

## **The Mystery of Robert Murat: From Arguido to Applause:**

An examination of Robert Murat's involvement in events following the disappearance of Madeleine McCann

By Tony Bennett, April 2010

### **PART FIVE: CHAPTERS L TO O**

#### **L. Mrs Jennifer Murat's evidence**

We now look at what Robert Murat's mother, Jennifer Ann Murat, had to tell police. She gave her family history and that of Robert, which we dealt with above.

Dealing with recent events, she confirmed that she had gone to fetch Robert from Faro Airport at 9.30am on 1 May, adding that he'd been in England since 10 March [this date is not certain].

On the evening of 3 May 2007, the night Madeleine was reported missing, Mrs Murat said she was at home with Robert. She says she went out at 7.50pm to buy bread from the Batista supermarket, part of her normal routine. She returned to the house where she arrived 'more or less at the same time' as Robert.

They sat in the kitchen, talking and eating. She remembers that they were talking until close to midnight about his Romigen project and their website, romigen.com.

She recalled hearing sirens, but couldn't remember the time and thought it was probably an ambulance. She heard no noise nor was aware of any

unusual movements of people. No-one knocked on the door to ask for help in finding a missing girl. She is sure that Robert did not leave the house that night.

One curious feature of that evening's events - which the police did not ask her about - is a record of telephone calls made to or from her landline and on her mobile 'phone. These have been disclosed by the Portuguese Police. We reproduce that record here, noting that the record does not unfortunately show which way the calls were made:

5.25pm. Mobile telephones call to or from Mrs Murat's domestic help and friend of the family, Luzia Carvalho, generally called 'Lucy'.

5.41pm. Mobile telephone call to the 'message centre' for the mobile 'phone.

The following calls are all to or from Mrs Murat's landline:

5.47pm. Lucy's landline. Duration 50 seconds.

6.15pm. Telephone call to or from Spanish mobile 616610XX6. Duration 56 seconds.

6.21pm. Telephone call to or from same Spanish mobile 616610XX6. Duration 56 seconds.

6.26pm. Lucy's landline. Duration 57 seconds.

6.42pm. Lucy's landline. Duration 44 seconds.

7.24pm. Lucy's landline. Duration 49 seconds.

7.48pm. Lucy's landline. Duration 3 minutes 13 seconds.

There was also a telephone call to or from Michaela Walczuk on Mrs Murat's landline, at 8.15pm, lasting 10 minutes.

There is a reasonable doubt here about whether Mrs Murat made or received those calls, or whether someone else did. A possible explanation for the record of short calls lasting under a minute, followed by the 3-minute call at 7.48pm, is that someone was telephoning another number

and leaving a voice mail message each time, perhaps urgently wanting that person to ring back.

That could account for so many call durations of just under one minute - long enough to leave a short message. Then perhaps at 7.48pm there was an actual conversation. Why did Lucy, her cleaner, and Mrs Murat (if it was her) need to speak to each other that evening? The police appear not to have asked Mrs Murat about these calls.

Returning now to her police interview, Mrs Murat said that she first learnt about Madeleine disappearing on the morning of Friday, 4 May. She said she heard the news from her daughter Samantha, who was living in Exeter at the time. Samantha had telephoned early in the morning with the information that, according to news bulletins in England, a British girl, Madeleine, had gone missing the night before in Praia da Luz.

Mrs Murat said that “Because I’ve been in Portugal for a long time and know many people’, she decided to set up a table near the cinema in Praia da Luz to try and collect any useful information about Madeleine’s disappearance. She said that his was “To investigate aspects of the whole matter and pass anything useful to the police”.

She did this over a three-day period, from Friday 11 May to Sunday 13 May. She added that she thought people might give information to her in case they felt intimidated by the police and were frightened to go to them. A number of people did not find that reason convincing.

<p><b>M. The evidence of Portuguese journalist Maria Cecilia Pereira Pires</b></p>
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Now we come to an interesting statement by a journalist working for the *Portugal Resident*, Maria Pires. She makes it on 23 May, just 20 days after Madeleine was reported missing.

She explained that on 4 May 2007, she was asked to go to Praia da Luz to cover the disappearance of Madeleine, arriving at between 9.30am and 10.00am. She went to the temporary police office and then spoke to a group of journalists. She proceeded to take a stroll around the resort, partly because she was told that the missing child might still be in the imminent vicinity.

Walking northwards out of the village, and coming across a bare patch of land, a man about 50 years old approached her, asking her if she was involved in searching for the missing child. Ms Pires said she was. The man then suggested they both go together to look around what seemed like a nearby unoccupied house, to see if Madeleine might be there.

The two reached a car parking area within the residence and called out to see if anyone was at home. They found a woman around 70 years old, about 5' to 5'4" in height [150cm to 160cm], with grey hair combed and coiffed in the shape of a banana. The woman agreed to join in the search.

They left the house heading for the swimming pool, with the older woman lagging behind. The woman, speaking in English, said she was very distressed with the situation and expressed the view that the parents must be suffering great anguish. She said that where she lived was just 100 yards or so distant from the resort and said that she had heard police sirens around 10.00pm the previous night. She also volunteered the information: "I was having dinner with my son around 10.00pm".

The woman also went on say that she had learnt that Madeleine had gone missing on the evening of 3 May and volunteered the information that: "My son is working with the police trying to find the child". Later that week, Ms Pires came to learn that the woman whose house she had been taken to was Mrs Jennifer Murat, Murat's mother.

Ms Pires then recalls that as early as Saturday 5 May, some British journalists were saying that Robert Murat might be under suspicion for being involved in abducting Madeleine. Ms Pires says that at this point Murat was shocked, said he was going to back out of his helping the police and journalists, and then became very difficult to contact.

A few days later, she noticed a woman sitting at a kiosk set up to receive information about Madeleine. The woman was Jennifer Murat. She read some hand-outs provided by Mrs Murat and recalls being taken aback by one sentence on that hand-out. That sentence read that: "The child had gone missing at 7.00am on Friday 4 May". The hand-out said she had been told this as the result of a telephone call. Ms Pires found this very strange, given that Ms Murat had in fact said something different to her during the morning of 4 May.

Ms Pires said she'd gone to the police after seeing this hand-out. She told the police that she [Ms Pires] knew with absolute certainty that Mrs

Murat knew that Madeleine had disappeared at an earlier time, given all that Mrs Murat had said to her that morning.

Ms Pires had no doubt what was going on in Mrs Murat's mind. She told police that she was certain that this was an attempt by Mrs Murat to construct an alibi, probably for her son, about the events of the evening of Thursday 3 May.

### **N. Robert Murat's meetings with Brian Kennedy in Portugal, 13 November 2007**

We'll now move right away from the events of early May 2007 and look at two meetings that were probably of great significance in this case that took place in Portugal in November 2007. One was between Robert Murat and Brian Kennedy, the multi-millionaire double glazing magnate who has effectively bankrolled the various private investigations which were supposed to be about finding Madeleine.

Others were also present at this meeting. He was also, as was made clear in John Whitehouse's article on our website, the man who was at the centre of these intelligence operations, running them from a house believed to be in Knutsford, appointing the staff and directing them.

The other meeting was between Brian Kennedy, the Portuguese Police, and the Spanish private detective agency recently chosen by Kennedy and the McCanns: Metodo 3. This took place in police headquarters in Portimao.

A report from the Portuguese Police referring to a 'phone call on 19 October, gives us some background; here it is:

“On the 19th of October, we were contacted by Alberto Carbas, Chief of the Kidnapping Unit of the Commissary-General, based in Madrid, who passed to us the information that the McCann family had contracted a Spanish private detective agency known as ‘Metodo 3’. The costs of their investigation into Madeleine McCann were being covered by a Scottish multi-millionaire whose name is Brian Kennedy. His objective was to find Madeleine.

“We were asked if we were available and interested in meeting with a representative of Metodo 3 and the Spanish Commissary General and Chief of the Kidnapping Unit of the Police in Spain. The purpose of this

proposed meeting, they said, was to find out the truth, but they stated that they would not interfere in police work. At most, they said, they would ‘complement’ our investigation. They firmly stated that they are *not* working directly for the McCann family, but for Brian Kennedy. They didn’t ask for any information regarding the investigation, nor was any offered to them, for obvious reasons”.

We now know that Brian Kennedy flew out in November 2007, about three weeks after this ‘phone call, together with his in-house lawyer from the Latium Group, Edward Smethurst. This, briefly, is the Portuguese Police’s account of a meeting between them, Metodo 3, Brian Kennedy and Edward Smethurst. The date of it was probably arranged during or soon after the ‘phone call of 19 October:

#### QUOTE

“We held a meeting on 13 November, with Inspectors Paulo Ferreira and Ricardo Paiva present, with Brian Kennedy, Director of the detective agency, Francisco Marco and one of his advisers, plus Antonio Jimenez, ex-chief of the Kidnapping Unit of Catalonia [Note: Other information suggests that Edward Smethurst was also present].

Brian Kennedy insisted that his motives were purely charitable, aimed at finding the truth, and generally helping missing children. He said he was interested in discovering the truth even if the McCann family, the friends, or any other person is found to be involved in the disappearance”.

#### UNQUOTE

Brian Kennedy’s involvement in the investigation into the disappearance of Madeleine McCann has been controversial. An article by Mark Hollingsworth in the *Evening Standard* in August 2009 claimed that “The involvement of Brian Kennedy and his son Patrick in the operation was counter-productive, notably when they were questioned by the local police [in Portugal] for acting suspiciously while attempting a 24-hour ‘stake out’.”

The ‘Evening Standard’ article also showed that, later, the relationship between Metodo 3 and the Portuguese police had ‘completely broken down’. Hollingsworth claimed that key witnesses were questioned ‘far too aggressively’ by Kennedy’s investigators, so much so that ‘some of them later refused to talk to the police’. Interference with witnesses to that extent could amount to a criminal offence.

We are not aware that any other nation allows people to interfere with potential witnesses in an investigation in such a way as to cause them to refuse to testify, as Mark Hollingsworth in his article claimed had happened in this case, due to Kennedy's investigators.

It was Francisco Pagarete, Mr Murat's Portuguese lawyer - the one whom he was so anxious to see when he flew out to Praia da Luz on 1 May - who confirmed that a second meeting involving Brian Kennedy took place at Mr Murat's uncle's house in the Algarve in November. He told the BBC: "[Brian Kennedy] came here to give his support to Robert and to say he doesn't believe Robert was involved in this story in any way or sense. And he asked if Robert could help the investigation for the finding of Madeleine in any way". Mr Pagarete added that Mr Kennedy had 'promised to stay in touch with Mr Murat' but 'had not contacted him since'. Mr Pagarete also confirmed that Edward Smethurst was at the meeting.

The Portuguese paper *Jornal de Notícias* appeared to have some additional information about this meeting. Their report, early in 2008, said: "The meeting - a dinner that Brian Kennedy asked to be discreet and far away from the eyes of the press - took place in the end of last year at a house of Murat's relatives in Burgau (Vila do Bispo). At the dinner were Robert Murat and Kennedy, their respective lawyers, Jennifer Murat and the aunt and uncle of Murat" [NOTE: This appears in fact to have been Ralph Eveleigh, Murat's uncle, and Sally Eveleigh, his cousin].

If Murat and Kennedy each had one lawyer with them - Pagarete and Smethurst - that makes seven people present at that dinner in Burgau: Murat and his mother, his uncle Ralph and cousin Sally Eveleigh, who ran the 8-room guest house at Vila do Bispo, two lawyers and Brian Kennedy.

What was discussed at this meeting that Kennedy didn't want the press to know about?

This evening meeting was either on the same day, or very close to, the meeting that Brian Kennedy had with the Portuguese Police on 13 November 2007 that we referred to above. The two Portuguese Police Inspectors, Ferreira and Paiva, later submitted an account of their strange meeting with Brian Kennedy.

The report, which is amongst the documents contained in the police files, indicates that right at the start of the meeting, Brian Kennedy was keen to stress that his intentions were 'purely charitable', because he felt 'concerned about cases of child neglect and child abduction'. The Director of Metodo 3, Francisco Marco, presented information to the PJ about three situations, allegedly received via their 'hotline'.

The first of these concerned an incident that the British media had already referred to, at the end of October 2007: a woman who had been baby-sitting at the Ocean Club, in Apartment 5A in August/September 2006, said she spotted a man 'hidden in the shadows', the same day that Madeleine disappeared. A story about this had surfaced in the *Sun* on October 31.

According to the newspaper, "The nanny - identified only as M.H. - reported the frightening incident to the police in England after the hunt for Madeleine started in May, but did not speak to the police in Portugal". Clarence Mitchell added that: "This evidence supports what we have always said, that Maddie was taken from her bed by an abductor". The Portuguese Police had however ruled out this report, because the detectives considered that there was no proof that it was in any way related to Madeleine's disappearance.

The second piece of information was about the alleged existence of images of paedophilia on a computer at the home of Sergei Malinka, witnessed by the fiancé of a British woman, four years ago, when he was at Malinka's house. According to this witness, he questioned Malinka on the subject and he explained that the computer belonged to a client and that he would report it later to the authorities. All of the computers at Malinka's house were seized and examined, but the Portuguese Police report said that nothing of any relevance or suspicion was found.

The third piece of information referred to a detailed witness statement, according to the Metodo 3 report, about a woman handing what the witness was convinced was a child, wrapped in a blanket or a sheet, over a fence to a man, next to two parked vehicles, near a town 100 miles from the Algarve. The witness, a Portuguese lorry driver, M.G., looked at several photos and picked out Michaela Walczuk [Robert Murat's girlfriend, now his wife], saying that her picture was the one that most resembled the woman he had seen.

The British media published a version of this story on 19 November 2007, but with different details. The *METRO* free paper boldly wrote: "A

witness spotted Murat's German girlfriend, Michaela Walczuch, in a car with Maddie, on 5 May, in central Portugal". On the same day, the *Daily Mail* published a similar story: "According to a source, a new witness identified Michaela Walczuch as the woman seen with the missing child, in central Portugal, 160 kilometres [100 miles] from where she disappeared on May 3<sup>rd</sup>".

As usual, Clarence Mitchell had a few things to say to the media: "We are not going to comment on any line of the investigation except to say that we are encouraged by the fact that our investigators seem to be making progress. Kate and Gerry are not ruling out any possibility".

The Portuguese Police studied this incident and questioned the Portuguese lorry driver, but the facts that he described to the police were somewhat different to those reported in the British press. The lorry driver said he saw a woman handing something to a man, over a fence, wrapped in what looked like a blanket. It wasn't heavy, because they did it easily and the fence was around 1.6 metres high (5 feet). Asked if it could have been the body of a child, he responded that nothing he had seen would indicate that.

Questioned also about the positive identification of Michaela Walczuk, according to Metodo 3's report, the witness told the Portuguese Police that he couldn't see the woman's face, because he was driving his lorry at 45/50 mph, and the couple were at some distance. He only chose Michaela's photo from amongst the others Metodo 3 had shown him because she had the same hair colour and similar build.

The actual facts which emerged from the lorry driver, then, did not seem anywhere near sufficient to justify the press headlines claiming that he had positively identified Murat and his girlfriend.

### **O. Murat's friend Sergei Malinka has his car torched**

In March 2008, whilst Robert Murat was away in England for a short period, his friend, Sergei Malinka, had his Audi A4 car torched beyond repair. Beside the car, on the pavement, was written in red paint the word 'FALA'. That means: 'Talk'. However, it was uncertain if that was a message saying he *should* talk or, more likely, a message warning of what might happen if he *did* talk.



Sergei Malinka: He was questioned about last year's disappearance of Madeleine McCann



Sergei Malinka once again, but this time under his alias of Nik Legalhoff (see below)

Malinka was described in the press as ‘An associate of official suspect Robert Murat who was designing a website for him at the time Madeleine disappeared’.

The car had been parked close to his flat. Malinka put his own interpretation on the torching of his car, and he chose an interesting tack: “Who the hell has written that? What exactly do they want me to say? They must be talking about Robert. There's nothing to say. I'm angry that someone would do this and I want to find out who it was. I'm not scared. It's just a car. It was a nice car, but at least I wasn't inside it. But I have no feelings about this. They ripped my heart out last summer when they involved me with all this”.



Charred wreck: Malinka's torched Audi A4 with the word 'FALA' (meaning 'talk') written beside it

Press articles pointed out that when police eventually seized Malinka's computers, they discovered that he had wiped their hard disks. Malinka strenuously denied having anything to do with Madeleine's disappearance and even claimed that he was beaten up by police during the interrogation to try to get him to admit his involvement. Reports suggested that it was the third time a vehicle of his had mysteriously been set alight close to his home in the middle of the night, the previous attacks having been before Madeleine's disappearance. At this point we might recap and remind ourselves that Malinka's role was supposed to be that of designing a website for Murat's new company, 'Romigen'. However, the following relevant facts came to light about this website:

- apparently no content had been registered on the site until 18 May 2007 (three days after Murat was made 'arguido', according to the internet archive site, 'Way Back Machine')
- it did not seem to have been compiled for use by the general public
- it had no properties to sell
- it was in any event full of spelling mistakes and grammatical errors.

The website's creator was named not as Sergei Malinka but as Nik Legalhoff, one of several aliases used by Malinka, a curiosity in itself. A Mr Nik Legalhoff has been traced to 22 Komunisticheskaya Street, Tiraspol, Moldova, formerly part of Romania, according to the registration details of his internet domain name. It is possible that Segrei

Malinka and Nik Legalhoff are one and the same person. More likely, judging by photographs of a person said to be Nik Legalhoff on the internet, is that Nik Legalhoff is just another of Malinka's many aliases. He had perhaps stolen the identity of another web designer.

It remains a fact that Malinka used the name Nik Legalhoff as a signature within the code of the Romigen website which he said he was designing. If you use a signature in your code, it's generally to promote yourself or your company, and maybe also for copyright purposes. It seems that either the site wasn't really developed by Malinka, but by someone else that he knew, or perhaps Malinka wanted to hide his association with the site, even prior to Madeleine's disappearance. Another possibility is that Malinka altered the name in the code *after* Madeleine went missing and when it became clear that his frequent contacts with Murat had come to the attention of the police.

Other names he has used are Nikolai Fedorenko and Petrov Ivan Nikolaevich, Russians who have been dead nine and nearly 100 years respectively. Fedorenko represented the Soviet Union at the U.N. where he was known for his anti-Semitism, while Nikolaevich was also a nationalist who expressed anti-Jewish sentiment. In his Nik Legalhoff persona, he appears to be into heavy metal, his favourite long titles including *Theatre of Tragedy*, *Radioactive Toy*, *Fear of a Blank Planet*, *Perfection or Vanity*, *Angel Gets Caught in the Beauty Trap*, and *Cowboys from Hell*.

Malinka had previously worked on designing a website, [ividoehomes.com](http://ividoehomes.com), with business partner Matthew Fazackerley for Monaco property dealer Jeff Mason. His other work included work for the 'Island Expeditions' website and for 'Corlett Actividades Maritimas Limitada' ([www.corlettmaritima.com](http://www.corlettmaritima.com)), the former dealing in boats trips in and around the Mediterranean to the West Coast of Africa and the latter specialising in expeditions to São Tomé and Príncipe.).

Malinka and Fazackerley had also linked together to run a tour operation business, organising the tours. They also had an IT project 'for the community', in which they pledged to support children and young people in the community by providing IT, computers and skills training to them. Besides website design, his other interests included photography and server-side technologies. Most of the websites associated with Malinka, including [niklegaloff.com](http://niklegaloff.com), seem to have disappeared by early 2008.

END OF PART FIVE
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