

Madeleine: ‘A complete mystery’, says Clarence Mitchell

Clarence Mitchell’s comments on Channel 4 on 19 February 2010:
A Response from The Madeleine Foundation
21 February 2010

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In this article, we examine carefully the comments of the McCanns’ chief public relations adviser, Clarence Mitchell on Friday 19 February, the day after the McCanns won a round in their libel action against Portuguese detective, Goncalo Amaral.

Mitchell was the ex-Head of the government’s so-called Media Monitoring Unit, a 40-strong government department whose aim, Mitchell once boasted, was ‘to control what comes out in the media’. Although still employed by the McCanns on an undisclosed retainer, he also now works for Freud International, owned by Matthew Freud, Rupert Murdoch’s son-in-law.

On Friday 19 February, Mitchell was interviewed by Channel 4 following the judge’s decision in the ongoing saga of the libel trial in Portugal of McCanns v. Goncalo Amaral, the senior detective who investigated the disappearance of Madeleine McCann for the first five months. He was removed from that enquiry after he claimed in an off-the-record briefing to a journalist that the British government was actively interfering in his investigation.

The interview consists of 10 questions from a Channel 4 reporter and in effect 10 mini-speeches in response by Mr Mitchell, each around half-a-minute or more in length.

These 10 mini-speeches are from a past master at ‘spinning’ his messages to the waiting media. Indeed, in his fourth mini-speech, he refers explicitly to ‘the key message that we want to get across today’.

He speaks fast and confidently. Against a recommended speaking voice for book tapes of 150-160 words a minute, and an average speaking voice of 180 words a minute, Mitchell speaks at around 215 words a minute -

well short, by the way, of the record in the Guinness Book of Records - 595 words per minute.

In the transcript below of this 7½-minute interview, we've underlined those words which Mitchell himself stressed during his responses.

Our analysis of Mitchell's words follows the transcript:

THE TRANSCRIPT

Clarence Mitchell (1):

Well, Kate and Gerry are very pleased and relieved that the judge has done absolutely the right thing - er - in their view by agreeing to their demand for the injunction to stay in place against Mr Amaral's so-called 'work' - er - it was causing serious ongoing disruption and damage to the search for their daughter because if people, if they believed what he'd written, would think that she was dead, and wouldn't even bother to look for her, or pursue any information, if they came across it. That is absolutely wrong - there is no evidence at all to suggest that she's been harmed, let alone killed, and every reason for the search to continue. And that's what Kate and Gerry now want - the focus to come back on to the search for their daughter.

Reporter:

I mean, don't the public have the right to make up their own mind about them - if what he says about them is completely untrue, um, and that is obviously provable - shouldn't he be allowed to say it, and the public make up their own minds?

Clarence Mitchell (2):

Yeah, but under the laws of defamation, as a journalist, as you will know, that if you allege somebody is, in effect, responsible for the death of their child and, and has in effect has covered it up, that is prima facie defamatory of your good name, and therefore they not only, but they, they not only have to take action on that basis, but, more importantly, than the damage to their own reputation, the damage that it was doing to the wider family...they felt it was important to stop people - stop believing this, because it would mean that the search for Madeleine was

hindered. So this was a clear case of defamation, regardless of the rights and wrongs. Yes, you have the freedom of speech to say what you want, within the rule of law.

Reporter:

Obviously, this isn't the end of proceedings Kate and Gerry McCann face on this issue. Mr Amaral says he's going to take his case and make a request to the European Court of Human Rights...

Clarence Mitchell (3):

That's obviously his right and he's perfectly entitled to do that - and if that legal process starts, I - in due course, well, then, well - er - that will be dealt with at that time, but for now, Kate and Gerry feel that the strength of their case is very strong - er - they felt that this was an absolute injustice against them and indirectly against Madeleine herself. And as a result they are very pleased, and as I say, relieved, that the judge has agreed with them and has made it, er, clear that this injunction has to stay in place, but that Mr Amaral does not benefit from his, his, this 'work'.

Reporter:

Returning to the search for Madeleine, I mean, with this ruling this morning in mind, does this make the search for Madeleine easier?

Clarence Mitchell (4):

Well, hopefully it will do, yes, hopefully people will see this, and see that his particular attack on them, um, has been ended and, as a result, they need to focus on the key message, if you like, that we want to get across today and that is that the judge has effectively agreed that, that this, this is, it should, it should be about Madeleine from now on. What came out during this case were, were - there were two broad areas: (1) there is no evidence at all to suggest she's been harmed and (2) no police force anywhere is actively looking for her. Shockingly, even when presented with new information and leads, as the Portuguese have been, these were dismissed as, as - not relevant to the investigation. Well, the private investigators would like to look at much of that information, to establish if - if indeed there may be any relevance in there. The search for Madeleine will not stop. Kate and Gerry will not give up until they know what's happened to their daughter, and, at the moment, it remains a

complete mystery - and they are conducting as best an investigation as they can, on their own limited resources, at present. It's incumbent on both the British and Portuguese police now to mount as effective and credible an investigation as they can, and if that involves some sort of independent review of the evidence, and potential leads, then so be it, but the search for Madeleine needs to be the focus from now on - not noises off stage from the likes of Mr Amaral.

Reporter:

It's been a long time now since Madeleine disappeared - can Kate and Gerry McCann feel...

Clarence Mitchell (5):

It's been nearly three years...

Reporter:

...are they still hopeful that she can be found?

Clarence Mitchell (6):

Kate and Gerry have always drawn strength from the fact that there is no evidence to suggest she's been harmed, in any way, whatsoever. Yes, of course, nearly three years on, it's appalling that they're still having to hope. They would have wanted her home, er, from the very first day - but in the absence of that evidence, to, to tell us - any of us - what has happened to her, they will continue to believe, as best they can, that there is hope - and every time there is, even if, even if they begin to doubt that, every time something like Jaycee Lee Dugard happens - in California, in America, where someone is - is discovered - in her case, eighteen years after she went missing, and was long presumed dead, it can happen - it's rare. Kate and Gerry will keep going on that basis.

Reporter:

And with ruling like today's, do you think Kate and Gerry are swaying public opinion in their favour?

Clarence Mitchell (7):

Er, well, that's a matter for the public, really, isn't it? I mean, Kate and Gerry will keep going. They didn't start this legal action. They didn't want to appear to be litigious for the sake of it. They're not. They didn't write this book. They didn't write this DVD. Mr Amaral did. And what he said in it was fundamentally wrong, and damaging to the search, and that's why they took the action. Yes, they hope that people - fair-minded people - will see this, and see the agony that's been heaped on their shoulders on top of the loss of Madeleine, and will hopefully be with them in the search for Madeleine from now on.

Reporter:

We've learned that Robert Murat is - has a legal complaint against one of the friends of Kate and Gerry, over things she said about his alleged involvement in Madeleine's disappearance. Presumably if he gets the same kind of ruling that Kate and Gerry got today, they'll support him?

Clarence Mitchell (8):

I'm not going to comment on any details on what Mr. Murat or his legal representative are doing. Suffice it to say that Jane Tanner never directly named Mr. Murat as the man she saw, and you can go back to the Portuguese police files that were released in 2008 and see that for yourself. She never actually named Mr. Murat as the prime suspect.

Reporter:

Um, with, last question, I think. A lot of people would say that quite a lot of money has been made from Madeleine's disappearance, with various court cases. How much has been made, and is this being used to fund legal actions like this one we see in Portugal?

Clarence Mitchell (9):

The - er - Fund is there to assist Kate and Gerry in whatever way is necessary. There are a number of other backers as well, outside the Fund who, er, who also assist at times. Um, the bulk - in fact all of the public money that came in the early stages was all spent entirely properly on the search for Madeleine, on the investigative costs, and everything else around that. Um, most of the monies that are still in the fund now are actually there from either the settlements against the Express Group

Newspapers and other media outlets that have also defamed them - and so that is money, if you like, that was brought in through court action, not the public. And on top of that, the most recent monies that have come in have been through supporters kindly donating, or a fund-raising event - and again, they would be more than happy as supporters to see the money spent in any way that assists Kate and Gerry and the wider family, and their investigators, in the search for Madeleine.

Reporter:

Last question: in fact, obviously the ruling today upheld a temporary injunction. As well, what steps, or how far away are the McCanns from getting a permanent injunction?

Clarence Mitchell (10):

That's a matter for the lawyers in Portugal. They'll assess the, the verdict, they'll be examining it in detail, seeing exactly what the judge has said today, we, and they no doubt will, um, move to, towards that goal at some stage in the future. I don't know the exact timetable, but clearly there's not much point going for a temporary injunction if it doesn't become permanent, er - and that will happen, but I'm quite sure that any appeal by Amaral's side will possibly delay that, but that, as I say, is purely a matter for the lawyers to decide in due course.

ENDS

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THE ANALYSIS

We'll refer here to the numbered paragraphs above.

In paragraphs 1 and 2, Mitchell claims that Mr Amaral's book "was causing serious ongoing disruption and damage to the search for Madeleine...people would think that she was dead, and wouldn't even bother to look for her, or pursue any information, if they came across it... [the McCanns] felt it was important to stop people - stop believing this, because it would mean that the search for Madeleine was hindered".

This raises the simple question of how anyone can realistically be expected to 'search' for Madeleine. Let us consider the following.

Has the search for Madeleine been hindered?

First, *who* are we looking for?

Originally, the McCanns' friend Jane Tanner described a man she claimed to have seen 'walking purposefully' away from the McCanns' holiday apartment in Praia da Luz, at around 9.15pm on Thursday 3 May. There were some doubts about her accounts in view of different distances she gave from the abductor when she saw him (originally she said '50 metres'; later it became '5 metres'), and in view of the different descriptions of the man she saw.

Extraordinarily, it took a full six months before the public was given an artist's sketch of Tanner's alleged abductor. What use was that, six months after the event? And even then, there was no face to that alleged abductor; it was, after all, dark when Tanner claimed to have seen this man.

The height of the man was also in dispute. The Portuguese police, based on Tanner's description, said the man was about 5' 7" tall (170cm) - below average height for a man. At a media conference in Edinburgh in August 2007, however, Dr Gerald McCann claimed the Portuguese police had got it wrong owing to an inaccurate conversion from feet and inches to metric. He and Tanner later said the man was around 5' 9" to 5' 10" (around average height for a man).

Amazingly, the current Head of the McCanns' latest private investigation team, retired former Detective Inspector Dave Edgar, said just a few months ago that Tanner's description was so vague that she might have seen 'a woman'. So we don't even know if we are looking for a man or a woman.

On 18 February, the *Daily Telegraph* published, on its website, artists' sketches of 11 different individuals who might be the 'alleged abductor'. Actually, I have counted 14 that have been published, but let us agree that it is a large number, and it includes two women. How can one realistically look for the alleged abductor if there is such a bewildering plethora of faces to look for?

Then there is the question of *where* to look for Madeleine. In the absence of any specific guidance from the McCann Team - and we have had precious little guidance on the subject - it appears that the whole world is expected to look for Madeleine.

In a remarkable interview in the *Belfast Telegraph* last year (Edgar used to be a Northern Ireland Police Officer), Dave Edgar claimed he was 'convinced' (a word used three times in the article) that Madeleine was being held alive in a 'prison lair' within 10 miles of Praia da Luz, in the 'lawless hills around'. Visitors to the Algarve expressed surprise at that popular tourist destination being described as 'lawless'.

Here is an extract from the article that appeared in the 'Sunday Life' section of the *Belfast Telegraph* on 13 September last year, headed, dramatically, 'Madeleine McCann is in a secret lair':

"The Ulster detective leading the search for Madeleine McCann today reveals his most chilling theories yet...Hardened ex-RUC cop Dave Edgar told us he is convinced that little Maddie is imprisoned in a hellish lair...despite fresh leads taking his probe to Australia and Barcelona, the east Belfast man insists the golden-haired youngster is being held just 10 miles from where she was snatched in Praia da Luz two years ago. But he warned that the sprawling wilderness where he believes Maddie is languishing is almost impossible to search completely...We spent the day at the Cheshire office he uses to conduct the world's biggest missing person case. When we visited Dave's headquarters...he said he was convinced Maddie was entombed by an abductor in a cellar or dungeon: 'Maddie is most likely being held captive, possibly in an underground cellar...and could emerge at any time', he told us".

[Reference: <http://www.belfasttelegraph.co.uk/sunday-life/madeleine-mccann-is-in-a-secret-lair-14489787.html#ixzz0gFknRNV1>]

But despite Edgar's settled 'conviction' that Madeleine is being held in an underground lair near Praia da Luz, he and his team have not organised an effective search of the area, nor indeed any search, so far as we are aware. And in the meantime it appears that the whole world is expected to look for her.

We have inside information that the 'headquarters' Edgar spoke of to the *Belfast Telegraph* is a house on the outskirts of Knutsford. But the McCann Team have never released details of its location. They have just said it is 'in Cheshire'.

Then there is the question of how likely it is that anyone holding Madeleine, given the noticeable 'coloboma' eye defect she has in her right eye, would allow her to be seen in public. At the time of writing this article, if she were still alive, Madeleine would be approaching seven

years of age. How likely is it that anyone holding her would allow her to register in her local school, even be seen in public?

There is the further question of how she now looks. The McCann Team agreed last year, especially for the two-year anniversary of her disappearance and before an appearance on the popular Oprah Winfrey show in the United States, to the publication of an artist's sketch of how Madeleine might look today. It was an optimistic sketch, of a girl happy and smiling. According to most observers, it looked like a girl who might be 10 to 12 years old, not six. Again, how realistic was that sketch, and does it enable anyone to identify her?

Already we have seen many cases of mistaken identity, some of them with unfortunate consequences. In one incident, a woman was so convinced that she had seen Madeleine with a man that she tried to snatch her away from that man. It turned out to be the two-year-old *son* of a Croatian footballer. In another more recent incident, a Midlands man was taken into custody by West Midlands Police when it was suspected by a passer-by that his daughter was Madeleine. Being in police cells because someone thinks you are holding Madeleine is no joke.

Just how are we expected to 'search' for Madeleine, especially if the McCanns don't bother to organise any kind of search in the 150 or so square miles around Praia da Luz where their head detective is 'convinced' she is being held?

And what information, precisely, has been yielded by the six or more investigative teams that the McCanns and their advisers have employed for the past three years at a probable cost of £2 million or more?

Nothing. Or nothing that they are prepared to share with us, the public, who are supposed to be searching for Madeleine.

We have covered the shambolic activities of the McCanns' private detective teams in our lengthy article by John Whitehouse (viewable on our website), titled: "The McCanns' private investigators - we investigate".

In that article, John referred to the criminal activities of members of Metodo 3, the controversial Spanish private detective agency. Its boss, Francisco Marco, notoriously proclaimed that his men 'know where Madeleine is being held and are closing in on her' and, perhaps even worse, promised 'Madeleine will be home by Christmas'. That was in

2007. The following year it appears that the McCann Team wasted up to £½ million on employing the heavy-drinking con-man Kevin Halligen as the effective head of their investigation team. This was first exposed in an article in the *Evening Standard* by Mark Hollingsworth in August 2009. Halligen is currently wanted in the United States on fraud charges.

These teams, over nearly three years, have not come up with one useable fact about Madeleine's whereabouts or her alleged abductor(s) that could help people 'search' for her.

'No evidence that Madeleine has been harmed'

What are we to make of Mitchell's comment in 'mini-speech No. 1' that "There is no evidence at all to suggest that she's been harmed"? The McCann Team has repeatedly suggested that Madeleine has been snatched by a paedophile, or a 'team of paedophiles'. Suggestions have been made by the McCann Team that known ageing paedophile Raymond Hewlett, currently ill in a German hospital, might have been involved in Madeleine's alleged abduction. Dave Edgar suggests Madeleine is being held in a 'prison lair'. Dr Gerald McCann was even invited by Mr Jim Gamble, the energetic head of the Child Exploitation and Online Protection Centre (CEOP), to speak at their one-day conference last month [January 2010] on the subject of those who abduct children for the purposes of sexual abuse.

If she has been abducted, she has been torn away from her parents, from her younger brother and sister, from her grand-parents, aunts and uncles. The McCanns and their advisers have repeatedly said that Madeleine was probably abducted by paedophiles. Yet Mitchell, speaking on behalf of his clients the McCanns, asserts that: 'There is no evidence at all to suggest that she's been harmed'.

Did the Portuguese Police fail to follow up relevant leads?

Mitchell said (paragraph 4): "Shockingly, even when presented with new information and leads, as the Portuguese have been, these were dismissed as, as - not relevant to the investigation. Well, the private investigators would like to look at much of that information, to establish if - if indeed there may be any relevance in there".

What this comment fails to appreciate is the massive burden placed on the Portuguese police by the extraordinary and totally unprecedented

worldwide media coverage of Madeleine's alleged abduction. No police force had ever had to deal with such a volume of alleged sightings, almost around the whole globe. Allegedly credible 'sightings' of Madeleine were reported from places as far apart as the U.K., Germany, Holland, France, Belgium, Spain, Morocco, Venezuela, Japan - and of course Portugal itself. In each case, the Portuguese police faithfully contacted Interpol and/or the relevant national police force, causing incidentally millions of pounds worth of valuable police time to be taken up.

In the final report of the Portuguese Police to the Portuguese Attorney-General in July 2008 (which we quote in its entirety in our new book - see below), they say this:

"In subsequent days, over 100 investigators were employed by the Portuguese Police, and they received an enormous collection of diverse notifications from innumerable contacts about Madeleine's disappearance. It required us to install a permanent police post within the Luz village. The result of such efforts is found in the documentation and the various appendices.

"Thousands of hours of work were involved. We would note that we received an enormous quantity of information devoid of any credibility whatsoever. This forced our research into constant and considerable efforts of clarification. This had a significant impact because we knew that time was of the utmost importance in the fundamental goal of finding the missing girl".

True, many 'sightings' were dismissed as irrelevant, as we reveal in our new book on the case, 'The Madeleine McCann Case Files, Volume 1', which includes both the interim report dated 10 September 2007 by Tavares de Almeida and the final report to the Portuguese Attorney-General dated July 2008.

The criticism of the Portuguese Police is unjustified. They dealt effectively not only with a huge number of actual 'sightings' but also with more than 250 'mystics' and 'psychics' who claimed to have had credible 'revelations' or 'visions' of where Madeleine could be found, but all of whose recollections differed.

A complete mystery

Also in Mitchell's fourth mini-speech, we see this startling admission. He says: "Kate and Gerry will not give up until they know what's happened to their daughter and, at the moment, *it remains a complete mystery*".

Certainly, a mystery.

But Mitchell goes further: a '*complete*' mystery.

This is precisely what The Madeleine Foundation has been saying ever since we were founded over two years ago. That's why our Constitution (see our website) includes as our aims:

"To pursue - in conjunction with others - the truth about Madeleine McCann's disappearance on 3 May 2007 and to investigate the facts behind the extent of British Government involvement in this case and the reasons for it".

The alleged abduction itself is surrounded with a great many mysteries. Among them we might cite:

- a) the changing accounts of Jane Tanner
- b) the recent announcement by the McCanns' current lead investigator, Dave Edgar, that Jane Tanner might have been mistaken and seen a woman, not a man
- c) the 11-plus artists' sketches of the abductor we are supposed to be looking for, and
- d) the difficulty an abductor would have in removing Madeleine without being seen or heard during a very tight time-frame of about three minutes (9.11pm to 9.14pm), according to the McCanns' own account - in the dark, and climbing through a window little bigger than 2ft x 2ft.

Since Clarence Mitchell himself, the self-proclaimed master of spin, has admitted that Madeleine's disappearance is a 'complete mystery', it should follow axiomatically from that that no-one should be deterred from making honest, sincere enquiries into what really happened to Madeleine McCann.

The problem of ‘noises off-stage’

Also in his fourth ‘mini-speech’, Mitchell said this to the Channel 4 reporter: “The search for Madeleine needs to be the focus from now on - not noises off stage from the likes of Mr Amaral”.

This is one of a number of references which run like a thread through this mystery to ‘a stage’, to ‘performances’ etc.

Take a look for example at the strange diary that Dr Kate McCann started after Madeleine was reported missing and we see her referring to yet another TV interview by her husband as ‘another great performance’.

In the Panorama programme shown on 19 November which featured film shot by Jon Corner, a film-maker, he explains his film-making role as being ‘back stage’. In the very same programme, reference is made to Dr Kate McCann appearing on a balcony, looking distressed; the waiting photographers outside with their camera clearly think this is for show, and not genuine.

Looking back at all the TV coverage of the McCanns, nearly all of it seems choreographed or rehearsed, even from the early days soon after Madeleine went missing.

On a TV news interview with BBC East Midlands at around the one year anniversary of Madeleine’s disappearance [May 2008], the McCanns agreed to ‘steel themselves’ to go through with this ‘agonising’ interview, according to the presenter. Once again they described how distraught they were at the loss of Madeleine. Yet, as viewers could see for themselves - because the BBC editor allowed the cameras to roll for a few seconds after their interview ended - they rose from their seats laughing and joking with each other, just after they had answered the last question with their usual solemnity and gravity.

These and other instances, not surprisingly, and perhaps unkindly, led some to liken the McCanns to actors performing on some kind of TV and media ‘stage’.

Who started the legal action in the Lisbon Court?

In the seventh of Clarence Mitchell's series of mini-speeches, the Channel 4 reporter asks him: "Do you think Kate and Gerry are swaying public opinion in their favour?" Mitchell replies: "I mean, Kate and Gerry will keep going. They didn't start this legal action. They didn't want to appear to be litigious for the sake of it".

That's not true, of course. The legal action against Goncalo Amaral, the original senior investigating officer in the case, was started by the McCanns issuing a libel writ, against Mr Amaral, against his publishers, *Guerra e Paz*, and against the Portuguese TV company TVI, for 1.2 million euros (over £1 million) in July 2009.

It was then in September 2009 that the McCanns and their legal advisers decided that they could not wait until the final libel trial and decided to apply *ex parte* (that means in secret) for an injunction banning Mr Amaral's book, 'The Truth About A Lie', from being sold or distributed. They succeeded. In addition, that injunction forbade Mr Amaral from even speaking about the case.

So was Mr Mitchell right in saying: "The McCanns didn't start this legal action"? No, his statement was misleading. On two counts.

First, the McCanns began the legal action by their libel writ in July 2009. Second, they initiated further legal action by applying in secret for an emergency order banning his book from further distribution until the final libel hearing, expected this summer.

We might note as an aside that the Channel 4 reporter did not challenge Mr Mitchell on his obvious mistake - an all-too-familiar pattern where we have seen, so often, Mitchell's assertions go completely unchallenged by tame British journalists.

All that had happened was that, in late September, Mr Amaral had appealed against the injunction (secretly obtained) banning his book. That is what led to the verdict on 18 February. Amaral's appeal had first been heard on 12 January but had to be adjourned, partly heard, on 14 January.

Mitchell adds: "The McCanns didn't want to appear to be litigious..." But that is how they appear to many people. The Madeleine Foundation holds a letter from a well-known, senior Opposition MP, who describes the McCanns as '*very* litigious' - and it's easy to see why.

They have lawyers for their ‘Find Madeleine Fund’. They have hired extradition lawyers in both Portugal and Britain, including perhaps the U.K.’s best-known extradition lawyer, Michael Caplan Q.C. They have used Portuguese lawyers to launch their bid for over £1 million damages in the Lisbon libel court. They have used Carter-Ruck to effectively ban our own book, ‘60 Reasons’ and our leaflet ‘10 Reasons’, and to remove a great deal of material which was on our former website. Carter-Ruck monitors the various Madeleine McCann discussion forums on the internet and we’re aware of at least two sites where legal action has been threatened: Steve Marsden’s website in the United States and Pamalam’s ‘GerryMcCannsblog’. Carter-Ruck also secured the McCanns’ £550,000 libel payout from Express Group Newspapers and others.

Adam Tudor, one of Carter-Ruck’s top libel lawyers, accompanied Dr Gerald McCann to the oral hearing of his evidence to the Department of Culture, Media and Sport Select Committee enquiry into press standards, press freedom and libel.

Their ‘co-ordinating lawyer’ who oversees all this legal activity, and more which we haven’t mentioned, is Edward Smethurst, the in-house lawyer for Brian Kennedy’s ‘Latium Group’ based in Wilmslow, Cheshire. Multi-millionaire double glazing magnate Kennedy is the effective chief of the McCanns’ private investigation and intelligence-gathering operation - hiring and firing agencies and individuals and instructing them as to their tasks, as was made clear by Mark Hollingsworth in his *Evening Standard* article last year. It appears he also foots the bill for much of this work.

The McCanns have kept many lawyers busy over the past three years.

Only the ‘unfair-minded’ would believe Mr Amaral

Mitchell in his seventh mini-speech said: “The McCanns hope that people, *fair-minded* people, will see that what [Amaral said in his book] was fundamentally wrong, and damaging to the search...”.

It’s a clever way of saying that only the ‘unfair-minded’ would agree with Mr Amaral’s thesis in his book.

Did Jane Tanner identify Robert Murat?

Here we see the arts of Mr Mitchell at their most cunning. This is what he says to the Channel 4 reporter about whether or not Jane Tanner identified Robert Murat as the prime suspect in relation to Madeleine's abduction:

“Jane Tanner *never directly named* Mr. Murat as the man she saw, and you can go back to the Portuguese police files that were released in 2008 and see that for yourself. She *never actually named* Mr. Murat as the prime suspect”.

Did she *name* Murat as the man she says she saw carrying a child 10 days earlier? No - just as Clarence Mitchell says.

Did she *identify* Murat as the alleged abductor? Oh yes. Very much so.

She did so on Sunday 13 May, when it was pre-arranged for Robert Murat to walk past a police van with darkened windows. Inside that van was Jane Tanner. As Murat walked by, she indicated to police that she was sure that this was the very man she'd seen outside the McCanns' apartment on 3 May carrying a child. Detailed accounts of this are given both in Goncalo Amaral's book: 'The Truth About A Lie' and in an article soon after the event by Portuguese journalist Paulo Reis.

As a direct result of Tanner's identification, Murat was arrested 36 hours later.

Not only that, but within a further 36 hours, three of the McCanns' friends, Dr Russell O'Brien, Rachael Mampilly/Oldfield and Fiona Payne, all came forward, all of a sudden, to say that they had seen Robert Murat hanging around the Ocean Club on the night Madeleine McCann went missing - a claim that Murat has always vehemently denied.

Between them therefore, no fewer than *four* members of the McCanns' holiday group had, by the end of 16 May, put Robert Murat very much in the frame as a prime suspect. Further, at a so-called 'confrontation' between Dr O'Brien, Rachael Mampilly/Oldfield and Fiona Payne on the one hand and Robert Murat on the other on 11 July in Portimao, the three confirmed their evidence - despite Murat's continued robust denials. According to Mr Amaral in his book, the Portuguese Police tended to believe Murat.

So what was going on? Why was Tanner so adamant that Murat was the abductor? Murat always wears glasses. He has defective eyesight. Did he really have his glasses off as he was allegedly carrying Madeleine away from Apartment 5A?

Shifting views by the McCanns and Jane Tanner about the involvement of Robert Murat

We've just seen how Jane Tanner clearly picked out Robert Murat as the suspected abductor by her evidence from inside the police van on 13 May 2007. It's worth pausing for a moment to see what messages about Robert Murat the McCanns and Jane Tanner wished to convey to the media.

On 16 November 2007, the *Daily Mail* carried an article featuring Jane Tanner saying: "I've never pointed the finger of suspicion at Robert Murat because I simply don't know if it was him or not. I would say the man I saw was more local, or Mediterranean looking, rather than British".

Then, on 20 November, Jane Tanner was quoted by the *Daily Mirror* insisting that she *really did see* 'Maddie's abductor'.

On 1 January 2008, the *Daily Mail* now reported: "Kate McCann is suspicious about Robert Murat's alibi for the night her daughter Madeleine vanished...she believes there are questions about the British expat that need to be answered. Mrs McCann's doubts emerged after the *Daily Mail* reported that seven witnesses claim to have seen Mr Murat near the McCanns' holiday apartment on the night of May 3. He has always insisted he was at home all night at the villa he shares with his elderly mother...A friend of Kate and her husband Gerry said: 'Kate has always felt there are questions concerning Murat and a body of evidence contrary to what he is saying. Gerry doesn't know whether he is involved but Kate has always been suspicious'."

So now the McCann Team's focus was on the seven people who said they'd seen Murat on the night of 3 May.

Yet just one week later [8 January], the same paper reported: "Doubt was cast on the evidence of several key witnesses in the Madeleine McCann disappearance last night. Those who said they saw suspect Robert Murat outside the family's holiday apartment on the night she vanished may have named the wrong man, it was revealed. Detectives believe the witnesses who said they saw the British expat could have confused him

with a friend of Kate and Gerry McCann, David Payne, who was out searching for the missing three-year-old”.

All of a sudden, seven people who thought they saw Robert Murat were now being regarded as all having confused him with Dr David Payne, one of the McCanns’ friends. How the three McCann friends could have confused Murat with Dr David Payne, one of their own group, was not explained.

Just 13 days later, on 21 January, the British media reported a new artist’s sketch of a man with a moustache said to be acting suspiciously around the Ocean Club on the night of 3 May. This man came to be known popularly as ‘George Harrison man’, or ‘Cooperman’, after Mrs Gail Cooper, who said she had seen this man (though she changed her story from having seen him once to having seen him three times).

On 21 January 2008, the McCanns were now considering Robert Murat as ‘an accomplice’ of the abductor, not the abductor himself. The *Daily Mail*’s headline that day ran: “Robert Murat ‘seen talking to man matching artist’s impression of Madeleine suspect’,” and included these key sub-headings:

- a) “Robert Murat spoke to a man who looked like the new suspect”
- b) “New e-fit of man seen ‘acting strangely’ around complex prior to Madeleine’s disappearance”
- c) “McCann family friend says sketch ‘strongly resembles’ man she saw carrying a child wearing pyjamas identical to Madeleine’s on the night of the abduction”.

The heading and sub-headings cunningly linked this new ‘sighting’ of Cooper’s to Jane Tanner’s original claimed sighting of an abductor, thus continuing to lend credibility to that alleged sighting. But the article also brought Robert Murat into the picture, for the *Mail* went on to report:

“Robert Murat was spotted chatting to a man who resembled the ‘oddball’ in the new sketch released by the McCanns and who is suspected of abducting Madeleine, it has been claimed today. Charlotte Pennington, a nanny at the Ocean Club holiday complex where the McCanns were staying, told police last May she saw Murat chatting to ‘a man aged around 27 to 35, average height, very dark eyes and of Portuguese or Spanish appearance’. She told detectives she saw expat Murat, who lives with his mother near to the holiday complex, talking to the man outside the Baptista supermarket in Praia da Luz”.

Then six days later [27 January] came a further twist, when the McCanns were quoted in a further report headed: 'McCanns say Murat not kidnapper'. Bizarrely, the McCann Team were now saying he could have been a 'spotter' for a whole gang of paedophiles. The report ran:

“Kate and Gerry McCann are certain that original suspect Robert Murat is not the man who snatched their daughter Madeleine. But private detectives searching for the missing four-year-old still believe he may have acted as a 'spotter' for a kidnap gang targeting the McCann family”.

We've gone into this in some detail to show how the statements of Jane Tanner and the McCanns about Murat have evolved over time. To summarise:

- 3 May 2007 - Jane Tanner says she sees an abductor carrying a child in the dark. She does not see his face.
- 13 May 2007 - Tanner identifies Murat as the abductor she says she saw, but does not actually name him.
- 15 May 2007 - Murat arrested and made 'arguido'.
- 16 May 2007 - Dr O'Brien, Rachael Mampilly/Oldfield and Fiona Payne say they saw Murat hanging around the Ocean Club on 3 May.
- 11 July 2007 - police confrontation between Murat and the three friends of the McCanns. The friends stick to their story that they saw Murat. Murat denies it.
- 16 Nov 2007 - Tanner not now sure if she saw Murat: 'I don't know if it was him or not'.
- 1 Jan 2008 - Seven people reported as having seen Robert Murat that night.
- 8 Jan 2008 - All those seven 'might have mistaken' Robert Murat for David Payne.
- 21 Jan 2008 - Robert Murat was seen by Charlotte Pennington talking to 'George Harrison man'.
- 27 Jan 2008 - Murat could have been a 'spotter' for a whole group of paedophiles.

Given these claims by the McCanns about Murat, it's worthy of note that Murat, when successfully suing the newspapers about the libels of him, did not also sue the McCanns.

So let's return to Clarence Mitchell's claim that Jane Tanner never named Murat.

Tanner did identify him all right, and in mysterious circumstances.

Here is the actual chain of events, which we should say that some McCann-supporters maintain ‘never happened’:

On Sunday 6 May, Lori Campbell contacted Leicestershire Constabulary about Murat. Campbell knew Clarence Mitchell very well as they had both worked together on the Soham murders committed by Ian Huntley.

A female CID Officer in the Leicestershire Constabulary [Folio 307 of the CD in the files] faxed the ‘Portugal Incident Room’ in Praia da Luz stating that Lori Campbell, a reporter from the ‘Sunday Mirror’, had been in contact. The Officer reported as follows: “Lori has been speaking to an interpreter who has been helping the Portuguese authorities with the investigation into Madeleine’s disappearance. He has only given his name as ‘ROB’ and has not given any background information about himself. Lori has become suspicious of Rob as he has given conflicting accounts to various people and he became very concerned when he noticed his ‘photo being taken by the *Mirror*’s photographer...”

This information was relayed immediately to Portugal.

Murat came under suspicion and the PJ intercepted his telephone (see Police Folios 1017 and 1267), picking up some interesting chats with Martin Brunt of SKY TV (see Police Folios 1675 and 1692).

In the early afternoon of Sunday 13 May 2007, Jane Tanner spoke to what she called ‘some of the people that Kate and Gerry brought in’. It has since been established that these were almost certainly two men, Kenneth Farrow and Michael Keenan, from a group called ‘Control Risks Group’ (CRG), a private intelligence agency which appeared to have no track record whatsoever of looking for missing children and seemed to operate covertly and very much ‘in the shadows’.

They had arrived at Faro Airport on the flight from Gatwick that very morning. Some CRG staff may already have been in Praia da Luz before that flight. Mr Farrow is the ex-head of the Economic Crime Unit in the City of London Police and Mr Keenan had been a Superintendent from the Metropolitan Police with specialist fraud and investigative experience. It would be very helpful to know what Tanner discussed with these two men. But she has never told us.

It seems probable that she told CRG, as she had earlier told an officer from Leicestershire Police (probably Bob Small), that she could identify the 'abductor' if she were to see him in profile and in context.

It seems that no sooner had Jane Tanner finished speaking to the two top CRG men than she took a telephone call from Bob Small, a senior Leicestershire Police Officer already in Praia da Luz helping the Portuguese Police. He told her that the police wanted to see her.

It is likely, by that time, that covert plans had already been made to induce Mr Murat to walk across the top of the road, north of Apartment 5A, where Miss Tanner claimed to have seen the 'abductor'. This situation was thus the precise context in which she believed she could make an identification.

Mr Small then told Miss Tanner not to discuss anything with anyone, including her husband. She claims she followed this instruction to the letter, but questions have been asked about whether she could realistically have followed such an instruction. By this time, Murat was under suspicion by the Portuguese Police but had not been made an 'arguido'.

Arrangements were then made for Jane Tanner to be collected by Mr Small and his PJ colleagues in a car park near to Mr Murat's home at around 7.30pm that day. Goncalo Amaral was in a meeting room at the Public Ministry, waiting to pounce if Tanner gave a positive identification.

The police went on to arrange to pick Tanner up very close to Murat's home. One might ask: why so close? On their way to the car park, and just outside his home, Robert Murat, whom we know had met Russell O'Brien on the morning of 4 May, was driving his mother's green VW van. He stopped, got out of his van and chatted, showing Tanner and O'Brien posters he had made to 'Find Madeleine', and generally rattling on about nothing in particular.

This was the first time, so we are told, that Tanner had been introduced to Murat, but, as Paulo Reis pointed out, "given the events that were about to follow, it is amazing she did not cry out: 'That's him...that's the person I saw: that's the abductor!'" But she didn't say a single word.

The pick-up of Tanner took place just outside Murat's house, and on top of that they just 'happened' to bump into Murat. The closer one looks at it, the whole sequence of events looks less and less as if by mere chance.

Tanner was taken away by Bob Small and the Portuguese Police. She was driven to another location and hidden in the back of an undercover surveillance vehicle, a van, which was driven to a position near the side entrance to Apartment 5A, facing north.

Tanner then apparently saw three people walk across the top of the road: but Mr Murat was the first to do so. It is not clear exactly what words she used to the police at the time but, whatever she says now, they were very clearly strong enough to make the police believe that Tanner had positively identified Murat as the 'abductor'. This was despite Murat not matching her verbal description, nor looking anything like the 'egg man' sketch of the alleged abductor that Tanner had approved, nor wearing glasses. Immediate plans were made to arrest Murat.

So, Clarence's comment that Tanner 'never actually named' Murat as the alleged abductor obscures all that we have just discussed. The identification of Murat by Jane Tanner as the man she claimed she saw with a young child in his arms on the evening of 3 May has been a pivotal event in this whole story.

Why was Tanner so sure on 13 May that Murat was the abductor?

And what happened before she was placed in the police van to make her so sure?

[Article compiled by Tony Bennett, 21 February 2010].