

The Madeleine Foundation

Combating child neglect

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Monday 13 July 2009

Rt. Hon. Gordon Brown

Prime Minister

10 Downing Street

LONDON SW1A

Dear Prime Minister

re: Response to [Petition](#) of Elizabeth Woolnough on the 10 Downing Street website, calling on you to order a review into the role of the British police in relation to the Portuguese inquiry into the disappearance of Madeleine McCann

We write to support the above petition of Elizabeth Woolnough, which a few days ago received the required 500 votes - meaning that you are committed to making a written reply to the petition demand in public and publishing it on your website. We write to support this petition and give reasons why such a review should be held.

We would, however, go further than the petitioner. We suggest that there needs to be a full and open public enquiry not only into the role of Leicestershire Police and other members of the British police forces but also in relation to the extent of government involvement in this case, not least of course your own personal involvement in the case. This included a great deal of activity in May 2007, shortly after Madeleine McCann 'disappeared', leading up to your reported intervention in mid-to-late May 2007 in apparently persuading the Portuguese police to allow Dr Gerald McCann to release a description of a possible suspect to the world's media. We say more about this below.

The conduct of British police forces is frequently investigated by a body set up to investigate misconduct, namely the Independent Police Complaints Commission. We do not think that the IPCC is the appropriate body to investigate the serious allegations against Leicestershire Police, and also against members of the British government, in relation to the conduct of the criminal investigation into Madeleine's 'disappearance'. We suggest it must be a full, independent and open public enquiry.

The Madeleine Foundation is a membership organisation founded to pursue some of the child care issues that arose from the Madeleine McCann case, not least of course whether it could ever be justified to leave three young children alone in a dark, foreign apartment for periods of half-an-hour or longer whilst

one is wining and dining with friends out of sight of the room where the children are sleeping and well over a minute's walk away.

It is also right to put on record at this stage that members of The Madeleine Foundation do not believe the claim of the McCanns that Madeleine was abducted. Indeed, we share the views on what really happened to Madeleine McCann of Goncalo Amaral, the original senior investigating detective in the case. He has published a book, 'A Verdada de Mentira', which translates as 'The Truth About A Lie', in which he explains the evidential reasons for believing that Madeleine McCann died in her parents' apartment in Praia da Luz and that her body was subsequently hidden or disposed of by or with the approval of her parents, Doctors Gerald and Kate McCann.

One of the key lines of evidence he refers to in his book is the work of two internationally-acclaimed British police sniffer dogs, namely the two springer spaniels, Eddie and Keela, who have been trained and used by British dog handler Martin Grime. These dogs, who hitherto had a 100% track record in 200 or more cases of successfully locating where corpses had lain (Eddie) or of detecting human blood (Keela), found the scent of a human corpse in the following locations:

- 1) The living room of the McCanns' apartment (5A) in Praia da Luz, on the floor next to the outside wall, behind the sofa
- 2) In or near the wardrobe in the McCanns' apartment bedroom
- 3) On the veranda of the McCanns' apartment veranda
- 4) Amongst the flowerbeds outside the apartment
- 5) On two of Dr Kate McCann's clothes
- 6) On a red T-shirt belonging either to Madeleine or to her younger brother Sean
- 7) On the pink soft toy often produced by Dr Kate McCann for media photographs, 'Cuddle Cat'
- 8) On the floor of the Renault Scenic, the hired car used by the McCanns, near the driver's seat
- 9) On the car keys of the Renault Scenic.

The presence of human cadaverine in these locations or on these items indicates that a corpse which has been dead for at least 90 minutes, usually at least two hours, has been in direct contact with these locations/items. The dogs did not find the scent of a human corpse anywhere else in Praia da Luz. Eddie was reported never to have given a 'false positive', i.e. a false alert, to the scent of a human corpse. His reactions to the above ten locations (he alerted to two separate items of Dr Kate McCann's clothing) can therefore be trusted. The only corpse that could have been in contact with those 10 locations - though it is sad to spell this out in black and white - is that of Madeleine McCann.

The dogs' findings were only one of many reasons which suggest that Madeleine McCann was not abducted. These reasons prompted me to write a 64-page booklet on the subject: "What Really Happened to Madeleine McCann? - 60 Reasons which suggest she was not abducted", which was sent to you shortly after its publication in December last year. It has also been sent to every British M.P., along with a request by us that the British government

use its influence to seek a public inquest or other judicial enquiry into the 'disappearance' of Madeleine, either in the U.K. or in Portugal.

That booklet was the subject of libel threats by Mr Clarence Mitchell, who has in effect been the McCanns' chief public relations adviser since mid-May 2007, and was at that time Director of the 40-strong Central Office of Information Media Monitoring Unit. Clarence Mitchell has boasted that his role at that unit was 'to control what comes out in the media', and he has undoubtedly succeeded to a very large extent in being able to do that in this case. I will return to the need for an enquiry into the role of Mr Mitchell in relation to Madeleine McCann's 'disappearance' later in my letter. In the meantime, I can inform you that though the booklet was published seven months ago, there has been no libel writ received nor even further threats of one.

On 26 October 2008, an article in 'The People' quoted the McCanns' lawyers and Mr Mitchell referring to the possibility of libel action concerning the contents of The Madeleine Foundation website and of our forthcoming book. The following day, I wrote to all of the following: Dr Gerald and Dr Kate McCann themselves, to Clarence Mitchell, to Carter Ruck, to Bates, Wells & Braithwaite, and to Michael Caplan Q.C., three of the McCanns' many lawyers. In that letter, I offered to correct or remove any statement made about the Madeleine McCann case on our website, or in my forthcoming booklet, which the McCanns or their advisers could demonstrate to be untrue. I have never received even an acknowledgement to any of those five letters. It is clear therefore that the arguments, and the facts supporting those arguments in my book, have gone completely unchallenged by the McCanns and all of their advisers, including the country's acknowledged top firm of libel lawyers, Carter Ruck. Our booklet has nearly sold out of its first print run and a second edition, which will include additional information, is planned.

It is necessary also at this point to review the state of public opinion about the Madeleine McCann case. As long ago as August 2007, one of the nation's most respected opinion poll organisations found a figure as high as 80% of British people who thought that the McCanns were 'involved in some way' in the 'disappearance' of their daughter.

That autumn, the McCanns appeared on a Spanish TV programme where they were interviewed at length. Viewers were asked to call in at the end of the programme to say whether they thought the McCanns were 'telling the truth' or 'lying'. Some 70% called in to say that they thought the McCanns were lying. Tens of thousands of people, many of them professionals such as social workers, current and former police officers and health care workers, have joined public forums because they believe that the McCanns were directly involved in the 'disappearance' of their daughter. Many of these people also believe that the police investigation into Madeleine's disappearance has been ineffective partly, at least, because of active British government interference in the case. I deal with that particular issue below.

Returning to Elizabeth Woolnough's petition, it currently has 510 signatures and is likely to attract still more before it expires in 27 July. Explaining the petition, Elizabeth Woolnough wrote:

“Almost two years after Madeleine McCann vanished, there has been no trace of her and no-one has yet been brought to justice, even though it is certain that at least one very serious criminal offence has been committed. We ask the Prime Minister to order a review into the role played by British police in this investigation, with a view to establishing the best way to bring this investigation to a successful conclusion”.

I set out below the major reasons why an enquiry into the conduct of the British police in general and in particular the conduct of Leicestershire Police is necessary, together with reasons why such an enquiry should also embrace the serious issue of the extent of government involvement in backing the McCanns’ abduction claim and possible interference in the criminal investigation of Madeleine’s ‘disappearance’:

1. Promoting the McCanns’ fund-raising website and encouraging the public to contact the McCanns’ private investigators rather than the police

The continued promotion of the McCanns' fund-raising website from a link on the Leicestershire Police website has been actively opposed by hundreds of people, maybe many more. From Freedom of Information replies we have received from Leicestershire Police and from indications also given by the Portuguese police, it appears that although the investigation into Madeleine’s ‘disappearance’ appears to have been shelved, there are still ongoing investigations. In that respect, it is clear from all we have written above that the McCanns remain prime suspects for at least some degree of involvement in the ‘disappearance’ of their daughter.

It seems from that this is the only case anywhere in the world, so far as we are aware, where a police force has allowed a potential suspect to raise money, i.e. for the ‘Find Madeleine Fund’. That money has been used, inter alia, to undermine the official police investigations into Madeleine’s ‘disappearance’.

Furthermore, the McCanns’ website encourages the public to contact the McCanns’ own private investigators, not Leicestershire Police nor the Portuguese police. The very poor excuse that Leicestershire Police have offered for this extraordinary conduct is that the public are sometimes reluctant to contact the police direct.

We - and thousands of others - find this completely unacceptable for several reasons.

First, for whatever reason, the McCanns have a poor record in their choice of private investigators. First, they chose Control Risks Group, who have absolutely no previous experience whatsoever in tracing or finding missing children.

Then, they spent an estimated £500,000 paying the controversial Spanish detective agency, Metodo 3. The boss of this discredited private investigation agency openly boasted in December 2007 that he and his ‘detectives’ knew where Madeleine was and that she would be ‘home by Christmas’. Staff of Metodo 3 have recently been arrested on serious drugs and corruption charges. The McCanns themselves later publicly admitted that they thought

they had wasted £½ million on them. Metodo 3, like Control Risks Group before them, had no previous experience whatsoever in successfully tracing and finding missing children.

The next set of private investigators to be used by the McCanns was Oakley International, a company based in the U.S. which the McCanns' spokesman, Mr Mitchell, triumphantly declared were 'the big boys', but of whom no-one had ever heard. It turned out on later investigation by those closely following the Madeleine investigations that the company was only registered for the first time in the summer of 2007, that is, *after* Madeleine had 'disappeared'. They too had no track record whatsoever of successful tracing and finding missing children.

Then, in late 2008, Mr Mitchell claimed to the British media that the McCanns had appointed a 'top team of 12 ex-detectives', said to be from MI5, MI6 and the Metropolitan Police. These claims seem very doubtful, to put it mildly. The public has never been given the identities of any of them.

More recently, there has been news of the activities of two ex-detectives appointed by the McCanns, Mr Dave Edgar and Mr Arthur Cowley. Their main role in the past three months appears to have been to talk up in the press, with the help of Mr Mitchell, the possible role of a series of named paedophiles such as Raymond Hewlett, in the disappearance of Madeleine.

These so-called 'leads' of named paedophiles have either already been fully explored by the Portuguese police, or have come to nothing for a variety of fairly obvious reasons. They do not suggest that, after spending perhaps up to £2 million or more on a series of questionable private detective agencies, the McCanns are anywhere nearer identifying the abductor whom they have consistently claimed was seen by their friend Jane Tanner at around 9.15pm on Thursday 3 May 2007, the day Madeleine was reported missing. In any case, as you must be aware, Jane Tanner has not told a consistent story about her claimed story of seeing a man carrying a child; to put it bluntly, there are a number of indications that she was not telling the truth.

Indeed, by now the British public has had paraded before it no fewer than eight likenesses of an alleged abductor, beginning with Jane Tanner's description of a well-dressed man with black shoes and long black hair. Later, we had the sketch of a man with a moustache, then there was much front-page publicity in the British press about a spotty individual, whom it turns out had already been eliminated from suspicion by the Portuguese police. This procession of alleged abductors has surely brought the whole 'abductor' theory into further disrepute amongst large sections of the British public. Few of the eight artists' sketches we have so far seen in the British press or on the McCanns' website even bear much resemblance to each other.

Further, it was seriously suggested by the McCanns' private detectives and their public relations advisers that Raymond Hewlett may have been the abductor. This was the story that millions of British people read about in the press earlier this year, before the McCanns' public relations team had to admit that Raymond Hewlett could not have been the abductor. Of course, being aged 62 at the time Madeleine 'disappeared', he looked nothing whatsoever

like the person said to have been identified by the McCanns' friend Jane Tanner, whom she claimed was aged around 35 and had long black hair.

Therefore, to invite, as Leicestershire Police have been doing now for the best part of two years, the general public to contact private investigators with a track record like the above-mentioned 'investigators' is, we suggest, grossly irresponsible. It also sets a terrible precedent for British police forces.

Second, if it is seriously thought that any member of the public has, at this stage, genuine information about the 'disappearance' of Madeleine McCann that they are unwilling, for some reason, to give to Leicestershire Police or to the Portuguese police, there is an existing organisation that caters for such people, namely Crimestoppers. Why do Leicestershire Police not simply refer the public to Crimestoppers?

Third, as it appears that there is an ongoing investigation by the proper authorities into the circumstances of this 3-year-old British girl vanishing off the face of the earth, how can it serve the purpose of the investigation to encourage the public to contact the McCanns' private investigators, particularly when the McCanns, Mr Mitchell and the McCanns' lawyers have continually denigrated the Portuguese police over the past two years - and continue to do so as is clear from an article in the *Sunday Mirror* yesterday.

Fourth, the appearance, via an internet link, on the Leicestershire Police website of an appeal for the public to identify a possible abductor strongly suggests that Leicestershire Police and the Portuguese police are exclusively working on the abduction theory, despite all the evidence to the contrary.

Fifth, the McCanns' website - until three months ago - was publishing four sketches of what they said was the 'probable abductor', but who looked nothing like each other. Still worse, the McCanns' website indicated that a sketch made on the basis of observations from Mrs Cooper - that of a man with a moustache and straggly hair - was 'the probable abductor'. Yet there was never any information in the public domain that suggested that this man 'probably abducted Madeleine'; he was just someone seen in the area some weeks beforehand.

Leicestershire police must have been aware of this fact. Many individuals have complained about this to Leicestershire Police, but the force nevertheless continued, via their link to the McCanns' website, to promote this false 'probable abductor'. The McCanns only removed this sketch as the 'probable abductor' after a series of scathing comments were made about this on some of the many Madeleine McCann discussion forums on the internet. The question is therefore: Why were Leicestershire Police happy to knowingly provide a link which did not give the general public a correct description of 'the probable abductor'? Leicestershire Police have continually refused to answer that question.

2. The failure to forward the important statement of the two Doctors Gaspar, which suggested a possible paedophile interest by both Dr David Payne and Dr Gerald McCann, to the Portuguese Police, for 6 months

One key matter which requires investigation by an independent authority is why Leicestershire Police, apparently for several months, did not disclose the existence of the following two statements made by Dr Katherine Gaspar and Dr Arul Savio Gaspar, two doctors who knew the McCanns, to their Portuguese police counterparts. The Doctors Gaspar gave their statement to Leicestershire Police on 16 May 2007, 13 days after Madeleine had been reported missing.

The disclosure was, however, apparently made to the Portuguese police only *after* Goncalo Amaral was removed from the investigation into Madeleine's 'disappearance'. The context is that when news of Madeleine's 'disappearance' was splashed across the world's news media during the early days of May 2007, the Gaspars immediately made a connection with certain disturbing conversations they had witnessed between Dr Gerald McCann and his very good friend (and the person who arranged the holiday in Praia da Luz for the McCanns), Dr David Payne.

This is what Goncalo Amaral says about this matter in his book:

"This witness statement from the couple, Savio Gaspar and Katherina Gaspar, is taken by the English police on May 16th, thirteen days after Madeleine's disappearance. That information, very important for the progress of the investigation, was never sent to the Portuguese police. When the Portuguese investigators learned about similar events that allegedly took place during a holiday in Greece - without, however, obtaining reliable witness statements - they told the English police, who, even at this point, refrained from revealing what they knew on the subject.

"It was only be after my removal from the investigation, in October 2007, that this statement was finally sent to the Portuguese police. Why did the British [police] keep it secret for more than six months? It is all the more surprising that David Payne, who had planned the trip to Majorca - of whom it was known that his behaviour towards the children was, to say the least, questionable - is the same person who organised the holiday in Portugal, that he is one of those closest to Madeleine, and that he is the first friend of the family to have been seen with Kate McCann just after her disappearance (we will talk further about this). *He was still present in Vila da Luz when the English police received that witness statement: why wasn't he interviewed immediately?* Without doubt, the Portuguese police could have made progress with the investigation thanks to that lead: such behaviour would merit close attention. Were we looking in the right direction? Might we have established a link with the events of May 3rd? *It is difficult to seriously doubt these witnesses*".

The Gaspars had become aware from news reports that Dr David Payne was also present on the holiday with the McCanns in May 2007. Their concern, to put it bluntly but correctly, is that they believed from what they had seen and heard that Madeleine could have been at risk from both Dr David Payne and her father Dr Gerald McCann, as the Gaspars had evidence that both had shown signs of a paedophile interest in Madeleine. They felt it was vital that this information was passed on straightaway to the proper authorities. They relied on their trust in Leicestershire Police Officers that this would be done

promptly. *It was not.* A decision to refuse to pass that information on must have been made by a senior detective in the Madeleine McCann investigation. *An enquiry needs to establish who made that decision and why.* In making their statements, the Gaspars showed considerable courage, as they were putting the possible risks there may have been to Madeleine above their own friendship with the McCanns and the Paynes. They also would know, as doctors, that they might well be placing fellow doctors and friends under close police scrutiny.

I reproduce first of all the statement of Dr Katherine Zacharias Gaspar made to Leicestershire Police on 16 May 2007:

“I give this declaration in relation to the McCANN family who are currently in Portugal. The McCANN family is composed of Gerry McCANN, his wife, Kate McCANN and their three children, Madeleine, aged 4, and Sean and Amelie, who are twins and 3 years of age. As is abundantly clear, Madeleine is not with her family presently, and has been missing for the last two weeks.

“I will start by explaining that I am married to Arul Savio Gaspar and we have two daughters. I have been married to Savio for 11 years. We met when we were working together in Exeter about 14 years ago [1993]. I am a General Practitioner as was my husband. He continues to be a General Practitioner but is also a specialist.

“To explain how we know the McCann family, I would say that my husband knows Kate, as they both attended the University of Dundee between 1987 and 1992. At the time, Kate was known by the name of Kate Healey. I met Kate and Gerry on the occasion of their wedding around 1998 in Liverpool. Both Savio and I went to the wedding because Savio was an old friend of Kate; we were both invited to the event. From what I know, Savio did not know Gerry McCann before they married. From that time on, we met as friends, probably about three times a year and we would spend the weekend together.

“I would say we got to be close friends of Gerry and Kate. I remember that in 2002 or 2003, Savio and I spent a weekend with Gerry and Kate in Devon. We maintained contact with each other by 'phone. In 2002 or 2003 Savio and I were living in the Birmingham area and the McCanns were then in Leicester. In September 2005 Savio, me and 'A' [name of first child] (who was around one year and a half) holidayed in Majorca, with Kate, Gerry, Madeleine (who was about 2½ years old) and the twins, Sean and Amelie, who were only a few months old. I was pregnant with 'B' [name of second child]. There were also other friends of Kate and Gerry with us there. There was a couple, Dave and Fiona (the Paynes, I think). I believe they were married and had a daughter around one year old called Lily. I remember Fiona was pregnant on that holiday.

“There was another couple on the vacation: C_____ and D_____, whose surname I can't remember. They had two boys (three years and one year old respectively) whose names I don't remember. I did not know either of these two families before this holiday. I think it was Dave Payne who organised the trip and we stayed in a big house in Majorca. We were there for one week whilst the McCanns and the Paynes stayed for two weeks. I believe C_____ and D_____ and their two sons also stayed for one week.

“It was fun during the first two or three days. Probably around the fourth or fifth day there was an incident that stuck in my mind. I say this because I have thought about the particular incident I am about to describe many times since then.

“One night, when all the adults, that is, from those couples I have mentioned above, were all sitting around on a patio outside the house where we were all staying. We had been eating and drinking ‘Berbers’. I was sitting between Gerry and Dave and I think both were talking about Madeleine. I can't remember the conversation in its entirety, but they seemed to be discussing a particular scenario. I remember Dave saying to Gerry something about ‘she’, meaning Madeleine, ‘would do this’.

“While he mentioned the word ‘this’, Dave was doing the action of sucking one of his fingers, pushing it in and out of his mouth, while with his other hand he was doing a circle around his nipple, with a circular movement around his clothes. This was done in a provocative way. There seemed to be an explicit insinuation about what he was saying and doing. I remember being shocked by that. I always felt it was something very weird and that it was not something anyone should say or do. I looked at Gerry, and also at Dave, to gauge their reactions.

“I looked around as if saying: “Did someone else hear that, or was it just me?”. The conversations stopped for a moment, then we all began conversing again. Moreover, I remember Dave doing the same thing on another occasion. In saying this, I want to mention once again that it was during a conversation in which he was talking about an imaginary scenario, although I'm not sure. He again stuck one of his fingers in and out of his mouth and with the other hand he once again drew a circle around his nipple in a provocative and sexual way. I think he was referring to the way she, that is, his daughter Lily, would behave or what she would do. I think he did this later during this same holiday, but I'm not sure.

“The only time since then that I have been in the company of Dave and Fiona was several weeks after the holidays, when Savio and I met Gerry, Kate, Dave and Fiona in a restaurant in Leicester. I'm sure that he said what he said and made the gestures I have related, but [the second time] it could have happened in the restaurant in Leicester, although I do think it was in Majorca that I heard Dave say and do this for the second time. After the second occasion [when he made these gestures] I took it more seriously.

“I remember thinking whether he would look at my daughter and other little girls in a different way than I or others do. I imagined that he had perhaps visited internet sites related to little children. In a word, I thought that he could be interested in child pornography on the web. During our holiday in Majorca, each parent would bath the children in turn. I was keen to stay near the bathroom if Dave was bathing the children. I remember I said to Savio to be careful and to be close by if Dave was helping to bathe the children and my daughter in particular. I did this [stay near the bathroom if Dave was bathing the children] quite obviously because hearing what he said had troubled me and I didn't trust him bathing ‘A’ [our first child].

“When I heard Dave say this for the second time, it reinforced what I had already been thinking concerning his thoughts about little girls. During our stay in Majorca, Dave and his wife Fiona and their daughter Lily used to take Madeleine with them for the day in order that Kate and Gerry could rest a bit and had time just for the twins. I wasn't worried about Madeleine's safety, because Fiona and [another female adult] were there, as well as Dave. As already referred to, I was only with Dave and Fiona on one occasion, after [we were on holiday together in] Majorca. And I have not spoken to them at all since that time. In recent, we have seen the McCann family on occasions. These occasions coincide with the children's birthdays - a time when we all get together.

“The first time I heard the terrible news regarding the disappearance of Madeleine McCann on the radio, my thoughts raced immediately to Dave. I asked Savio if Dave was also on holiday with the McCanns in Portugal, but he didn't know. I watched TV to catch the coverage of the news and eventually discovered that Dave was there with the McCanns.

“Then I saw him on TV a few days after Madeleine disappeared. I therefore believed that he was on holiday with the McCanns in Portugal. Today, Wednesday 16 May, 2007, at 3.40pm, I have given Detective Constable Brewer a page containing 2 photographic images. I am going to reference these images as: Ref KZG/1). I consent that these may be exhibited as required [by the police]. All these photographs were taken during our holidays in Majorca. In the photographs, Dave is wearing a white T-shirt and the woman in the photograph is his wife Fiona. The man that is holding the cup of wine in the photograph is _____”.

That statement of Dr Katherine Gaspar alone is very concerning. I now turn to a statement made by Dr Katherine Gaspar's husband, Dr Arul Savio Gaspar, also made on the same day:

“I make this statement in relation to the disappearance of Madeleine McCann. I currently work as a General Practitioner at St Clements Surgery, Birmingham, where I have been employed for the last nine years. Madeleine is the daughter of Kate and Gerry McCann and we are friends of the family. I have known Kate since 1987, when we met at Dundee Medical School, and became friends. We have remained in touch all this time and meet up three or four times a year. We often talk on the 'phone or email each other. When we first became friends in 1987, she was still known as Kate Healy; this remained so until she married Gerry at the end of 1990s.

“Kate and I completed our medical degrees in 1992, when we each carried on with our lives, once we had begun our careers. After I finished my degree, I began my career in Exeter, and I think Kate went to Glasgow. I only met up with Kate again in 1997 or 1998. At that moment I was married to Katherine. We had both been invited to attend Kate and Gerry's wedding.

“After their wedding we lost contact and I think they went to New Zealand. We only met up again in 2001 in Birmingham. The couple visited us in the house where we then living, in _____, and this was the first time I had ever talked to Gerry. I think that at that time Kate and Gerry were living in Queniborough,

Leicestershire. From 2001 until 2005, we were in regular contact with each other and often visited each other's homes.

"We planned a holiday together for the first week of September 2005 in Majorca, together with three other couples including Kate and Gerry. We did not know the other two couples; they were both friends of Kate and Gerry's. We had never met them before. All of us had children. When we went on this holiday we had one daughter, 'A', aged 18 months. Kate and Gerry had three children, Madeleine - almost two - and the twins, who were six months old [NOTE: Madeleine was 2¼ in September 2005].

The other couples were Fiona and David Payne and their daughter Lily who was one year old and _____ and _____ who had two boys aged three and one. I do not remember the surname of _____ and _____ nor the names of their children. Katherine and I had booked the holiday for one week and the McCanns and the other two couples had booked for two weeks. We stayed together in a large villa. We all arrived at the villa separately.

"During the period we stayed at the villa I remember a gesture made by David Payne. I do not remember the context of the conversation between David and Gerry, but I do remember seeing David use his left index finger to rub his nipple, using circular movements, whilst he put his right index finger into his mouth, touching his tongue. This happened during a meal, at the end of the day, in the villa. I do not remember the time or the date, but we would usually dine between 7.30pm and 9.00pm every day. I think this happened in the middle of the holiday.

"I remember that when I saw this gesture, I immediately thought it to be in very bad taste, independently of the context of the conversation they were having. We were sitting around a white plastic table in the villa. I don't know if anyone else saw the gesture, apart from my wife Katherine. After this gesture, we did not notice any others and as far as I know, the gesture was not repeated. We never commented on this gesture during the rest of the holiday and I thought no more about it.

"I can describe Dave as a Caucasian male 5' 10" tall, and of a medium complexion. He had brown hair and used glasses or contact lenses depending on the circumstances. I can say that Dave was a pleasant person. I do not remember him having any unusual characteristics. During the holidays Dave never behaved in an inappropriate manner with Madeleine or with any of the other children. Dave was popular with the children and I took this to be because he was a close friend to the family.

"I never distrusted Dave. After the holidays there was one occasion when we were with Kate and Gerry and Fiona and Dave were also present. That was in a restaurant in Leicester in 2005. I do not remember the name of the restaurant. We had a pleasant evening, just the three couples without the children. I do not remember Dave having behaved inappropriately on this occasion. We have not spoken to Dave or Fiona since December 2005, only due to their being friends of Kate and Gerry [rather than ourselves], not for any other reason. The last time I saw Kate, Gerry, Madeleine, Sean and Amelie was in March 2007 when they came to our house for the first birthday celebration of my daughter 'B'.

“On the morning of 4th May [2007], Katherine saw the news about Madeleine on television. We were very shocked and worried given that they were close friends. It was during the days following the news of the abduction that we discovered that Fiona and David Payne were also with them in Portugal. It was at this moment that Katherine showed concern at the gesture made by Dave in Majorca in 2005. Katherine remembered that when Dave made the gesture, he was referring to Madeleine.

I only remember that Katherine saw the gesture at the time; I had forgotten the episode, it was never the subject of conversation. At the time I did not feel the gesture was referring to Madeleine. It is my wish that the police are aware of my preoccupation with the gesture made by David Payne”.

It is clear, then, that both the Doctors Gaspar were concerned enough about Dr David Payne’s gestures to make statements and thereby ensure that the police were informed. It is impossible to understand why Leicestershire Police, so far as we are aware, deliberately withheld this statement from the Portuguese police for several months, and certainly until after Goncalo Amaral was taken off the case.

Insofar as Dr David Payne is concerned, you will be aware that in June 2007 Dr David Payne took a telephone call from a Portuguese newspaper who wanted to ask him some questions about Madeleine’s disappearance. He replied that the business of Madeleine’s disappearance was ‘our matter only’ and referred to a ‘pact’ that he and all the McCanns’ friends had to keep silent and only allow Dr Gerald McCann to speak for them. That did not appear to be the kind of conduct to be expected from people who were genuinely concerned to do everything in their power to find an abducted little girl. The ‘pact’ of which Dr Payne spoke has since been commonly referred to as ‘The Pact of Silence’. When people conspire together to maintain a ‘pact of silence’, it is not to promote the truth about an event, it is to *hide* the truth.

The concerns about Dr David Payne have been enhanced by highly contradictory statements to the Portuguese police made by Dr David Payne himself, his wife Fiona Payne, and Dr Gerald and Dr Kate McCann about what Dr David Payne was doing between around 5.00pm and 7.00pm on the day Madeleine ‘disappeared’.

A hint of this comes in this e-mail to Portuguese detective Ricardo Pavia, from one of his colleagues, which has been made public amongst the thousands of documents released by the Portuguese in the summer of 2008:

E-mail to Ricardo Pavia of the Portuguese Police regarding David Payne's statement

“Ricardo,

“I have read carefully the answers of David Payne to the written questions, but I wasn't able to extract any other information from them apart from what is already known. Payne said he saw Madeleine for the last time at 5.00pm on the 3rd May in the McCanns’ apartment. Kate and Gerry were both there. Payne didn't explain why he was in the apartment, nor what they were doing there. Nor did he say how long he stayed there.

“When he was asked with whom he was at the end of that afternoon, he said he already told the police and couldn't remember if he was with anyone else that afternoon. He couldn't remember what clothes he had on.

“[After Madeleine was reported missing] he looked for Madeleine, but was alone most of the time in doing so, except for some odd bits of time with Matthew Oldfield. On the day after (4th May), he didn't take part because he spent most of the time in the police station. To many questions he didn't give a complete answer, just stating that he had already provided information to the Police.

“I studied once again the statements of Fiona Payne. She stated that she went with Kate to the McCanns' flat around 7.00pm on the 3rd. Then, she said, ten minutes later her husband [David Payne] arrived. Her answers to the written questions are vague, she keeps saying 'according to my previous statement' or uses a similar expression”.

These are not the only concerns about Dr David Payne. For a police force not to pass on to the investigating police force credible details from two General Practitioners that a person in close contact with Madeleine McCann may have a paedophile interest in young girls requires a very good answer from whoever at that time was heading Leicestershire Police's investigation.

3. Possible interference with the Forensic Science Service to try to undermine the first forensic analysis, which seemed to show that it was Madeleine's blood in the apartment and Madeleine's body fluids in the hired car

The main evidence that there may have been top-level interference with the Forensic Science Service in Birmingham comes from Goncalo Amaral, who insists in his book that the initial, unadulterated, DNA findings of the Forensic Science Service clearly pointed to the fact that it was Madeleine McCanns' DNA that was found amongst body fluids found on the floor of the living room of the McCanns' apartment and in the Renault Scenic that the McCanns hired at the end of May 2007. These were also of course key locations that the springer spaniel Eddie identified as places where a corpse had been lying, hence his picking up the scent of human cadaverine.

Further evidence came from Portuguese police sources who spoke to SKY News reporter Martin Brunt. On 10 September 2007, Brunt reported, looking at a report as he did so, that a 100% match with Madeleine's DNA had been found on a windowsill but also, crucially, amongst some body fluids in the Renault Scenic, the car the McCanns hired. Mr Brunt's report can be viewed on YouTube at:

http://www.youtube.com/watch?v=O4WEspvu_5Y&feature=related

where, to date, it has been viewed by over 14,400 people.

The official report that appeared on the SKY News website the same day read as follows:

“Portuguese police say they have found firm DNA evidence that the body of Madeleine McCann was in the boot of the family's hire car five weeks after she went missing, sources have told SKY News.

“SKY crime correspondent Martin Brunt, speaking from Portimao, said police were ‘adamant’ they had found the most ‘damning’ evidence yet, implicating either one or both of the McCanns in their daughter's death. The evidence came in blood samples returned from the Forensic Science Service in Birmingham.

“Police say it is the most damning evidence that has been returned by the tests’, Brunt said. ‘It shows, as far as they are concerned, the presence of Madeleine's body in the car five weeks after she disappeared’. He continued: ‘The evidence suggests very strongly that it was not that her DNA had been transferred from clothing or from a cuddly toy. The allegation is that the DNA shows a full match of 99%. According to police, it shows the presence of Madeleine's body in the boot of the family's hire car five weeks after she disappeared’.

“He said the sample of blood sent to the Forensic Science Service in Birmingham carried three matches of Madeleine's DNA. Two were partial matches that came from the car and the windowsill of the family's holiday apartment. The third was the full match from the boot of the car.

“Meanwhile, papers outlining any evidence against Gerry and Kate McCann will be passed to the Public Prosecutor in Portugal...The Portimao-based prosecutor, Jose Cunha de Magalhaes e Meneses, will look at the DNA evidence as well as the statements given by the McCanns to see if there is a case against the couple”.

Further disclosures by Goncalo Amaral and the Portuguese police suggest that the initial test on the samples of body fluids from the McCanns’ Renault Scenic gave a ‘15/19’ match to Madeleine – that is, 15 of the alleles carried by Madeleine as part of her ‘profile’ were found in the sample, sufficient to be close to 100% confident that this bodily fluid was from Madeleine.

However, for whatever reason, it was subsequently decided to carry out a second test on the body sample, which, unsurprisingly, produced a less clear result. The second test could not duplicate the previous result because the sample appears to have become contaminated by three staff at the Forensic Science Service. The result was now that 15 of Madeleine’s alleles were found amongst a total of 37 alleles – a so-called ‘15/37 match’ - which meant that the body fluid sample could certainly have come from Madeleine, but equally could have come from a number of other people. This second result was later described by the Forensic Science Service as ‘inconclusive’.

On the subject of the forensic findings, it is also important to note this report filed by Jane Hill for the BBC on 7 September 2007. She told viewers:

“An early forensic report is alleged to have mentioned a certain blood spray...commensurate with a certain type of broken larynx...some DNA samples found, related to cerebral fluids, indicates a broken neck or fractured skull”.

A Portuguese police official, Sousa, also himself told of this very find, referring to 'a mist of blood spray' that was found in the apartment".

That forensic report has not to date been disclosed by the Portuguese police amongst the DVD files they have released to the public, nor to selected journalists who have received additional information from the police. It would be important to establish whether this was also a finding by the Forensic Science Service in Birmingham or whether it was a finding by the Portuguese police and to what extent that was either taken into account, or dismissed, when the Forensic Science Service pronounced that the forensic evidence as to whether Madeleine had died in her parents' apartment was 'inconclusive'.

4. The remarkably gentle and friendly way Stuart Prior and his colleagues dealt with the 'Tapas 9' before the rogatory interviews and the unusual and over-familiar use by Leicestershire Police of first names when e-mailing or writing to the McCanns and the other members of the 'Tapas 9'

The McCanns and their friends, whom I have called here for convenience the 'Tapas 9', appear to have had an excessively friendly relationship with the Senior Investigating Officer, Detective Superintendent Stuart Prior. They referred to him in e-mails and over the 'phone as 'Stu'. Alongside this, D/S Prior's approach to the 'Tapas 9' also seems unusually deferential. We appreciate that the so-called 'rogatory interviews' were of witnesses and not suspects, and they were therefore not to be questioned under caution.

However, this was a group of friends suspected of not telling the truth about the events leading up to Madeleine being reported missing. There was evidence of numerous contradictions and changes of story amongst the 'Tapas 9' during the interviews they gave to the Portuguese police in May 2007. The unusually informal atmosphere between the 'Tapas 9' and D/S Stuart Prior does not seem at all appropriate given (a) the seriousness of the issues surrounding Madeleine's 'disappearance', (b) major question marks about the conflicting information given by the 'Tapas 9' to the police in Portugal, and (c) the refusal of all the 'Tapas 9' to take part in the reconstruction of the events of 3 May 2007 - which the Portuguese police deemed vital in order to try and establish the truth of what really happened to Madeleine. The apparently over-familiar relationship between D/S Prior and the 'Tapas 9' therefore needs to be investigated – and especially so since Leicestershire Police are so obviously giving very significant practical support to the McCanns by their linking their website to the McCanns' website.

5. Why did it take so long to arrange the rogatory interviews, and, given the number of contradictions and changes in story of the McCanns and their 'Tapas 9' friends during their various rogatory interviews, why were no follow-up interviews arranged?

It seemed to take months for the so-called rogatory interviews of the 'Tapas 9' to be arranged. We do not know how much of this was the responsibility of the Portuguese police in delaying sending these, and how much was due to delays in the Home Office.

The Home Office has to date refused to answer Freedom of Information questions put to them about this issue, although there does not seem to be any way that the release of this information could possibly prejudice the laying of charges against anyone who might be arrested in connection with Madeleine's 'disappearance'. All other things being equal, criminal investigations must be conducted as expeditiously as possible. If there was any fault of the Home Office in delaying or otherwise frustrating the wish of the Portuguese police to carry out interviews with the 'Tapas 9' as soon as possible, this clearly must be investigated independently and an explanation sought from the Home Secretary at the time, Jacqui Smith, and those senior civil servants who were involved in dealing with the request for Leicestershire Police to carry out these 'rogatories'.

In addition, now that the full transcript of these rogatory interviews have been released, it is clear that the answers from the 'Tapas 9' generated far more questions than they yielded answers. It may be a question more for the Portuguese police than for Leicestershire Police, but anyone evaluating those rogatory interviews and the hesitant, vague and contradictory answers given by most of the 'Tapas 9', would be bound to ask why apparently no further and follow-up questions were asked of any of them. That is also an issue that a public enquiry should examine.

A further question in relation to these rogatory interviews is why (as has been admitted by Leicestershire Police) the 'Tapas 9' were allowed to read statements they had previously made to the Portuguese police, to refresh their memories, and why, in at least one case, a couple were allowed to read their respective spouse's statements - given that one of the key issues about the original 'Tapas 9' statements was the degree of contradiction between them all.

6. Possible leaks from the investigation to the McCanns and in particular possible leaks of the contents of the rogatory interviews to the McCanns and their 'Tapas 9' friends, either by Leicestershire Police or the Home Office

Goncalo Amaral, in his book, has referred to the suspicious way in which the McCanns appeared able to glean information about what was happening within his investigation, which points to possible corrupt officers within the Portuguese investigation team, and possibly also to links with corrupt officers within Leicestershire Police. It has also been suggested that the McCanns and 'Tapas 9' may have had some advance notice of the questions going to be asked of them in the rogatory interviews, so as to enable them to prepare for them. That would be a serious breach of the strict confidentiality surrounding in any investigation and we believe that only a robust independent enquiry would be able to establish whether this did, or might have, taken place.

7. What was the purpose and what was the outcome of the 'Meeting of Superintendents' which Detective Superintendent Stuart Prior said was held on 20 September 2007?

This meeting was held just 12 days after the McCanns were made 'arguidos' but, perhaps equally or even more importantly, just 13 days before 3 October 2007, the date on which Goncalo Amaral was removed from his position as senior investigating detective into Madeleine's 'disappearance'. From that moment on, the vigour of the original investigation appears to have diminished sharply, so much so that it has been suggested by many, not least by Goncalo Amaral himself, that the purpose of removing Amaral from the investigation was simply to ensure that the investigation into Madeleine's 'disappearance' ran into the sand and got nowhere. For that reason it would be very important for an independent enquiry to establish what briefing or briefings were given at that meeting, who was present, what minutes were taken, and what actions were agreed at the conclusion of that meeting.

8. What was in the two huge boxes of material delivered to the McCanns' house in or around October 2007 (captured on a news broadcast)?

It is important to establish this, since one possibility is that the two officers who were seen on TV to have delivered these two huge boxes may have delivered material to the McCanns that the McCanns, as ongoing suspects at that time, may not have been entitled to see. It is difficult to think of any other circumstances where two people under suspicion of having committed grave criminal acts should receive a visit from two police officers delivering what appeared to be two boxes full of documents.

9. Why the Police and or the Child Exploitation and Online Protection Centre (CEOP) appear to have given the McCanns internal and confidential books of investigation procedures

Material disclosed in the Portuguese police files in connection with the investigation into the 'disappearance' of Madeleine McCann suggests that the McCanns, whilst in Praia da Luz, were in possession of material such as police manuals and procedure manuals from CEOP. It has been suggested by many that amongst these were confidential details of investigation procedures which would not normally be available to members of the public, and certainly not to criminal suspects. It first needs to be established whether the McCanns were in possession of such material and, if so, whether it was confidential material that they should not have been entitled to see. If it established that they had this material, and that it was confidential material, then we need to ask the question: who placed it into the McCanns' hands?

10. Whether there have been discussions between government ministers, top civil servants and officers of either the Portuguese police or judicial authorities or Leicestershire Police and if so what those discussions were about

Normally, a government should not interfere in any way whatsoever in a police investigation, and certainly not in the police investigation of another sovereign state. Indeed, when we suggested in a letter to all MPs sent in March this year that there should be an inquest or other public enquiry, either in the U.K. or in Portugal, into all the circumstances surrounding Madeleine McCann's 'disappearance', then Europe Minister Caroline Flint was quick to point out to us that there was no way that Ministers in the U.K. could in any

way 'interfere' in the judicial or other internal affairs of another sovereign state.

It is at this point where your own personal role in assisting the McCanns comes sharply into focus. These facts are known:

a) Dr Gerald McCann has admitted engaging in at least nine telephone calls with you in May 2007, whilst at the time you were Chancellor of the Exchequer. He says he would telephone you on his mobile 'phone and that one such conversation with you (whilst he was en route to the Roman Catholic shrine at Fatima) lasted for 45 minutes. The subject matter of these telephone calls has not yet been disclosed by either party to them.

b) You were reported by a number of sources to have personally telephoned senior officers in the Portuguese judiciary and/or Portuguese police with a view to persuading them to release a description of a suspect, or at least allowing Dr Gerald McCann to release such a description (which he subsequently did). It is admitted that the Portuguese police, having spoken to you, did agree to allow Dr Gerald McCann to make a statement to the world's media on 25 May 2007. In this statement, he summarised the description given to him by one of his holiday friends, Jane Tanner, who claimed to have seen a man who could have been Madeleine's abductor. It is clear from information disclosed by Goncalo Amaral that the Portuguese police already suspected Jane Tanner of fabricating her 'sighting' of an abductor and did not believe she had seen anybody. Hence their reluctance to circulate any description themselves.

For reference, I quote the *Sunday Observer* report by Brendan de Beer on 27 May 2008:

"Gordon Brown has personally intervened in the search for missing four-year-old Madeleine McCann, after her parents became frustrated by the lack of progress in the police investigation. After a series of telephone conversations with Madeleine's father, Gerry McCann, in recent days, the Chancellor requested assistance from the Foreign Office and the Home Office. He asked that pressure be brought to bear on the Portuguese authorities to allow more information about the inquiry to be made public.

"Gerry and his wife, Kate, have been desperate for a description of a man seen carrying what appears to have been a child on 3 May to be made public, but Portuguese police refused for three weeks because of the country's laws, which forbid the details of an investigation being released.

"*The Observer* understands that Brown gave the McCanns an assurance he would do 'anything he can' to help. The British Embassy duly applied pressure on the Portuguese authorities to find more flexibility in their secrecy laws. British Ambassador John Buck visited the Algarve last Thursday. A day later, Portuguese police made a U-turn and issued a detailed description of the man, said to be white, 35 to 40, 5ft 10in and of medium build, with hair longer around the neck, wearing a dark jacket, light beige trousers and dark shoes.

Asked whether Brown had influenced the decision, Clarence Mitchell, a Foreign Office spokesman for the McCann family in the Algarve, said: 'Draw

your own conclusions.' He said in a statement: 'I can confirm that telephone conversations have taken place between Gerry McCann and Chancellor Gordon Brown. During them, Mr Brown offered both Gerry and Kate his full support in their efforts to find Madeleine, although details of the conversations will remain private'."

In answer to a Freedom of Information Act request, the Foreign and Commonwealth office gave this statement:

"We do not hold any recorded information in relation to your request. We do hold the following extract from the Prime Minister's press conference with the Portuguese Prime Minister on 9 July 2007:

Question: "There are some reports this morning that there maybe progress in the investigation into the disappearance of Madeleine McCann this week. Have you been discussing the case and can you tell us about any progress at all?"

Prime Minister: "Well, I have raised the case with the Portuguese Prime Minister. I thanked him for the work that the Portuguese authorities have done, this has been a very detailed investigation and it is one that has involved not just the authorities in Portugal but the authorities right across Europe and in some cases beyond Europe. So we are grateful to the Portuguese authorities for the time and the effort and the dedication that is being put into this investigation. I have talked to Madeleine McCann's parents, I have heard from them their appreciation of the work that has been done in this investigation. Obviously there are issues that they want to be assured about and I have raised these with the Portuguese Prime Minister. He has assured me that everything that can be done will be done and obviously we look for progress in what is something that is heart-rending in its sadness that a young child should be separated from her parents for so long with so little news of what has happened to her and at such a tender age".

The Foreign and Commonwealth Office added: "The FCO provides consular assistance in cases involving British children missing abroad. FCO consular officials, both in London and Portugal, are providing all appropriate consular assistance to Madeleine's family. Consular officials continue to follow Madeleine's case closely and provide on-going assistance as they would for any British national in these circumstances. At the same time the UK and the Portuguese authorities are working closely together and remain focussed on their joint objective - to return Madeleine safely to her family".

These answers suggest that contacts between yourself, other government Ministers, Consular staff and senior civil servants and the McCanns and their advisers have been far more involved and numerous than we have hitherto been led to believe. It is not believable that the British government does not keep a record of phone conversations and e-mails on a topic as important as this. This was an ongoing criminal investigation.

c) Goncalo Amaral has on a number of occasions stated that you were told of his pending removal from the Madeleine enquiry, which occurred on 3 October, before he was. This points to you taking a close personal interest in the removal of Goncalo Amaral from that enquiry.

d) It has been publicly disclosed that you discussed the Madeleine McCann case with the President of the European Parliament, Jose Manuel de Barroso, and with the Portuguese Prime Minister Jose Socrates, during discussions at the E.U. Lisbon summit in October 2007; however, the content of those discussions remains secret. Given that these discussions concerned a still missing 3-year-old British child whose parents were at that time suspected of criminal involvement in her 'disappearance', and about whom there has been no inquest or other enquiry or court hearing, we suggest that this too should form part of any enquiry as to whether you and other members of the British government and British police forces sought in any way to attempt to affect the outcome of the Portuguese police enquiry into Madeleine's 'disappearance'. The contents of your discussions about a three-year-old missing British girl should not remain secret, but should be disclosed to any public enquiry.

One aspect of your significant involvement in the Madeleine McCann case during May 2007 was discussed with us by Dennis Skinner M.P., who 'phoned me in March 2009 in response to a letter sent to him enclosing a copy of my book on the Madeleine McCann case. He pointed out, with some force, that it was not part of your role as Chancellor of the Exchequer to be discussing the release of a description of a possible abductor with the Portuguese authorities. He explained that this role was firmly that of the Foreign and Commonwealth Office. He told us that if it could be demonstrated that you did indeed play an active role in securing the permission of the Portuguese police for Dr Gerald McCann to issue that description, there would be grounds for an enquiry as to why you stepped out of your role as Chancellor of the Exchequer and trespassed on matters clearly belonging to the Foreign Office.

Further, the extent of government involvement in supporting the McCanns and their claim of abduction seems to have been wholly unprecedented. Aspects of that high degree of involvement which we suggest should be examined by an independent public enquiry include:

i) The rapid provision of consular assistance

Within just two hours of Madeleine 'disappearing', the following report appeared in the online edition of the *Daily Telegraph*, timed at 00.01 (one minute past midnight) on Friday 4th May 2007:

"A three-year-old British girl has gone missing while on a family holiday in Portugal, the Foreign Office said today. Portuguese police are investigating the disappearance from a holiday complex in Praia da Luz in the western Algarve. A Foreign Office spokesman said that he understood the girl's parents had gone to have dinner once their children were asleep last night, but returned to check on them only to find the girl had gone missing. 'They reported it straight away', he said, adding that consular assistance was being offered".

Not only was the British Ambassador in Portugal already involved. Even before midnight on 3/4 May, the matter was already in the hands of the Foreign Office - and Foreign Office spokesmen were on hand to brief the *Daily Telegraph*. The British government therefore appeared committed to

believing and supporting the McCanns' abduction claim right from the outset, without having even had time to properly check the facts and the surrounding circumstances. This harmonises with a statement subsequently made by Mr Mitchell when he said that he only agreed to be posted to Portugal and seconded away from his post as Head of the Media Monitoring Unit after being *assured* by the British Ambassador to Portugal that this was indeed an unusual case of stranger abduction. The Ambassador's actions appear not to have been neutral. He appears to have promoted the McCanns' abduction claim before it had been properly investigated by the police.

ii) The statement by the British Ambassador to Portugal, Mr John Buck, on 8 May 2007, just five days after Madeleine 'disappeared'

A further clue to the top-level involvement of the British government in this case came just five days later in this statement to the media by Mr John Buck, British Ambassador to Portugal, in Praia da Luz, on Tuesday 8 May:

“Ladies and gentlemen, Good evening. As you know I spent quite a lot of time with the McCann family on Friday [NB 4th May, the day the McCanns were also being interviewed by the Portuguese police] and over the weekend, and also supporting our Consular staff here in the Algarve. I wanted to come down today to see Kate and Gerry again and to continue to support our Consular staff who've been dealing with this case *continually now for a number of days*. I also wanted to assure myself personally that *the necessary links between British and Portuguese experts here on the ground are working well* - and they are.

“As you know we have had *three family liaison officers* from the Leicestershire Police here with the family acting as a point of communication with the Portuguese Police. As I think you also know *additional experts arrived today to work with their Portuguese colleagues on this investigation*. I don't want to say anything in detail about the investigation but it might be helpful if I said a word or two about the background.

“This is and must remain a Portuguese Police investigation. As you know the Portuguese police operate under Portuguese law and Portuguese law puts constraints on what they can say publicly and the information they can release. Against that background *I have been in touch closely over the last few days with Cabinet Ministers here in Portugal, with the Prime Minister's Office and with the Portuguese Police authorities*. They all assure me that everything possible is being done to ensure the safe return of Madeleine.

“We continue to work closely with the Portuguese authorities. They are very pleased with the collaboration with the British authorities. They are in close touch with Interpol and Europol and I know that Kate and Gerry, with whom I've just been speaking for the past hour, are very grateful for their efforts. Thank you very much”.

That account by Mr Buck explains the huge level of ambassadorial, government and police support for the McCanns' claim that Madeleine was abducted. Not only that, but counsellors from the Centre for Crisis Psychology in Skipton were flown out to Praia da Luz to provide additional support to the McCanns. This counselling organisation appears to have very close links to the

government and is commonly used by them following disasters. It is possible that the British government may have paid for these counsellors - we need to know if they did, and, if so, why.

An enquiry needs to establish who exactly co-ordinated and organised this overwhelming level of assistance to support the McCanns' claim of abduction, when, as it turned out, within a few months there was significant, some would say overwhelming, evidence pointing to Madeleine having died in her parents' apartment.

iii) The despatch of a Cabinet-level official to oversee public relations in the case

One of the British government's most highly-paid 'spinners' of information, Mr Clarence Mitchell, was despatched almost immediately to Portugal to conduct and oversee public relations for the McCanns. His job at the time was the high-level position of Head of the Media Monitoring Unit for the Central Office of Information - a post established primarily to ensure that the government's line on any particular issue was promoted in the media.

Indeed, on one occasion Mr Mitchell openly boasted that his role at the MMU was 'to control what comes out in the media'. In May 2007, he was seconded to the Foreign Office for the special assignment of proactively handling press relations about the 'disappearance' of Madeleine McCann. He was apparently later allowed to retire prematurely from the civil service - in September 2007 - in order to become employed exclusively by the McCanns to act as their PR spokesman, at a salary said to be £75,000 a year.

It is noteworthy also that he continues to act as the McCanns' media adviser even over two years after Madeleine's disappearance, and that he now works for Freud Communications, owned by Matthew Freud, who is married to Rupert Murdoch's daughter. Freud Communications is known to have strong links with your government at the very highest levels. An independent enquiry needs to establish what role Mr Mitchell has played in connection with the 'disappearance' of Madeleine McCann and why the British government felt it necessary to despatch such a senior public relations figure and civil servant to work with the McCanns full-time.

It should be added that a video exists of Mr Mitchell, in a TV interview, openly boasting that it was he who, through his contacts, arranged for the McCanns to meet the Pope on 28 May 2007. Once again, it is clear that it was the British government that arranged this unprecedentedly high-profile event to assist the McCanns. Similarly, the British government appears also to have facilitated Dr Gerald McCann's visit to the White House where he met U.S. Attorney-General Alberto Gonzales.

iv) The despatch of another top government official, Sheree Dodd, to help with the McCanns' PR

The former *Daily Mirror* journalist and long-serving senior government spokeswoman, Ms Sheree Dodd, was also deployed in the early days as an additional 'media liaison officer' for the McCann family in addition to Mr Mitchell (see also next point). This appointment added to the already truly

exceptional level of help being given by the British government to the McCanns. Within days of Madeleine's 'disappearance', a top-level team of up to a dozen, maybe more, lawyers, PR professionals, Foreign Office and Consular officials were working flat out to back up the McCanns' abduction claim – a wholly exceptional amount of high-level support, especially given that the only 'sighting' of an abductor was the unreliable claim of Jane Tanner who says she originally saw 'a man carrying a bundle', then later changed her statement to give what she claimed was a detailed description of a man and a young girl he was carting. One Spanish newspaper claimed that "British diplomats who found Doctors Kate and Gerry McCann suspicious were removed from Portugal", and that "The British government involved more than normal - The Maddie case gets a new political dimension", please see: <http://www.saz-aktuell.com/newsdetail~key~8489~start~1~app~review.htm>

If any diplomats expressed reservations about the McCanns' version of why Madeleine 'disappeared', that would be a serious issue and again deserves to be considered by an independent public enquiry. Credible reports suggested that Sheree Dodd did not buy the McCanns' abduction claim, said so, and as a result was sent back to London. That would also be another significant issue to be investigated by a public enquiry.

v) The mystery over Foreign Secretary David Miliband's numerous telephone conversations with the McCanns

During 2007, Clarence Mitchell, by then the full-time PR spokesman for the McCanns, claimed that after the McCanns were made 'arguidos' [provisional suspects], they had not received *any* help from, or even been in contact with, any senior Ministers of the British government.

However, a member of the public asked a question about Mr Mitchell's claim under the Freedom of Information Act 2000. The reply contradicted Mr Mitchell's previous claim. Below are extracts from the reply he received from the Foreign and Commonwealth Office:

"I can confirm that the Foreign Secretary has communicated with the McCann family *on a number of occasions*. However any further details relating to this have been withheld under Section 36(2)(c) of the Freedom of Information Act which, if disclosed, would or would be likely to, prejudice the effective conduct of public affairs...We had to apply a 'public interest test' to determine whether or not the information should be released. We recognise that there is a public interest in transparent and open government...but we have to balance this with the need to reassure British nationals in need of Consular assistance that we will protect details relating to their situation. In this instance there is clearly an expectation that the details of all communications were confidential and would not be [made] public...

"For this reason, we consider that the public interest in maintaining this exemption outweighs the public interest in release. The Foreign Secretary has not communicated with either Clarence Mitchell or the [private company] 'Helping to Find Madeleine: Leaving No Stone Unturned Ltd'."

It should be noted, in addition, that from May to September 2007, Mr Clarence Mitchell was seconded to the Foreign and Commonwealth Office, of

which Mr Miliband was the Secretary of State. Moreover, Dr Gerald McCann's brother Mr John McCann also publicly claimed that he had also spoken to Mr Miliband. Mr John McCann was a founder Director of the private trust company 'Helping to Find Madeleine: Leaving No Stone Unturned Ltd' - and continues to be a Director. It seems inconceivable that if Mr Mitchell was seconded to the Foreign Office for four months (May to September 2007) for the express purpose of controlling public relations output in the media about the McCann case, that during this period, he did not at any time speak to Mr Miliband. Mr John McCann says he spoke to Mr Miliband. A public enquiry needs to establish what conversations and dealings Mr Miliband had with the McCanns, with Mr Mitchell, with Mr John McCann, and with anyone else involved in the Madeleine McCann investigation - and what was the subject matter of those conversations.

Once again, it is clear that the British government was involved at the very highest levels in ongoing assistance and advice to the McCanns - yet is unwilling to reveal the content of that assistance and advice. We know, as it has been admitted, that the McCanns and David Miliband did speak with each other 'on a number of occasions'. We don't know how many occasions there were, when they were, nor what was the subject matter of those discussions. Unsurprisingly, some have suggested that the British government was keen, for whatever reason, to ensure that the McCanns did not come under suspicion of being involved in their own daughter's 'disappearance' - and, once the McCanns were made official suspects, to ensure that the Portuguese judicial authorities removed that status as soon as possible. An independent public enquiry needs to establish if that was the case.

vi) Goncalo Amaral's comments on possible British government involvement

Goncalo Amaral, the man in charge of the investigation into Madeleine's 'disappearance', has alleged on a number of occasions that there was heavy British government interference with his investigation. He mentioned this during a TV interview on 31 July 2008 when he said:

"Those who knew me socially got an opinion based on my connection with the so-called 'Maddie Case'. During the investigation, and after being removed from it, I was the target of the most terrible accusations from the British press, some local commentators and a man named Clarence Mitchell, whose role is not very well understood. On the eve of the publication of the book you already know about [NOTE: 'The Truth about a Lie'], this gentleman was sending me threats: 'that I should take care' - I was stunned! Let me make it clear that I consider this to be an unacceptable tone, coming from a citizen of the oldest democracy in the world. Take care, why? Because I might step on a banana skin while walking? *Is Mr Mitchell concerned about my health? I do not think so. We all perceive his threatening tone.*

"In Portugal, we are not used to people speaking that way. Nor is this the view we have of the British people, but there are always some people that fall short of their standards. A criminal investigation need not be politically correct, nor fear veiled threats".

In addition, shortly before he was removed from the investigation into Madeleine's 'disappearance', Goncalo Amaral gave an interview to Portuguese newspaper *Diario de Noticias*, in which he was quoted as saying: "The British police have *only been working on that which the McCann couple want them to*. They have only investigated tips and information developed and worked on for the McCanns, forgetting that the couple are formal suspects in the death of their daughter".

When interest was shown by the British police (and then the press) in a clearly bogus e-mail sent to Prince Charles about the case, apparently from a disgruntled former employee of the Ocean Club in Praia da Luz, in which she claimed that Madeleine had been abducted by a woman in some kind of act of revenge, Mr Amaral stated publicly:

"This story about abduction for revenge is another lead being worked on *for the McCanns*. Everything said by employees of the Ocean Club, current or former, has already been investigated by the Portuguese police".

It appears that Mr Amaral was certain by that time that the British government was working to orchestrate and maintain what he viewed as the abduction 'smokescreen', whilst at the same time frustrating the attempts of Mr Amaral and his team to obtain sufficient evidence to bring charges against the McCanns. These are very serious allegations indeed as Amaral points directly to unwarranted government interference in a major criminal investigation.

vii) The allegation that the British government was directly involved in brokering an agreement for the McCanns to return to the United Kingdom

I quote from a report in the *Daily Telegraph* on 10 September 2007, the day the McCanns returned to England:

"As those negotiations [with the Portuguese authorities about the McCanns returning to England] were going on, the Foreign Office was 'firing on all cylinders' in its efforts to help the McCanns. The agreement that allowed Gerry and Kate to go back to the U.K. *was reached through direct contacts between the British Foreign Office, the Portuguese Justice and Foreign Office Ministers and Portuguese Judiciara, with the help of John Buck, the U.K. Ambassador in Portugal at the time*. Justine McGuinness and David Hughes, members of the McCann team of advisers, played also an important role in those contacts".

Once again, the British government is seen to be playing a very direct role in the conduct of a criminal investigation.

viii) The allegation that the British government ensured that Madeleine McCann's medical records were not supplied to the Portuguese police

On page 81 of Goncalo Amaral's recently-published book, 'A Verdade da Mentira', (*The Truth About a Lie*), Chapter 4, he claims that the Portuguese police officially requested from the British government that the medical records of Madeleine McCann be supplied to them. Either the Department of Health, or the Regional Health Authority for Leicestershire, or both, or others, possibly in the Home or Foreign Office, frustrated the request, he claims. He

also alleges that the British authorities delayed replying to the Portuguese police, ultimately refusing to co-operate on the issue of Madeleine's medical records. Given that that medical information about the family could have been very helpful to the Portuguese investigation, we must ask why it was not produced, and what role British officials played in refusing that information. That also needs to be the subject of a public enquiry.

11. Whether a report was ever put to the Crown Prosecution Service as to whether the McCanns should have been charged in the U.K. with the offence of child neglect

The McCanns have openly admitted on a number of occasions leaving their three young children, all under four, alone for periods of half-an-hour or more. The witness statement of a Mrs Pamela Fenn, who lived just above the McCanns' apartment in Praia da Luz, was that on the evening of 1 May 2007 she heard a young child, presumably Madeleine, crying and sobbing: 'Daddy, Daddy' for 75 minutes, between the hours of 10.30pm and 11.45pm. This led many to doubt the claim of the McCanns and their friends that they were checking 'every half hour'.

The admission of leaving three young children on their own for significant periods of time, under both U.K. and Portuguese law, is prima facie evidence of child neglect, within the meaning of the 1933 Children and Young Persons' Act in the U.K.

You will no doubt be aware that the N.S.P.C.C. and other child welfare authorities are unanimously agreed that one should never leave young children on their own, even for a few minutes. There was therefore a prima facie case for prosecuting both of the McCanns for the criminal offence of child neglect.

As it appeared that neither Leicestershire Social Services nor Leicestershire Police were intending to take any proceedings in respect of the alleged child neglect, I myself attempted to bring proceedings in Leicestershire and Rutland Magistrates Court. I did so because of the provisions of the Hague Convention of 19 October 1996 on 'Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children'. It appeared that if parents who have neglected their children, whilst temporarily abroad, are habitually resident in England and Wales, then the courts of England and Wales do have jurisdiction to try the case. Article 17 of the relevant Hague Convention, which came in to effect on 1 January 2002, provides that: "The exercise of parental responsibility is governed by the law of the State of the child's habitual residence". The term 'parental responsibility' clearly includes the level of care provided by parents to their children.

The Leicestershire Court took the view that they could not be certain that they had jurisdiction to entertain my application, hence the summons was refused. However, given the prima facie indications of child neglect, did Leicestershire Police and/or the Crown Prosecution Service ever address their minds to the issue of whether the parents should be prosecuted under the CYP Act 1933? Did they take legal advice on whether or not the McCanns could be prosecuted for child neglect and, whether they did or not, did Leicestershire Police pass a

file on to the Crown Prosecution Service on this matter for their consideration?

I suggest it is very necessary for this issue also to be investigated by an independent enquiry as it would be very disturbing if it transpired that three young children had been left alone whilst their parents were wining and dining and unable to protect them, and that no consideration at all had been given to a prosecution of them. Parents in the U.K. have recently been prosecuted for leaving their young children alone for shorter periods than half-an-hour.

12. Why the Leicestershire Police Freedom of Information Section took so long to answer reasonable FOI requests from members of the public and why their responses to some enquiries were often terse and even rude

Because of the huge public interest in the case, and because the conduct of Leicestershire Police has been the subject of much public concern, many members of the public have raised a number of questions with the Freedom of Information Section of Leicestershire Police. One focus of continuing concern has been the continued promotion of the McCanns' fund-raising website by the police, coupled with the fact that the police are thereby encouraging the public to contact the McCanns' private investigators rather than the police. The McCanns maintain that Madeleine was abducted. The McCanns' website only encourages people to contact them about a possible abductor. It does not encourage the public to come forward with information that might point in an entirely different direction.

Many people had to wait months before getting an answer from the FOI section of Leicestershire Police. When the replies did come, they were usually unhelpful and, in some cases, rude - for example insisting, contrary to the FOI Act, that no further questions on the subject of the Madeleine McCann case would be answered.

We appreciate that the FOI Act prevents confidential details relating to an ongoing investigation from being disclosed. But these FOI requests were not about confidential issues. The long delay in answering FOI requests suggested not that there was a staff shortage but, rather, that the FOI Section could not reply to the many questions being asked because advice was being sought from a higher authority on what could and could not be said in answer to the many questions. Given the level of public interest in the case, the performance of the Leicestershire Police FOI Section was, in the opinion of many, inadequate and lamentable. We suggest that that too should be investigated by an enquiry.

13. The failure of Leicestershire Police to take appropriate investigative action

It has been understood that Leicestershire Police have been working closely with the Portuguese police throughout this case. An inquiry needs to unravel what were the specific responsibilities of the Leicestershire police in this case and why they appear to have failed in those responsibilities. Politicians have been quick to publicly attack the police over other similar cases - for example,

Edward McMillan-Scott M.E.P. criticised the police in the Sharon Matthews for “not searching all the homes of the friends and family of the Matthews”.

It may reasonably be asked, therefore, how many homes of friends and families of the McCanns have the Leicestershire police searched? Why didn't the Leicestershire Police ever interview the McCanns after they returned to the U.K., having been made suspects? In what other case would the U.K. police not interview the parents again and again, as they no doubt would in other missing child cases? Why, for example, wasn't computer and laptop equipment seized from the McCanns, why were the McCanns' credit card details not obtained, and why was a block apparently put on to prevent potentially relevant medical information from being revealed? Why does it seem that so many of the U.K. police's actions point them protecting the McCanns, rather than carrying out a thorough investigation and treating the McCanns just like any other suspects would be treated?

We thank you for considering these important matters and await your reply to all the points in this letter and to your formal response to Elizabeth Woolnough's petition.

Yours sincerely

Tony Bennett
Secretary
The Madeleine Foundation