

We are pleased to publish our latest newsletter to members of The Madeleine Foundation, sent out on 19 December.

- Tony Bennett, Secretary 5 January 2010

The Madeleine Foundation

Asking the questions about what really happened to Madeleine McCann

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NEWSLETTER TO MEMBERS - 19 DECEMBER 2009

Dear Member

Chairman's Message

A year ago today I knew very little about the disappearance of Madeleine McCann beyond what I'd read in the papers. Then Tony sent me his recently-published '60 Reasons' book last Christmas. Suddenly I became aware of many more facts about the case that, for some reason, I'd not been able to read in the mainstream British press. But then I've known for some time that the British media keep us in the dark about a lot of things.

It's no coincidence that the McCanns' chief public relations adviser, once the boss of the government's Media Monitoring Unit, Clarence Mitchell, once boasted that the job of him and his 40 staff was 'to control what comes out in the media'. It was an eye-opener to me when I went to hear Clarence Mitchell speak at the Oxford Union on Friday 6 March. I sat quietly at the back, never having met the man, when suddenly he noticed me and addressed me by name. He could only have known who I was if he had seen my photograph on 'The 3 Arguidos' forum. This proves the intense interest he has in what is written about Madeleine's disappearance on the Internet.

Well, it's been a lively year, ending up with finding myself Chairman of The Madeleine Foundation, a post I shall try to fulfil to the best of my ability as we pursue our goals. The letters from Carter-Ruck (see

below) demanding the closure of our former website and requiring us to stop distributing our '60 Reasons' booklet and '10 Reasons' leaflet have had an impact on our work in more ways than one. But we're still here to ask questions about what really happened to Madeleine McCann and to continue our campaigning on child neglect and child abuse issues.

I wish you all a happy Christmas and success and good health in the coming year, and would like to thank each and every one of you for your continuing support.

The libel action by the McCanns against Goncalo Amaral

It's a month since our last newsletter, during which time we saw - last Friday, 11 December - an attempt to get the McCanns' civil action for libel against Goncalo Amaral under way. It failed to do so, though, due to Amaral's lawyer being struck with swine 'flu and unable to represent him. The case has been adjourned for a month or so.

One piece of news from the adjourned hearing gave us a strong indication that Amaral and his team intend to make a powerful defence to the McCanns' attempt to have his book, 'The Truth About A Lie', banned. That was the list of witnesses he proposes to call. They are:

- 1) Magalhães e Meneses, the Public Ministry prosecutor who held the main prosecution file on Madeleine
- 2) Chief Inspector Tavares de Almeida, the detective who compiled the powerful report dated 10 September 2007 which concluded that there were strong indications that Madeleine had died in Apartment 5A
- 3) PJ Inspector and McCann family liaison officer, Ricardo Paiva, who was at the heart of the investigation into Madeleine's disappearance
- 4) National-Joint Director of PJ in Faro Guilhermino Encarnação,
- 5) The PJ's Serious Crime Unit Director Luís Neves,
- 6) The former Judiciary Police Inspector and Criminologist, Francisco Moita Flores, who famously said that it would be 'one of the 10 or 12 individuals' in what has been called the 'Tapas 9' group that was most likely to know what really happened to Madeleine, and finally,
- 7) Scotland Yard Inspector, José Freitas.

The McCanns' case, put simply, is that there is no evidence whatsoever that Madeleine died in their holiday apartment. They have been saying that ever since the chief public prosecutor in Lisbon said

that there was insufficient evidence to charge anyone with any crime relating to Madeleine's disappearance.

The list of Amaral's witnesses suggests that the civil court in Lisbon will hear about a great deal of evidence - evidence which Amaral has laid out in 'The Truth About A Lie' and has now been read by a million or more people across Europe.

Your Committee considered attending the opening of this civil trial. As soon as we have a new date for the commencement of the trial, we shall discuss this again. If you are thinking of attending as well, please let us know.

The body and verbal language of some of the participants in Lisbon on 11 December was very interesting. Amaral himself looked calm and dealt quietly with reporters' questions.

The McCanns looked on edge, Dr Gerald McCann saying: "Freedom of speech does not mean freedom to distort the truth'. The McCanns' Portuguese public relations spokesman, Salvador da Cunha, also looked impatient and flustered when challenged by people on the steps of the court. You can see video footage of this at:

<http://www.youtube.com/watch?v=U6uD5ahcTvw> (Part 1) and at

<http://www.youtube.com/watch?v=pmDDsNBRbL4> (Part 2)

Committee Meeting 5 December 2009

Your Committee met on Saturday 5 December 2009 in Evesham, Worcestershire.

The following decisions were made:

- 1) We approved plans to proceed with publishing a new booklet which will contain details about the case from the published Portuguese files. We hope it will be on sale in the New Year. Members will get free copies.
- 2) We signed forms to open a new bank account with our bankers. The original account remains frozen. The bank has offered us a possible way forward regarding re-opening our original account which we are exploring.
- 3) To pay a fee of £100.00 to an I.T. expert who set up our new website, now viewable at www.madeleinefoundation.org.uk
- 4) To publish further articles on our website. A long article on Robert Murat is currently in preparation
- 5) To hold an Annual General Meeting (see below).

Madeleine Foundation Conference 27/28 February 2010

We have not yet had a reply from Goncalo Amaral to our invitation to him to attend our conference. If you plan to attend, please let us know as soon as possible so we can register you. It would be helpful if at the same time you could let us know in what way you could contribute to the event.

Annual General Meeting Sunday 28 February 2010

Please treat this letter as formal notice of our first Annual General Meeting. It will take place from 1.00pm to 4.00pm on Sunday 28 February at a venue near Nottingham, to be announced later. We don't want to open ourselves up to infiltrators at this delicate stage.

If you would like to join the Committee, please contact one of us, we are looking for new blood on the Committee. Please also submit as soon as possible any nominations you have for these posts:

Chairman
Secretary
Treasurer
Vice-Chairman.

The probable order of business at the A.G.M. will be as follows:

1. Chairman's welcome and report
2. Secretary's report
3. Treasurer's report
4. Approval of accounts
5. Elections for the posts of: - Chairman
- Secretary
- Treasurer
- Vice-Chairman
6. Future work of the Foundation, including members' motions and questions
7. Date of next Annual General Meeting

The undertakings given by Tony Bennett to the High Court re the letters from Carter-Ruck

Tony Bennett writes:

"Dear Members,

On 27 August 2009, Carter-Ruck sent legal letters to myself and our former Chairman Debbie Butler making the following demands:

- 1) the permanent suspension of our website
- 2) to cease selling and distributing '60 Reasons'
- 3) to cease distributing '10 Reasons'
- 4) to refrain from alleging that the McCanns knew what had really happened to Madeleine

- 5) to use our best endeavours to remove from the internet any posts where we had accused the McCanns of knowing what really happened to Madeleine.

On 28 August I received a similar letter concerning a number of statements I had made about Mr Brian Kennedy and his son Patrick on the '3 Arguidos' website. I replied to that letter on 17 September giving certain undertakings and have heard no more since about that matter.

On Friday 13 November I sent the following letter to Carter-Ruck:

Further to my e-mail of yesterday's date, and your most recent letter of 10 November, I confirm that I will accept the requirements your clients seek to impose on me. I therefore herewith sign and return the undertaking with a penal notice that you require me to sign and I will pay the £440.00 your clients require. Please find my cheque in the sum of £440.00 enclosed.

I confirm my undertaking to deliver up all hard copies in my possession or control of my book: "What Really Happened to Madeleine McCann? - 60 Reasons which suggest that she was not abducted" and the leaflet: "What Really Happened to Madeleine McCann? - 10 key reasons which suggest that she was not abducted". I did this by delivering in person a parcel containing the remaining copies of those publications in my possession to your Shoe Lane office on Saturday 31 October. All electronic versions of those documents on my computer have been deleted.

I further undertake to use my best endeavours to delete or otherwise prevent access to any previous defamatory allegations of mine concerning your clients on the four websites you mention in your letter. Further, I undertake not to repeat allegations that your clients are guilty of, or are to be suspected of, causing the death of their daughter Madeleine McCann, and/or of disposing of her body, and/or lying about what happened and/or seeking to cover up what they had done, nor to repeat any similar allegations, whether by myself or my servants or agents or otherwise howsoever.

This is being sent today by Recorded Delivery.

Yours faithfully

Tony Bennett

ENCS: 1. Signed Draft Order with Penal Notice in the name of Claimants Gerry McCann and Kate McCann and defendant Tony Bennett
2. Personal cheque in the sum of £440.00

Since then, Carter-Ruck have sent me a cheque for £40.00 as the Court fee was £400.00, not £440.00. I've also received four generous donations towards my costs totalling £270.00 and would like to thank

each and every one of you who showed your support for me in this way”.

Latest on Debbie Butler’s claims of fraud within The Madeleine Foundation

Essex Police are continuing with what they say is a ‘preliminary investigation’ into our former Chairman’s allegations of fraud within the Foundation. On 11 November, our Secretary Tony Bennett was asked to supply information regarding two cheques paid to him in respect of reimbursement of expenses, supply bank statements, supply receipts, and supply cheque stubs. All of these he supplied to the Investigating Officer at Harlow Police Station at 10.30am the following day. The police also asked Tony and Ms Butler to sign consent forms to allow them to have sight of the cheques, in order to verify they were signed, in line with the bank mandate, by both persons. Tony immediately signed and returned his consent form.

On Thursday (17 December) a Detective Chief Inspector visited Tony at home and spoke to Sharon, both about the investigation into Ms Butler’s allegations but also about Tony’s complaint of harassment by her, now being investigated under Crime Reference D222B/19551/09. Both of us feel after talking to the D.C.I. that there is a good prospect of both issues being resolved early to our satisfaction

Legal liability of members for actions of The Madeleine Foundation

Some of you have been asking whether individual members of The Madeleine Foundation could be at financial risk if any legal action were to be taken against the Madeleine Foundation or its officers. The answer is a clear ‘No’. Please view this link:

<http://www.rya.org.uk/infoadvice/clubsclass/members/Pages/legalliability.aspx>

The key paragraph reads:

“However, ordinary members of an unincorporated association may only be held liable for the wrongful acts of other members of the association if:-

- they authorised or helped to carry out the activity;
- if they were in overall control of the activity;
- if they are specifically responsible for an activity, or the safety of premises, and they are found to be in breach of that duty”.

Further information

You are welcome to ask the Committee questions about the work and plans of The Madeleine Foundation at any reasonable time. Here are our contact details:

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