sufficient for successful identification on analysis.

Kate describes the process as leaving her looking as if she had alopecia. [3.21] The laboratories state they need one sample taken from close to the scalp, no larger than "a shoelace tip" [3.22] Whilst this may simply be "journalistic licence" to evoke sympathy from the reader, or to add some human interest, that could be accepted if the book were not described as "very truthful".

So we look to the statements

Gerry McCann made three statements. 4 May, 10 May, 7 Sept. 2007

Kate McCann made two statements. 4 May, 9 Sept. 2007

In each of these in relation to the continued sleeping of the twins through the entire episode, and the possibility of sedation there is precisely - **NOTHING**.

The whole issue is simply side-stepped. Even in the book it is glossed over in 63 words.

p. 75 "I wandered into the children's bedroom several times to check on Sean and Amelie. They were both lying on their fronts in a kind of crouch, with their heads turned sideways and their knees tucked under their tummies. In spite of the noise and lights and general pandemonium, they hadn't stirred. They'd always been sound sleepers, but this seemed unnatural. Scared for them, too, I placed the palms of my hands on their backs to check for chest movement, basically, for some sign of life. Had Madeleine been given some kind of sedative to keep her quiet? Had the twins, too? It was not until about 11.10pm that two policemen arrived from the nearest town, Lagos, about five miles away. To me they seemed bewildered and out of their depth, and I couldn't shake the images of Tweedledum and Tweedledee out of my head. I realise how unfair this might sound, but with communication hampered by the language barrier and precious time passing, their presence did not fill me with confidence at all." [3.23]

There are some strange and worrying aspects to this extract.

The use of "wandered" as a verb of motion during this frantic phase of a search for a missing child.

On the previous and adjacent pages we find "Yelled", "hitting out at things", "banging my fists on the railings", "running from pillar to post", "ran back", "dashed over", "throwing open" "hurtling out" "started screaming", "was hysterical", "sprinted back" and many other more intensely active verbs clearly carefully selected to give a real impression of terror, speed and urgency. [3.24]

Here we are given "wandered into the bedroom" as the verbal phrase defining the action of the mother of an missing child checking that her two remaining children who she suspected had been anaesthetised, **were still alive** ! [3.25]

A number of other points surely present themselves for further comment.

- The strange way in which the children were lying,. Though this position is in itself not unusual, there is the fact that **both** were lying in the **same** way
- The fact that “*despite the noise and pandemonium they hadn’t stirred*” still less woken.
- Kate describing this as “*unnatural*”.
- Kate placing the palms of hands on their **backs**, to check for “**chest movement**”.
- Her chilling use of the phrase “. . .*basically, for sign of life*”
- Her thoughts “*Had the twins too [been given some kind of sedative] ?*”

For many people this passage will sound quite extraordinary. Doctors, nurses, police officers, ambulance crews, fire officers, paramedics, St John Ambulance staff, and many others are taught in their basic training about the importance of rousing people. Drunks, drug addicts, people with head injuries, and those who have suffered smoke inhalation are roused, and in some cases are to be shaken into consciousness. Failure to rouse a patient should lead to immediate medical assistance being sought, or transportation to the nearest casualty department.

Failure regularly to rouse someone in a police cell is a very serious disciplinary offence, the penalty for which may be dismissal from the service.

But we are told that a qualified anaesthetist merely “. . . *placed the palms of my hands on their backs to check for chest movement, basically, for some sign of life*”. [3.26]

The Royal College of Nursing is quite clear about this.

In “*Standards for assessing, measuring and monitoring vital signs in infants, children and young people - RCN guidance for children’s nurses and nurses working with children and young people*”

they say, very simply

*Infants and children less than six to seven years of age are predominantly abdominal breathers therefore, **abdominal movements** should be counted.*

They emphasise “*the particular vulnerability of infants and young children to rapid physiological deterioration*”

And later discussing recovery room protocols

- *following a simple procedure – vital signs should be recorded every 30 minutes for two hours, then hourly for two to four hours **until the child is fully awake, eating and drinking.** [3.27]*

When we add to this the curious way the children were lying, *on their fronts in a kind of crouch, with their heads turned sideways and their knees tucked under their tummies.*“ which clearly must restrict the abdominal breathing in a child of that age, the failure by either of the parents or the other qualified anaesthetist present to modify this posture is very difficult to understand.

Levels of sedation are assessed according to the Ramsay Sedation Scale (RSS)

- 1 *Patient is anxious and agitated or restless, or both*
- 2 *Patient is cooperative, oriented and tranquil*
- 3 *Patient responds to commands only*

- 4 Patient exhibits brisk response to light glabellar (forehead) tap or loud auditory stimulus
- 5 Patient exhibits a sluggish response to light glabellar tap or loud auditory stimulus
- 6 Patient exhibits no response [3.28]

The twins are clearly in point 6 on the scale. They are failing to respond to external stimuli, cold, light, noise - including screaming, the inevitable jolting of the cots placed so close together in a small room during the search and window / shutter procedures, human touch, and then being picked out of their cots by persons not their parents, taken outdoors into the dark and cold air, into the light and warmth of a neighbouring apartment, where they are placed in different cots.

it is hard to believe that neither parent would have picked them up, but there is no evidence that they did. It is also worthy of note that Dr. Fiona Payne was with Kate McCann at this time. It seems no one was with the twins.

Although it is capable of interpretation this piece is placed in the narrative of the book around 11:00pm, an hour after the discovery. It is placed between the incident when both Kate and Fiona Payne shout "*something short and to the point*" at Mrs Fenn, and the arrival of the police at 11:10pm. [3.29]

Kate herself states

p. 74 "*He'd [Gerry had] asked Fiona to stay with me. I was in our bedroom, on my knees beside the bed, just praying and praying and praying. . .*" [3.30]

The next paragraph talks of Kate's "*sitting on the bed*" whilst Emma Knights from Mark Warner came in, and then goes on to talk about Kate's being out on the veranda when another woman appeared, and so on.

In other words neither doctor was in the twins' room performing any clinical checks for vital signs, or carrying out any procedures for rousing them.

Both doctors, **each of whom is a qualified anaesthetist**, failed to address the simplest but the most important questions.

Why can they not be roused ?

And then -

Given that they cannot be roused, what procedure, and / or what substance has been used to sedate these two children to this extent ?

We now know that any sedation must have been administered within 1 minute and 20 seconds, in a narrow time window between Gerry McCann's leaving the apartment, and Jane Tanner's seeing the abductor carrying Madeleine, so obviously the substance was extremely fast acting, and very powerful.

The two anaesthetists did not have that information, but must nevertheless have believed that sedation had occurred within the previous half hour between Oldfield's visit and Kate's.

So what precisely did the two qualified anaesthetists assume had been used, and how did they suppose it had been administered ?

Why did they accept that the dosage had been exactly correct for children of this age and size ?

Was it still being absorbed and was the level in the tissues still increasing ? Were they coming round, or were they drifting into even deeper level of unconsciousness, coma, and possible death ?

What were the likely or possible side effects - vomiting, breathing difficulties, lung congestion, ventricular or atrial fibrillation, brain damage, liver or kidney failure, or any of the many other possible *sequelae* that both will have studied at length and been examined on in detail.

What precisely did they identify or diagnose ?

Medical Note for non-medical readers - shortened (see earlier)

There are five routes for the administration of sedation.

- * Injection
 - * By mouth
 - * Inhalation of anaesthetic gas
- being the three most usual.

Observation.

Jane Tanner's description of the "abductor" did not include anaesthetic equipment or gas cylinders, nor even a back pack in which they might be carried, and nothing was found in the apartment or the immediate surrounding area.

Reminder

The McCanns, and many of their Tapas7 friends are medically trained. Both Dr. Kate McCann and Dr. Fiona Payne are trained to a high standard in anaesthetics. In fact both were Junior Registrars.

Their continued insistence on sedation by an 'intruder' as a viable proposition, when combined with the unambiguous admission in their statements, in interviews, and in the book, of clearly defined professional negligence in their manifest failure to provide, or even consider, any form of resuscitation or aftercare, is baffling.

But these qualified anaesthetists simply put a palm on a child's back, or a finger under its nose, (according to Dr Fiona Payne). There is no record of whether each child was turned, undressed and examined minutely for needle stick marks, or had its mouth, nose and throat cleared or checked for the presence of a chloroform soaked rag, had its breath smelled for evidence of drugs, gas or ketones, had its pupil response monitored, had its heart rate taken, had other reflexes tested, or was roused until fully conscious. These would be standard procedures.

There is no record of proper and medically correct post-anaesthesia care. None. Nothing.

On the contrary, what evidence there is points to the twins' having simply been left for a considerable period unattended, and then some two hours later scooped up out of their travel cots, in the bedclothes in which they slept, and being carried, still sleeping, out into the cold night air and round to an adjacent apartment where they were again left to sleep. **[3.31]**

Neither doctor performed any of the usual and medically required tests or procedures appropriate to recovery from anaesthesia. It is a matter of record that the twins were not taken

to a hospital for assessment.

On the facts therefore the doctors were in serious and negligent breach of a whole series of medical protocols for which people have been struck off the register. [3.32]

And even more strangely, they have admitted this in statements and in the book. They have made no attempt to suggest that they acted correctly.

If we rely purely on what they have said, we find that it is corroborated by independent witnesses, and it leads to the following conclusion -

They would be guilty of a most serious breach of professional standards, so serious that striking off the Medical Register would be appropriate.

We are given many instances in her own book of Kate McCanns' loss of control, kicking out at inanimate objects, hitting railings with her fists, throwing herself on the floor, wailing and so on. We are however also given clear examples where she was **not** acting in this way, being more calm and professionally purposeful, going out into the street to see what was happening, having a blunt discussion with a witness in the apartment above, "*wandering*" into the twins' room, and ultimately "*keeping vigil*" in total silence for the rest of the night. [3.33]

However, it must be said

- For a normal distressed and anxious parent to behave in this way towards two apparently anaesthetised children would be unforgivable.
- For an educated professional person it would be grossly negligent.
- For two **qualified anaesthetists it is absolutely unthinkable.**

If we find that it is indeed *unthinkable*, then we must wish to believe that their actions were **not** negligent, that they were **not** in breach of any protocols, and that their apparent lack of action does **not** bear any negative interpretation.

But for that to be true they would have to have known precisely why the twins were unconscious, what substance had been administered, in what dose, by whom, and when.

And they have always denied this.

But despite that, and to address the original question, having regard to the available evidence, we may be tempted to take the *charitable view*, and to conclude that, **on the balance of probabilities,**

the parents may have been involved in the sedation of the twins.

PLEASE NOTE: I am fully aware that this logical progression may offend, and that lawyers may wish to say it is defamatory.

I accept that perhaps the matter should be referred to the RCOA, and the GMC, with a view to the striking off the Medical Register of Dr Fiona Payne and Dr Kate Healy / McCann.

The GMC is the proper authority in matters of this nature.

This is not a matter for legal argument.

It is a question of professional competence.

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<http://www.telegraph.co.uk/news/uknews/1570315/Madeleine-McCanns-mother-takes-drug-test.html>
- 1.6 <http://www.dailymail.co.uk/news/article-485005/Madeleine-drugged-abductor-says-grandmother.html>
- 1.7 <http://www.youtube.com/watch?v=Ix6bKUnmOCM&feature=related>
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- 1.12 <http://www.dailymail.co.uk/news/article-1386093/Kate-McCann-Kidnapper-drugged-twins-night-Madeleine-taken.html>
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References for Question 3

- 3.1 *“madeleine”*, by Kate McCann, Bantam Press, 2011, p 75.
- 3.2 Statement of Steven Markley PC Leics 25 April 2008
- 3.3 From: Inspector Ricardo Paiva, For: Gonçalo Amaral
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- 3.4 Gonçalo Amaral in Amsterdam, 05 May 2009
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- 3.7 *“madeleine”*, op.cit. p. 274
- 3.8 <http://www.dailymail.co.uk/news/article-485005/Madeleine-drugged-abductor-says-grandmother.html>
- 3.9 <http://www.telegraph.co.uk/news/uknews/1570315/Madeleine-McCanns-mother-takes-drug-test.html>
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Appendices for Question 1

1.1 •

1.2 *Since Madeleine was snatched apparently without making a sound, we had always suspected that all three children might have been sedated by the abductor. We mentioned this to the police that night and several more times in the following weeks, but no testing of urine, blood or hair, which could have revealed the presence of drugs, had ever been done.*

1.3 *Had Madeleine been given some kind of sedative to keep her quiet ? Had the twins, too ?*

1.4 *Strangely, Kate also made several requests, three months after the disappearance of Madeleine, that the police should take blood, hair and nail tests of Madeleine's twin siblings, because, as she said, she remembered that on the day of Madeleine's disappearance, in spite of all the commotion and noise made by the authorities and other persons who were looking for Madeleine in apartment 5^a of the Ocean Club, the twins never woke up, having been transported to another apartment, they remained asleep, due to which she now presumes that they were under the effect of some sedative drug that a presumed abductor had administered to the three children in order to be able to abduct Madeleine, a situation which Kate refers to being possible according to what she read in a criminal investigation manual given to her by the British authorities, that would have been the procedure of the abductor in the real case involving abduction, rape and murder of the girl.*

1.5 *I asked for samples of my own hair to be taken as well simply because I was fed up with the constant insinuations that I took tranquillisers, sleeping pills or any medication, for that matter.*

The process seemed to take ages and we all lost loads of hair. I couldn't believe they had to take so much. The scientist cut chunks of it from Sean and Amelie's heads while they were sleeping. I cried as I heard the scissors in their baby-blond hair. I felt angry that the children had to go through this further insult. As for me, I looked as if I had alopecia.

The mother of missing Madeleine McCann has undergone a drugs test to prove she was not on medication at the time of her daughter's disappearance, it has been revealed. . . . But the results of toxicology tests on a strand of Mrs McCann's hair showed no evidence that she had taken drugs in the past eight months, her legal team announced.

The McCanns' two-year-old twins, Sean and Amelie, have also been tested to prove they were never given sedatives, after claims that Madeleine may have died of an accidental overdose.

1.6 Madeleine was drugged by her abductor, says her grandmother 2/10/07

The grandmother of missing Madeleine McCann believes the four-year-old was drugged by her abductor before being carried from the apartment.

Eileen McCann claims otherwise the child would have shouted and screamed for her parents if she was being carried off by a stranger.

Speaking from her Scottish home, the 69-year-old said the family had gone through hell since Madeleine went missing 151 days ago.

"I really believe [whoever took her] gave her a drug," she said. "There is no way they carried her out of there without her waking.

"If she was taken when she was sleeping by somebody she did not know she would have screamed the place down."

1.7 *"Gerry McCann: The twins were still sleeping in the their cots so . . . we tried to leave it as undisturbed as possible, and they slept very soundly until we moved them out their cots into another apartment . . . which does make you wonder if there was [sic] any substances used to keep them asleep."*

1.8 *However, in relation to the above, I would like to add the following: At about 20.00 on Saturday 5th May 2007, I arrived at the apartment where Kate and Gerry were staying, with other officers. During the meeting Gerald and Kate had a number of questions to which they wanted follow up and responses from the PJ.*

One of these questions was that they wanted the PJ to be aware of was Madeleine's revelation about Wednesday night, when she said that she was left alone during the night. She told Kate and Gerry that she remembered the twins crying and that she wanted to know why neither her mother nor her father had gone to the room to see what was happening.

They also wanted to know whether the PJ had any evidence that would suggest that the person who took Madeleine had used any substance to facilitate the abduction.

1.9 *"Err the twins were still asleep in the cot and I, with all the noise going on I don't know how they slept through it which makes me think there was, they must have been err drugged with something." . . .*

"So how would you imagine that they may have been drugged?"

"Err by the abductor. I think Madeleine would have been drugged as well."

1.10 *"But they were okay, I mean, they were fine, they didn't, they were asleep, but at the time it did seem weird . . . they didn't wake up and, again, that was quite strange, even in the*

transfer and, and being handled by people that weren't their parents, they didn't, they didn't wake up."

1.11 Former police detectives David Edgar and Arthur Cowley . . . are convinced the abductor went to the family's apartment on May 3 2007 fully prepared with sufficient drugs, probably chloroform, to knock out all three children. The fact that Sean and Amelie, then just 18 months old, failed to wake when the alarm was raised, nor even as they were taken to another apartment in the cold night air, has persuaded the detectives that they, too, must have been drugged.

1.12 Kate McCann: *I believe kidnapper drugged my twins on the night Madeleine was taken.* Kate McCann said the kidnapper who seized Madeleine may also have drugged her other two children, as she launched a new appeal in the hunt for her missing girl today. Mrs McCann said she had to check that twins Sean and Amelie were still breathing because they did not wake as they began a frantic search for the missing three-year-old.

1.13 Levels of sedation are assessed according to the The Ramsay Sedation Scale. RSS. This was the first scale to be defined for sedated patients and was designed as a test of rousability. The RSS scores sedation at six different levels, according to how rousable the patient is. It is an intuitively obvious scale and therefore lends itself to universal use, not only in the ICU, but wherever sedative drugs or narcotics are given. It can be added to the pain score and be considered the sixth vital sign.

Ramsay Sedation Scale

- 1 *Patient is anxious and agitated or restless, or both*
- 2 *Patient is cooperative, oriented and tranquil*
- 3 *Patient responds to commands only*
- 4 *Patient exhibits brisk response to light glabellar (forehead) tap or loud auditory stimulus*
- 5 *Patient exhibits a sluggish response to light glabellar tap or loud auditory stimulus*
- 6 *Patient exhibits no response*

1.14 Reply: *"Sean and Amelie were fast asleep in their cots, they didn't stir, you know, I was opening the cupboards in the room and moving around the room, they didn't stir at all, which that was, that was odd."*

1485 *"Did the twins wake up at all?"*

Reply *"They didn't. They didn't".*

1485 *"In the aftermath?"*

Reply *"No, and that was the other thing, she kept going into the twins, she kept putting her hands on the twins to check they were breathing, she was very much concerned in checking that they were okay. But they were okay, I mean, they were fine, they didn't, they were asleep, but at the time it did seem weird, I remember thinking, you know, when the Police came they turned the lights on, there was loads of noise, obviously from the moment Kate discovered that Madeleine was gone, the screaming and the shouting and there was a lot of noise and they, they didn't, you know, so much as blink".*

LATER IN SAME INTERVIEW

"Erm, so I'd suggested putting the twins up in our apartment, erm, Emma, who was there, had arranged some of the MARK WARNER Nannies to get some extra cots and more bedding, erm, and we set up the cots in our living room and a bed for Kate and Gerry as well, not that they used it, but, erm, and then I think, I think they were Policemen, I can't remember who carried up Sean and Amelie. Erm, and we sat on the sofa, me and Kate with the twins asleep on us for a while, erm, and they didn't wake up and, again, that was quite strange, even in the transfer and, and being handled by people that weren't their parents, they

didn't, they didn't wake up.

Appendices for Question 2

2.1 Former police detectives David Edgar and Arthur Cowley have spent months re-analysing every shred of evidence. They are convinced the abductor went to the family's apartment on May 3 2007 fully prepared with sufficient drugs, probably chloroform, to knock out all three children. The fact that Sean and Amelie, then just 18 months old, failed to wake when the alarm was raised, nor even as they were taken to another apartment in the cold night air, has persuaded the detectives that they, too, must have been drugged.

2.2 2. Effects on Humans: The toxicity of chloroform is well understood because of its long history of use as an anaesthetic. Inhalation of 10,000 ppm of chloroform vapour produces clinical anaesthesia. Inhalation of higher doses causes cardiovascular depression, with death resulting from ventricular fibrillation. Delayed death is associated with liver necrosis [ACGIH 1991]. Chronic inhalation of chloroform may cause psychiatric and neurological symptoms, including depression, hallucinations, and moodiness [NLM 1995]. In studies with human volunteers, exposure to 4,100 ppm causes serious disorientation, and 1,000 ppm caused dizziness, nausea, and after effects of fatigue and headache. Exposures of 20 to 70 ppm for undefined lengths of time caused less extreme, but still evident, effects on the central nervous system [Hathaway et al. 1991]. Liver enlargement was demonstrated in 17 of 68 workers exposed to chloroform at concentrations of 10 to 200 ppm for 1 to 4 years. Among other factors that increase the toxic effects of chloroform is ethanol [Hathaway et al. 1991]. As a result, alcoholics react more severely to exposure [Genium 1992]. Exposure to high concentrations of chloroform vapour causes redness and twitching of the eyes. Liquid chloroform splashed into the eye causes immediate burning, pain, and possible injury to the cornea. The eye returns to normal in 1 to 3 days [Grant 1986]. Application of chloroform to the skin causes burning, pain, redness, and vesiculation. Based on experimental animal studies, IARC has concluded that chloroform should be regarded as a cancer risk to humans. One study of people exposed to chloroform in their drinking water showed a correlation between chloroform concentration and rectal and bladder cancer [Hathaway et al. 1991].

If chloroform contacts the skin, workers should immediately wash the affected areas twice with soap and water and use cream or lotion to replace skin oils.

Clothing contaminated with chloroform should be removed immediately, and provisions should be made for the safe removal of the chemical from the clothing. Persons laundering the clothes should be informed of the hazardous properties of chloroform, particularly its potential for causing eye and skin irritation, and anaesthesia when inhaled.

A worker who handles chloroform should thoroughly wash hands, forearms, and face with soap and water before eating, using tobacco products, using toilet facilities, applying cosmetics, or taking medication.

Chloroform begins to act within a few seconds of inhalation, provided the method of delivery has sufficient concentration and the user takes a deep enough breath. First your extremities begin to go numb; next your vision and hearing begin to fail. Complete unconsciousness sets in a few seconds later, provided you keep breathing. Recovery generally occurs as soon as the chloroform is removed, though it may be a few minutes before the user feels completely normal

2.3 4078 *"Is there anything else, that you smelt, could you smell anything?"*

Reply "No, no, we've talked about that before, I didn't smell anything, I mean, I could see the children breathing, but I didn't clock it as abnormal, erm, it'd be completely to speculate to say whether their breathing was fast or, I couldn't say, I mean, they were breathing and that's what, you know, and that was what I was there to check, erm, no, no funny sort of smells, no sort of funny draughts, no sort of funny sort of noises, no, erm, nothing that I can think of for that. I mean, it was a complete just a shock out of the blue when, you know, I'd been in and then suddenly somebody's saying Madeleine's missing, there was nothing that made me think, oh".

2.4 Another possible consequence of smothering someone's face with a chloroform-soaked cloth is that the victim may vomit immediately. Chloroform is a sickeningly sweet smelling, ice-cold feeling vapour.

2.5 4078 *"How were they when they woke up the following morning?"*

Reply "Oh fine, yeah."

4078 *"No different to normal?"*

Reply "Yeah, lively twins."

2.6 p. 76 *"I didn't yet know that at about 9.15pm Jane had seen a man . . . carrying a child who appeared to be asleep. . . . As soon as she heard about Madeleine's disappearance, everything fell into place, and she felt sick."*

p. 84 *"There was little doubt in my mind then, nor is there now, that what Jane saw was Madeleine's abductor taking her away."*

2.7 4078 *"How were they when they woke up the following morning?"*

Reply "Oh fine, yeah."

4078 *"No different to normal?"*

Reply "Yeah, lively twins."

Appendices for Question 3

3.1 *"Had Madeleine been given some kind of sedative to keep her quiet ? Had the twins, too ?"*

3.2 They also wanted to know whether the PJ had any evidence that would suggest that the person who took Madeleine had used any substance to facilitate the abduction.

3.3 *"due to which she now presumes that they were under the effect of some sedative drug that a presumed abductor had administered to the three children in order to be able to abduct Madeleine, a situation which Kate refers to being possible . . ."*

3.4 Q: *Do you think the children were sedated?*

A: *There is no doubt. (Here he told an anecdote: that Kate called a colleague of Gonçalo Amaral's in the PJ, in August, to ask them to check the twins for traces of sedation. Apparently Kate was alone when she called, and a bit upset. That same afternoon, Gerry called and*

cancelled the request.)

3.5 *That same afternoon, Gerry called and cancelled the request.*

3.6 Reporter Sandra Feligueras for RTP television asks the McCann's whether they gave the children something to help them sleep. Gerry denies it.

Interviewer question

"On that evening did you give to your kids something like calpol to help them sleep?"

Gerry McCann - " you know we're not gonna comment, on anything but you know there is absolutely . . . No way we use any sedative drugs or anything like that an' (you know we'll we have co-operated with the police we'll answer any queries ermm ... any tests that they want to do. . ."

3.7 *"It was worth a shot, at least. I asked for samples of my own hair to be taken as well simply because I was fed up with the constant insinuations that I took tranquillizers, sleeping pills or any medication, for that matter."*

3.8 The grandmother of missing Madeleine McCann believes the four-year-old was drugged by her abductor before being carried from the apartment.

Eileen McCann claims otherwise the child would have shouted and screamed for her parents if she was being carried off by a stranger.

Speaking from her Scottish home, the 69-year-old said the family had gone through hell since Madeleine went missing 151 days ago.

"I really believe [whoever took her] gave her a drug," she said. "There is no way they carried her out of there without her waking.

"If she was taken when she was sleeping by somebody she did not know she would have screamed the place down."

3.9 The mother of missing Madeleine McCann has undergone a drugs test to prove she was not on medication at the time of her daughter's disappearance, it has been revealed. Kate McCann, 39, has rejected claims that she was "mentally unstable" and taking anti-depressants when Madeleine disappeared from the family's rented Algarve holiday apartment on May 3.

This is one of theories being explored by Portuguese police, who have suggested Mrs McCann had problems "coping" with her "hyperactive" children.

Detectives believe Madeleine may have died in the apartment and her body was hidden by her parents, who were made arguidos - or formal suspects - on September 7.

At the time it was claimed that Portuguese detectives had seized journals written by Mrs McCann and commissioned criminal psychologists to analyse her mental state.

It was reported that police had applied to see her medical records to prove she was suffering from clinical depression.

But the results of toxicology tests on a strand of Mrs McCann's hair showed no evidence that she had taken drugs in the past eight months, her legal team announced.

The McCanns' two-year-old twins, Sean and Amelie, have also been tested to prove they were never given sedatives, after claims that Madeleine may have died of an accidental overdose.

3.10 **SOBBING** **Kate McCann battled to contain her emotion yesterday as she said: "Madeleine needs our help — she needs her family."**

The anguished mum broke down time and again as she insisted she **STILL** believes her missing daughter is alive.

Red-eyed Kate, 39, said: *"I don't know why anyone could harm her.*

"I don't know how anyone could harm anyone as beautiful as Madeleine. I don't mean her appearance — I mean as a beautiful person.

"As Madeleine's mummy, I feel in my heart that she is out there and I want her back."

In a rare display of distress, GP Kate wept: *"I feel lonely and our life is not as happy without Madeleine. I feel anxious she is not with us. We have not even seen her since she was four. She needs our help."*

The cameras stopped to allow Kate time to compose herself.

....

The McCanns, of Rothley, Leics, were asked if reports that they sedated their children were true.

Cardiologist Gerry replied: *"It is ludicrous. These sort of questions are nonsense and we shouldn't be giving them the time of day."*

"There is absolutely no suggestion that Madeleine, or the children, were drugged. It's outrageous."

3.11 Oprah W: *"And then, there were the... the hurtful rumours that you drugged Madeleine or that you gave her sedatives; that you accidentally caused her... her death..."*

KM: (After a long pause) *"I mean we know **it's all lies.**"*

GM: *"It's just nonsense you know, there's no... that people can have theories and that's all it is, **there's no evidence to suggest any of that** and it's absolute ludicrous, you know, and it's..."*

3.12 Gerry McCann talks about sedatives (BBC Panorama 19/11/07)

The twins were still sleeping in the their cots so . . . we tried to leave it as undisturbed as possible, and they slept very soundly until we moved them out their cots into another apartment . . which does make you wonder if there was [sic] any substances used to keep them asleep.

3.13 They also wanted to know whether the PJ had any evidence that would suggest that the person who took Madeleine had used any substance to facilitate the abduction.

3.14 Diane Webster rogatory

1/2

Err the twins were still asleep in the cot and I, with all the noise going on I don't know how they slept through it which makes me think there was, they must have been err drugged with something."

....

So just before we move on to asking the questions from the Portuguese, there are two things that I wanted to go back over with you, one thing was about the twins and how deeply they'd slept that night."

Reply "Mm."

4078 "And you said you wondered if they'd perhaps been drugged."

Reply "Mm."

4078 "I think it's one of the questions that the MCCANN'S want us to ask anyway, but have you ever seen their children being given any medication?"

Reply "Oh no, no."

4078 "So how would you imagine that they may have been drugged?"

Reply "Err by the abductor. I think Madeleine would have been drugged as well."

4078 "Yeah, and the night when they were sleeping, did anybody try to wake them? Other than it being noisy and they were moved."

Reply "No, no I mean err when they, when they were brought up to our apartment err they had a sort of blanket over them and they were asleep on err I think it was David and Fiona that carried them up and they were just sleeping on their shoulder and obviously didn't want to wake them up because the cots were being brought up and they were put, put, but you know

my, my feeling is that they, I think a child normally would haven woken up under the circumstances.”

...

Reply “Yeah, I mean because it happened so, there’s such a short err time and I also think that the children would have been sleeping soundly when Gerry saw them because maybe by that time they had been err drugged with, I don’t know, I mean I wouldn’t know whether there’s anything, chloroform had been put over them.”

3.15 Fiona Payne Rogatory

“Reply: “Sean and Amelie were fast asleep in their cots, they didn’t stir, you know, I was opening the cupboards in the room and moving around the room, they didn’t stir at all, which that was, that was odd.”

1485 “Did the twins wake up at all?”

Reply “They didn’t. They didn’t”.

1485 “In the aftermath?”

Reply “No, and that was the other thing, she kept going into the twins, she kept putting her hands on the twins to check they were breathing, she was very much concerned in checking that they were okay. But they were okay, I mean, they were fine, they didn’t, they were asleep, but at the time it did seem weird, I remember thinking, you know, when the Police came they turned the lights on, there was loads of noise, obviously from the moment Kate discovered that Madeleine was gone, the screaming and the shouting and there was a lot of noise and they, they didn’t, you know, so much as blink”.

LATER IN SAME INTERVIEW

“Erm, so I’d suggested putting the twins up in our apartment, erm, Emma, who was there, had arranged some of the MARK WARNER Nannies to get some extra cots and more bedding, erm, and we set up the cots in our living room and a bed for Kate and Gerry as well, not that they used it, but, erm, and then I think, I think they were Policemen, I can’t remember who carried up Sean and Amelie. Erm, and we sat on the sofa, me and Kate with the twins asleep on us for a while, erm, and they didn’t wake up and, again, that was quite strange, even in the transfer and, and being handled by people that weren’t their parents, they didn’t, they didn’t wake up.

3.16 Former police detectives David Edgar and Arthur Cowley have spent months re-analysing every shred of evidence.

They are convinced the abductor went to the family’s apartment on May 3 2007 fully prepared with sufficient drugs, probably chloroform, to knock out all three children.

The fact that Sean and Amelie, then just 18 months old, failed to wake when the alarm was raised, nor even as they were taken to another apartment in the cold night air, has persuaded the detectives that they, too, must have been drugged.

Kate McCann said the kidnapper who seized Madeleine may also have drugged her other two children, as she launched a new appeal in the hunt for her missing girl today.

Mrs McCann said she had to check that twins Sean and Amelie were still breathing because they did not wake as they began a frantic search for the missing three-year-old.

3.17 Talking to Jenni Murray on BBC 4 on Thursday -- Madeleine's eighth birthday -- the British mom also said she believes someone tried to take Madeleine the night before she disappeared, but was scared off when the children began to cry.

Madeleine McCann was four when she went missing during a family vacation in Praia da Luz, Portugal, on May 3, 2007. She has never been located. The McCanns believe she was kidnapped.

Kate McCann said the morning of the day Madeleine was taken, Madeleine asked her mom why she hadn't immediately come to the room when she had been crying the night before.

"I never thought for one minute that there was something sinister, I just worried, had she woken up and nobody had been there? But obviously, when we discovered she'd gone, it just seemed very likely to me that in fact, somebody had maybe tried the same thing the night before and had been disturbed, maybe when the children started screaming," Kate said, but added now, looking back, "There was something about it that just didn't seem right." She said when Madeleine was discovered missing, the twins didn't wake up, despite the noise and commotion

"On the night, I just remember the twins lying in the cots and not moving. And obviously there was a lot of noise," McCann said. "They just didn't move."

She said she did check to make sure they were breathing.

"I did feel it was a bit strange they weren't moving, let alone waking up," she said.

Kate said she did think the twins had been drugged, and perhaps Madeleine had been given a sedative "so she could be moved easily."

3.18 THEY WERE NOT SEDATED OCTOBER 25 2007

New Evidence in Madeleine McCann Case

She was very happy and very loved and I know Madeleine was pleased with her life. She is special, Kate McCann said.

The development of the Madeleine McCann case shows that the Portuguese police did not have solid evidence for suspecting the McCann parents after all. Forensic tests of Madeleine's brother and sister showed neither of them were sedated.

- Anything that enters the blood-stream also enters the root of hairs and stays in the same position as the hair grows. If there was nothing found in the hair, that's pretty clear-cut – says Rachel Woods, the general manager of TrichoTech, a private toxicology laboratory that carries out tests on behalf of the Home Office.

The McCanns decisively denied sedating their children and threatened to sue the Portuguese press that continued to claim Madeleine and her brother and sister were drugged.

3.19 The TrichoTest: hair samples are sent to our laboratory where in-depth testing is performed by specialist laboratory technicians to detect drugs.

Hair testing shows long term substance use over a period of months. How do drugs get into hair?

When a substance is ingested it is absorbed into the blood and circulates around the body. Every hair follicle has its own blood supply and the drug transfers from the blood to the hair and is absorbed into its core. As the hair grows, the drug stays in that same portion of the strand, acting like a record or timeline of drug use. Hair drug testing can provide trends of drug use or abstinence by sectioning a hair sample and testing each segment for a more detailed month on month analysis.

3.20 *"All the hair samples produced negative results. While this didn't totally exclude the possibility that the children had been sedated, especially given the time that had elapsed, it meant nobody else (including the PJ and the media) could prove otherwise."*

3.21 *"The process seemed to take ages and we all lost loads of hair. I couldn't believe they had to take so much. The scientist cut chunks of it from Sean and Amelie's heads while they were sleeping. I cried as I heard the scissors in their baby-blond hair. I felt angry that the children had to go through this further insult. As for me, I looked as if I had alopecia."*

3.22 Q: What drugs does HairConfirm™ screen for?

A: HairConfirm™ screens for five different drug classes: Cocaine (cocaine & benzoylecgonine), Marijuana (THC-COOH), Opiates (Codeine, Morphine & 6-monacteyl morphine), Amphetamines (Meth/amphetamines & Ecstasy) and Phencyclidine (PCP, angel

dust).

Q: How many hairs are required for laboratory testing?

A: Approximately 40-50 strands cut from the scalp line at the crown (or when bundled, about the diameter of a shoelace tip).

Q: What time period does the HairConfirm™ test cover?

A: HairConfirm™ will detect drugs for a period of 90 days. The test requires a hair sample of 1.5 inches in length. Each 0.5 inch represents 30 days. The hair sample must be cut as close to the scalp as possible and only the most recent 1.5 inches are tested.

Q: How does the test work?

A: Using the detailed instructions as a guide, collect a hair sample of approximately the diameter of a shoelace tip. Mail the hair sample to the CLIA certified laboratory, Omega Laboratories, Inc, using the pre-addressed, prepaid envelope provided. The laboratory will analyze the hair sample for evidence of drug use. Using the HairConfirm™ Specimen ID number, passcode and email address, you must register your test online once you have mailed the samples to the laboratory. Go to the results section to obtain the results. Complete instructions on how to register and obtain the test result report are included with the test collection kit.

Q: What if a sample of very long hair is submitted, will the laboratory test show drug use for a longer historical period?

A: No. The laboratory only considers the first 1.5" of hair from the root end. If a longer sample is sent, the laboratory cuts the hair to 1.5" to conform to the 90 day historical time period.

Q: What if a historical period of 6 months of drug use is required, can the laboratory test for that?

A: Yes. However two separate testing kits would have to be purchased and two separate hair samples be submitted for laboratory processing. The length of the hair would have to start out at a minimum of 3 inches in length from the root end. One sample would then be submitted cut at 1.5" from the root end for the first test kit, and the second sample representing the remaining hair length be submitted for the second test kit. It is extremely important to place the root end, or the end closest to the root end aligned properly in the foil as described in the kit instructions.

3.23 *"I wandered into the children's bedroom several times to check on Sean and Amelie. They were both lying on their fronts in a kind of crouch, with their heads turned sideways and their knees tucked under their tummies. In spite of the noise and lights and general pandemonium, they hadn't stirred. They'd always been sound sleepers, but this seemed unnatural. Scared for them, too, I placed the palms of my hands on their backs to check for chest movement, basically, for some sign of life. Had Madeleine been given some kind of sedative to keep her quiet? Had the twins, too? It was not until about 11.10pm that two policemen arrived from the nearest town, Lagos, about five miles away. To me they seemed bewildered and out of their depth, and I couldn't shake the images of Tweedledum and Tweedledee out of my head. I realise how unfair this might sound, but with communication hampered by the language barrier and precious time passing, their presence did not fill me with confidence at all."*

3.24 •

3.25 *"I wandered into the children's bedroom several times to check on Sean and Amelie . . . I placed the palms of my hands on their backs to check for chest movement, basically, for some sign of life."*

3.26 *"I placed the palms of my hands on their backs to check for chest movement, basically, for some sign of life."*

3.27 The pattern, effort and rate of breathing should be observed.

- Skin colour, pallour, mottling, cyanosis and any traumatic petechiae around the eyelids, face and neck should be observed.
- Infants and children less than six to seven years of age are predominantly abdominal breathers therefore, abdominal movements should be counted.
- Signs of respiratory distress e.g. nasal flaring, grunting, wheezing, stridor, dyspnoea, recession, use of accessory and intercostal muscles, chest shape and movement should be noted by looking and listening.
- Respirations should be counted for one minute.
- The frequency of respiratory assessment and measurement should be increased during opiate infusions or in respect of any other drug which may cause hyperventilation or apnoea, for example, prostaglandin infusion.

...

• following a simple procedure – vital signs should be recorded every 30 minutes for two hours, then hourly for two to four hours until the child is fully awake, eating and drinking. It can be good practice to include pulse oximetry and an assessment of capillary refill time. A temperature should be recorded once and at intervals of one, two or four hours according to the infant, child or young person's general condition. A further set of vital signs should be recorded prior to discharge

3.28 Levels of sedation are assessed according to the The Ramsay Sedation Scale. RSS. This was the first scale to be defined for sedated patients and was designed as a test of rousability. The RSS scores sedation at six different levels, according to how rousable the patient is. It is an intuitively obvious scale and therefore lends itself to universal use, not only in the ICU, but wherever sedative drugs or narcotics are given. It can be added to the pain score and be considered the sixth vital sign.

Ramsay Sedation Scale

- 1 Patient is anxious and agitated or restless, or both
- 2 Patient is cooperative, oriented and tranquil
- 3 Patient responds to commands only
- 4 Patient exhibits brisk response to light glabellar (forehead) tap or loud auditory stimulus
- 5 Patient exhibits a sluggish response to light glabellar tap or loud auditory stimulus
- 6 Patient exhibits no response

3.29 *“Then a lady appeared on a balcony - I'm fairly sure this was about 11pm, before the police arrived -I wandered into the children's room It was not until about 11.10pm that two policemen arrived from the nearest town Lagos . . .”*

3.30 *“He'd [Gerry had] asked Fiona to stay with me. I was in our bedroom, on my knees beside the bed, just praying and praying and praying. . . “*

3.31 *I can't remember who carried up Sean and Amelie. Erm, and we sat on the sofa, me and Kate with the twins asleep on us for a while, erm, and they didn't wake up and, again, that was quite strange, even in the transfer and, and being handled by people that weren't their parents, they didn't, they didn't wake up.*

3.32 Duties of recovery room nurses

The staff transports you to the recovery room, often while you are unconscious from the anaesthesia. You rely on nurses while you are in this vulnerable state to:

- Monitor your vital signs, including blood pressure, pulse and breathing
- Take your temperature

- Watch for signs of potential complications
 - Protect you from infections
 - Assess your wound for bleeding, discharge, swelling, hematoma and redness
 - Check tubes, drains and IVs
 - Treat postoperative nausea and vomiting
 - Relieve your pain and discomfort through body positioning and medication
 - Evaluate your level of consciousness
 - Determine when you are stable enough to be moved to a regular room or discharged
- Nurses who fail to competently perform their recovery room duties are liable for your resulting injuries, as are the hospital facilities where you received the negligent treatment.

3.33 *“Dianne and I sat there just staring at each other, still as statues. ‘It’s so dark,’ she said again and again. ‘I want the light to come.’*

6 What was the weather on the evening of Thursday 3rd May 2007.

We examine an interesting anomaly.

On Thursday 3rd May 2007 Madeleine and the twins are prepared for bed.

p. 68 *“I took them all into their bedroom. Madeleine **got into her bed** and then **Amelie, Sean and I settled ourselves on top of it**, with our backs against the wall, for our final story.” [1]*

Madeleine is now *in bed*.

p. 69 *Then we kissed the twins, and kissed Madeleine, already **snuggled down** with her ‘princess’ blanket and Cuddle Cat – a soft toy she’d been given soon after she was born and never went to bed without. [2]*

Madeleine is not only *in bed*, but “*snuggled down*” This carries a very recognisable connotation in English. *Snuggle* - *To settle or move into a warm comfortable position*. You can snuggle into something, or under something. The connotation implies a nest, and all enveloping warmth. The word “*nestle*” is given in the OED as a definition.

But a short time later

p. 70 *“Gerry left to do the first check just before 9.05 by his watch . . . Madeleine was lying there, on her left-hand side, **her legs under the covers**, in exactly the same position as we’d left her.” [3]*

Now Madeleine is reported to be on top of the bed, with only her legs covered, and it is said that this is how she had been left. But this contradicts the clear use of the expressions *in bed* and *snuggled down*. Lying on top of the bed with only the feet under neatly folded-back

bedclothes cannot be described as “snuggled”, nor yet as “in bed”. Normal English usage permits “on top of the bedclothes”.

From Gerry McCann’s statement to police, on 10th May, 2007:

*‘Concerning the bed where his daughter was on the night she disappeared, he says that she slept uncovered, **as usual when it was hot**, with the bedclothes folded down’. [4]*

But was it **hot**, as Gerry clearly insists ? The word used is *hot*, not “warm enough to sleep with only a light cover, or on top of the bedclothes”.

Kate McCann is very clear that outside, the weather was **cold**.

p. 73 *“It was so cold and so windy.” [5]*

Jane Tanner is equally insistent

JT: . . . *and I just thought that child's not got any shoes on because you could see the feet, and **it was quite a cold night** in Portugal in May it's not actually that warm, and I'd got a big jumper on, and I can remember thinking oh that parent is not a particularly good parent, they've not wrapped them up.*

Richard Bilton *Could you tell . . . ?*

JT: . . . *It was actually quite cold. [6]*

and again

“Yeah, and there were some people inside because it was quite chilly by, by this, it was actually quite, quite cold”.

and again

I remember I was wearing, because it was cold, I'd got Russell's big, I'd borrowed one of his, erm, fleeces,

and again

I'd got Russell's big jumper on, cropped trousers and flip-flips and, yeah, it was quite, you know, sort of cold”

and again

4078 *“. . . at that time, didn't really think anything of it other than the child might have cold feet?”*

Reply “Yeah, and just”.

and yet again

4078 *“So you went on the wrong day.”*

Reply “Yeah, I think err so it wasn't, that's one reason why we didn't open the shutters to open the window or anything in that room, it wasn't actually really hot at all, it was actually quite cloudy in the days and at night it was actually quite chilly.” [7]

Russell O'Brien : *The nights were quite chilly [8]*

Matthew Oldfield *in the evenings it was very cold, [9]*

Rachel Oldfield *it was really cold in the evenings [10]*

David Payne *it was quite cold some nights and you know perhaps nearly too cold to be sat outside [11]*

Fiona Payne *it was still very cold [12]*

Diane Webster *when they were brought up to our apartment and they would have to come out into the cold [13]*

Only one person in the entire group of 9 adults insists that the weather was **hot** enough for Madeleine to have been put to bed lying on top of the bedclothes. Every one of the other eight adults, including his wife, say it was cold, in many cases they lay emphasis on the extra clothing they themselves were wearing.

Only Gerry McCann disagrees.

The weather report for that day is that at 9 pm, 3 May 2007 the temperature recorded at Faro airport was 57° F, 14° C **[14]**

What reason does Gerry McCann have for insisting it was hot ?

This picture shows a bed which shows few signs of having been slept in on the night of 3rd May. **[15]**



References.

- 1 "madeleine" by Kate McCann, Bantam Press, 2011, p.68
- 2 "madeleine" op. cit. p.69
- 3 "madeleine" op. cit. p. 70
- 4 <http://www.mccannfiles.com/id192.html#sta2>
- 5 "madeleine" op. cit. p. 73
- 6 Panorama documentary, The Mystery of Madeleine McCann, 19 November 2007

- <http://www.mccannfiles.com/id30.html>
- 7 <http://www.mccannfiles.com/id222.html>
- 8 <http://www.mccannfiles.com/id221.html>
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- 13 <http://www.mccannfiles.com/id254.html>
- 14 http://www.wunderground.com/history/airport/LPFR/2007/3/3/DailyHistory.html?req_city=NA&req_state=NA&req_statename=NA&MR=1

Appendices

1 I took them all into their bedroom. Madeleine got into her bed and then Amelie, Sean and I settled ourselves on top of it, with our backs against the wall, for our final story, *If you're happy and you know it!*, another present to Madeleine, this one from Great-Auntie Janet and Great-Uncle Brian. If you're happy and you know it, clap your hands! says the monkey. Stamp your feet! says the elephant.

2 Gerry came through to say goodnight. We helped Sean and Amelie give their big sister a 'night-night' kiss before laying them in their adjacent travel cots. Then we kissed the twins, and kissed Madeleine, already snuggled down with her 'princess' blanket and Cuddle Cat – a soft toy she'd been given soon after she was born and never went to bed without. We were in no doubt that all three would be asleep in an instant. As always, we left the door a few inches open to allow a glimmer of light into the room.

3 After ordering his food, Gerry left to do the first check just before 9.05 by his watch. He entered the apartment via the patio doors and noticed almost immediately that the children's bedroom door was further ajar than it had been. He glanced into our room to make sure Madeleine hadn't wandered in there, as she was prone to do if ever she woke in the small hours. Seeing no little body curled up in our bed, he went over to look in on the children.

Madeleine was lying there, on her left-hand side, her legs under the covers, in exactly the same position as we'd left her. For Gerry, this became one of those images I described earlier, pictures that fix themselves indelibly, almost photographically, in the memory. He paused for a couple of seconds to look at Madeleine and thought to himself, She's so beautiful. After pulling the bedroom door to, restoring it to its original angle, he went to the bathroom before leaving the apartment.

4 Concerning the bed where his daughter was on the night she disappeared, he says that she slept uncovered, as usual when it was hot, with the bedclothes folded down. Concerning the other bed next to the window in the children's bedroom, he says that it

showed no signs that anyone had put their feet on it, namely, dirt or shoe prints.

5 I ran out into the car park, flying from end to end, yelling desperately, 'Madeleine! Madeleine!' It was so cold and so windy. I kept picturing her in her short-sleeved Marks and Spencer Eeyore pyjamas and feeling how chilled she would be. Bizarrely, I found myself thinking it would have been better if she'd been wearing her long-sleeved Barbie ones. Fear was shearing through my body.

6 *RB: Describe exactly what he's carrying, what you can see.*

JT: Well I could see.. I could tell it was a child, and I could see the feet and... feet and the bottom of the pyjamas, and I just thought that child's not got any shoes on because you could see the feet, and it was quite a cold night in Portugal in May it's not actually that warm, and I'd got a big jumper on, and I can remember thinking oh that parent is not a particularly good parent, they've not wrapped them up.

RB: And could you tell if it was a boy or a girl?

JT: Only because the pyjamas had a pinky aspect to them so you presume a girl. It was actually quite cold.

7 Jane Tanner - Record Of Tape Recorded Interview

4078 "What was the weather like when you were there?"

Reply "It wasn't, again it wasn't brilliant, I think it was nicer in the UK."

4078 "So you went on the wrong day."

Reply "Yeah, I think err so it wasn't, that's one reason why we didn't open the shutters to open the window or anything in that room, it wasn't actually really hot at all, it was actually quite cloudy in the days and at night it was actually quite chilly."

4078 "So it wasn't sort of going in the pool weather or, only if you're very brave."

Reply "No it was really, really cold, I mean I think Russell went in because he's a nutter and goes in the Atlantic in February but no it was more, after, it got warmer after so we did go in the pool after May the third but no before that I don't think we, maybe we'd been in once and then decided it was a bad idea."

* * *

4078 "Can you just write 'bar area' on that because I'll forget".

Reply "Yeah, and there were some people inside because it was quite chilly by, by this, it was actually quite, quite cold".

* * *

4078 "But just do the best you can".

Reply "Yeah. Erm, I'm just trying to, well I've walked out of the, walked out of the, erm, the Tap, you know, walked sort of into the reception of the Tapas Bar and obviously walked up the road. I remember I was wearing, because it was cold, I'd got Russell's big, I'd borrowed one of his, erm, fleeces, so I'd got a big sort of fleece, it probably came down to about here, but then I'd got flip-flops on and cropped trousers, because I'd only got, I didn't take jeans, I know I didn't take jeans on holiday, and then.

* * *

Reply "Yeah, that is, erm, and I think at that point I did think as well, the way they were dressed wasn't quite touristy. As I say, I mean, I looked a right state because I'd got Russell's big jumper on, cropped trousers and flip-flips and, yeah, it was quite, you know, sort of cold and, and they looked more like they were prepared for the weather, you know, sort of thing.

* * *

4078 "Okay. So you have glimpsed, you know, turned back and see the man disappearing off down the road with the child and, at that time, didn't really think anything of it other than the child might have cold feet?"

Reply "Yeah, and just".

4078 "And later on did you think it was significant?"

Reply "It was a, yeah, it was sort of came as soon as, as soon as they said that came, buff, straight. As soon as I'd seen it there it was forgotten and then, buff, as soon as Rachael said".

8 Russell O'Brien - Record Of Tape Recorded Interview

On the evening I was wearing brown jeans/cord style trousers, a pale blue stripe top, and Jane had taken my jumper which was blue. The nights were quite chilly which is why Jane had my jumper I am quite used to the cold.

9 Matthew OLDFIELD - Record Of Tape Recorded Interview

4078 *"What was the weather like during the week?"*

Reply "Erm, it was sunny but cold, the pools were freezing, so we didn't, even though the pool was there, it was unusual for people to be in it. Erm, sunny most days, it got cloudy and it rained on the Wednesday and the Wednesday evening was pretty sort of, in the evenings it was very cold, so at the Tapas Restaurant, when we were there, we'd often, you know, you'd need a jumper if you sat outside and there was no heat particularly, erm, and I think Thursday was sort of fairly similar and quite, well certainly at night and I think the rest had been sort of maybe a little bit overcast at times but I'm not really bothered about the sunbathing and if there was a wind you could go sailing and that was".

10 Rachel Oldfield - Record Of Tape Recorded Interview

1578 *"What about when you were eating at the table"?*

Reply *"Yeah I had all that on as well, it was really cold in the evenings, you didn't take".*

1578 *"Chilly evening".*

Reply *"Didn't take enough warm things, so it was like the, all the jumpers that we had yeah".*

11 David Payne - Record Of Tape Recorded Interview

1485 *"And conversation? Because I understand it was cold, rainy on a couple of days."*

Reply *"Mm, mm, yes. I mean from the, you know from the, yeah it was quite cold some nights and you know perhaps nearly too cold to be sat outside err but there was certainly nothing that you know led me to any concern during that week err*

12 Fiona Payne - Record Of Tape Recorded Interview

1485 *"Can you remember what sort of time that was roughly?"*

Reply *"Erm it was still very cold and, and dark, erm I think it was you know, between five and six, I say, I say, I think we'd, we'd, we'd just dozed off, so erm it was still very early.*

13 Diane Webster - Record Of Tape Recorded Interview

4078 *"But with all your experience of small children, you thought that was odd that they had not woken?"*

Reply *"Oh yeah definitely. Well even err the noise that was going on in the apartment and they slept through it all."*

4078 "Mm."

Reply "They were taken from their cots when they were brought up to our apartment and they would have to come out into the cold and I would have err I would have expected some sort of awakening."

7

Just Checking

We examine and compare the various accounts given by the group of their "system" for checking the children during the evenings they spent in the Tapas bar.

Book, p. 75 *That Sunday night we headed over to the restaurant. We were all there except Matt, who had a bit of a dodgy stomach, which he attributed to something he'd eaten en route to Portugal. The rest of us enjoyed our meal. The food was good and it was nice to have a little adult time. There weren't many other diners and, since we were such a large group, we were focused on chatting to and bantering with each other and not taking much notice of anyone else. It was, I remember, very cold and windy and I discovered that five layers of clothing were required to keep me comfortable. We nipped back to our respective apartments every half-hour to check on the children – apart from Rachael, since Matt had stayed behind, and Dave and Fiona, who had a state-of-the-art baby monitor with them. Our visits also gave us a convenient opportunity to pop to the loo or, in my case, to pick up an extra cardigan. [1]*

In press interviews the McCanns always give the impression that there was a checking system in place whereby everyone took a turn of checking not only their own children, every half hour, but probably the children of the others in the group.

It is clear from examining the statements that this did not happen

The group consisted of four couples, plus the mother of one of the women in the group. Nine adults in total.

David and Fiona Payne did no checking of anyone's children, including their own, as they had a baby monitor and relied on this.

Dianne Webster (Fiona Payne's mother) did no checking at any time.

Rachael and Matthew Oldfield did not check on anyone else's children.

Jane Tanner and Russell O'Brien did not check on anyone else's children

Kate and Gerry McCann never checked on anyone else's children.

So this impression the McCanns have given of the adults in their group all running back and forth checking each others' children is most certainly not the truth.

On the night Madeleine was reported as missing the McCanns claim their checks were around every 30 minutes. [2]

But after Madeleine had told them on the Thursday morning (she was reported missing on Thursday night) that she and her brother had been crying on the previous night – the McCanns decided they would check their children more regularly. [3], [4], [5]

If every 30 minutes was *more* regular than previous nights, then the McCann children were *not* being checked every 30 minutes throughout that week. Hourly is more credible.

On the night Madeleine was reported as missing, Gerry McCann claims to have checked around 9pm. Kate McCann claimed her check took place around 10pm.

This would tie in with the statement of Mrs Fenn who lived in the apartment above the McCanns that she heard a child crying in the McCann apartment for more than an hour on the night of Tuesday 1st May 2007. [6]

Note: The statement about deciding to check the children *more regularly*, or “*keep a closer watch*” or be “*more vigilant*” was released to the Press some time after the secret meeting of the Tapas group in Rothley. This meeting was before the Tapas friends were due to give their Rogatory interviews, but it was specifically denied by their spokesman that the intention was to “*get their stories right*”. [7]

But it is fairly obvious that the Media were given this statement by Clarence Mitchell on their behalf, and it seems it was an important part of the attempt to show that the McCanns, and indeed all the group were “responsible parents”

As an aside one must recall that both Gerry and Kate stated clearly that had it not been for the altered position of the bedroom door neither of them would have bothered even to look into the room. [8], [9]

And Oldfield was very quick to distance himself from being in the legally very difficult position of having been the last person to see Madeleine alive. [10]

Carlos Anjos from the Association of Police Investigators stated
“They said that every half an hour they would go and look in on the children and all of them, we found in EVERYBODY'S statement, some questions that suggest that actually they DIDN'T go and see the children.” [11]

Let us take the Tapas group's statements in turn

1 Matthew Oldfield

Rogatory Interview with Leicestershire Police:

“MO: “It WASN'T usual routine err for us to check on each other's children”
I'd NOT done it before”

4078 "Was there an actual discussion between the group of you as to the sort of fifteen minute checks or ten minute checks or whatever or was it something that you as a couple had decided on and then the circumstances during the week meant that everyone had sort of taken it in turns to check?"

Reply "No, we pretty much checked our, well certainly we checked our own and it was only the last night that we offered to check for Gerry and Kate.

4078 Up until the Wednesday night, from what you have already said then, you didn't go into Gerry and Kate's apartment, well, sorry, you didn't check on Gerry and Kate's children?"

Reply "No".

Asking re Oldfield listening at the shuttered window:

4078 "Was that the first time that you had taken it UPON YOURSELF to check on somebody else's child?"

Reply "Yeah, I'd NOT done it before" [12]

2 Kate McCann

Kate McCann witness statement:

'During this check, she thinks that Gerry did not check on the children of any other couple, because it was usual just to check on their own children.

Further stating:

'She never checked on any other child, other than her own.' [13]

3 - Rachael Oldfield (Mampilly)

DC 1578 of Leicestershire Police asked:

"So what sort of arrangements did you come to as a group in respect of checking on the children"?

RO: "That we would Just check our own children, basically, erm".

Confirmation that there was NO checking system agreed or put in place to check on each other's children, nor even to listen at shuttered windows.

RO: "We hadn't done that before you know, that hadn't been part of the routine, sort of listening, even listening at other people's windows" [14]

4 Dianne Webster:

She clarifies that the practice was for each couple to check THEIR OWN children, it NOT being usual for anyone to check the children of other couples.

Dianne Webster also confirms that she did not leave the dinner table on any evening during the holiday to check on anyone's children. [15]

5 Fiona Payne

During dinner, as they were in a possession of a "baby monitor", they did not go to the apartment to check on their children. [16]

6 David Payne:

In answer to our question the interviewee states that during ALL the meals, he NEVER went to his apartment or to ANY of the group's apartments, because he has an, "intercom," and the signal carries from the apartment to the restaurant. [17]

7 Gerry McCann:

Police witness statement

On Wednesday night, 2 May 2007, apart from the deponent and his wife, he thinks that DAVID PAYNE also went to his apartment to check that his children were well, not having reported to him any abnormal situation with the children. [18]

(But see above. **David Payne [14]**)

'During all the meals he never went to his apartment or to any of the group's apartments, because he has an, "intercom," and the signal carries from the apartment to the restaurant.'
Therefore we can say that Dr Payne did not check on the McCann children on the night of Wednesday 2nd May 2007, or any other night.)

Back to Gerry McCann's statement -

On this day, the deponent (Gerry McCann) and KATE had already left the back door (patio) closed, but not locked, to allow entrance by their group of colleagues to check on the

children.' [19]

So Gerry and Kate McCann had already by the night of Wednesday 2nd May changed routine. They now did not use the front door in the evenings but left the patio door unlocked so that the *group of colleagues* could enter their apartment and check on their children.

None of the *group of colleagues* took advantage of Gerry's gesture, leaving a door unlocked for them, perhaps because, according to the colleagues' statements to police, NONE of them checked on the McCann children, and NONE of them knew of any such arrangement.

8 Jane Tanner

Stated that normally every **15 minutes** a member from each apartment would go and check the bedrooms of the respective children to see if everything was all right.

At no time does she mention that on any of her visits, or that of her partner Russell O'Brien did either one of them listen at the shuttered windows or doors of any of the apartments occupied by members of the group. [20]

Rogatory interview Leicester police

The officer is questioning Jane Tanner re the night of Wednesday 2nd May 2007.

Tanner: – *I'm trying to think if by that point we were checking on each other's...*

4078 *"That was part of my next question."*

Reply - *"Oh right. Err I mean I didn't personally, I think, I mean I'll tell you when I went back I just tended to check on bars and I listened at Matt and Rachael's, you know at some point we listened at Matt and Rachael's window and down there but err no I can't remember, but by that stage I think we were listening but we didn't, I don't know whether people actually went in to, to be honest nobody, if we hadn't gone nobody could have gone in to ours because they'd need the key so when people did check ours they did, they did just listen, so."* [21]

Let us re-cap briefly and try to precis the above.

Gerry McCann states that David Payne checked on the McCann children on the evening of Wednesday 2nd May 2007, and of how Payne reported back to him (McCann) that all was well - when this absolutely did not happen. (See above)

As David Payne and his wife Fiona have stated, they had a baby monitor, they never left the dinner table on any night to check on anyone's children.

This was confirmed by all in the group.

Jane Tanner gives details of the routine checks, and of how they the group listened at shuttered windows, not initially, but as the week progressed.

But the rest of the group are **not** in agreement on this.

The Oldfield's - Matthew and Rachael - state they never at any time during that week (with the exception of the night Madeleine vanished) checked on anyone's children and further state that they did NOT listen either at shuttered windows or doors at any time. They further stated that NO ONE did this – not even Jane Tanner or Russell O'Brien

It seems it just was not part of any routine.

Dianne Webster confirms she did not check anyone's children, and confirmed that each couple checked on their own children.

On the evidence of these statements we must conclude there was NO routine in place. Those who did, checked only their own children.

Kate McCann confirmed she did not check on anyone's children nor she listen at shuttered windows, and confirmed that Gerry McCann did not check on anyone else's children.

Matthew Oldfield stated that not only was it a first for him on the night Madeleine disappeared to check on the McCann children, a first too for him to have listened at the shuttered window, something he took upon himself to do, but he states it was a FIRST also for Russell O'Brien.

9 Russell O'Brien

Russell O'Brien, the partner of Jane Tanner made the most intriguing statements of the group. They are also the most confused. He appears confused as to whether he checked or did not check, listened or did not listen at doors.

Russell O'Brien's rogatory interview took place on 8 April 2008 and had to be repeated on 10 April 2008 when the Detective and O'Brien went through a statement which had been prepared from the audio track of the tape, because the video track had malfunctioned on 8th

This entry at the beginning of the second interview may be of importance -

I have been given the opportunity to refresh my memory from the statement made by Jane TANNER (my wife) and I have been allowed to see these documents, this was done in the presence of DC 1578 GIERC.

These are extracts from the transcript of the long Rogatory interview [my emphases]

"On Sunday I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's.

"I had taken Matt's keys and I believe that their door was deadlocked the same as ours and that I would have needed to turn the key two times.

"I recall that Kate and Gerry's apartment was accessed by the patios door which was left closed and unlocked. I recall that their front door was accessed from the car-park, access was easily gained to the apartment from the poolside.

"And then on Sunday 'I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's and my recollection is that I needed Matt's key to check on their room and I had it, but I didn't need Kate and Gerry's key because THEY went through the patio door', erm, WE went through the patio door to cross in and look into the children's bedroom."

"I definitely did NOT go in through Gerry's and Kate's main, you know, double locked door or anything, I'm SURE I went through the patio, so I think they were doing things differently from Matt and Rachael, at least from the ground floor perspective, right from the word go". [22]

O'Brien, as those who read the full transcript will see, stresses how the McCanns did not secure their apartment in the way that he and Jane Tanner and the Oldfield couple did with theirs, all being on the ground floor.

But something is seriously wrong with O'Brien's statements. The above comments specifically refer to his checking of both the **Oldfield** and the **McCann** children on the **Sunday** evening?

Matthew Oldfield was unwell on the Sunday evening and did not leave his apartment. [23] How is it possible then that Russell O'Brien took from Oldfield his key to go and check on the Oldfield child when Oldfield was not at the tapas for dinner that evening. Oldfield was in fact in his apartment looking after his daughter ?

Matthew and Rachael Oldfield have both confirmed that *no one* ever checked on their child by entering their apartment

Referring to O'Brien's check, where he claims to have gone into the McCann apartment through the unlocked patio door –

Gerry and Kate McCann have stated categorically they did not leave their patio door unlocked early in the week (the Sunday was the first night the group had gone to the tapas bar). They claim to have changed to this routine – leaving the patio door unlocked, at some point during the week.

According to the McCanns their apartment was locked on the Sunday evening, so Russell O'Brien *did not* enter the McCann apartment through the patio doors and check on the McCann children.

Gerry McCann re the Sunday evening:

They [he and his wife Kate McCann] left the house through the main door (front door) that he was sure he locked, and the back door (patio) was also closed and locked

On that day, only the deponent and his wife entered the apartment. [24]

Is this simply a case of O'Brien getting hopelessly confused, or of something else ?

These statements were given after the infamous Rothley meeting of the Tapas Group and their advisors.

As he had also been given access to Jane Tanner's statements it is surely of interest that his interview did not match more closely.

To conclude -

The decision by Clarence Mitchell to give to the press - after the Rothley meeting - a version of events which details increasing the vigilance or frequency of the checks seems spectacularly to have backfired on the McCanns.

It not only draws attention to the paucity of any checks made during the week, but also draws attention to the contents of the statements in which it is clear that even if the McCanns had visited the apartment, their intention was not to look at the children at all.

It seems that only an alleged change in the somewhat esoteric detail of the exact angle of the bedroom door caused them, individually, to do so.

It is important to remember that what is apparently to be referred to as "spin" like this was being given regularly to the press long before either he or the McCanns knew that the original statements would one day be released for scrutiny by the entire world.

What precisely we are expected to believe is somewhat unclear.

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Appendices

1 p. 75 *That Sunday night we headed over to the restaurant. We were all there except Matt, who had a bit of a dodgy stomach, which he attributed to something he'd eaten en route to Portugal. The rest of us enjoyed our meal. The food was good and it was nice to have a little adult time. There weren't many other diners and, since we were such a large group, we were focused on chatting to and bantering with each other and not taking much notice of anyone else. It was, I remember, very cold and windy and I discovered that five layers of clothing were required to keep me comfortable. **We nipped back to our respective apartments every half-hour to check on the children – apart from Rachael, since Matt had stayed behind, and Dave and Fiona, who had a state-of-the-art baby monitor with them. Our visits also gave us a convenient opportunity to pop to the loo or, in my case, to pick up an extra cardigan.***

2 As usual, every half hour and considering that the restaurant was close to the apartment, the deponent or his wife went to check if the children were ok.

3 On the day that MADELEINE disappeared, Thursday, 3 May 2007, they all woke up at the same time, between 07H30 and 08H00. When they were having breakfast, MADELEINE addressed her mother and asked her "why didn't you come last night when SEAN and I were crying?" That he thought this comment very strange given that MADELEINE had never spoken like this and, the night before, they had maintained the same system of checking on the children, not having detected anything abnormal. When he questioned her about the comment, she left without any explanation.

4 But in extracts read out on Spanish broadcaster Telecinco's late morning programme El Programa de Ana Rosa, it emerged that Mrs McCann had told police about a conversation she had with Madeleine on the morning she disappeared. The little girl, then aged three, spoke to her mother because she had left her and twins Sean and Amelie alone in the night. Mrs McCann's statement said: "While we were having

breakfast, Madeleine said: 'Mummy, why didn't you come when we were crying last night?'. "Gerry and I spoke for a couple of minutes and agreed to keep a closer watch over the children."

5 "We obviously told the police because we thought, does this indicate that someone has been round the night before and that's what has woken her up?" she said. "Which is significant you know ... I've persecuted myself over and over again about that statement because you think, why didn't they [the police] kind of just hold it and say, 'What do you mean?'"

Madeleine didn't answer her parents' question and "carried on playing, whatever she was doing, totally undistressed," Kate McCann said.

The McCanns say that because Madeleine didn't make a big deal about the issue that they let the matter go. But they say they consciously decided that evening to be more vigilant about checking in on the children.

6 She states that on the day of the 1st May 2007, when she was at home alone, at approximately 22H30 she heard a child cry, and that due the tone of the crying seemed to be a young child and not a baby of two years of age or younger.

Apart from the crying that continued for approximately one hour and fifteen minutes, and which got louder and more expressive, the child shouted "Daddy, Daddy", the witness had no doubt that the noise came from the floor below. At about 23H45, an hour and fifteen minutes after the crying began, she heard the parents arrive, she did not see them, but she heard the patio doors open, she was quite worried as the crying had gone on for more than an hour and had gradually got worse.

7 Mr Mitchell added: *"The meeting was as much a show of support for Gerry and Kate. This was in no way to get their stories straight. This is the age of email and phone. They could have done that a long time ago."*

8 Kate *"I did my check about ten o'clock and went in through the sliding patio doors, and I just stood actually, and I thought, uh, all quiet. And to be honest, I might have been tempted to turn round then, but I just noticed that the door, the bedroom door where the three children were sleeping, was open much further than we'd left it.*

I went to close it to about here, and then as I got to here, it suddenly . . . slammed, and as I opened it, it was then, that I just thought I'll just look at the children. I see Sean and Amelie in the cot "

9 He walked the normal route up to the back door, which being open he only had to slide, and while he was entering the living room, he noticed that the children's bedroom door was not ajar as he had left it but half-way open, which he thought was strange, having then thought that possibly MADELEINE had got up to go to sleep in his bedroom, so as to avoid the noise produced by her siblings. **Therefore**, he entered the children's bedroom and established visual contact with each of them, checking and he is certain of this, that the three were deeply asleep.

10 At around 21h25, the interviewee went into his apartment and Madeleine's apartment to check on the children. He states that the door of the bedroom quarters, that was occupied by Madeleine and the twins, was half-open and that there was enough light in the bedroom for him to see the twins in their cots. That he couldn't see the bed occupied by Madeleine, but as it was all quiet, he deduced that she was sleeping.

11 CARLOS ANJOS
Association of Police Investigators

They said that every half an hour they would go and look in on the children and all of them, we found in everybody's statement, some questions that suggest that actually they didn't go and see the children.

12 4078 *"Was there an actual discussion between the group of you as to the sort of fifteen minute checks or ten minute checks or whatever or was it something that you as a couple had decided on and then the circumstances during the week meant that everyone had sort of taken it in turns to check?"*

Reply "No, we pretty much checked our, well certainly we checked our own and it was only the last night that we offered to check for Gerry and Kate. It just, we are sort of fairly similar, our sort of views on sort of child care and that it was important, we're sort of from the same background, we have sort of similar issues about sort of child rearing, which is why we sort of get on and there was nothing obvious that anybody would do anything particularly different. I mean, Russell and Jane sort of, erm, are sort of fairly relaxed and easy going, erm, and Dave and Fi are sort of a bit disorganised and a bit late and Gerry and Kate are much more organised and we sort of fit sort of between that end of between, between that end of the scale and Russell and Jane. So it was all sort of, it was just sort of natural, we didn't decide, oh we'll do this, it just sort of came at natural breaks, we'd come down and we'd go between sort of courses to sort of check, but we usually, we'd check our own and, as far as I know, that didn't really change. Although, because it wouldn't seem, certainly for Russell and Jane I'd be happy to check for their children because they know me and if, you know, they had been awake and I went in they wouldn't be particularly, erm, you know, they wouldn't be particularly shocked or surprised or not know who I was, but Gerry and Kate and their children I didn't know them so well, so I wouldn't and certainly at the beginning of the week have offered to check their children or assumed that that would be okay, it was only at the end of the week when we seemed to know each other better and our routines and everybody seemed to be doing the same thing that it seemed to be a nice thing to do to offer to save them a trip".

13 During this check, she thinks that Gerry did not check on the children of any other couple, because it was usual just to check on their own children. She never checked on any other child, other than her own.

14 1578 "So what sort of arrangements did you come to as a group in respect of checking on the children?"

Reply "That we would just check our own children basically, erm".

1578 "How often"?

Reply "Erm about sort of every twenty minutes, I mean we kind of, I mean Gerry and Kate were very good about you know doing it every twenty minutes, I think they must have been a bit oh okay, think it's about twenty minutes so we'll, we'll go and have a look and you know so everyone went at different times, it wasn't like everyone suddenly got up to go and check, erm".

15 Asked, she states that it would be normal for one member of each of the couples to get up regularly in order to check in their apartments if the children were well. She clarifies that the practice was for each couple to check their own children, it not being usual for anyone to check the children of other couples.

The question asked, she thinks that up to the date of the disappearance it had never happened that anyone had entered the apartment of another couple in order to check their offspring.

Nevertheless, it seems that the Payne couple and the witness, did not make any trips to apartments, because they had an intercom called a "baby monitor", through which sounds or noises of the children could be heard.

16 During dinner, as they were in a possession of a "baby monitor", they did not go to the apartment to check on their children and would only do so if they heard any strange noises or crying.

17 In answer to our question, the interviewee states that during all the meals, he never went to his apartment or to any of the group's apartments, because he has an, "intercom," and the signal carries from the apartment to the restaurant. The other members of the group went, randomly, every 20 minutes, to their apartments to make sure their respective children were asleep.

18 On Wednesday night, 2 May 2007, apart from the deponent and his wife, he thinks that DAVID PAYNE also went to his apartment to check that his children were well, not having reported to him any abnormal situation with the children.

19 On Wednesday night, 2 May 2007, apart from the deponent and his wife, he thinks that DAVID PAYNE also went to his apartment to check that his children were well, not having reported to him any abnormal situation with the children. On this day, the deponent and KATE had already left the back door closed, but not locked, to allow entrance by their group colleagues to check on the children. He clarifies that the main door was always closed but not necessarily locked with the key. He does not know if the window next to the front door, and that gave access to the children's bedroom, was locked, given that he assumed that the shutters could not be opened from the outside. Still on this night, KATE slept in the children's bedroom, in the bed next to the window, because the deponent was snoring.

20 At about 21h00 her husband arrived at the restaurant, having got E**e to sleep. For this reason and because Fiona, David and Diane only arrived at about 21h00, the dinner, reserved for 20h30, only began after 21h00. Normally, every 15 minutes a member from each apartment would go and check the bedrooms of the respective children to see if everything was all right.

21 4078 "But from the early part of the evening there'd been fairly regular checks."

Reply "Yeah, the same as, yeah the same as, the same as before. I can't remember who checked when or, you know, I can't remember when, you know whether it was me or Russell or whoever went back at that point. I don't, I'm trying to think if by that point we were checking on each other's..."

4078 "That was part of my next question."

Reply "Oh right. Err I mean I didn't personally, I think, I mean I'll tell you when I went back I just tended to check on bars and I listened at Matt and Rachael's, you know at some point we listened at Matt and Rachael's window and down there but err no I can't remember, but by that stage I think we were listening but we didn't, I don't know whether people actually went in to, to be honest nobody, if we hadn't gone nobody could have gone in to ours because they'd need the key so when people did check ours they did, they did just listen, so."

22 Reply "Well, 'I'm aware that we checked our own rooms and also listened at other apartment doors and windows' and then 'maybe on occasion, on some occasions we actually entered the other rooms as well'. Erm, the next paragraph, I don't think I was quite so specific about, erm, 'Other people's apartments were on deadlock', but I think when I, well, so that's wrong. 'On Sunday I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's', that's true. Erm, I'm not sure about taking their keys, I think I, I think I definitely took Matt and Rachael's keys, but I entered Gerry's flat through the patio door".

1578 *"Okay. So, 'I had taken their keys and recall the door was deadlocked, I needed to turn the key two times, the shutters were down'?"*

Reply *"Yeah, yeah, I don't think, erm, I don't think, erm"*.

1578 *"I recall that Gerry and Kate's I had to get (inaudible)"*.

Reply *"That, that, that is me talking about our arrangements in our flat, so it's kind of all fused into one there. So maybe just to clarify that, it would be easier to say 'In our flat we closed the patio door, shut and locked', erm, 'shut the blinds, the shutters down and locked the internal window, double locked the front door after we went out and the patio door was also locked, was closed and locked'. So that was, that was our arrangements inside our flat. And then on Sunday 'I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's and my recollection is that I needed Matt's key to check on their room and I had it, but I didn't need Kate and Gerry's key because they went through the patio door', erm, we went through the patio door to cross in and look into the children's bedroom. So, at the time, I have to say, I didn't really think that, you know, about the differences in how, in how we were, the security in the, in the rooms was, but, erm, I definitely did not go in through Gerry's and Kate's main, you know, double locked door or anything, I'm sure I went through the patio, so I think they were doing things differently from Matt and Rachael, at least from the ground floor perspective, right from the word go"*.

23 4078 "You said that on Saturday you were feeling a little bit unwell?"

Reply *"Saturday I felt unwell, didn't eat much in the evening, which for a free buffet is pretty unusual for me, and then I started throwing up in the evening and I ascribed it to, when we were on the plane on the way out, they were giving out the meals and, you know, all the kids had been changing seats, so there was, I was sat with, erm, E***, which is, erm, Russell and Jane's eldest daughter and maybe E*** on one side and maybe G**** as well, but one of the meals that came round the plastic had already come off and it was in front of E*** and I said 'You have mine just in case there's something wrong with it' and so I blamed that I felt sick that perhaps I was right, it had sort of gone off or something. It may not have been, it may just have been a bug or something, but I usually don't get diarrhoea and vomiting, I mean, I can't remember the last time I've been sick. Erm, but I started feeling a little bit queasy in the evening and then the, erm, the Saturday evening into the Sunday morning I was actually throwing up, which is just incredibly rare for me. So I felt completely icky all the day Sunday, so I think to try and avoid infecting anybody else, I didn't do much outside the apartment and certainly in the evening I didn't go for, erm, didn't go for dinner with everybody else"*.

4078 "That is Sunday out the way with then".

Reply *"So Sunday was pretty much a write-off and I was thinking, oh, the start of my holiday and I'm not doing anything that day"*.

24 They left the house through the main door, that he was sure he locked, and the back door was also closed and locked. They were the first to arrive at the TAPAS where everyone showed up except only for MATHEW, who was still ill. Nevertheless, his wife RACHEL showed up for dinner. Except for the situation described above, that occurred during lunch, he did not see MATHEW during the whole of Sunday.

Dinner ended at around 23h00, and during this period, every half-hour, the deponent and KATE went, alternately, to the apartment to confirm that all was well with the children. On that day, only the deponent and his wife entered the apartment. He is sure that they always entered through the front door, not knowing if they locked it upon leaving.

8 **It is said to be defamatory to accuse the McCanns of lying.**

It is however unclear what word should be used to describe these most egregious examples of “economy with the truth”.

1 **Shutters**

Claim

The McCanns told many family members that the shutters had been forced or broken

Fact

The shutters had **not** been forced or broken

2 **Entry by Gerry McCann**

Claim

Gerry McCann first said he entered through the **front** door, using his key

Fact

He later said he entered through the **patio** door, which had been left unlocked.

3 **Point of entry**

Claim

The intruder must have entered through the open shutters and open window

Later claim or admission

The open shutters and open window may not have been the point of entry or exit

4 **Sedation**

Claim

The children were **not** sedated

Later claim

The children **must have been** sedated

(NOTE” On publication of the book ‘madeleine’, it became clear that Kate had known or suspected sedation from the start.)

5 **Being made suspects**

Claim

Kate told her friends by telephone that she had been made a suspect

Later claim

Kate complained that this was press intrusion, when the only possible source was Kate herself

6 **Fluids in car**

Claim

The McCanns came up with a range of excuses for bodily fluids found in the car, ranging from sea bass to used nappies.

Later statement

At Leveson Kate said under oath that there were no fluids found in the car

7 **Half hourly checks**

Claim

The parents were making half hourly checks throughout the week.

Contradiction

The late Mrs Fenn reports a child crying for over an hour on a previous evening

8 Kate's Dream

Fact

Kate reported to Insp. Paiva that she had had a dream in which she had "seen" Madeleine dead. He gave this evidence under oath in court.

Denial

On the steps of the court Gerry publicly denies that Kate had had any such dream

9 Lying in general

Fact

In her book Kate admits lying

10 Afternoon of 3rd May

Claim

Kate arrives after a run to find the children with Gerry at tea

Fact

On that day Kate **herself** signed Madeleine out of the crèche at 5:30pm

11 Eye defect

Facts

The McCanns released details of the coloboma to the press of the world.

They trademark the sign "Løok", in the phrase "Løok for me"

The eye defect is blown upon a giant screen at the FA cup Final,

The eye defect is clearly visible on all photos released as part of the campaign

The eye defect is clearly visible on the front cover picture of the book

Gerry McCann states that using the defect in this way was a "good marketing ploy"

Later

Kate denies "putting emphasis on it"

12 Private Detectives

Claim

The McCanns dismiss the idea of using private detectives.

Fact

The McCanns were already using private detectives from Control Risks the previous week

13 The search of the second apartment

Claim

They claim they had no explanation, and that they were made to leave the villa.

Fact

There was a full search warrant, a copy of which was to be served on the McCanns. and they were to be invited to be present.

14 Who spoke to Mrs Fenn ?

Claim

Kate spoke to Mrs Fenn

Contradiction

Mrs Fenn's statement refers to speaking to **Gerry** McCann

15 Metodo3 claims that Madeleine would be found by Christmas

Claim

McCanns claim through their solicitors that this was **never** said

Fact

Kate **admits** that this was said

16 The colour of the pyjamas

Claim

The pyjama bottoms **were** white

Counterclaim

The pyjamas **were not** white.

Fact

The pyjama bottoms **were** white.

17 "We answered all the questions"

Claim

The McCanns cooperated fully with the police and **answered** all questions truthfully

Fact

Kate **refused** to **answer** any of the 48 questions during her second interview

References and text

1 Shutters

Claim

The McCanns told family members that the shutters had been forced or broken

Trish Cameron -

Gerry McCanns sister, said she received a telephone call from her 39-year-old brother, a consultant cardiologist, who was "hysterical and crying his eyes out". She said: "*They last checked at half past nine and they were all sound asleep, sleeping, windows shut, shutters shut. Kate went back at 10 o'clock to check. **The front door was lying open, the window had been tampered with, the shutters had been jemmied open or whatever you call it and Madeleine was missing...***" [1]

Brian Healy -

Madeleine's maternal grandfather, told the Guardian his son-in-law had phoned him shortly after returning "Gerry told me when they went back **the shutters to the room were broken, they were jemmied up** and she was gone," said Mr Healy. "She'd been taken from the chalet. **The door was open.**" [2]

Jon Corner -

a close friend of Kate McCann and godparent of the twins, said she phoned him in the middle of the night distraught. He said: "*She just blurted out that Madeleine had been abducted. **Kate said the shutters of the room were smashed. Madeleine was missing It looks as though someone had gone straight past the twins to get to her.***" [3]

Jill (or Gill) Renwick -

a family friend told GMTV the McCanns were certain that Madeleine has been abducted. "They were just watching the hotel room and going back every half-hour and **the shutters had been broken open** and they had gone into the room and taken Madeleine," she said." [4]

Fact

The shutters had not been forced or broken

John Hill Mr Hill said that *despite the report by a family friend that the shutters to the couple's*

apartment were broken, there was no sign that anyone had forced their way in while the McCanns ate at the tapas restaurant 200 yards away.

"It's still questionable as to whether it's abduction," [5]

Chief Inspector **Olegario Sousa**, spokesman for the investigation, later confided in British former Chief Inspector **Albert Kirby** that neither the windows nor their shutters had been tampered with.

Mr Kirby told The Mail on Sunday: "

*I had a very interesting chat with the officer in charge. **The window shutters are not an issue. Their mechanism makes them almost impossible to open. The door was left unlocked. They did that every night.***" [6]

Photos exist of the forensic scientist from the PJ examining the shutters. It is clear that the shutters are in perfect condition. [7]

A short video clip of an attempt to open the shutters from outside may also be seen on YouTube. In this it is clear that the shutters jam into the housing above the window, and do not remain in the raised position once released. [8]

2 Entry by Gerry McCann

Claim

Gerry McCann first said he entered through the front door, using his key

Gerald McCann, statement, 4 May 2007: 11:15 a.m.

*". . . Thus, at 9.05 pm, the deponent entered the club, **using his key, the door being locked, and went to the children's bedroom and noted that the twins and Madeleine were in perfect condition.*** . . . [9]

Second claim

A week later he said he entered through the patio door, which had been left unlocked.

Gerald McCann , statement 10 May 2007

*"He is certain that, before leaving home, the children's bedroom was totally dark, **with the window closed, but he does not know it was locked, the shutters closed but with some slats open, and the curtains also drawn closed.** Asked, he mentions that during the night the artificial light coming in from the outside is very weak, therefore, without a light being lit in the living room or in the kitchen, the visibility inside the bedroom is much reduced. **Despite what he said in his previous statements, he states now and with certainty, that he left with KATE through the back door which he consequently closed but did not lock, given that that is only possible from the inside. Concerning the front door, although he is certain that it was closed, it is unlikely that it was locked, because they left through the back door**".* [10]

3 Point of entry

Claim

The intruder must have entered through the open shutters and open window

See above

Jon Corner -

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Later claim or admission

The open shutters and open window may not have been the point of entry or exit

During the week following the Dispatches programme the McCanns' official spokesman, Clarence Mitchell, announced that the McCanns now reversed their previous stance on the break-in story.

*"THE spokesman for the family of Madeleine McCann has reversed a statement made in the early days of the search for the missing child. . . However, in the early part of the hunt, friends and family members told journalists that the shutter on the apartment where the McCanns were staying had been broken. . . "There was no evidence of a break-in," said Mr Mitchell. "I'm not going into the detail, but I can say that Kate and Gerry are firmly of the view that somebody got into the apartment and took Madeleine out the window as their means of escape, and to do that **they did not necessarily have to tamper with anything**. They got out of the window fairly easily." [11]*

McCanns own website.

"Lisbon 14th January 2010

There are few points which have been raised in the last few days which I would like to address specifically:

Abduction theory: For us, there is only the abduction theory possible because we were not involved in Madeleine's disappearance and we know Madeleine did not wander off by herself. It is obvious and right that the police should consider other theories initially.

*The window: I described to the police officers **exactly what I found that night, as it was and is highly relevant and I knew that every little detail could be helpful** in finding my daughter which is our only aim. The window which is a ground floor window was completely open and is large enough for a person to easily climb through it. Whether it had been opened for this purpose remains unknown. It could of course have been opened by the perpetrator when inside the apartment as a potential escape route or left open as a **'red herring'**. [12]*

4 Sedation

Claim

The children were not sedated

10 August 2007 (or thereabouts)

Gerry: "you know we're not gonna comment, on anything but you know there is absolutely no way we use any sedative drugs or anything like that an' you know we we have co-operated with the police we'll answer any queries ermm ... any tests that they want to do. . . " [13]

25 Oct. 2007

The McCanns, of Rothley, Leics, were asked if reports that they sedated their children were true. Cardiologist Gerry replied: *"It is ludicrous. These sort of questions are nonsense and we shouldn't be giving them the time of day. There is absolutely no suggestion that Madeleine, or the children, were drugged. It's outrageous." [14]*

Oct. 2007

Oprah Winfrey "And then, there were the... the hurtful rumours that you drugged Madeleine or that you gave her sedatives; that you accidentally caused her... her death..."

KM: (After a long pause) "I mean we know it's all lies."

GM: "It's just nonsense you know, there's no... that people can have theories and that's all it is, there's no evidence to suggest any of that and it's absolute ludicrous, you know, and it's..."

[15]

Later claim

The children must have been sedated

19 Nov. 2007

"Gerry McCann: The twins were still sleeping in the their cots so . . . we tried to leave it as undisturbed as possible, and they slept very soundly until we moved them out their cots into another apartment . . . which does make you wonder if there was [sic] any substances used to keep them asleep." [16]

11 Oct. 2009

Former police detectives David Edgar and Arthur Cowley . . . are convinced the abductor went to the family's apartment on May 3 2007 fully prepared with sufficient drugs, probably chloroform, to knock out all three children. The fact that Sean and Amelie, then just 18 months old, failed to wake when the alarm was raised, nor even as they were taken to another apartment in the cold night air, has persuaded the detectives that they, too, must have been drugged. [17]

13 May 2011

Kate McCann: *I believe kidnapper drugged my twins on the night Madeleine was taken.* Kate McCann said the kidnapper who seized Madeleine may also have drugged her other two children, as she launched a new appeal in the hunt for her missing girl today.

Mrs McCann said she had to check that twins Sean and Amelie were still breathing because they did not wake as they began a frantic search for the missing three-year-old. [18]

Note

On publication of the book 'Madeleine', it became clear that Kate had known or suspected sedation from the start

3 May 2007 (NOTE: this information was not released until May 2011)

p. 75 *"Had Madeleine been given some kind of sedative to keep her quiet? Had the twins, too?"* [19]

5 Being made suspects

Claim

Kate told her friends by telephone that she had been made a suspect

p. 246 Madeleine, Friday morning, September 7, *"for a good couple of hours we were on the phone, calling family and friends to make them aware of the situation and to give them the green light to voice their outrage and despair if they wanted to. Nobody needed a second invitation. They'd all been struggling to contain their concerns for a long time.*

Justine arrived to help. While Gerry talked again to Bob Small she was ringing selected editors in the UK." [20]

The *Standard* had picked up the feed and published it the same day.

Later claim

Kate complained that this was press intrusion

Mr Jay: We're going to look at that particularly in a moment. In paragraph 40, however, you refer to one piece in the *Evening Standard*, which is I think the very day you were declared arguidos, 7 September 2007: "Police believe mother killed Maddie."

Kate McCann: Mmm.

Mr Jay: Was that the first time that point was made so baldly and so falsely?

Kate McCann: There's been so many headlines of similar gravity that I can't tell you honestly whether that was the first time..." [21]

6 Fluids in car

Claim

The McCanns came up with a range of excuses for bodily fluids found in the car, ranging from sea bass to used nappies.

A source said: "Kate and Gerry are innocent and they're more confident than ever of proving that.

"The evidence against them is flimsy at best. Who is to say what happened when they moved to the new apartment? Everything, including Madeleine's sandals and the twins' nappies, were dumped in the car. Bags of stuff were thrown in. Anything could have found its way there. Gerry folded down the rear seat to cram it all in.

These items will have included traces of skin, sweat and bodily fluids. DNA could easily have been transferred in such circumstances. [22]

Later statement

At Leveson Kate said under oath, there were no fluids found in the car

9 MRS McCANN: These were desperate times. You know, we were
10 having to try and find our daughter ourselves. We
11 needed all the help we could get, and we were faced
12 with -- I know we'll come on to headlines, but "Corpse
13 in the car"; I don't know how many times I read "Body
14 fluids in the car". And it gets repeated that often, it
15 becomes fact. **There were no body fluids.** We
16 desperately wanted to shout out "It's not true, it's not
17 true", but when it's your voice against the powerful
18 media, it just doesn't have a weight. [23]

7 Half hourly checks

Claim

The parents were making half hourly checks throughout the week.

Witness statement of Gerald Patrick McCann, 4th of May 2007, at 11.15 a.m.

As usual, every half hour and considering that the restaurant was close to the apartment, the deponent or his wife went to check if the children were ok. [24]

Witness statement of Kate Marie Healy, 4th of May 2007, at 2.20 p.m.

As usual, every half hour, and given the fact that the restaurant was close, the witness and her husband came to make sure the children were ok. [25]

Witness statement of Gerald Patrick McCann, 10th of May 2007, at 3.20 p.m.

Dinner ended at around 23h00, and during this period, every half-hour, the deponent and KATE went, alternately, to the apartment to confirm that all was well with the children. On that day, only the deponent and his wife entered the apartment. He is sure that they always entered through the front door, not knowing if they locked it upon leaving. Usually they entered the apartment, in which one of the living room lights was on, went to the children's bedroom door, which was ajar, and only peeped inside, trying to hear if the children were crying. The shutters were closed with only two or three slats open, the window was closed though he is not totally sure if it was locked, and the curtains drawn closed. Ten minutes after dinner ended they made their way to the apartment, going to bed right away. [26]

Contradiction

The late Mrs Fenn reports a child crying and screaming for over an hour on previous evening

Thus, according to the facts noted in the files, she says that she has lived in the apartment since 2003, which is located on the upper floor, immediately above the room from which the child disappeared.

She states that on the day of the 1st May 2007, when she was at home alone, at approximately 22H30 she heard a child cry, and that due the tone of the crying seemed to be a young child and not a baby of two years of age or younger.

*Apart from the crying that continued for approximately **one hour and fifteen minutes**, and which got louder and more expressive, the child shouted "Daddy, Daddy", the witness had no doubt that the noise came from the floor below. At about 23H45, **an hour and fifteen minutes** after the crying began, she heard the parents arrive, she did not see them, but she heard the patio doors open, she was quite worried as the crying had gone on for more than an hour and had gradually got worse.*

When questioned, she said that she did not know the cause of the crying, perhaps a nightmare or another destabilising factor.

As soon as the parents entered the child stopped crying.

That night she contacted a friend called XXXX XXXX, who also lives in Praia da Luz, after 23H00, telling her about the situation, who was not surprised at the child's crying. [27]

8 Kate's Dream

Fact

Kate reported to Insp. Paiva that she had had a dream in which she had "seen" Madeleine dead

According to the **court testimony** of the McCanns' liaison officer, Ricardo Paiva, the suspicions of Amaral and his team were hardened by what was seen as a turning point in the police investigation.

It came when a weeping Kate phoned Paiva, in late July 2007, to report a disturbing dream in which she had seen Madeleine lying on rocks overlooking a beach at Praia da Luz. The detectives took this to be a clear signal that the McCanns knew full well that their daughter was dead. [28]

Denial by Gerry

On the steps of the court Gerry publicly denies that Kate had had any such dream

He then went on to contradict Dr Paiva's evidence that Kate had seen Madeleine on a hillside in a dream. He said: *"I'd like to make it absolutely clear that Kate has never had a dream that Maddie has been buried somewhere, and I don't know if something's been lost in interpretation, but that didn't happen – not with those words, that's for sure."* [29]

9 Lying in general

Fact

Kate admits lying

Book p 206 *That morning Gerry and I, along with Jon and a colleague, were preparing to drive to Huelva in Spain to put up posters of Madeleine. Jon was intending to do some filming and several of the British journalists were going to join us there, on the give-and-take principle: it would give them a story centred on Madeleine, rather than on us, and this in turn would publicize our efforts. As I was dropping Sean and Amelie off at Toddler Club, I had a phone call from Gerry. The police wanted to come over at 10am. Something to do with forensics, they'd said. Great timing. And forensics? What was that all about?*

We'd never lied about anything – not to the police, not to the media, not to anyone else. But now we found ourselves in one of those tricky situations where we just didn't seem to have a choice. As it happened, Gerry had a mild stomach upset which we used as an excuse to postpone the trip. We didn't feel good about this at all, but even if the judicial secrecy law had not prevented us from giving the main reason, can you imagine what would have happened if we'd announced to the journalists heading for Huelva that the police were coming to do some forensic work in our villa? We were not to know our excuse would prove to be no more than a temporary holding measure. If we had, we wouldn't have bothered trying to keep the scurrilous headlines at bay. [30]

10 Afternoon of 3rd May

Claim

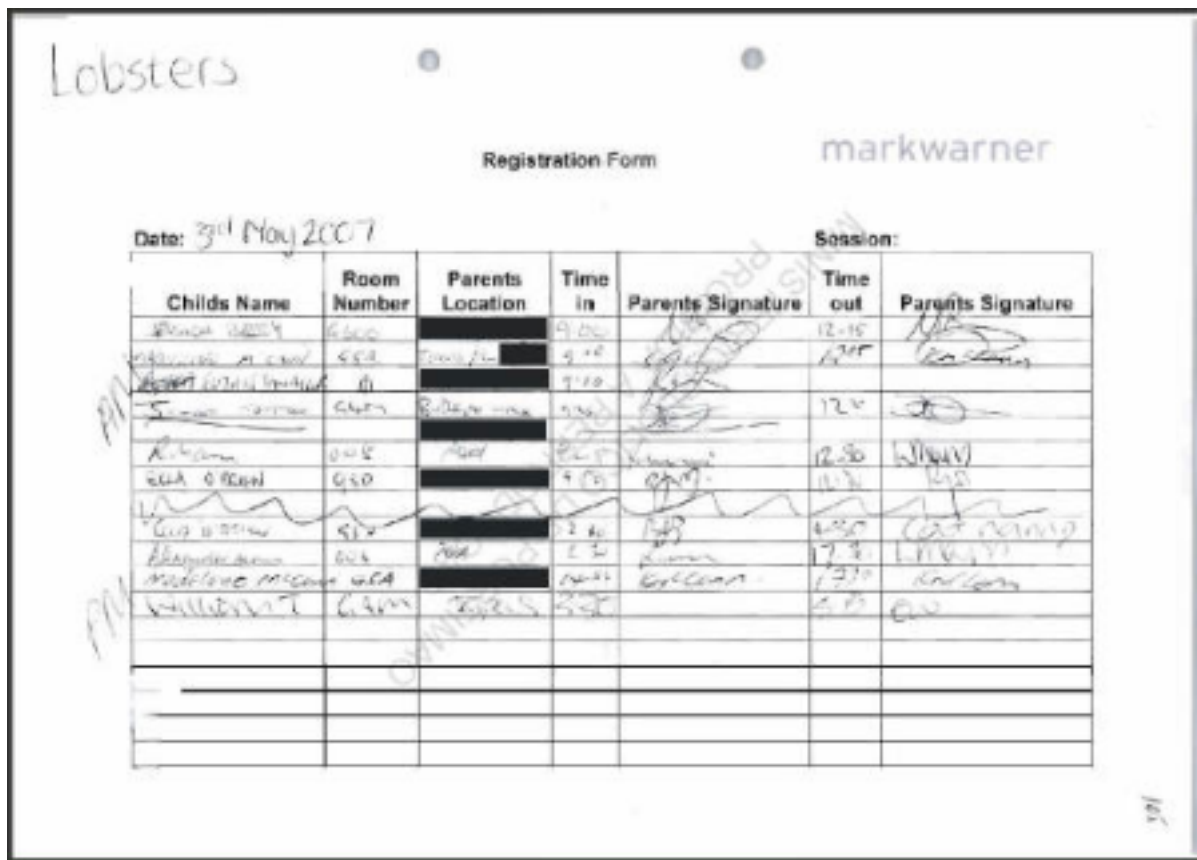
Kate arrives after a run to find the children with Gerry at tea

p. 66 Having arranged for Gerry to meet the children, I opted to go for a run along the beach, where I spotted the rest of our holiday group. They saw me and shouted some words of encouragement. At least, I think that's what they were shouting! I remember feeling fleetingly disappointed that we hadn't known they were all heading for the beach, as it might have been nice to have joined them, especially for the kids. I wondered whether Madeleine had been OK about staying behind at Mini Club when Russ or Jane had collected Ella. I wasn't to know at that stage that in fact they had only just arrived when I ran by. It's hard work being a mum sometimes, fretting about the possible effects of the smallest of incidents on your children. I'm sure a lot of these worries are unfounded but it doesn't stop us having them, and we'll probably go on having them for the rest of our lives.

I had finished my run by five-thirty at the Tapas area, where I found Madeleine and the twins already having their tea with Gerry. The others had decided to feed their kids at the beachside restaurant, the Paraíso. Madeleine was sitting on the Tapas terrace, eating. She looked so pale and worn out, I went straight up to her and asked if she was all right. Had she been OK at the club when Ella left to go to the beach? Yes, she said, but now she was really tired and wanted me to pick her up, which I did. Ten minutes later, the five of us went back to our apartment. I was carrying Madeleine. Because she was so exhausted we skipped playtime that evening. [31]

Fact

On that day Kate herself signed Madeleine out of the crèche at 5:30pm



[32]

11 Eye defect

Facts

The McCanns released details of the coloboma to the press of the world.

They trademark the sign "Løok", in the phrase "Løok for Maddie"

The eye defect is blown upon a giant screen at the FA cup Final,

The eye defect is clearly visible on all photos released as part of the campaign

The eye defect is clearly visible on the front cover picture of the book

Gerry McCann states that using it was a "good marketing ploy."



[33]





[34]

Later

Kate denies "putting emphasis on it"

CNN PIERS MORGAN TONIGHT Where is Madeleine McCann? Aired May 11, 2011 - 21:00

MORGAN: *Madeleine had a very distinctive eye pattern, didn't she? Tell me about that, Kate, in case people see somebody they think may be Madeleine. Tell me about her eye.*

K. MCCANN: *If I'm honest, we haven't put too much emphasis on her eye, because I think you have to be very close to her to see it.* [35]

12 Private detectives

Claim

The McCanns deny using private detectives.

May 22 2007

Ian Woods (Sky News): "Gerry, I know that you've been getting lots of money in. People will want to know how you're going to spend that. I mean, I know, one of the thoughts was to hire private investigators. Is that the case and what input do you think they can have that perhaps the Portuguese police haven't had to date?"

Gerry McCann: Taking your question on, back to the private investigators. I'd like to reiterate what we've already said. The thrust of this investigation will be the criminal investigation which is being... errr, run by the Portuguese police with assistance from the British police. Regarding the specific point about the private investigators, we've taken advice about the level and the extensive resources both in this country and in the UK which are being... errr, directed and... to Madeleine's search and, **at this stage, we don't see a role for private investigators.**" [36]

And

Jane Hill (BBC news): And... and some of that support has translated into a lot of money that's gone into the fighting fund, I think nearly £300,000 has been pledged, so far. What of the reports that say, perhaps... those people who suggest that some of that money could be sensibly spent on things like private investigators, for example.

Gerry McCann: Well, you know, the fund, errm... was really... really evolved to provide an outlet for people who wanted to contribute financially and these offers, errr... will help us and are helping us and that has helped us to bring in quite a comprehensive legal team and independent sector, errr... consultants as to what we could and should be doing.

I did, errr... address this and the situation hasn't changed that, at this time, with the huge amount of resource from the police, errr... both in the UK and Portugal that the advice is **that private investigators will not help**. I personally, and we, believe that it's the public who hold the key to this; someone knows something and we would urge that if anyone has any information to come forward and anyone who's been in this area, within the two weeks leading up to Madeleine's disappearance, to come forward if they haven't already done so and upload those pictures." [37]

Fact

The McCanns were already using private detectives from Control Risks and had been so from the previous week

p. 126 Kate McCann: "By the Sunday evening [13th May 2007] we found ourselves giving our statements again, this time to a couple of detectives from Control Risks. We were concerned that parts of the statements we had made to the Portuguese police, especially on that first day," she claims, "might have been lost in translation. We also felt that these accounts were not particularly thorough and wanted to have every detail we could remember registered properly." [38]

13 The search of the second apartment

Claim

They claim they had no explanation, and that they were made to leave the villa.

p. 205-6 As I was dropping Sean and Amelie off at Toddler Club, I had a phone call from Gerry. The police wanted to come over at 10am. Something to do with forensics, they'd said. Great timing. And forensics? What was that all about?

SNIP

My mum, dad, Brian and Janet set off for the town to get out of the way before the police arrived. Ten o'clock came and went, as did lunchtime, then the afternoon. It was 5 pm when they eventually showed up. They told us they wanted to shoot some video footage of our clothes and possessions. The forensics people would then take these away and return them the following day. **They offered no explanation as to why they were doing this.** Gerry and I just assumed it was on the suggestion of the British team, who had no doubt pointed out that it should have been done much earlier. We could kind of see the point: after all, the abductor could have brushed against some of our belongings and left traces of his DNA. Even at this late stage, it might be possible for some vital information to be retrieved. We were even quite pleased this was happening, that something was happening which might help find Madeleine.

Left with only the clothes we were wearing, **we were all asked to leave the villa.** It was early evening and we had to find somewhere to go with two tired and hungry toddlers in tow. When we were allowed back, we found four detectives in the house: José de Freitas, João Carlos, Ricardo Paiva and a woman called Carla. They went through the list of what had been removed. I was not only confused, I was devastated: as well as all of our clothes, they had

taken my Bible (my friend Bridget's Bible, to be precise), Cuddle Cat and my diaries. Why had they taken my diaries? Obviously not for any forensic purpose: the abductor couldn't have been in contact with them because they hadn't existed until halfway through May. And the Bible had been lent to me by Bridget's husband Paddy a week after Madeleine's abduction. My journals were private and full of personal thoughts and messages to Madeleine. I felt violated. [39]

Fact

There was a full search warrant, a copy of which was to be served on the McCanns, and they were to be invited to be present.

SEARCH WARRANT

In Triplicate

Case: 201.070 GALGS

Inquiry – Legal Acts

Date: 2nd August 2007

Subject: Search Warrant – Valid for 20 days with strict observance of the proceedings laid down in articles n 176 – 177 of the CPP. Competence of the Lagos Judge.

Dr Anjos Frias, Judge of the Lagos Court

ORDERS that according to the terms of articles 174 n 2, 176 n1, 177 n|1, 177n1, 296 n1 of the Penal Process Code a SEARCH will be made of the premises identified below, if necessary with forced entry whilst observing the legal formalities foreseen in articles 176 and 177 of the CPP, for the EFFECTIVE APPREHENSION of all elements that could clarify the investigation and instruction process according to the terms of article 178 of the same code.

The search should include the entire property, even the part occupied by people other than the suspects, including annexes and rented areas.

Before proceeding to effect the search, copy of the dispatch attached determining who had access to the place, mentioning that they can be present during the search and be accompanied or substituted by someone of confidence will be delivered. If the persons in reference are not present, copy of the dispatch can be delivered where possible to a family member, neighbour, caretaker or whoever acts as substitute, article 176, n 1 and 2 of the CPP.

All information will be included in the process files.

Location of Inquiry:

"McCann family residence", respective garages and annexes, situated in Vista Mar, Luz Parque, Praia da Luz, if necessary with forced entry.

Signed and sealed

Judge Anjos Frias [40]

14 Who spoke to Mrs Fenn ?

Claim

Kate spoke to Mrs Fenn

p. 75 Then a lady appeared on a balcony – I'm fairly certain this was about 11pm, before the police arrived – and, in a plummy voice, inquired, 'Can someone tell me what all the noise is about?' I explained as clearly as I was able, given the state I was in, that my little girl had been stolen from her bed, to which she casually responded, 'Oh, I see,' almost as if she'd just been told that a can of beans had fallen off a kitchen shelf. I remember feeling both shocked and angry at this woefully inadequate and apparently unconcerned reaction. I recollect that in our outrage, Fiona and I shouted back something rather short and to the point. [41]

Contradiction

Mrs Fenn's statement refers to speaking to Gerry McCann

During the day nothing unusual happened, until almost 22H30 when, being alone again, she heard the hysterical shouts from a female person, calling out "we have let her down" which she repeated several times, quite upset. She then saw that it was the mother of little Madeleine who was shouting furiously. Upon leaning over the terrace, after having seen the mother, she asked the father, GERRY, what was happening to which he replied that a small girl had been abducted. When asked, she replied that she did not leave her apartment, just spoke to GERRY from her balcony, which had a view over the terrace of the floor below. She found it strange that when GERRY said that a girl had been abducted, he did not mention that it was his daughter and that he did not mention any other scenarios. At that moment she offered GERRY help, saying that he could use her phone to contact the authorities, to which he replied that this had already been done. It was just after 22H30.

Mrs Fenn has no reason to lie. [42]

15 Metodo3 claims that Madeleine would be found by Christmas

Claim

McCanns claim that this was never said

Bates, Wells and Braithwaite, reply by email, dated 11 January 2008, to the author

"We acknowledge ...etc.

We are also replying on behalf of Haysmacintyre

*We are advised by our clients that reports in the media **purporting** to be from the investigators, which made claims as to when Madeleine would be found are **inaccurate and misrepresentations** of their views. [my emphases]*

Our client has every confidence in the investigators who continue to search for Madeleine.

Yours faithfully

BWB London LLP" [43]

Fact

Kate admits that this was said

p. 283 *"We have no doubt that M3 made significant strides, but unfortunately, in mid-December, one of their senior investigators gave an overly optimistic interview to the media. He implied that the team were close to finding Madeleine and declared that he hoped she would be home by Christmas." [44]*

16 The colour of the pyjamas

Claim

The pyjama bottoms were white

Kate's statement

*At the time of her disappearance, she was wearing pyjamas, with **white** bottoms with a floral pattern and a frill at the end. The short-sleeved top, mainly pink with a blue-grey donkey figure on the front, bearing the inscription "EEYORE", an inscription which was also on one of the trouser legs.*

The pyjamas are of the "Marks and Spencer" brand. [45]

p. 84 *"Although Jane had never seen or known about Madeleine's Eeyore pyjamas, her description of this child's night clothes - light coloured pink or **white** pyjamas with a 'trailing' or floral pattern and turn-ups on the bottoms - matched Madeleine's almost exactly. "* [46]

BBC Crimewatch

Recorded in Praia da Luz: 04 June 2007, Televised: 05 June 2007

Fiona Bruce: (to camera) "It's 33 days since little Madeleine McCann disappeared from Praia da Luz in Portugal. Tonight, in a special appeal, her parents Gerry and Kate plead for your help in the hunt for their daughter."

Gerry McCann: "For the Crimewatch viewers at home I think this would be a good time now to review all the information."

Kate McCann: "These are virtually identical to the pyjamas that Madeleine was wearing when she was taken. As you can see it's a pink top, erm... with gathered short sleeves and it has a picture of Eeyore on the front. Errr, **the bottoms are white** with a... a floral design and have an Eeyore, erm... on the bottom of the right leg." [47]

Counterclaim

The Pyjamas bottoms were **not** white

p. 171 *"We were able to show a pair of pyjamas like Madeleine's on the programme, which was particularly important since at the time **it had been incorrectly stated in some press reports that her pyjamas were white.**"* [48]

Fact

The pyjama bottoms were white



[50]

17 "We answered all the questions"

Claim

The McCanns cooperated fully with the police and answered all questions truthfully

PARIS MATCH: EXCLUSIVE INTERVIEW WITH THE McCANNS

04 September 2007

By our special reporter in Portugal: Arnaud Bizot.

PM – *The police must equally have suspected your friends and delved into your backgrounds?*

GM – We have replied to all the questions that have been put to us and we will continue to do so, whatever the new information might be. Of course, we shall be completely honest.

KM – We have said everything we know and **responded to everything that we have been asked.** [51]

Fact

[Kate refused to answer any of the 48 questions during her second interview](#)

11 months later the police files were released and revealed that Kate had refused to answer any of the 48 specific questions during her second interview [52]

This is also admitted in the book

p.248 *“On the other hand I was very weary and at least repeating “No comment” didn’t involve engaging my brain. It certainly speeded up the translation process.”* [53]

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9 On the Reliability of Cadaver dogs

Dogs trained to detect the smell of human cadaverine are now routinely used throughout the world. We examine some of the leading cases.

From the outset it is important to note that a dog cannot give “evidence” in a criminal trial. In most jurisdictions evidence has to be subject to examination and cross examination by learned counsel, and this is clearly impossible. On many occasions the alert by the dog will result in the discovery of remains and it will be that which becomes the primary evidence. The fact that the dog indicated where to look becomes a side issue, of no particular legal importance.

Here we look at some occasions when the dog alerts, **but no significant physical evidence can be found at the time.** The best that can be achieved in these circumstances is that the handler of the animal gives evidence of the dog’s reactions, often with video confirmation, and can then be cross examined on his interpretation of the animal’s behaviour.

(I shall refer to the cases by the name of the deceased or missing person, rather than by the Trial reference, because of the ways in which these differ across jurisdictions)

1 The case with a legal significance may not yet have been fully appreciated, is that of **Jeanette Zapata**. in Dane Country, USA. In 1976 she served her husband Eugene Zapata with divorce papers. She went missing shortly afterwards. 29 years later dogs alerted in the basement of the family home, and in several other places where the family had lived over the intervening time. At trial his lawyer persuaded the judge that the dog’s finding could not be admitted, since the places in which they had alerted indicated that he had carried the body round to everywhere he had lived, and it was suggested that this was preposterous. The jury failed to reach a verdict. Before his retrial however, he confessed, and crucially confirmed that he had in fact transported the body round before disposing of it. **The dogs had been absolutely accurate.** No body has been found.

2 The recent case of **Bianca Jones**, a 2 year old girl murdered by her father D'Andre Lane in Detroit USA, with the added details of an alleged abduction, was an occasion when Mr Martin Grime, a British retired police officer, was working for the FBI. His evidence of the alerts by his dog was admitted to show that Bianca was dead whilst in the back of the car, and not taken by armed men as was being alleged. **Lane was convicted**, though no body has ever been found.

3 The trial of Adrian Prout, in 2010, for the murder of **Kate Prout**, his wife, in the UK, was notable again for a verdict of **guilty**, despite no body having been found. Dogs had indicted the presence of a body in the house, but nothing had been found. Some time after his conviction Prout confessed, and indicted the location of the body, **confirming that the dogs had been absolutely accurate in their findings.**

4 In the murder of **Susan Pilley** in Edinburgh, by her colleague David Gilroy, in 2010, the court heard that the dogs had alerted in the office basement garage and in two areas of the boot of Gilroy's car, even though this had been cleaned recently with fluid or air freshener. The defence failed to convince the jury that the absence of physical evidence entitled his client to acquittal. No body has been found. **He was convicted.**

5 **Cori Baker** from Oklahoma was murdered by her sister's boyfriend Marquis Bulloch, in 2007. He changed his story several times whilst being investigated, and the dogs, partly funded by the National Center for Missing and Exploited Children, were brought into search a large area after a skull had been found. They alerted in several places. No other physical evidence was discovered. **He was convicted**

6 The case of **Guadeloupe Montano** from Kane County, USA, is still pending. It is alleged that she was murdered by her husband Aurelio Montano in 1990. It may be the first time that the dog's alerts have been used as evidence in that State. They indicate that the body lay in one position and was then moved to another. The trial is due in December 2012. No body has been found.

7 The case of **Amir Jennings**, allegedly killed by her mother Zinah Jennings in 2011, involves a mother who reported her son missing. Dogs have searched the house and the car, and the trial for lying to the police about what happened is pending. No body has been found.

8 The trial of Albert Fine, the partner of **Catherine Hoholski**, from Lorain USA, is also pending. In this case the body was found within 60 seconds of the dog being deployed, and it was then used to identify other locations relevant to the prosecution case.

9 The alleged abduction of **Isabel Mercedes Celis** has been called into question by the findings of two dogs, one a cadaver dog, in the family home. The findings were said to be "significant", the house is being treated as a crime scene and the matter is still under investigation. No body has been found.

10 The disappearance of 6 year old **Etan Patz** in New York 33 years ago, has already shown the feats of which cadaver dogs are capable. In this case pads of absorbent material were left for a time on the concrete floor of the basement and then presented to the dogs for testing. As a result the concrete floor was then ripped up. The handler Englebert said. "We as human beings never lose our scent. If [a body] had been there for a while, that scent would still be there," she said, indicating that even if investigators do not find remains in the basement, it is possible human remains may have once been there before being moved." The investigation has also used ground penetrating radar. The trial of Pedro Hernandez, who

has **admitted kidnapping and murder**, is pending.

11 The parents of **Lisa Irwin**, from Kansas City, also allege that she must have been abducted in the middle of the night. The mother told Police she did not search, “because she was afraid of what she might find”. Disturbed earth was found behind the house, and the dog alerted in the parent’s bedroom. As a result a full search warrant was granted, and the police say they want to talk to the parents Jeremy Irwin and Deborah Bradley, *one to one*.

12 The cold case of 14 year old **Melanie Melanson**, from Massachusetts USA, who disappeared 20 years ago, has been given fresh impetus through the findings of a cadaver dog which alerted in an area targeted following a tip off to Police.

13 Another mother, Shakara Dickens, of Memphis USA, reported in 2010 that she had given up her daughter **Lauryn Dickens** for adoption, but the various stories turned out to be false. A dog identified cadaver odour in the house and in the boot of the car, and despite defence arguments, **she was found guilty of Murder**. No body has been found.

14 The infamous case of **Caylee Anthony**, whose mother Casey Anthony was accused of murdering her in Orlando USA, in 2011, was also notable in that the evidence of the cadaver dog handler was admitted, even though the body was found later at a different location. The dog alerted in the boot of the car, and it was alleged that the mother had then dumped the body. The evidence was highly detailed, with full description of the system of ‘final trained alert’ by the dog showing an exact position, distinguished from a more general interest. In the event Anthony was not found guilty of the murder, but was convicted of several lesser offences. There are moves to have the case reopened at Federal level.

15 In the UK, the case of **Kirsi Gifford-Hull**, in Winchester in 2005, is of interest since although the body was discovered by a man walking a dog, and the offender Mike Gifford-Hull had made a public appeal at a press conference for his wife to return, cadaver dogs had already alerted some weeks earlier in the house and in his car during the initial search for a “missing person”. After the trial he told officers that when he saw the dogs alerting in the car he had contemplated making a full admission. **He was convicted**. After the trial Judge Guy Boney QC “. . . added that the police inquiry was so superior it could be matched with that of any other police force in the world.”

Many organisations exist to provide the services of cadaver dogs. Many are staffed by retired specialist Police officers. Their services are not cheap. It was widely reported, not entirely tongue in cheek, that Eddie, the cadaver dog operated by Mr Martin Grime, earned more than the Chief Constable. The Cadaver Dog Team of **Global Rescue Services**, and **Dog Detectives** operate in this sphere. Independent trainers include **Search Dogs UK** (www.searchdogsuk.co.uk) All operate within the UK

Almost every state of the US has its own team operating in this way, and the FBI run training programmes specifically targeted at Cadaver and Blood detecting dogs.

The whole area of research is subject to rigorous academic study, as so much in the legal world hinges on the success or otherwise of the dogs, and the trust placed by courts on their reported findings.

Academic Papers

16 Cadaver dogs– a study on detection of contaminated carpet squares.

Abstract

Cadaver dogs are known as valuable forensic tools in crime scene investigations. Scientific research attempting to verify their value is largely lacking, specifically for scents associated with the early postmortem interval. The aim of our investigation was the comparative evaluation of the reliability, accuracy, and specificity of three cadaver dogs belonging to the Hamburg State Police in the detection of scents during the early postmortem interval.

MATERIAL AND METHODS:

Carpet squares were used as an odor transporting media after they had been contaminated with the scent of two recently deceased bodies (PMI<3h). The contamination occurred for 2 min as well as 10 min without any direct contact between the carpet and the corpse. Comparative searches by the dogs were performed over a time period of 65 days (10 min contamination) and 35 days (2 min contamination).

RESULTS:

The results of this study indicate that the well-trained cadaver dog is an outstanding tool for crime scene investigation displaying excellent sensitivity (75-100), specificity (91-100), and having a positive predictive value (90-100), negative predictive value (90-100) as well as accuracy (92-100).

17 Cadaver dog and handler team capabilities in the recovery of buried human remains in the southeastern United States

Abstract

The detection of human remains that have been deliberately buried to escape detection is a problem for law enforcement. Sometimes the cadaver dog and handler teams are successful, while other times law enforcement and cadaver dog teams are frustrated in their search. Five field trials tested the ability of four cadaver dog and handler teams to detect buried human remains. Human and animal remains were buried in various forested areas during the summer months near Tuscaloosa, Alabama. The remains ranged in decomposition from fresh to skeletonized. Cadaver dogs detected with varying success: buried human remains at different stages of decomposition, buried human remains at different depths, and buried decomposed human and animal remains. The results from these trials showed that some cadaver dogs were able to locate skeletonized remains buried at a significant depth. Fresh and skeletonized remains were found equally by the cadaver dogs along with some caveats. Dog handlers affected the reliability of the cadaver dog results. Observations and videotape of the cadaver dogs during field trials showed that they were reliable in finding buried human remains.

18 The use of cadaver dogs in locating scattered, scavenged human remains: preliminary field test results.

Abstract

Specially trained air scent detection canines (*Canis familiaris*) are commonly used by law enforcement to detect narcotics, explosives or contraband, and by fire investigators to detect the presence of accelerants. Dogs are also used by police, military, and civilian groups to locate lost or missing persons, as well as victims of natural or mass disasters. A further subspecialty is "cadaver" searching, or the use of canines to locate buried or concealed human remains. Recent forensic investigations in central Alberta demonstrated that the use of cadaver dogs could be expanded to include locating partial, scattered human remains dispersed by repeated animal scavenging. Eight dog-and-handler teams participated in a two-month training program using human and animal remains in various stages of decay as scent sources. Ten blind field tests were then conducted which simulated actual search conditions. Recovery rates ranged between 57% and 100%, indicating that properly trained cadaver dogs can make significant contributions in the location and recovery of scattered human remains.

19 The suggestion that Cadaver dogs are "*incredibly unreliable*" is thus refuted.

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"Incredibly Unreliable"

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Interview with Sandra Felgueiras,
recorded 3 Nov. 2009, broadcast 5 Nov. 2009

5:39 *Gerry McCann "I can tell you that we've also looked at evidence about cadaver dogs and they're incredibly unreliable".*

SF "Unreliable ?

GM: "Cadaver dogs, Yes"

- 19.b http://www.gerrymccannsblogs.co.uk/DAYS_851_to_1050.htm

Gerry's blog Day 988 15/1/2010

"The use of dogs had proved to be problematic and unreliable in previous cases . . . To suggest or use the dogs' reactions as evidence is simply wrong and abusive"

Kate McCann

- 19.c from **"madeleine" by Kate McCann, May 2011, Bantam Press,**

p. 218/9

When he arrived, Ricardo explained this 'evidence' a little further. His tone was sombre as he told us about the two springer spaniels that had been brought out to Portugal by the British police to assist in the search. Keela, who could alert her handler to the tiniest trace of blood, had done so in apartment 5A. Eddie, a victim-recovery or 'cadaver' dog, trained to detect human remains, had indicated that somebody had died there.

p.219

Did they really believe that a dog could smell the 'odour of death' three months later from a body that had been removed so swiftly? They were adding two and two and coming up with ten. [1]

p. 253

As we now know, the chemicals believed to create the 'odour of death', putrescence and cadaverine, last no longer than thirty days. There were no decaying body parts for the dog to find. It was simply wrong. [2]

p. 267

By this time Gerry was deep into his next task: researching the validity of responses produced by blood and cadaver dogs. Along the way he spoke to several experts, and in the coming weeks we would learn a lot about the subject. This is what one US lawyer had to say about the objectivity and success rate of this procedure:

The most critical question relating to the use of the dog alerts as evidence is how likely is the dog's alert to be correct. In this regard, the only testing of these handler and dog teams recorded an abysmal performance. Here 'the basis' for the possible past presence of human remains is that there is a 20 or 40 per cent chance that a dog's 'alert' was correct. In other words, with respect to residual odour, the dog-handler teams performed significantly worse than if the handlers had simply flipped a coin to speculate as to the presence of residual odour at each location.

State of Wisconsin v. Zapata, 2006 CF 1996 – defendant supplemental memorandum [3]

Author's observations

- 1 A Cadaver dog **can** indeed smell the "odour of death" years, and even decades and centuries later. This statement is simply factually inaccurate, and misleading. (v.s.)
- 2 The chemicals **do** last longer than thirty days. This statement is simply factually inaccurate, and misleading. (v.s.)
- 3 This was material submitted by the defendant at First Instance. It is not precedent, or case law. This case is notable for the change of plea before the second trial and the admission by the accused that the dog had been **absolutely accurate** in all its alerts, showing the various places the body had been stored over a period of three decades. (*Wisconsin v. Zapata*, v.s)

What have the following in common ?

Children

Shannon Matthews
 April Jones
 Tia Sharp
 Caylee Marie Anthony
 Bianca Jones
 Joana Cipriano
 Harmony Jude Creech
 Dominik Takács
 Leonardo Giovanni Sendejas
 Riley Ann Sawyers
 Marina Sabatier
 Michael Daniel Smith
 Alexander Tyler Smith
 Keisha Weippeart
 Zoe Evans

Ruth Breton
 Jose Breton
 Samuele Lorenzi
 Jhessye Shockley
 Jamie Lavis

Adults

Fadi Nasri
 Kirsi Gifford-Hull
 Joanna Nelson
 Sharon Malone
 Lee Harvey
 Rachel McClean
 Shafilea Ahmed

Answer

In every case they were reported as having been “**abducted**”, or as “**missing**”, or in other ways someone gave false statements to police, and in every case they had been **harmed** either by a member of their own family who had made that false report, or by someone very close to the family and known to them.

Only Shannon Matthews escaped with her life. Her case was slightly different from the others, and involved her being used in an attempt by her mother and another relative to obtain the reward money by deception.

Every one of these children was included on the lists of “**Abducted**” or “**Missing**” children, about which the public are told to be so concerned, and from which other people make so much money.

Interestingly some of these names still have not been removed from the lists published by the many “Charities” which exist, allegedly to ‘assist’, even though the cases have been concluded, and the guilty sentenced.

We append a short précis of each case.

1 Shannon Matthews

In 2008 Karen Matthews reported her 9 year old daughter **Shannon** missing to the police, and went on to **make a number of emotional public appeals for her daughter's return**, begging for anyone holding Shannon to let her go.

Shannon was found alive, hidden in the base of a bed, at a house belonging to Michael Donovan (Karen's boyfriend's uncle). The family were supposedly planning to claim the £50,000 that Newspapers had put up as a reward for Shannon's return. Michael Donovan was charged with Kidnapping and False Imprisonment, while Karen Matthews was charged with Child neglect and Perverting the course of justice. They were both jailed for eight years.

2 April Jones

April Jones is a five-year-old girl from Machynlleth, Powys, Wales, who disappeared on 1 October 2012, after being sighted willingly getting into a van near her home. On 3 October 2012, April Jones's mother **made an appeal for information about her daughter**. Her disappearance generated a large amount of press coverage, both nationally and internationally. A 46-year-old man was subsequently arrested and charged with Jones's abduction and murder, while searches for her body continue. It is reported that he well known to the family. The case is pending

3 Tia Sharp

Tia Sharp was a 12-year-old English schoolgirl who was reported missing from the home of her grandmother, Christine Sharp, in New Addington, on 3 August 2012. On 7 August Tia's uncle, David Sharp, **made a televised plea for Tia's safe return**. Fifty-five sightings were reported by members of the public, but none were substantiated. When police discovered her body in the loft of the house seven days later, they arrested Christine Sharp and Stuart Hazell on suspicion of murder. Hazell is Christine Sharp's partner and the former boyfriend of Tia's mother, Natalie. Hazell was charged with Tia's murder the following day. Christine Sharp was released on bail. The case is pending

4 Caylee Marie Anthony

Caylee Marie Anthony was an American two-year-old girl who was **reported missing** July 15, 2008, in Orlando, Florida. Her skeletal remains were found in a wooded area near her home on December 11, 2008. Her then 22-year-old mother, Casey Marie Anthony, was tried for the first degree murder of Caylee but acquitted. She was, however, convicted of misdemeanour counts of providing false information to police officers. There are moves to reopen the case at Federal level.

5 Bianca Jones

A Detroit man was so obsessed over toilet training that he fatally beat his 2-year-old daughter for having an accident. D'Andre Lane, 32, charged with child abuse in the Dec. 2 disappearance of Bianca Jones, whose body has never been found, maintained his innocence **insisting she was taken during a car jacking**.

The car was found less than an hour later, but the girl wasn't in it. Dogs indicated that a cadaver had been in the vehicle. He was found guilty of Murder and Child Abuse

6 Joana Cipriano

Joana Cipriano was an eight-year-old Portuguese girl who disappeared from the village of Figueira, near Portimão, in the Algarve, on 12 September 2004. After criminal investigation, she was later assumed to have been murdered, though her body was never found. The investigation by the Polícia Judiciária ended with the conviction for murder of Leonor and João Cipriano, Joana's mother and uncle. Leonor Cipriano confessed to killing her daughter. Her uncle confessed to having beaten her up after which she stood "quiet on the floor". He said he cut his niece's body in small pieces, put her in a fridge box, then put her inside an old car

that was taken to Spain to be crushed and burned. When he was asked if he had sexually abused his niece he said in the presence of his lawyer "I did not harm her, I only killed her"

7 Harmony Jude Creech

Harmony was an 11-month-old girl whose remains were found in the attic of a Spring Lake home two years ago. Johni Michelle Heuser, 27, was indicted on a charge of first-degree murder in the death of Harmony Jade Creech.

Deputies found the toddler's remains in her mother's attic on Oct. 20, 2007.

The child had been wrapped in a plastic bag and stuffed in an empty diaper box in a corner of the attic, authorities said. The body was so badly decomposed that medical examiners have never been able to determine a cause of death.

When the child's father, Sgt. Ronald Creech II, returned from a 15-month deployment in Iraq,

Heuser initially claimed the baby had been abducted, prompting a state-wide Amber Alert.

She later told investigators that she found the baby dead in her crib weeks earlier and hid the death out of fear.

8 Dominik Takács

Dominik Takács a two-year-old Hungarian boy was reported missing in 2007 by his mother in central Budapest. Pictures of the boy dominated Hungarian media for several weeks.

Takács' mother said that **she saw her son heading towards the Danube and tried to run after him**, but fell over and lost consciousness for a few minutes. When she came to, he was nowhere to be seen. In October 2007, the mother admitted that he had been attacked by their own fighting dogs and she and the boy's father wheel-barrowed the body to fields near the family's home and buried it. Subsequently, in October the Hungarian police discovered the body of the two-year-old boy. As a result, the parents faced charges as they had not given "rational reasons" for their actions.

9 Leonardo Giovanni Sendejas

Ruth Petra Sendejas, 18, **told authorities that two men invaded her home**, threatened her, tied her up and placed a plastic bag over the head of her son, Leonardo Giovanni Sendejas.

The woman later changed her story, telling police that she staged the home invasion after finding her child unresponsive in his crib and fearing that she would lose custody of the boy, according to court documents. Police found the child unresponsive in his crib. He was taken to a hospital where he was pronounced dead. The cause of death was asphyxiation. During later questioning Ruth Petra Sendejas allegedly admitted to being the only person in the residence at the time of her child's death and that there had been no home invasion. The trial is pending

10 Riley Ann Sawyers (Baby Grace)

In the capital murder charge the couple, Clyde Zeigler II and Kimberly Dawn Trenor are accused of intentionally and knowingly causing the death of 2 year old Riley Ann Sawyers. Trenor and Zeigler were initially charged after Trenor gave a statement in which she described how the couple beat Riley with belts, held her head under water, smashed her head on the tile floor and pushed her face into the couch. After Riley died, Trenor said she and Zeigler wrapped her body in plastic bags, sealed it in a plastic storage box and eventually tossed it into Galveston Bay.

Trenor said Riley died on July 24, but the box was found by a fisherman washed ashore in late October and Trenor did not turn herself into authorities until nearly a month later. **The couple had originally claimed that Riley Ann had been abducted.**

11 Marina Sabatier

The 6 year old girl died in 2009 in a series of acts of torture and neglect.

In April 2009, Marina was hospitalised for more than a month of foot lesions resulting from abuse. She was returned to the parents, But Marina died on 6 August 2009. According to the parents, she did not survive the last torture session where she was immersed in an ice bath, forced to drink vinegar and coarse salt before being beaten. The couple then locked her in the basement, naked. They found her lifeless the next day. Eric Sabatier attempted to lead the police down a false track, **saying his daughter had been taken from the parking lot of a fast food restaurant**. After three days, they eventually confessed everything and took police to the place where they had hidden the body of their daughter. It was found in a closet, wrapped in a cloth, in a plastic crate, filled with concrete. They were sentenced to **30 years imprisonment**.

12/13 Michael Daniel Smith and Alexander Tyler Smith

In 1994, Susan Smith told police in South Carolina, USA that she had been car jacked by a black man who had driven off with her two young sons still in the vehicle. **Smith appeared on television appealing for the man to return the children**. Nine days later, Smith confessed to Police that she had driven the car into a lake, with her children still inside. It then emerged that she had been having an affair with a man, and had killed her two boys because he had said that he didn't want any children. She was convicted of murder, and given a life sentence.

14 Keisha Weippeart

Kiesha's mother, Kristi Abrahams, told police she tucked her daughter into bed. She was **reported missing the next morning**. As the search entered its third day on, Ms Abrahams **made an emotional appeal** for anyone who may have seen her daughter to come forward. Police located a shallow grave site where they believe the body of missing girl is located. Kristi Abrahams, 28, and Robert Smith, 31, were arrested. They have been formally charged with the girl's murder.

15 Zoe Evans

In 1997, 9-year-old Schoolgirl Zoe Evans went missing from her home. Zoe's naked body was found six weeks later, in a badger sett. Her mother, Paula Hamilton, and stepfather Miles Evans **appeared at a press conference, begging for her to come home**. It transpired that Zoe had been taken her from her bed and sexually assaulted by her stepfather. A post-mortem examination showed she died from asphyxiation. Evans was arrested and convicted of Zoe Evans' murder.

16/17 Ruth and Jose Breton

In October 2011 Joseph Breton **reported the disappearance of his two children**, Ruth and José, aged six and two. According to his version, they were visiting a Parque in Cordoba, when the children vanished without a trace. The investigation soon disproved the Breton version.

Despite the interrogations, confrontations and reconstructions of the facts by the police, Breton never revealed the true whereabouts of the children. The key was to find out what happened between 14.30 and 18.18 of October 8. The children were spending the weekend at the farm of Quemadillas that morning and had been playing with cousins. In the afternoon, when, supposedly, they left the farm, Breton disconnected his mobile. At 18.18 it was reconnected and Breton called his brother to report the alleged disappearance of children. Police had always focused enquiries on the paternal grandparents farm. In the early stages of the enquiry charred skeletal remains had been found in the ashes of a bonfire lit on the farm, but reports attributed them to a dog or small rodents. This proved to be wrong, and subsequently they were identified as the human remains of Ruth and Joseph. The trial is pending.

18 Samulele Lorenzi

three-year-old Samuele Lorenzi was found dead on 31 January 2002 while sleeping in his parents' bed in his family home in the mountain village of Cogne, in Aosta Valley, northern

Italy. The cause of death was found to be a blow to the skull. The murder weapon has never been found. In July 2004 an Italian court sentenced Samuele's mother Anna Maria Franzoni to 30 years in prison for aggravated murder. In 2007 the penalty was reduced to 16 years of jail for homicide. Franzoni always refuted the charge, **asserting that an intruder had killed her child** in the few minutes she left home to accompany her older son Davide to the school bus station. Mrs. Franzoni was also charged and found guilty of defamation against the Chief Prosecutor of Aosta.

19 Jhessye Shockley

Hunter is facing charges of first-degree murder and child abuse in Jhessye's disappearance. **Hunter reported her daughter missing.** Police believe with certainty that Jhessye was killed and her remains were placed at the Butterfield Landfill. On Nov. 23, about six weeks after Jhessye **was reported missing**, a woman contacted investigators. She said that seven to 15 days before Hunter reported her daughter missing, she gave Hunter a ride to Tempe. At the time, Hunter put a large, heavy suitcase in the woman's trunk. When they got to Tempe, Hunter put it in a skip. **Hunter even apologised to the woman for the smell of the suitcase.** Police tested the trunk of that car and it tested positive for blood.

Jhessye's body has never been found. Glendale police said they believe she was killed and her body was thrown in a trash can. Investigators have been working on the case since Oct. 2011, when Hunter **reported her daughter missing.**

20 Jamie Lavis

Bus driver Darren Vickers was the last man to see eight-year-old Jamie Lavis on May 5, 1997. After the boy vanished he befriended his distraught family in Openshaw, Manchester, making a tearful TV plea on their behalf. In April 1999, at Preston Crown Court, Vickers was jailed for life for Jamie's murder.

Adults

21 Fadi Nasri

On the evening of 11 May 2006, Patel-Nasri was reported to have gone outside her home carrying a chef's knife. It is believed that this was the murder weapon. A man wearing a hooded top was seen running away from the scene. During the subsequent trial, it transpired that Patel-Nasri had been stabbed inside her home and had staggered outside the front door before collapsing. **Fadi Nasri made a public appeal to find the killer** of his new bride Nisha Patel-Nasri who he had stabbed with a 13-inch kitchen knife at her home

22 Kirsi Gifford-Hull

In 2006, a dog walker found the decomposed remains of Kirsi Gifford-Hull buried in a shallow grave, in woods. Just a few days earlier, her husband Mike Gifford-Hull contacted Police claiming that his wife had left him – **and later made a TV appeal pleading for his wife to get in touch** because their children had made a banner for her birthday. In fact Mike Gifford-Hull had strangled his wife during a row over the state of their marriage and his having had sex with prostitutes. He then concealed her body. He was found guilty of murder and jailed for 17 years.

23 Joanna Nelson

In 2005, Joanna Nelson vanished. Police launched a massive search but Miss Nelson's body was not found until over a month later. **Shortly after her disappearance, her boyfriend Paul Dyson, appeared on television acting as if was very concerned.** Under interrogation

Dyson eventually admitted he was responsible for his girlfriend's death, saying that he had strangled her after a row about housework. He was sentenced to life in prison, and Judge Tom Cracknell, highlighted his appearance on the TV appeal for information, saying "You went on TV and displayed breathtaking and nauseating hypocrisy."

24 Sharon Malone

Sharon Malone vanished in 1999, and was later found bludgeoned to death in nearby Woodland. Her husband, Garry Malone, **had participated in a televised police press conference to appeal for her return**. He later invented a story about his wife having been killed by a gang, because of an unpaid debt. Mr Malone fled the country confirming the suspicions of detectives. Garry Malone was convicted of his wife's murder, after being extradited from Spain, where he had adopted a new identity.

25 Lee Harvey

In 1996, Lee Harvey was stabbed to death on an isolated road. His fiancée, Tracie Andrews, told police that he had been attacked by a motorist after a "road rage" incident. The former model later appeared at a Police press conference looking distraught and begging for help in catching the killer, **claiming a "fat man with staring eyes" had attacked her boyfriend**, stabbing him more than thirty times.

Detectives became sceptical of the story after it emerged that the couple had a stormy and often violent relationship. Tracie Andrews was charged with murder, and at her trial a jury was told she had stabbed him to death after a row. She was sentenced to life.

26 Rachel McClean

In 1991, the boyfriend of Rachel McLean reported her missing to Police. **John Tanner not only appeared in a press conference appealing for help but also took part in a televised reconstruction**. He claimed Miss McLean had seen him off at the railway station, and said a long-haired stranger had offered to give her a lift home. A few days later, police discovered Rachel's remains under the floorboards of her flat, and Tanner was immediately arrested. His story crumbled, and he was charged with her murder. At his trial, Tanner changed his story and said that he had 'snapped' and killed his girlfriend after she admitted that she had been unfaithful. He was convicted of murder and jailed for life.

27 Shafilea Ahmed

AFTER 17-year-old Shafilea Ahmed vanished from her home in Warrington, Cheshire, on September 11, 2003 her parents Iftikhar and Farzana gave an emotional TV interview. The body of Shafilea was found in a Cumbrian river in February 2004. In May 2012 her parents were jailed for life for her "honour killing".

References

These are taken from the net, and several cases the most convenient summary is to be found on "*Wikipedia*". www.wikipedia.org/

Their absolute accuracy cannot therefore be guaranteed.

A search will reveal more links for each of the cases. The primary sources, the Court reports, are obtainable, sometimes for a fee.

Children

- 1 http://en.wikipedia.org/wiki/Kidnapping_of_Shannon_Matthews
- 2 http://en.wikipedia.org/wiki/Disappearance_of_April_Jones
- 3 http://en.wikipedia.org/wiki/Death_of_Tia_Sharp
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Adults

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- 22 <http://www.telegraph.co.uk/news/uknews/1530154/Husband-buried-his-wife-where-he-had-sex-with-lover.html>

- 23 <http://www.dailymail.co.uk/news/article-368005/Life-Joannes-killer-mum-turned-in.html>
- 24 http://news.bbc.co.uk/2/hi/uk_news/england/beds/bucks/herts/4537825.stm
- 25 <http://www.dailymail.co.uk/news/article-2018706/Tracie-Andrews-release-Killer-shows-remorse-Lee-Harvey-murder.html>
- 26 http://en.wikipedia.org/wiki/Murder_of_Rachel_McLean
- 27 http://en.wikipedia.org/wiki/Murder_of_Shafilea_Ahmed

11 **Public appeals for help and crocodile tears.**

In every one of these cases the person responsible for the commission of the crime has made public appeal for help, or for information.

The Crime: In 2008, 9-year-old **Shannon Matthews** disappeared after a school trip.

The Lies: Karen Matthews reported her daughter Shannon missing to the police, and went on to make a number of emotional public appeals for her daughter's return, begging for anyone holding Shannon to let her go.

The Truth: Shannon was found alive, hidden in the base of a bed, at a house belonging to Michael Donovan (Karen's boyfriend's uncle) – The family were supposedly planning to claim the £50,000 that newspapers had put up as a reward for Shannon's return.

The Verdict: Michael Donovan was charged with Kidnapping and False imprisonment, while Karen Matthews was charged with Child neglect and Perverting the course of justice. They were both jailed for eight years. Julian Goose QC said Karen Matthews "lied and lied and lied again". Detective Superintendent Andy Brennan branded Karen Matthews "Pure evil".

The Crime: In 2006, **Nisha Patel-Nasri** was stabbed with her own 13-inch kitchen knife, and bled to death outside her home.

The Lies: Her husband, Fadi Nasri, made a televised appeal for information in the days after his wife's death, crying crocodile tears, and begging anyone with information to contact the Police.

The Truth: Fadi Nasri wanted to claim his wife's £350,000 life insurance policy, in order to pay off his debts and continue an affair he was having. So, he arranged for his wife to be at home while he was away, and hired a drug dealer to organise the killing.

The Verdict: Fadi Nasri, was eventually arrested, and shortly afterwards found guilty of organising his wife's murder. He was jailed for life.

The Crime: In 2006, A dog walker found the decomposed remains of **Kirsi Gifford-Hull** buried in a shallow grave, in woods.

The Lies: Just a few days earlier, her husband Mike Gifford-Hull, had told his children that he'd had a massive argument with his wife and that she had left with her passport and a substantial sum of money. He then contacted Police claiming that his wife had left him – and later made a TV appeal pleading for his wife to get in touch because their children had made a banner for her birthday.

The Truth: Mike Gifford-Hull had strangled his wife during a row over the state of their marriage and his having had sex with prostitutes. He then concealed her body.

The Verdict: Mike Gifford-Hull was found guilty of murder and jailed for 17 years. Superintendent David Kilbride said: "Michael Gifford-Hull told lie after lie to the police, to her family in Finland and their two children. He deliberately and carefully laid a false trail involving the apparent disappearance of clothes, money and her passport."

The Crime: On Valentine's Day, in 2005, **Joanna Nelson** vanished. Police launched a massive search but Miss Nelson's body was not found until over a month later.

The Lies: Shortly after her disappearance, her boyfriend Paul Dyson, appeared on television acting as if very concerned.

The Truth: Under interrogation by detectives, Dyson eventually cracked and admitted he was responsible for his girlfriend's death, saying that he had strangled her after a row about housework.

The Verdict: Paul Dyson was sentenced to life in prison, and Judge Tom Cracknell, highlighted his appearance on the TV appeal for information, saying "You went on TV and displayed breathtaking and nauseating hypocrisy."

The Crime: In 2002, two 10-year old girls, **Holly Wells and Jessica Chapman** disappeared. They were later found dead in a ditch, and their bodies had been burned.

The Lies: Ian Huntley pretended to help search for the girls, and offered words of sympathy one of their fathers. He was also broadcast telling reporters: "*While there's no news, there's a glimmer of hope. I think that's all we're clinging onto. It's just very upsetting to think I might be the last friendly face that these two girls had to speak to before something happened to them.*"

The Truth: Huntley later admitted that the girls had died in his house, but claimed that he had accidentally knocked Holly into the bath while helping her control a nosebleed, and then accidentally suffocated Jessica when she started to scream. The police suspect that Huntley killed the girls in a fit of jealous rage, and suggest there may also have been a sexual motive.

The Verdict: Ian Huntley was found guilty of Murder and sentenced to life imprisonment, but the High Court ruled that this crime was so serious that Huntley must remain in prison until he has served at least 40 years. His girlfriend Maxine Carr, who provided a false alibi, was convicted of perverting the course of justice.

The Crime: **Sharon Malone** vanished in 1999, and was later found bludgeoned to death in nearby woodland.

The Lies: Her husband, Garry Malone, had participated in a televised police press conference to appeal for her return, pleading "We missed you over Christmas... The boys missed you and asked after Mummy. Please put our minds at rest... Come home". He later invented a story about his wife having been killed by a gang, because of an unpaid debt.

The Truth: Mr Malone fled, the country confirmed the suspicions of detectives, who had since discovered that his marriage was on the rocks, and Malone facing being financially crippled by a divorce.

The Verdict: Garry Malone was convicted of his wife's murder, after being extradited from Spain, where he had adopted a new identity. Judge Stephen Kramer sentenced Malone to a minimum of 18 years, and said he was "manipulative, calculating and deceitful".

The Crime: In 1997, 9-year-old Schoolgirl **Zoe Evans** went missing from her home. Zoe's naked body was found six weeks later, in a badger sett.

The Lies: Her Mother, Paula Hamilton, and Stepfather Miles Evans appeared at a press conference, begging for her to come home.

The Truth: It transpired that Zoe had been taken from her bed and sexually assaulted by her stepfather – A post-mortem examination showed she died from asphyxiation.

The Verdict: Evans was arrested and eventually convicted of Zoe Evans' murder.

The Crime: In 1996, **Lee Harvey** was stabbed to death on an isolated road.

The Lies: His fiancée, Tracie Andrews, told police that he had been attacked by a motorist after a “road rage” incident. The former model later appeared at a police press conference looking distraught and begging for help in catching the killer, claiming a “fat man with staring eyes” had attacked her boyfriend, stabbing him more than thirty times.

The Truth: Detectives became sceptical of the story after it emerged that the couple had a stormy and often violent relationship.

The Verdict: Tracie Andrews was charged with murder, and at her trial a jury was told she had stabbed him to death after a row. She was sentenced to life in prison.

The Crime: In 1994, Susan Smith told police in South Carolina, USA that she had been carjacked by a black man who had driven off with her two young sons, **Michael and Alexander**, still in the vehicle.

The Lies: Smith appeared on television appealing for the man to return the children.

The Truth: Nine days later, Smith confessed to Police that she had driven the car into a lake, with her children still inside. It then emerged that she had been having an affair with a man, and had killed her two boys because he had said that he didn’t want any children.

The Verdict: She was convicted of murder, and given a life sentence.

The Crime: In 1994, **Carol Wardell**, the Manager of a Building Society was murdered and about £15,000 was stolen from the branch.

The Lies: Her husband, Gordon, appeared at a press conference and told reporters that he had returned home from the pub on Sunday afternoon to discover his wife being held captive by a man who was wearing a clown mask and armed with a knife. Wardell alleged he had been punched, forced to the ground and rendered unconscious after a chloroform-soaked cloth was pressed over his face. He went on to tell journalists: “A man got hold of my wife and was threatening her with a knife.” He further claimed he had been tied up by the gang, who took his wife off to the Building Society, early the following morning.

The Verdict: Within a month police realised his story was a pack of lies and he was arrested.

The Result: Wardell was sentenced to life imprisonment, and the Judge told him that he had gone to elaborate lengths, including tying himself up and inflicting injuries, to make it appear as if the couple were the victims of Robbers.

The Crime: In 1991, the boyfriend of **Rachel McLean** reported her missing to police.

The Lies: John Tanner not only appeared in a press conference appealing for help but also took part in a televised reconstruction. He claimed Miss McLean had seen him off at the railway station, and said a long-haired stranger had offered to give her a lift home. Tanner told reporters his girlfriend had been “a lover of life” and even asked people to help “out of sheer consideration for her mother and father and myself”.

The Truth: A few days later, police discovered Rachel’s remains under the floorboards of her flat, and Tanner was immediately arrested. His story crumbled, and he was charged with her murder.

The Verdict: At his trial, Tanner changed his story and said that he had ‘snapped’ and killed his girlfriend after she admitted that she had been unfaithful. He was convicted of murder and jailed for life.

Reference

<http://www.seductionlabs.org/2009/02/01/a-challenge-for-body-language-expert>