

OFFICIAL INQUIRY FILES and DOCUMENTS MARTIN SMITH & FAMILY STATEMENTS

This information belongs to the Ministério Público in Portimão, Portugal.
It was released to the public on 4 August 2008 in accordance with Portuguese Law

Siten

HOLIDAY MAKER / WITNESSES

1606 to 1610 Witness testimony of Martin Smith taken 2007/05/26 with map of sighting

TRANSLATION BY INES/ALBYM

06 Processo 06 pages 1606 to 1610

06_VOLUME_VIa_Page_1606

ACTO DE INSCRIÇÃO DE TESTEMUNHA

Nome do Afilhado: MARTIN SMITH Data: 1968 Lugar de Nascimento: ...

Nome: MARTIN SMITH
Morada: Rua ... nº ...
Identificação: ...
Estado Civil: ...
Profissão: ...
Assinatura: ...
Assinatura do P.S.: ...

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... No que concerne a este período, desde que cheguei a Portugal no dia 05 de Abril de 2002, desde o regresso pessoal, e até ao momento, no dia 05 de Maio de 2007, o tempo foi em companhia de Maria, com a idade de 10 anos de idade.

... No momento em que fui ao serviço no dia 05 de Maio, comecei a trabalhar no restaurante "Tropicana", que se situa na Rua ... nº ...

... Após sair do trabalho, fui a comprar alguns produtos que pertencem a Maria e fui a Rua ... nº ... onde se encontra o apartamento onde fui registado.

... Durante este período, não houve qualquer alteração de residência.

... Durante este período, não houve qualquer alteração de residência.

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Date of Diligence: 2007.05.26 10H40
Location: DIC Portimao
Name: MARTIN SMITH

The witness states:
— That he comes to the process as a witness.
— Being of Irish nationality, he does not understand Portuguese in its written or oral form and is accompanied by an interpreter.
— That he has an apartment in Luz, Lagos, located in the Estrela da Luz Urbanizaco, A1C. This apartment is co-owned by a friend whose name is Li** ON****. He normally visits Portugal three times a year. When here, he stays in the apartment. Concerning this period, he states that he arrived in Portugal on the 30th of April, 2007, with a booked return date of May 9, 2007. He arrived at Faro airport and flew out from Dublin.

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— Concerning the facts under investigation, on the 3rd of May, he went with his family to the Dolphin restaurant in Praia da Luz where they dined. Around 21H00 they left the restaurant and headed toward 'Kelly's Bar'; about a 50 metre distance from the restaurant, following the path, as it is very short. The walk took him a few minutes. In 'Kelly's Bar' they consumed some drinks. They left that establishment around 21H55 as his son would be travelling very early the next day. This bar is located on Calheta Street.

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— After leaving the bar, he travelled in the opposite direction and reached a set of stairs which gave access to Rua 25 de Abril (25th of April Street). On this artery they followed a second street, parallel to Rua 1 de Maio (1st of May Street) whose name he does not remember. He was heading toward his apartment (Estrela da Luz complex) which is located a little above the street Travessa da Escola Primária (Primary school crossing). As he reached this artery, he saw an individual carrying a child, who walked normally and fitted in perfectly in that area, in that it is common to see people carrying children, at least during the holiday season. This individual was walking the downward path, in the opposite direction to him and his companions. He is not aware where this person was headed. He only saw him as they passed each other. He assumed it was a father and daughter, not raising any suspicion.

— Urged, states that when he passed this individual it would have been around 22H00, and at the time he was completely unaware that a child had disappeared. He only became aware of the disappearance of the child the next morning, through his daughter, L****, in Ireland who had sent him a message or called him regarding what had happened. At this point he thought that MADELEINE could have been the child he saw with the individual.

— Regarding the description of the individual who carried the child he states that: he was Caucasian, around 175 to 180m in height. He appeared to be about 35/40 years old. He had an average build, a bit on the thin side. His hair was short, in a basic male cut, brown in colour. He cannot state if it was dark or lighter in tone. He did not wear glasses and had no beard or moustache.

He did not notice any other relevant details partly due to the fact that the lighting was not very good.

— He was wearing cream or beige-coloured cloth trousers in a classic cut. He did not see his shoes. He did not notice the body clothing and cannot describe the colour or fashion of the same.

— He states that the child was female, about four years of age as she was similar to his granddaughter of the same age. She was a child of normal build, about a metre in height though not being absolutely certain of that as she was being carried. The child has blonde medium-hued hair, without being very light. Her skin was very white, typical of a Brit. He did not notice her eyes as she was asleep and her eyelids were closed.

— She was wearing light-coloured pyjamas. He cannot state with certainty the colour. She was not covered by any wrap or blanket. He cannot confirm whether she was barefoot but in his group, they spoke about the child having no cover on her feet.

— Urged, he states that the individual did not appear to be a tourist. He cannot explain this further. It was simply his perception given the individual's clothing. He states that the individual carried the child in his arms, with her head laying on the individual's left shoulder, that being to the right of the deponent. He adds that he did not hold the child in a comfortable position, suggesting [the carrying] not being habitual.

— Having already seen various photographs of MADELEINE and televised images, states that the child who was carried by the individual could have been her. He cannot state this as fact but is convinced that it could have been MADELEINE, also the opinion shared by his family.

— Questioned, says that the individual did not speak nor did the child as she was in a deep sleep.

— States that it is not possible for him to recognise the individual in person or by photograph.

— Adds that in May and August of 2006, he saw ROBERT MURAT in Praia da Luz bars. On one of these occasions, the first, he was inebriated and spoke to everyone. He did not wear glasses at that time. He also states that the individual who carried the child was not ROBERT. He would have recognised him immediately.

— At being asked, states that when he saw the individual he was accompanied by his wife, MARY SMITH, his son, PETER SMITH, his daughter-in-law, S***, his grandchildren of 13 and 6 years of age (children of PETER) TA*** and CO**, his daughter AOIFE (12 years of age), and his other two grandchildren (AI***** (10 years old) and EI**** (four years old). These are children of his daughter B***** who was in Ireland.

— States also that when he passed this individual he was coming down the middle of the road, in the street, also that at that time traffic is minimal or non-existent.

— He adds that the group walked some metres apart from each other so they would have seen the individual in different positions.

— He adds a sketch indicating the route and the locale of the sighting.

— He has nothing else to offer the investigation.

— And nothing more was said. He reads and finds it in conformity, ratifies and signs together with the interpreter.

[1611 to 1614 Witness testimony of Aoife Smith taken 2007/05/26](#)

6-Processos, Volume VI, pgs. 1611 to 1614

POLICIA JUDICARIA
Administración de Justicia

ACTA DE INVESTIGACIÓN DE HECHOS

Fecha de diligencia: 2017/05/10 Hora: 10:00 Lugar: Sala de Sesiones
 Funcionario que actúa: Jefe de Sala, Jueces

Nombre	Julio Díaz
Apellido	Alfonso
Apellido Paterno	Alfonso
Apellido Materno	Alfonso
Identificación	123456789
Código Postal	11000
Dirección	Carretera
Categoría	Alf
Observaciones	

El Jefe de Sala y los Jueces, en virtud de sus facultades, han practicado la siguiente diligencia de conformidad con el artículo 177 del Código de Procedimiento Penal, en el caso de autos, que se describe a continuación:

Se expone que:

1. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

2. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

3. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

4. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

5. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

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POLICIA JUDICARIA
Administración de Justicia

ACTA DE INVESTIGACIÓN DE HECHOS

Fecha de diligencia: 2017/05/10 Hora: 10:00 Lugar: Sala de Sesiones
 Funcionario que actúa: Jefe de Sala, Jueces

El Jefe de Sala y los Jueces, en virtud de sus facultades, han practicado la siguiente diligencia de conformidad con el artículo 177 del Código de Procedimiento Penal, en el caso de autos, que se describe a continuación:

1. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

2. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

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4. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

5. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

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POLICIA JUDICARIA
Administración de Justicia

ACTA DE INVESTIGACIÓN DE HECHOS

Fecha de diligencia: 2017/05/10 Hora: 10:00 Lugar: Sala de Sesiones
 Funcionario que actúa: Jefe de Sala, Jueces

El Jefe de Sala y los Jueces, en virtud de sus facultades, han practicado la siguiente diligencia de conformidad con el artículo 177 del Código de Procedimiento Penal, en el caso de autos, que se describe a continuación:

1. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

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4. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

5. El día 10 de mayo de 2017, se celebró una audiencia pública en el juzgado de la Sala de Sesiones, en el caso de autos, para el señalamiento de la audiencia de juicio oral y sentencia, en el caso de autos, que se describe a continuación:

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Date of Diligence: 2007.05.26 10h45

Location: This Department

Name: Aoife Smith

The witness states:

— Being an English citizen, and not understanding Portuguese neither spoken nor written, she is accompanied by an interpreter.

— On 30 April 2007 she travelled to Portugal on holiday, specifically to the Algarve. She came with her parents Martin and Mary Smith and her two nieces, AC and EC.

— They stayed in the Estrela Da Luz complex in Praia da Luz where her parents have an apartment.

— When they arrived at the apartment they met her brother, Peter Smith, her sister-in-law, S.McD.Smith, her nephew (six years old), CO** and the son of her sister-in-law, TA*** (13 years old).

— They came on holiday for about 10 days, having returned to Ireland on 9 May 2007. (She is not absolutely certain of the day).

— Her days on holiday were spent in the swimming pool of the complex where they were lodged, on the beach of Luz and in the shopping centre. Normally, they were spent in Praia da Luz - Vila da Luz.

— Dinner was taken between 19h00 and 20h00, in the apartment or in the Restaurants "Dolphin", "Cavaleiro da Luz", "Chaplin" or the "Marujo", all situated in the Praia da Luz area.

' When they ate at home they would not normally go out. When they went to eat at the restaurants they stopped by Kelly's Bar, situated, she thinks, on Calheta Street in Praia da Luz.

— Regarding the 3rd of May, 2007, she went, with all her family, to eat at the Dolphin restaurant, which is close to Kelly's Bar. When they left the restaurant, around 21H30, they headed toward Kelly's Bar. They stayed there for about 30 minutes.

— Around 22H00, they left Kelly's Bar. The group headed, on foot, for their apartment.

— Questioned, she responds that she knows the time that they left because her father and her brother decided to leave early that night. There were two reasons for this: one was the fact that her sister-in-law was not feeling very well and the other was because her brother, sister-in-law, nephew and son of her sister-in-law finished their holiday the next day and had to catch the morning flight returning to Ireland.

— Upon leaving the bar, they turned right and headed along the road for 40/50 metres. At this point, they again turned to the right and ascended a small street with stairs that give access to Rua 25 de Abril. As they were a large group (four adults and five children) they travelled apart from each other along the street with some more to the front and the others more behind. She does not remember how they were divided [who was where].

— The deponent remembers that upon reaching the top of the stairs, she looked to her left and saw a man (1) with a female child (2) in his arms, walking along the pavement of Rua 25 de Abril. He was walking in her direction at a distance of, give or take, two metres.

— The deponent crossed to the other side of Rua 25 de Abril and began walking up Rua da Escola Primária in the direction of the Estrela da Luz apartment complex.

— She did not see if the referenced individual with the child descended Rua das Escadinhas or if he continued along Rua 25 de Abril.

- It was the first time she saw that man. She does not remember seeing him at any time in any location.
- She has seen photographs of Madeleine McCann and thinks that it could have been her. Asked, she said she was 60% certain.
- The description below made about the man and the female child that the witness saw was made at around 22H00, when the lighting was weak.
- Questioned, states that probably she would not be able to recognise either the individual or the child.

Personal Description:

- (1) the individual was male, Caucasian, light-skinned, between 20/30 years of age, of normal physical build, around 1,70/1,75 metres in height. At the time she saw his face but now cannot remember it. She thinks that he had a clean-shaven face. She does not remember seeing tattoos, scars or earrings. She did not notice his ears. His hair was thick-ish, light brown in colour, short at the back (normal) and a bit longer on the top.
- His trousers were smooth "rights" along the legs, beige in colour, cotton fabric, thicker than linen, possibly with buttons, and without any other decoration.
- She did not see what he was wearing above his trousers as the child covered him almost completely at the top.
- She did not see what shoes he was wearing.
- The individual's gait was normal, between a fast walk and a run. He did not look tired, moving in a manner usual when one carries a child.
- (2) the child was female because she had straight long hair to the neck. The colour was fair/light brown.
- She is certain that the child was about four years old because her niece (who was in the group) is of the same age and they were the same size.
- She did not see the child's face because she was lying against the individual's left shoulder in a vertical position against the individual. She appeared to be sleeping. Her arms were suspended along her body and were not around the individual's neck. She did not look at the child's hands and cannot state the colour of her skin. She believes she was white.
- There was nothing covering the child, a comforter/blanket or any other piece of clothing but she only saw her back.
- She was wearing light trousers, white or light pink, that may have been pyjamas. She does not remember if they were patterned as it was dark. The material was lightweight/thin and could have been cotton.
- She also had a light top, with long sleeves. She did not see it well because the individual had his arms around the child. She is not sure if the child's top was the same colour as her trousers, saying only that it was very light. The fabric was the same as the trousers.
- Questioned regarding the shoes, she responded that she did not remember seeing any shoes, not remembering if the child had any or not.
- Asked to tell the truth, she affirms that what she has finished declaring is the truth of the facts, according to her knowledge.
- And nothing more was said. Reads and finds it in conformity, ratifies and signs together with her interpreter.

1615 to 1624 Witness Testimony of Peter Daniel Smith taken 2007/05/26 with map of sighting

6-Processos, Volume VI, pgs. 1615 to 1624



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Date of Diligence: 2007.05.26 15H30

Location: DIC Portimao

Name: PETER DANIEL SMITH

The witness states:

- That he comes to the process as a witness.
- Being of Irish nationality, he does not understand Portuguese in its oral or written form and is therefore accompanied by an interpreter.
- States that his father owns an apartment in the town of Luz, Lagos, namely in Urban. Estrela da Luz, corresponding to A1C. His father comes to Portugal at least three times per year. The deponent went the first time that he travelled to Portugal.
- Concerning the period in question, states that he arrived in Portugal on the 26th of April of 2007 and had his return passage booked for the 4th of May of the same year. He arrived at Faro airport from the city of Dublin. That he arrived before his father, by choice, due to available days. He came accompanied by his wife, S***, and his two children TA*** and CO**, 13 and 6 years old respectively.
- He would like to clarify that on the 3rd of May, he and his family went to the Dolphin restaurant, situated in Praia da Luz, where they dined. Around 21H00 they left the restaurant and went to Kelly's Bar, about one minute away on foot. In Kelly's Bar (he does not remember the name of the street it is on) they had a few drinks, having left from there around 21H50/22H00.
- They left the bar, and went up some steps that give access to a road just above. On this road they took a side street, the name of which he does not know, in the direction of Estrela da Luz. Immediately at the beginning of this road he saw an individual carrying a child, who walked normally, with a fairly quick step because he was coming downhill. It appeared normal to him, like father and daughter. He adds that this individual was coming down the street, opposite to the direction of the deponent and his family. He does not know what direction the individual took as he only saw him as they passed each other.
- Urged, states that when he passed this individual it would have been around 21H55/22H00, and at the time he was completely unaware that a child had disappeared. He only found out about the disappearance of the child the next morning through someone he knew, the son of the builder of Estrela da Luz, who was also at the airport. The witness went to the airport given that, as planned, he intended to return to Ireland on that day
- At that time he did not associate the said individual with the disappearance, only after thinking on the subject and the

coincidence of the time did he infer that MADELEINE could have been the child carried by the individual that he had seen.

— The description of the individual who carried the child was: Caucasian, around 175 to 180 cm tall. About 35 years, or older. He was somewhat tanned as a result of sun exposure. Average build, in good shape. Short hair, brown in colour. He does not remember if he wore glasses, or had a beard or a moustache. He did not notice any other relevant details as the lighting was bad.

— He also does not remember the clothing the individual wore or his shoes. He states that he did not notice those details as his pregnant wife was somewhat ill and he was constantly attending to her, not caring about observation of the individual.

— He states the child was female. She was perhaps two or three years old, in that she appeared to him to be a bit smaller than his niece of the same age. She was a child of normal build. She had blonde hair, of medium shade, not very light. Her skin was white, typically British. He did not notice her eyes as she was asleep, having closed eyelids.

— He does not remember her clothing very well but thinks it was lightweight summer clothing, light in colour. He does not remember if she was covered with any wrap or blanket. He cannot affirm if she was barefoot.

— He states that [the man] carried the child on his arms, with the head resting on the left shoulder, as such on the right of the deponent, appearing to him in a natural manner.

— Having already seen various photographs of MADELEINE and televised images, states that the child that was carried by the individual may have been her. He cannot state this as fact but is convinced that it could have been MADELEINE, an opinion shared by his family.

— Questioned, states that the individual did not speak nor did the child as she was sleeping deeply. He adds also that the individual did not try to hide his face or lower his look, [doing] nothing [that would be] perceived as strange.

— States that it would not be possible to recognize the individual in person or via photograph.

— At being asked, says that when he saw the individual, the deponent was accompanied by his wife, S***, his father MARTIN, his mother MARY, his children TA*** and CO**, 13 and 6 year old respectively, his sister AOIFE, 12 years old, and his two nieces AI*****, 10 years, and EI****, 4 years, children of his sister B*****, who was in Ireland.

— States further that when he passed the individual, the individual was coming down to his right, going around the deponent in the middle of the street. At that time the traffic was minimal or non-existent.

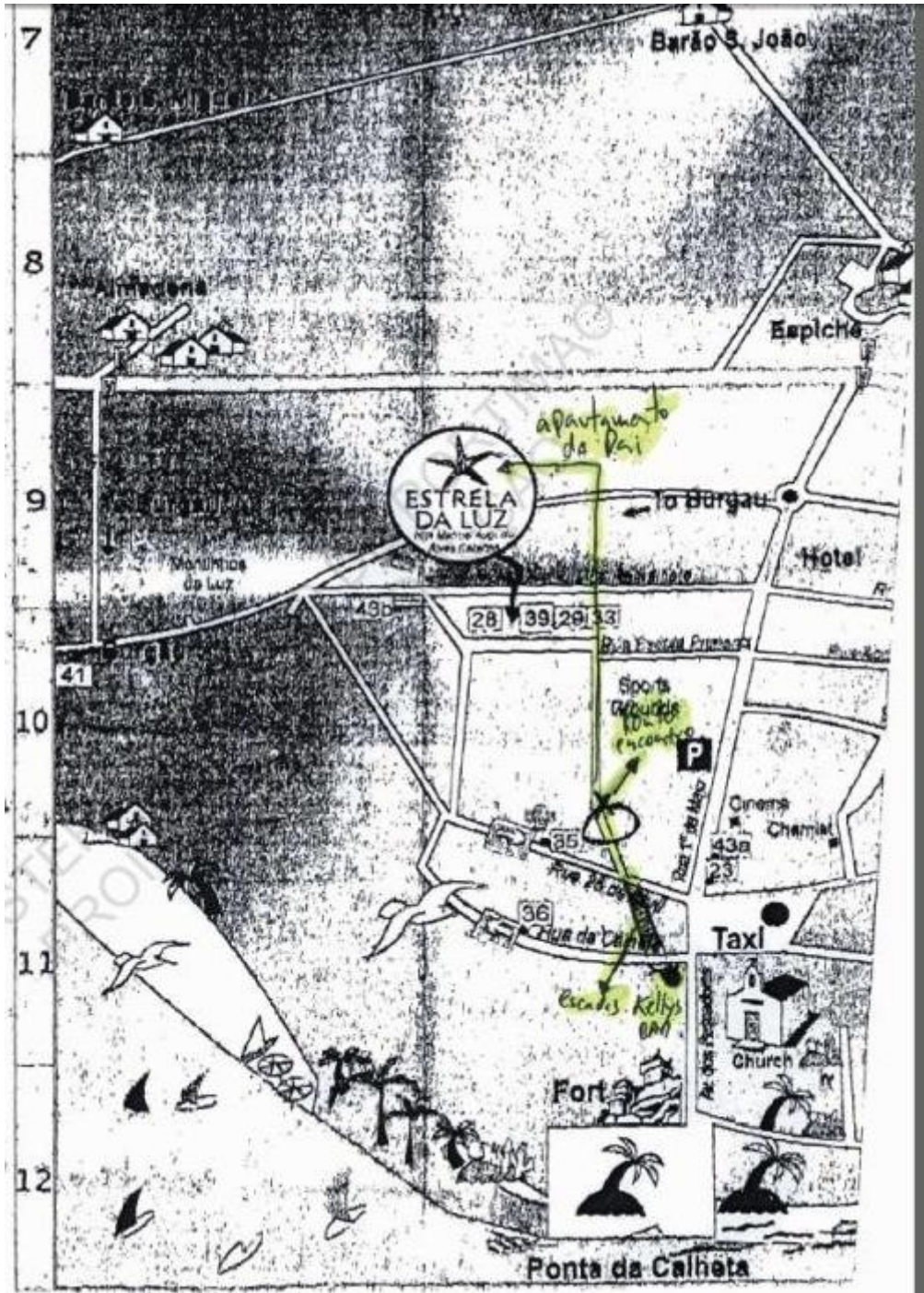
— He adds that the group walked some metres apart from each other, therefore they would have seen the individual in different positions.

— He adds a sketch indicating the route and place of the sighting.

— Adds further that his son TA*** was questioned in Ireland and said that the individual was dressed in a long-sleeved coat/jacket, black in colour, and that the child was barefoot.

— He has nothing else to offer the investigation.

— And nothing more was said. Reads and finds it in conformity, ratifies and signs together with the interpreter.



SMITH SIGHTING 1 - 06_VOLUME_VIa_Page_1620



SMITH SIGHTING 2 - 06_VOLUME_VIa_Page_1621



QUADRANTE – RUA 25 DE ABRIL E RUA DA ESCOLA PRIMÁRIA



SMITH SIGHTING 3 - 06_VOLUME_VIa_Page_1622



ENQUADRAMENTO – As indicam o local onde as testemunhas viram , cruzaram-se, com o indivíduo suspeito , nomeadamente a letra onde AOHBE SMITH viu o suspeito, a letra "M" - MARTIN SMITH e a letra "P" - PETER SMITH.





FO 6 – ENQUADRAMENTO – As indicam o local onde as testemunhas viram, cruzaram-se, com o indivíduo suspeito, o “M” - MARTIN SMI o “P” - PETER SMITH, na rua da Escola primária



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From: DC Hughes
Sent: Thursday, 20th September, 2007 15:42
CC: Prior Stuart
Re: FW: Smith Family

This is the Irish family that saw a man transporting a child on the night in question and returned to Portugal to collaborate with the investigation. Martin Smith contacted our department stating that after having observed the McCann family on TV alighting from the plane, he believes that the person he saw carrying the child that night was Gerry McCann. For your

information.

DC John Hughes

From: Long Lindsay
Sent: 20th September, 2007 11:37
CC: Hughes John (DC)
Re: Smith Family

Rec via: TELEPHONE Series: 241 Ident: BC19-8286-1055 20/09/07
Telephone: *****
Locale: Portugal/Out of country
Origin: Mr. Martin Smith 'Ireland

Text: Reported that he passed a male carrying a child in Praia da Luz the night Maddie went missing. Went and made a statement to Portugal police in Portimao on 26th of May and returned to the U.K. Is saying that after seeing McCANNs on the news on 9th of September when they returned to the U.K. He has not slept and is worried sick. He states he was watching the 10 pm news on BBC and saw the McCANNs getting off the plane and coming down the steps. He states it was like watching an action replay of the night he saw the male carrying the child back in Portugal. He states the way Gerry was carrying his twin triggered something in his head. It was exactly the same way and look of the other male seen the night Maddy went missing. He also watched ITV news and SKY news and inferred it looked like the same person both times carrying the children. Is asking a member of the OP Task Force to ring him back. He was with a group of 9 family and friends the night he saw the male in Portugal. He sounded quite shaken and worried whilst speaking to me.

Rec by: TPHONE Serial: 241 Ident:BC19-8286 1055 20/09/07
1101 8286-BC19 Incident linked to 209 26/06/07
1101 8286-BC19 Incident Result ODI: ADMIN DUPLICATE INCIDENT
QNG: QUALIFIER NOT REQUIRED
1101 8286-BC19 Incident Closed

Lindsay Long
Holmes Indexer
Major Crime
Braunstone Police Station

Processos Vol XI Page 2875

Policia Judiciaria

NUIPC 201-070 GALGS

NOTE

On this date I state for the files that at about 12.12 I had telephone contact with the witness Martin Smith, by means of phone number ***** who referred to the communication he made on 20-09-2007 to the British authorities, that confirms his sighting and showing his full availability to travel to Portugal with the aim of making statements and collaborating with this police in all the diligences that could be considered necessary concerning these events.

Portimao, 27th September 2007

Signed

Inspector Paiva

3276 to 3280 - External diligence carried out in Kelly's Bar on 2007.10.10

TRANSLATION BY INES

12 Processos Vol XII Pages 3276 to 3280

12_VOLUME_XIIa_Page_3276

External Inquiry



Date 10 ' 10 ' 2007

Place: Kelly's Bar, P da L

Inquiry carried out by Inspectors Rui Fernandes and Ricardo Paiva

Description and results of Inquiry

On this date at about 15.00 we went to Kelly's Bar, located in Rua da Calheta, in Praia da Luz. At the site we were received by an employee of the bar identified as L***** A**** M**** who had been on duty on the night of 3rd May 2007.

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When questioned whether on the night in question she remembered the visit to the bar by witness Martin Smith and his family, she replied that she does not remember given the lapse of time between the events and because the bar is daily frequented by dozens of clients of different nationalities.

All the available documentation was requested concerning the expenses in the bar on the night of 3rd May 2007 as we were given the cash register from which photocopies were made referring to the period between 20.00 and 24.00, which is annexed to this report.

Signed

Ricardo Paiva

Annexes

12_VOLUME_XIIa_Page_3278

12_VOLUME_XIIa_Page_3279

12_VOLUME_XIIa_Page_3280



3991 Martin Smith information regarding Gerry McCann on television 2007.11.08

13-Processo Vol XIII Page 3991

13_VOLUME_XIIIa_Page_3991

NUIP 201/07 o GALGS
4' Brigada Information



We can infer, from the analysis of the information contained in folios 2871 and 2872, that the statement of Martin Smith, duly identified and filed as folio 1606, reports new elements.

This information alleges that upon catching sight of Gerald McCann on the television news, when he (GM) arrived at the UK and still at the airport, he (GM) appeared to him to be the individual whom he saw on 3rd May in Praia da Luz, carrying a child.

As a result of this and because of the fact of the witness being resident in Ireland, we contacted an officer from the Irish force for the Iberian Peninsula, in Madrid, Bernard Gattney, who took

on the task of carrying out the necessary arrangements in order to proceed to a new questioning of Martin Smith.

He was sent by email a copy of the information including the witness statement, and a list of questions to ask him, duly translated into English.

Portimao, 8th November 2007
Inspector

Joao Carlos

[3992 Email regarding Smith statement 2007.11.07](#)
[3993 to 3994 Portuguese translation of email from Prior re: Smith statement 2007.09.20](#)

13-Processos Vol XIII Page 3992 (in English)

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Email sent from Joao Carlos Silva Pereira to Bernard Gattney

8th November 2007

Subject: Martin Smith

Bernard ,

According to our phone contact, I hereby enclose the report on Martin Smith, son of P S and C S, born in Ireland on *****, and an Irish citizen, passport n' *****, home address*****.

Following the enclosed report you are now kindly requested to ask him the following questions:

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- Does he confirm the statement he made in Portugal on May 26th 2007?

- Can he describe in detail the individual he saw carrying a child on May 3rd 2007, notwithstanding the fact that he has already made this description in his previous statements? Was this individual alone?

- When and in what mass medium has he seen the news of Gerald McCann going down the plane stairs, and carrying one of his children? (If possible he should be shown the above-mentioned pictures, as well as asked whether he confirms or disconfirms this man was the same individual he saw on May 3rd 2007).

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- Was it really Gerry McCann? Is he sure of this fact?

- Does he recognise Gerald McCann from the facial features or from the way he was carrying the child?

- Are his family members, namely the ones who were with him on May 3rd 2007, able to recognise the individual? If yes, do they also identify the individual as being Gerald McCann? (If yes, such family members should also be interviewed with a view to equally answering the above questions).

- Any other possible significant question, whether arising from the answers of Martin Smith to the above questions or that is deemed as relevant, should be equally asked.

3993 to 3994 – Portuguese translation of email from Prior
re: Smith statement 2007.09.20

3995 to 3997 English email re: Smith sighting sent from Stuart Prior

13-Processos Vol XIII Pages 3996 – 3997 (in English)

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Email from John Hughes to DIC Portimao, C.C. to Stuart Prior

20th September 2007

Subject: Fwd Smith family

From Lindsay Long to John Hughes

20th September 2007

Re – Smith family

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Location : Portugal Out of Force Area

Origin: Mr Martin Smith Ireland.

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Text: Reported that he had passed a male carrying a child in Praia da Luz the night Maddie went missing. Went and made a statement to Portugal police in Portimao on 26th May and returned to UK. Is saying that after seeing the McCanns on the news on 9th Sept when they returned to UK he has not slept and is worried sick. He states he was watching the 10 PM on BBC and saw the McCanns getting off the plane and coming down the steps. He states it was like watching an action replay of the night he saw the male carrying the child back in Portugal. He states the way Gerry was carrying his twin triggered something in his head. It was exactly the same way and look of the male seen the night Maddie went missing . He also watched ITV news and Sky news and inferred it looked like the same person both times carrying the children.

Is asking a member of OP task ring him back. He was with group of 9 family and friends the night he saw the male in Portugal. He sounded quite worried and shaken whilst speaking to me

Title: Info on Maddie

4134 Cover of fax re: Dublin correspondence (English)
4135 to 4139 Additional statement from Martin Smith 2008.01.30 (English)
4140 Email

16-Processos, Volume XVI, pg 4134 to 4139

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Detective Branch
Drogheda
County Lough

Re – Investigation into the disappearance of Madeleine McCann

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I took an additional statement from Mr Smith as requested. His wife does not want to make another statement. I showed him the video clip and he stated that it was not the clip that alerted him but the BBC news at 10 PM on 9th September 2007.

He has been contacted by numerous tabloid press looking for stories. He has been contacted by Mr Brian Kennedy who is supporting the McCann family to take part in a photo fit exercise. He has given no stories or helped in any photo fits. He sent a solicitor's letter to six papers in relation material that was printed that was misquoted. The Evening Herald paid his solicitor's fees and all papers printed an apology. His photograph appeared in another tabloid paper and this matter is being pursued at the moment.

I do not believe that Martin Smith is courting the press and my view his is a genuine person. He is known locally and is a very decent person.

Forwarded please

Sergeant

Liam Hogan

I hereby declare that this statement is true to the best of my knowledge and belief and that I make it knowing that if it is tendered in evidence I will be liable to prosecution if i state in it anything which I know to be false or do not believe to be true.

I would like to state that the statement I made on 26th May 2007 in Portugal is correct. The description of the individual that I saw on 3rd May 2007 carrying a child is as follows. He was average build, 5 foot 10' in height, brown hair cut short, aged 40 years approximately. Wearing beige trousers and darkish top maybe a jacket or blazer. He had a full head of hair with a tight cut. This individual was alone. I saw Gerard McCann (sic) going down the plane stairs carrying one of his children on 9th September 2007 BBC news at 10 PM, I have been shown the video clip by Sergeant Hogan which I recognise. A clip I have seen before on the Internet. In relation to the video clips of Gerard McCann and the person I saw on 3rd May 2007 when I saw the BBC news at 10 PM on 9th September 2007 something struck me that it could have been the same person. It was the way Gerard McCann turned his head down which was similar to what the individual did on 3rd May 2007 when we met him. It may have been the way he was carrying the child either. I would be 60-80% sure that it was Gerard McCann that I met that night carrying a child. I am basing that on his mannerism in the way

he carried the child off the plane. After seeing the BBC news at 10 PM, footage on the 9th September 2007 I contacted Leicestershire police with this information. During that time I spoke to all my family members who were with me on the night of 3rd May 2007 about this and the only one who felt the same way as me was my wife. She had seen the video clip of Gerard McCann walking down the stairs of the plane earlier that day. We did not discuss this until some days later. This statement has been read over to me and is correct.

Source: mccannpjfiles.co.uk/PJ/MARTIN_SMITH.htm