

# OFFICIAL INQUIRY FILES and DOCUMENTS REFUSALS OF THE TAPAS 7 RE-ENACTMENT

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

2679 to 2682 MoPo assessment re: computers, reconstruction, and phone traffic  
Correspondence - Additional Restraining Orders for Arguidos

TRANSLATION BY ALBYM /INES

## 10-Processo 10- Pages 2679 to 2682

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Processes Vol X  
Pages 2679 - 2682

Portimao Public Services Ministry

201/07 GALGS

CONCLUSION - 19-09-2007

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As a result of the interrogations contained on pages 2557/2560 and 2569/2576, the arguidos Kate and Gerald McCann were heard, whilst the former, in the exercise of one of her rights, opted not to make statements, her husband opted to speak.

Therefore, as regards to the arguido Kate, an eventual new interrogation would not be any advance given that her option was not to make statements, whilst in the case of the arguido Gerry a new interrogation would not be justified, at least not at the moment, taking into account that there are no new facts with which to confront him (same situation for Kate) therefore meaning that a new interrogation would not have any sense.

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On the other hand, a change in the restraining orders applied to the arguidos (TIR) would suppose that the arguidos had abused the obligations imposed and other restraining orders foreseen in the CPP and admissible in the case (article 203 no. 1) together with the former article 204, could only be imposed by means of legal despatch if the following were verified: a) Fleeing or risk of fleeing, b) Risk of obstructing the course of the investigation or process instruction and namely the risk to acquiring, conserving or the veracity of evidence, or c) the risk given the nature of the circumstances of the crime or the arguidos personality, that the latter would continue criminal activity or seriously endanger public order and tranquillity.

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From the elements brought to the process it can be stated unequivocally that the arguidos did not violate any of the obligations imposed upon them by the restraining orders that were applied, according to article 196 of the CPP and on the other hand, no grounds are found to apply any other restraining order: the arguidos live in the UK at the address they indicated, as they are currently in the UK no possibility of their interference with the production of evidence,

or its acquisition, conservation or veracity can be seen and finally, taking into account their current place of residence, there is no risk for the disturbance of public order and tranquillity.

There are therefore, no reasons to alter their restraining orders.

Pages 2636/2639: it is the consideration of the Policia Judiciaria, namely taking into account our communication on page 1808, indicating that the computers that were apprehended from them, should be returned at the moment when they are no longer of interest to the investigation and as means of evidence.

Pages 2661, 2667/2668 and 2678 deny the requests for consultation of the process files due to judicial secrecy (article 86 no. 3 of the CPP).

In the development of the continuing investigation into the disappearance of Madeleine McCann, the investigation being open, whether to confirm or deny its occurrence in relation to the crimes of abduction, homicide, exposure to abandonment and hiding of the body and according to defined plan, it is necessary to document the real time of the disappearance in question, establish the location of each of the intervening parties - from the McCann couple to the group of friends who were on holiday with them in the Ocean Club tourist apartments in Praia da Luz : Jane Michelle Tanner, Russel James O'Brien, Matthew David Oldfield, Rachael Mampilly, David Anthony Payne, Fiona Elaine Payne and Diane Webster - the date of the facts and posterior moments, as well as to determine the movements of the arguidos Gerald McCann and Kate Healy during the period that they were staying in Portugal, whilst also establishing the connections between all of the group members and third parties.

In this sense and because the following diligences are essential in order to discover the truth, namely the analysis of telephone traffic of the McCann couple and their friends as well as other telephone numbers that were found to be related to the facts that occurred on the night of 3rd May 2007, the files are forwarded to Mmo JIC.

Given the fact that there are suspicions of the crimes of abduction, homicide, exposure or abandonment, hiding of the body, I propose, according to the terms laid down in articles 15 no. 2 of Law 88/89 of 11 September, 187 no.1, line a and 4 and 252 A and 269 no.1 of the CPP:

1. It is requested that the three national mobile operators (TMN, Vodafone and Optimus) should send a DVD or CD with the complete listings of telephone traffic referring to the calls received and made during the period of time between 28th April 2007 to the 9th September 2007, including cellular location and trace back as well as roaming SMS and MMS and their respective content, of the following telephone numbers:

00447786986188 - Gerald McCann  
00447903108397 - Kate Healy  
00447748844837 - David Payne  
00447796272586 - Fiona Payne  
00447790327853 - Diane Webster  
00447713258795 - Russel O'Brien  
00447808534191 - Jane Tanner  
000447771591456 - Matthew Oldfield  
00447771591461 - Rachel Mampilly

00447818520047 - unidentified telephone number which on the night of 2nd May 2007 sent 14 written SMS messages to Gerald McCann and another 4 messages on the day following the disappearance of Madeleine McCann.

2. 2. It is requested that the mobile operator TMN send a CD or DVD with the complete listings of telephone traffic referring to the calls received and made during the period of time between 20.00 on 3rd May 2007 and 12.00 on 4th May 2007, including cellular location and trace back as well as roaming SMS and MMS and their respective content, of the following telephone numbers:

969787045 - belonging to the Ocean Club reception in Praia da Luz

964098114 - belonging to the Ocean Club manager, Silvia Batista.

962093051 - belonging to the Lagos GNR post.

3. It is requested that the operator Portugal Telecom should send a DVD or CD with the complete listings of telephone traffic referring to the calls made and received during the period of time between 20.00 on 3rd May 2007 and 12.00 on 4th May 2007 for the following fixed lines:

282771000 - belonging to the Ocean Club reception.

282762809 - belonging to the Lagos GNR post.

In the meantime the existence of a laptop computer rented by Gerald McCann after the disappearance of Madeleine on 3rd May came to our knowledge, which was rented to him by Nuno Ferreira who voluntarily delivered the computer to us so that the appropriate examinations could be carried out.

I propose, according to the terms of article 189 of the CPP that the analysis of the hard disk of the laptop computer Sony, VAIO with series number 282479595001799 should be authorised.

The Public Prosecutor

Signed

Jose Magalhaes e Menezes

**4185 - Documentation CONCLUSION on 1-4-2008**

WITH THANKS TO INES

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**CONCLUSION on 1-4-2008**

In the letter of request sent to the United Kingdom relating to the disappearance of Madeleine McCann it was requested that the witnesses who were on holiday with Madeleine's parents would inform us about their availability to come to Portugal to do a reconstruction, the dates proposed being 28/29 April or 15/16 May (in order not to coincide with the date of the disappearance, nor with Madeleine's birthday), the appearance of the witnesses and the carrying out of the reconstruction also being dependent upon the arrival in Portugal of the arguidos, without whom there would be no sense in a reconstruction.

Therefore, notify the arguidos Gerald McCann and Kate Healy, by means of their lawyer Dr Rogerio Alves, to inform of their availability to come to Portugal on one of the dates mentioned above, with the aim of participating in the reconstruction, requesting a rapid response, bearing in mind that the questioning of the witnesses will begin on the 7th April and in order to be able to communicate this availability to the witnesses, as well as resolving all the questions, namely as regards logistics that would be necessary.

As required on page 3944, it was indicated to the PJ that the apprehended belongings be returned, unless they are of interest to the investigation or for matters of evidence.

As it has not been revealed to be of interest to the investigation, the computer made available by Nuno Ferreira (page 2670) should be returned.

Page 3946 . seen.

**4186 - Letter re information from Stuart Prior re: reconstruction**

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**INFORMATION**

During a recent trip to the UK made by the undersigned, accompanied by Inspectors Joao Carlos and Ricardo Paiva, to accompany the anticipated compliance with the letter of Request sent to the UK Justice authorities, Detective Superintendent Stuart Prior from the Leicestershire Constabulary told us the following:

- following the requests contained in the Letter of Request referring to establishing the availability of various witnesses to come to Portugal in order to carry out a reconstruction exercise of the events, these witnesses expressed some doubts and questions that they would like to see cleared up.

- these doubts and questions were sent to the Superintendent by means of electronic mail and phone calls, and he has asked the undersigned, as far as possible, to remove the difficulties that the construction might have and proceed to clarify;

Therefore and with the aim of completely clarifying these subjects, the document that immediately follows this was produced and sent, by email to Stuart Prior.

Portimao, 15th April 2008

Superior Coordinator

Paulo Rebelo

The following document (in English) (Page 4187)

Paulo Fernando Gaspar Rebelo

From : Paulo Fernando Gaspar Rebelo  
Date : 15th April 2008  
To : "Prior Stuart"  
Subject : Witnesses' Questions

Dear Stuart,

As previously agreed, here I send the answers to the questions raised by the holidaying group and Jeremy Wilkins regarding the re-enactment.

I also inform you, about the matter of Gerald McCann's credit cards intelligence, that the Prosecutor is not available to make any more changes to the LOR.

Thank you very much, again, for your fantastic cooperation.

Best regards,  
Paulo Rebelo.  
CSIC

**Pages 4190-4192**

Processos Volume XVI, pgs. 4190 to 4192

Letter from PJ (Paulo Rebelo) regarding details of proposed reconstruction (English)

Dear Stuart,

As agreed during our visit to Leicester last week, and in order to provide an answer to the questions raised by various witnesses in the investigation into the disappearance of the minor Madeleine McCann, regarding the possibility of carrying out a re-enactment on the site of the events, I shall inform you of the following:

1 - Regarding the arguido or formal suspect status of Gerald McCann and Kate McCann, it is not the PJ's competence to take the decision on the respective clearance. Thus, it is not possible to ensure the arguido status will be changed;

2 - There is no need for the witnesses to be accompanied by their children. For efficiency and celerity purposes, we indeed request that the children don't accompany their parents;

3 - The re-enactment, within the LOR, shall take place probably on May 15, 2008, between 5.30 p.m. and 11 p.m., thus covering the time period before dinner, dinner time and about an hour

after having checked that the child had gone missing;

4 - A postponing of the re-enactment will only happen if the weather conditions are extremely bad, once the sites where most part of the events took place weren't exposed to such conditions. We also add the draft agenda to the proceedings, which we plan to be as follows:

- May 15 - In the morning - Arrival to Portugal of the participants in the proceedings;
- In the afternoon - The re-enactment
- May 16 - During the day - Preparation, by the PJ, of the records and documents of the proceedings which will be displayed, reviewed and signed by the participants;
- May 17 - In the morning or in the afternoon - Departure of the participants.

5 - The re-enactment will be carried out with the attendance of the nine holidaying friends, as well as, incidentally, any figurant considered to be necessary for a visualization of the events, i.e. a man carrying a child;

6 - The re-enactment site will be isolated, as much as possible, in order to preserve the security and the integrity of the proceedings. However, we can neither assure the evacuation of the population, nor guarantee the press won't interfere out of the security perimeter which will be established. Thus, we will do our best efforts to try and avoid picture taking by the press. However, we can not completely ensure that won't happen;

7 - The re-enactment will only turn out to be efficient if performed by the participants in the events, once the information provided by the same participants needs to be tested and efficiently compared on-site, and that can only be achieved by means of their own performances. Thus, the possibility of using actors has to be put aside;

8 - The request for the presence of witnesses was submitted through the LOR; the notification for the attendance of the arguidos falls under the competence of the Public Prosecutor's Office;

9 - If it is their wish, the witnesses can be assisted by the Foreign Office and, in the proceedings, also by a legal representative, subject to the consent of the Public Prosecutor's Office. Within the scope of the cooperation that has been taking place, the Leicestershire Police has already been invited to be present in the proceedings;

10 - If the conditions to make the re-enactments are achieved, the payments of participants' airfares and the stay costs will be subject of later evaluation;

11 - The PJ will be responsible for ensuring personal security for all the participants in the proceedings and will facilitate transfers from and to the airport, and from and to the proceedings. The PJ does not foresee any hostile environment or the occurrence of events able to put the participants' physical and psychological integrity at risk;

12 - The witnesses will be invited to participate in the re-enactment, but there are no suspicions over them regarding the commission of any criminal acts;

13 - The translation services of these inquiry proceedings will be provided by private officers of the PJ;

14 - The PJ considers this re-enactment to be highly important, and hopes the witnesses show their total cooperation, as they have been doing so far, towards finding out the truth.

We hope we have provided the answers to all the questions raised by the participants and, for

logistics and case preparation purposes, we kindly request to be informed about the participants' respective answers until April 25, 2008.

Best regards,

Paulo Rebelo  
CSIC

**4187 Email to Stuart Prior re reconstruction questions from Tapas 6(English)**

THANKS TO KIZZY

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Paulo Fernando Gaspar Rebelo



From : Paulo Fernando Gaspar Rebelo  
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To : "Prior Stuart"  
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Best regards,  
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CSIC

**4190 to 4192 Letter from PJ (Paulo Rebelo) regarding details of proposed reconstruction (English)**

**16 Processos Volume XVI, pgs. 4190 to 4192**

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Letter from PJ (Paulo Rebelo) regarding details of proposed reconstruction (English)

Dear Stuart,

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8 - The request for the presence of witnesses was submitted through the LOR; the notification for the attendance of the arguidos falls under the competence of the Public Prosecutor's Office;

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12 - The witnesses will be invited to participate in the re-enactment, but there are no suspicions over them regarding the commission of any criminal acts;

13 - The translation services of these inquiry proceedings will be provided by private officers of the PJ;

14 - The PJ considers this re-enactment to be highly important, and hopes the witnesses show their total cooperation, as they have been doing so far, towards finding out the truth.

We hope we have provided the answers to all the questions raised by the participants and, for logistics and case preparation purposes, we kindly request to be informed about the participants' respective answers until April 25, 2008.

Best regards,

Paulo Rebelo  
CSIC

**4198 Email from Stuart Prior( English)**

**16 Processo Vol 16 Page 4198**

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Ricardo Manuel Goncalves Paiva



From : Prior Stuart (Stuart.Prior@leicestershire.pnn.police.uk )

Date : 23rd April 2008

To : Ricardo Manuel Goncalves Paiva

Subject : NOT PROTECTIVELY MARKED : -FW : Synopsis Michael Wright

Annexes : Synopsis Michael Wright.doc

As discussed

Stu.

**4199 Synopsis of Michael Terrence Wright's statement 2008.04.16 (English)**

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Table of Contents : - "Synopsis of Michael Terrence Wright's statement 2008.04.16"

Synopsis re statement of Michael Terre(n)nce WRIGHT 16th April 2008.

Michael's wife (Anne-Marie) is the cousin of Kate MCCANN but has known her since she was about 8 years old when she used to holiday on the Isle Of Man where he used to live. He has known Gerry since 1997 when he started to go out with Kate. They now generally meet up on key family events.

The families stayed together in each others homes in 2006 and February 2007 and were planning a family holiday in the UK in June 2007.

He received a phone call around 11pm on the 3rd May from his wife's mother informing him that Madeleine had been taken from her bed. Between 10am and 11am next(?) morning..(Note : quoted as 10am and 11am **that** morning in text) he again spoke with Kate who wanted her parents to join them in Portugal.

Michael went out to Portugal on the 5th May and initially stayed above Kate and Gerry on the Mark Warner Complex. He returned to the UK on the 11th May but made 5 further trips to Portugal ;

14th May-18th May

8th June-13th June : with his wife and they looked after the twins when Kate and Gerry went to Morocco.

12th July-13th July : he returned with Kate and the twins to attend the Christening of his own children while Gerry was already in the UK. The MCCANN'S returned to Portugal on the 15th July.

22nd August- 1st Sept to replace the CAMERON family. Here he assisted in arranging the return of Gerry and Kate (Note : to the UK (sic)) by booking a removal firm in Lagos in his name.

7th Sept-9th Sept : He helped clean up the Villa as the MCCANN'S with the CAMERONS and Eileen McCann returned home on the 9th September.

In August and September he stayed in Gerry and Kate's rented Villa.

Michael assisted with the running of the Madeleine Campaign and describes Gerry and Kate as distraught, and how they crumbled and sobbed when not out at official meetings or Media Conferences.

Michael was aware of the hire of the Renault Espace : he was collected from the airport by Kate on the 12th July in it and drove the vehicle regularly in August and September. He used the vehicle for shopping and to the rubbish/recycling area in Praia for the removal of gardening rubbish. He drove the twins to the beach and kiddies club and also for airport runs. Other times he would be a passenger when Gerry or Sandy Cameron would drive.

A number of refuse sites were used. Two areas on the Villa Estate, at the main entrance and at the top of the hill. A site on Cemetery Road, a site on a road above the Mark Warner Complex and a site between the Villa and the Church.

On a number of occasions he noticed an unpleasant smell in the vehicle that he put down to the twin's used nappies which had been discarded with the general waste. He was not aware of any spillages in the vehicle or anyone cleaning it.

Michael further stated that on the 6th May he purchased a large quantity of Pizza's from the

Pizza Shack on the beach at Praia da Luz. The girl serving him was from Liverpool and after introductions she said her father "George" had seen a man carrying a child in the early hours of the 4th May in the resort. He is unaware if "George" has ever spoken to the Authorities.

DS 278 ADCOCK

**4213 - Service information re emails and reconstruction**

**16 Processos Vol XVI Page 4213**

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Date: 2008-03-31

**Service Information**

To: The Coordinator of the Criminal Investigation Paulo Rebelo

From: Inspector Ricardo Paiva

Subject: Expedient for annexing to the process files

Following the request made by this police force to the British authorities of the Leicester police to contact the group of friends of the McCann couple as well as Jeremy Wilkins, in the sense of their being questioned about whether, with regard to the penal processional diligence which consists of the reconstruction of the events that occurred in Praia da Luz on the night of 3rd May 2007, they would be available to travel to Portugal, with the aim of participating in the reconstruction, several of the witnesses raised some questions about this subject, which were quickly responded to according to your indications.

In this context, in the exchange of electronic correspondence with the Leicester Police, emails were produced which are attached to this Service Information, duly translated into Portuguese, to be annexed to the process files.

I bring this to your knowledge.

Signed

Inspector  
Ricardo Paiva

**4214 Email from Graham Michael (Leicestershire) to Ricardo Paiva 2008.03.19 with questions from the Holiday Group (English)**

**4215 Portuguese translation of page 4214**

**16 Processo 16 Pages 4214 4215**

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Email sent to the PJ from Graham Michael

19 March 2008 16:39

Dear Ricardo,

I refer to our recent telephone call conversations and can confirm that we will starting the interview process w/c 7th April 2008. I hope the e-mail sent on Thursday 13th March helps with your arrangements for your accommodation.

I am in receipt of your e-mail regarding further questions for John Lowe at the FSS and I will forward them for him to answer.

As discussed on Friday, we have made contact with the holiday group ( Paynes, Webster, O'Brien, Tanner, Oldfield, Manpilly ) regarding their availability for the proposed dates for a re-enactment in Portugal. We are still awaiting response from Jeremy Wilkins.

Before they will fully commit to attending they have the following questions that they request are answered:-

- 1 - Why do the PJ want them to take part in the re-enactment'
- 2 - What is the aim, what are the PJ trying to achieve with the re-enactment'
- 3 - Why so close to the anniversary'
- 4 - Why don't the PJ use actors'
- 5 - Will the footage of the re-enactment be released to the press/TV etc'

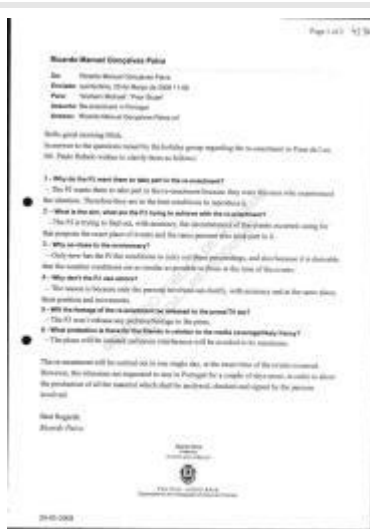
6 - What protection is there for the friends in relation to the media coverage/likely frenzy  
Would you please speak with the Director regarding these questions and consider how you would like us to respond. I would be grateful for a prompt response as this will hopefully ensure that the witnesses are available to attend.

Yours Sincerely  
Mick Graham  
Detective Inspector  
Major Crime Unit

**4216 Letter from the PJ answering questions from Tapas group**  
**4217 Portuguese translation of page 4216**

**16 Processo 16 Pages 4216 - 4217**

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Email sent from the PJ to Graham Michael / Stuart Prior

20 March 2008 11:56

Hello good morning Mick.

In answer to the questions raised by the holiday group regarding the re-enactment in Praia da Luz, Mr Paulo Rebelo wishes to clarify them as follows:

### 1 - Why do the PJ want them to take part in the re-enactment'

The PJ wants them to take part in the re-enactment because they were the ones who experienced the situation. Therefore they are in the best conditions to reproduce it.

### 2 - What is the aim, what are the PJ trying to achieve with the re-enactment'

The PJ is trying to find out, with accuracy, the circumstances of the events occurred, using for that purpose the exact place of events and the same persons who took part in it.

### 3 - Why so close to the anniversary'

Only now has the PJ conditions to carry out these proceedings, and also because it is desirable that the weather conditions are as similar as possible to those at the time of the events.

### 4 - Why don't the PJ use actors'

The reason is because only the persons involved can clarify, with accuracy and at the same place, their position and movements.

### 5 - Will the footage of the re-enactment be released to the press/TV etc'

The PJ won't release any pictures/footage to the press.

### 6 - What protection is there for the friends in relation to the media coverage/like frenzy'

The place will be isolated and press interference will be avoided to its maximum.

The re-enactment will be carried out in one single day, at the exact time the events occurred.

However, the witnesses are requested to stay in Portugal for a couple of days more, in order

to allow the production of all the material which shall be analysed, checked and signed by the persons involved.

Best regards.  
Ricardo Paiva

**4218 to 4219 Email to Paiva indicating Tapas group still undecided about reconstruction 2008.03.28 (English)**

**16 Processo 16 Pages 4218 to 4219**

16\_VOLUMEXVIa\_Page\_4218

Email sent to PJ to Graham Michael / Stuart Prior

28 March 2008 16:33

(processo/16 - VOLUME XVIa.pdf P89 )

Dear Ricardo,

An update for you, as discussed this morning;

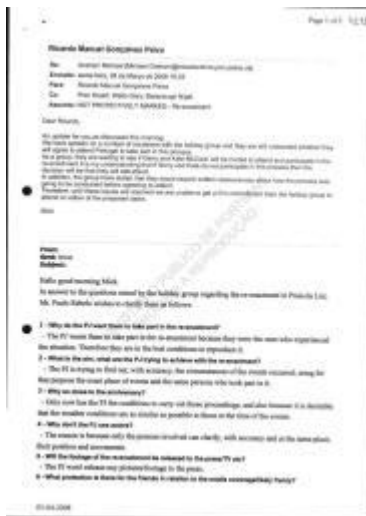
We have spoken on a number of occasions with the holiday group and they are still undecided whether they will agree to attend Portugal to take part in this process.

As a group, they are waiting to see if Gerry and Kate McCann will be invited to attend and participate in the re-enactment. It is my understanding that if Gerry and Kate do not participate in this process, then the decision will be that they will not attend.

In addition, the group have stated that they would require written reassurances about how the process was going to be conducted before agreeing to attend.

Therefore, until these issues are resolved we are unable to get a firm commitment from the holiday group to attend on either of the proposed dates.

Mick.



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4219

The place will be isolated and Press interference will be avoided to it's maximum.

The re-inactment will be carried out in one single day, at the exact time of the events occurred.

However, the wittnesses are requested to stay in Portugal for a couple of days more, in order to allow the production of all the material which shall be analysed, checked and signed by the persons involved.

Best Regards,  
Ricardo Paiva

**4224 to 4226 Email from R. Oldfield asking more questions re reconstruction (English) 2008.04.23**

**16-Processo 16 Pages 4224 4226**

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Page 4224 :



From : Stuart Prior ( stuart.prior@leicesrershire.pnn.police.uk )  
Date : 24th April 2008  
To : Ricardo Manuel Goncalves Paiva  
Subject : FW : Re-enactment questions.

Ricardo,  
This is the first reply received from the friends of the McCann's. It seems to be the same as when you were in the UK that Rachael and Matthew would be willing to attend if they are satisfied as to the purpose of the re-enactment but clearly do not feel the previous answers from Paulo cover their questions. Could you please discuss the attached e-mail with Paulo, see if any further answers can be clarified and get back to me.  
Thanks,  
Stu.

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-----Original Message-----  
From : Rachael Oldfield (<email address quoted>)  
To : "Prior Stuart"  
Cc : "Matthew Oldfield" (<email address quoted>)  
Sent : Wednesday, April 23rd, 2008.  
Subject : Re : Re-enactment questions

Dear Stuart,  
  
Thank you for your e-mail and the attached response from the PJ.  
  
We remain unconvinced that this reconstruction is necessary. Our most significant question hasn't been answered, ie, how is it going to help find Madeleine/materially benefit the search for her ?

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Point 14 of the PJ's response says that they consider this re-enactment "highly important". Why is that ? What are they really trying to get out of a reconstruction ?

Either they believe our version of the events of May 3rd 2007, or they don't. If they do, why the need for a reconstruction ? If they don't believe us, do they want a reconstruction so we can convince

them otherwise ?

If the purpose of a reconstruction is to convince the Prosecutor to lift Kate and Gerry's arguido status then we would consider taking part in it. If it is to properly focus the investigation on the person seen carrying a child away from the apartment, again, we would consider taking part

because that would help to find Madeleine.

We just need to be properly convinced of the reasons for doing a re-enactment.

We know you are the middle man in all this but we are sorry for more questions !  
Please give either of us a call if you would like to talk through the above. Also if you feel this e-mail should be forwarded to the PJ please could you let us know.

Many thanks,  
Kind regards,  
Yours sincerely,  
Rachael and Matthew Oldfield.

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----- On Thurs, 17th April 2008, Prior Stuart wrote :  
From : Prior Stuart  
Subject : Re-enactment questions  
To : "Rachael Oldfield"  
Date : Thursday, April 17th, 2008

Dear Rachael and Matthew,

As you are aware I had the opportunity to discuss the proposed re-enactment in Portugal, of Madeleine's disappearance with the PJ Director and Senior Investigating Officer Paulo Rebelo. I explained the concerns that you and the other holidaying friends had raised over your involvement in this re-enactment.

He informed me that he would consider the comments that each of you made and would discuss these issues with Senior colleagues of the PJ and the Prosecutor.

He has now had the opportunity to do this and has forwarded the attached document to me which explains the Portuguese position in relation to the concerns that you have raised.

He has asked that I forward a copy of this response to each of you.

I trust that these answers will assist you and the others in reaching a decision as to whether you intend to participate in the proposed re-enactment.

If you wish to discuss this further then please do not hesitate in getting in touch with myself.  
Stu

Page 4226  
Leicestershire Constabulary.

[4229 to 4230 Email re: Jes Wilkin's reply to reconstruction 2008.04.28\(English](#)

**16 Processo 16 Pages 4229-4230**

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From : Prior Stuart  
Date : 24th April 2008  
To : Ricardo Manuel Gonçalves Paiva  
Subject : NOT PROTECTIVELY MARKED : FW : Re-enactment questions

Ricardo  
here is Jes's reply  
spk soon  
Stu

From : Jes Wilkins (<email address quoted>)  
Sent : 16th April 2008  
To : Prior Stuart  
Subject : Re : Re-enactment questions

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Thanks Stuart,  
As discussed with your colleagues last week I still feel reluctant to agree to this for a number of reasons including family and work commitments, the likelihood of media intrusion and a lack of information about anything tangible or constructive that is likely to be achieved by doing this.  
I am happy to discuss further if necessary.  
Jes

-----Original Message-----

From : Prior Stuart  
Sent : 16th April 2008  
To : Jes Wilkins  
Subject : Re-enactment questions

Dear Jeremy,

As you are aware I had the opportunity to discuss the proposed re-enactment in Portugal, of Madeleine's disappearance with the PJ Director and Senior Investigating Officer Paulo Rebelo. I explained the concerns that you and the other holidaying friends had raised over your involvement in this re-enactment.  
He informed me that he would consider the comments that each of you made and would discuss these issues with Senior colleagues of the PJ and the Prosecutor.  
He has now had the opportunity to do this and has forwarded the attached document to me which explains the Portuguese position in relation to the concerns that you have raised.  
He has asked that I forward a copy of this response to each of you.  
I trust that these answers will assist you and the others in reaching a decision as to whether you intend to participate in the proposed re-enactment.  
If you wish to discuss this further then please do not hesitate in getting in touch with myself.  
Stu

Page 4230 (page 2 of 2)  
Stu Prior  
Detective Superintendent  
Crime Support Department  
Leicestershire Constabulary

16 Processo 16 Pages 4231 to 4233

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Page 4231 (Page 1 of 2)

From : Prior Stuart  
Date : 28th April 2008  
To : Ricardo Manuel Goncalves Paiva  
Subject : Re-enactment questions

Ricardo  
As with the others, seems that they would be prepared to attend if the questions they ask are satisfied.  
Stu

From : fiona webster (e-mail address quoted)  
Sent : 25th April 2008  
To : Prior Stuart  
Subject : Re : Re-enactment questions

Dear Stuart,

We have deliberated an awful lot about whether we should participate in the re-enactment or not. It is not an easy decision as nothing about this case is straightforward.

We appreciated that paulo Rebelo attempted to answer many of our concerns however we are still left feeling very uncertain of the motives in organising a re-enactment. What information are they hoping to gain and how exactly is it going to help in moving the investigation on in a positive direction ? As you know, we feel we would be making ourselves and our families extremely vulnerable by returning to Portugal and would like to be persuaded that doing this would be wholly beneficial to the investigation....and FINDING MADELEINE. As yet we remain unconvinced.

We remain open to further discussion regarding this key issue.

Please feel free to call if you would like to discuss this in person.

Many kind regards,

Fiona and David Payne.

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-----Original Message-----

From : Prior Stuart  
To : fiona webster  
Sent : Wednesday, April 16th, 2008  
Subject : Re-enactment questions

Dear Fiona, Dianne and David,

As you are aware I had the opportunity to discuss the proposed re-enactment in Portugal, of Madeleine's disappearance with the PJ Director and Senior Investigating Officer Paulo Rebelo. I explained the concerns that you and the other holidaying friends had raised over your

involvement in this re-enactment.

He informed me that he would consider the comments that each of you made and would discuss these issues with Senior colleagues of the PJ and the Prosecutor.

He has now had the opportunity to do this and has forwarded the attached document to me which explains the Portuguese position in relation to the concerns that you have raised.

He has asked that I forward a copy of this response to each of you.

I trust that these answers will assist you and the others in reaching a decision as to whether you intend to participate in the proposed re-enactment.

If you wish to discuss this further then please do not hesitate in getting in touch with myself.

Stu

Stu Prior  
Detective Superintendent  
Crime Support Department  
Leicestershire Constabulary

**4235 to 4236 Email from Stuart Prior to Ricardo Paiva 2008.04.28(English)**

### 16 Processo 16 Pages 4235 to 4236

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Table of Contents : Vol 16..(PDF pages 105, 106)..Pages 4235 to 4236- "Email from Stuart Prior to Ricardo Paiva 2008.04.28"

(For transference to relevant Thread within the Table of Contents Thread)

Page 4235 (Page 1 Of 2)

From : Prior Stuart  
Date : 28th April 2008  
To : Ricardo Manuel Goncalves Paiva  
Subject : Reply to PJ- 23rd April  
Annexes : Reply to PJ- 23rd April.doc

Ricardo, the final reply  
sorry for the slight delay but something came up.  
again they seem to be saying that if certain questions are  
answered and issues resolved they would be willing to attend.  
give me a call when you have read the 3 replies.

Stu

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From : Russell O'Brien (<e-mail quoted>)  
Sent : 25th April 2008  
To : Prior Stuart

Subject : Reply to PJ- 23rd April

Dear Stuart,

Please find attached our reply to Mr Rebelo's letter. Thanks for forwarding this on our continued concerns regarding the re-enactment.

I hope the rest of the interviews went well and thanks for arranging them in such a sensitive manner for us.

Hope you are well,  
Yours,

Russell and Jane

-----  
Page 4236 (Page 2 of 2)

Thank you for your co-operation.

(Leicestershire Constabulary)

**4237** Letter from O'Brien and Tanner re.reconstruction 2008.04.23 (English)

**16 Processo 16 Page 4237**

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[Processo/16 - VOLUME XVIa.pdf P106 ]



xx xxxxxxx xxxxx

Exeter

Devon

xxx xxx

23rd April 2008

Re: Re-enactment of Events of 3/5/2008

Dear Stuart, Many thanks for your email, and for forwarding the reply from Senhor Rebelo. Also, thanks to you and your colleagues for arranging the re-interviews.

It is somewhat reassuring to see in writing from the PJ that there are "no suspicions over [us] regarding the commission of any criminal acts." However, we heard something similar in the weeks before Kate and Gerry were made arguidos! Additionally, the thrust of the PJ's closed questions during the re-interviews seemed only to focus on Kate and Gerry's culpability, suspicion about our written timeline or who involved the media.

After a year of lies, accusations and intrusion, I am sure that the Mr Rebelo can appreciate our complete revulsion at what Kate and Gerry have been forced to endure. Furthermore, we cannot help but feel that the re-interviews and re-enactment are all too little and far too late.

However, the last thing we would ever want is a standoff between us and the PJ, something that would only delight and benefit the press. Kate and Gerry desperately need the cloud of suspicion over them to be emphatically lifted, and the PJ need to complete their investigation. We also appreciate the legal obstacles to removing Kate and Gerry's arguido status, but would request that prior to us agreeing to the re-enactment the PJ:

' publicly dispels the damaging and disturbing lies churned out by the Portuguese press regarding alleged changes to statements, re-interviews or alleged lack of co-operation.

' publicly states there are "no suspicions over [us] regarding the commission of any criminal acts." This in no way compromises judicial secrecy.

This in no way compromises judicial secrecy. But without some official intervention on their part, a return for the re-enactment seems little more than a perfect opportunity for the press to speculate and libel us all once again.

We are very keen to help an investigation aiming to establish what's happened to Madeleine, but have no desire to assist one that seeks only to damn our innocent friends. By actively restoring the focus on Madeleine and robustly dispelling the countless speculation, the PJ can expect our continued co- operation.

Yours sincerely,

Russell O'Brien & Jane Tanner

PS: We certainly do not request any specific reimbursement for travel or accommodation.

**4241 Email from Rebelo to Stuart Prior re details of reconstruction 2008.04.29 (English)**

**16 Processo VOLUME XVIa page 4241**

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Vol XVI p. 4241

Paulo Fernando Gaspar Rebelo

De: Paulo Fernando Gaspar Rebelo Enviado: terça-feira, 29 de Abril de 2008 1502

Para: 'Prior Stuart'

Assunto: FW: Witnesses' Questions

De: Paulo Fernando Gaspar Rebelo Enviada: terça-feira, 29 de Abril de 2008 12:39 Para: 'Prior Stuart' Assunto: Witnesses' Questions

Dear Stuart,

In Portugal, the criminal investigation is conducted by the Policia Judiciaria, under the supervision of the Public Prosecutor's Office. The competence to evaluate the interest and need for the performance of any criminal inquiry acts lies with these two entities, not with the witnesses.

In fact, according to Portuguese law (article 132, section 1, subsection a) of the Code of Criminal Procedure), whenever a witness summons is served, the witness is compelled to attend the authorities so that any action mentioned in the summons may take place.

Following the messages sent by the witnesses, I hereby inform you that both the PJ and the Public Prosecutor responsible for the investigation consider all the questions and doubts previously raised by the witnesses to have been properly answered.

Therefore, in this context and in a clear way, the witnesses shall inform, till tomorrow noon, if they will attend (or not attend) the re-enactment.

Thanks once again for your valuable cooperation.

Best regards Paulo Rebelo  
CSIC

[4243 Email from Stuart Prior re: Tanner and OBrien response 2008.04.30](#)

**16-Processo Vol 16.... Page 4243.....(Page 1 of 1)**

16\_VOLUME\_XVIa\_Page\_4243

Table of Contents : Page 4243?"Email from Stuart Prior re:  
Tanner and O'Brien response 2008.04.30"



From : Prior Stuart  
Date : 30th April 2008  
To : Ricardo Manuel Gon?lves Paiva  
Subject : FW : Re-enactment  
Ricardo

This is the first of the replies. It implies that after Legal Advice is sought then Jane and Russell would be prepared to take part.  
Give me a call  
Stu

From : jmtanner@xxxxxxxx.com  
Sent : 30th April 2008 11.27 am  
To : Prior Stuart  
Subject : Re-enactment

Dear Stuart,

Thank you for your detailed phone call yesterday evening.

We write regarding Mr Rebelo's request for a decision by noon today. Jane and I agree in principle to participate in the re-enactment. However, given the change in nature of the request, we feel it is necessary to seek additional Legal Advice to advise us on this course of action.

Yours,  
Russell O'Brien and Jane Tanner

[4245 to 4246 Email from Rachel and Matthew Oldfield 2008.04.30](#)

**16-Processo Vol 16.... Page 4245.....(Page 1 of 2)**

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able of Contents : Pages 4245 to 4246?"Email from Rachel and Matthew Oldfield 2008.04.30"

From : Prior Stuart  
Date : 30th April 2008  
To : Ricardo Manuel Gon?lves Paiva  
Subject : FW : Witnesses' Questions

Ricardo  
This is the reply from Rachael and Matthew. It implies that after Legal Advice is sought then Rachel and Matthew may be prepared to take part but are unable to do the dates the 15th to the 17th May 2008.  
Give me a call  
Stu

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-----Original Message-----

From : Rachael Oldfield  
Sent : 30th April 2008 11.03 am  
To : Prior Stuart  
Cc : Matthew Oldfield  
Subject : Witnesses' Questions

Dear Stuart,

Thank you for the e-mail and your voice message yesterday evening. The tone of the reply from Portugal has changed and Matthew and I feel we need to take Legal Advice before making a commitment to return to Portugal.

In any event, it will now be impossible for us to make the 15th to

17th May.

We would be grateful if you could get other dates from the Portuguese when the reconstruction could take place.

We will speak to our Lawyer and come back to you in due course.

Please give me a call if you wish to discuss.

Kind regards,

Yours Sincerely,

Rachael and Matthew Oldfield

----- On Wed, 30th April 2008, Prior Stuart, wrote :

From Prior Stuart  
Subject : Witnesses' Questions  
To : Rachael Oldfield  
Date : Wednesday, 30th April, 2008 4.07 am



Dear Rachael and Matthew,

This is the response that I have received from Paulo Rebelo, the Officer leading the Portuguese Investigation, following the issues that you and your friends raised in relation to the proposed re-enactment and his earlier replies.

I will call you shortly to discuss this further,

Thanks

Stu

Page 4246 (Page 2 of 2)

From : Paulo Fernando Gaspar Rebelo

Date : 29th April 2008 12.39 pm

To : Prior Stuart

Subject : Witnesses' Questions

Dear Stuart,

In Portugal, the Criminal Investigation is conducted by the Policia Judiciaria, under the supervision of the Public Prosecutor's Office.

The competence to evaluate the interest and need for the performance of any Criminal Inquiry lies with these two entities, not with the witnesses.

In fact, according to Portuguese Law (article 132, Section 1, subsection a) of the Code of Criminal Procedure), whenever a Witness Summons is served, the witness is compelled to attend the Authorities so that any action mentioned in the Summons may take place.

Following the messages sent by the witnesses', I hereby inform you that both the PJ and the Public Prosecutor responsible for the Investigation consider all the questions and doubts previously raised by the witnesses' to have been properly answered.

Therefore, in this context and in a clear way, could the witnesses' inform you, by noon tomorrow, if they will attend (or not attend) the re-enactment.

Thanks once again for your valuable cooperation,

Best regards

Paulo Rebelo

CSIC

[4248 to 4250 Email from Fiona and David Payne re reconstruction 2008.04.30](#)

**16-Processo Vol 16....Page 4248 to 4250**

16\_VOLUME\_XVIa\_Page\_4248



Table of Contents : Pages 4248 to 4250?"Email from Fiona and David Payne re reconstruction 2008.04.30"

Processo Vol 16....Page 4248 (Page 1 of 3)

From : Prior Stuart  
Date : 30th April 2008  
To : Ricardo Manuel Gon?lves Paiva  
Subject : FW : Witnesses' Questions

Ricardo  
This is the reply from Fiona, David and Dianne.  
It implies that after Legal Advice is sought then Fiona, David and Dianne may be prepared to take part.  
They make it clear that they are not refusing to take part.

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Give me a call

Stu

( Note : in the part of the e-mail which says "it implies that etc", the original text referred to Rachael and Matthew may be prepared to take part. I presume that this was an error on Mr Prior's part, and have entered the names of Fiona, David and Dianne instead )

From : Fiona Webster ( fionaelainewebster@xxxxx.com )  
Sent : 30th April 2008, 10.37 am  
To : Prior Stuart  
Subject : Witnesses' Questions

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Dear Stuart,

Thank you for your e-mail. We did get your message on my phone also.

Having read the attached letter, there appears to be a shift in the nature and the tone of the request for the re-enactment from something informal and friendly to a formal summons. We do not understand the laws that are being quoted and thus feel it is essential to seek legal advice.

We want to make it absolutely clear that we are NOT refusing to take part in this re-enactment.

Kind regards

Fiona and David Payne

-----Original Message-----

From Prior Stuart  
To : fiona webster  
Sent : Tuesday, 29th April, 2008 7.04 pm

Subject : Witnesses' Questions

Dear Fiona, David and Dianne,

This is the response that I have received from paulo Rebelo, the Officer leading the Portuguese Investigation, following the issues that you and your friends raised in relation to the proposed re-enactment and his earlier

Page 4249 (Page 2 of 3)

replies.

I will call you shortly to discuss this further,

Thanks

Stu

From : Paulo Fernando Gaspar Rebelo  
Date : 29th April 2008 12.39 pm  
To : Prior Stuart  
Subject : Witnesses' Questions

Dear Stuart,

In Portugal, the Criminal Investigation is conducted by the Policia Judiciaria, under the supervision of the Public Prosecutor's Office. The competence to evaluate the interest and need for the performance of any Criminal Inquiry lies with these two entities, not with the witnesses.

In fact, according to Portuguese Law (article 132, Section 1, subsection a) of the Code of Criminal Procedure), whenever a Witness Summons is served, the witness is compelled to attend the Authorities so that any action mentioned in the Summons may take place.

Following the messages sent by the witnesses', I hereby inform you that both the PJ and the Public Prosecutor responsible for the Investigation consider all the questions and doubts previously raised by the witnesses' to have been properly answered.

Therefore, in this context and in a clear way, could the witnesses' inform you, by noon tomorrow, if they will attend (or not attend) the re-enactment.

Thanks once again for your valuable cooperation,

Best regards

Paulo Rebelo

CSIC  
Page 4250 (Page 3 of 3)

Thank you for your cooperation.

Leicestershire Constabulary.

16-Processo Vol 16....Page 4252 to 4254

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Table of Contents : Pages 4252 to 4254?"Email from Jes Wilkins re reconstruction 2008.04.30"

Processo Vol 16....Page 4252 (Page 1 of 3)

From : Prior Stuart  
Date : 30th April 2008  
To : Ricardo Manuel Gon?lves Paiva  
Subject : FW : Witnesses' Questions

Ricardo  
This is the reply from Jes.  
It implies that if each of the other witnesses' are going to take part then Jes will consider his position as to whether he will attend or not.

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Give me a call

Stu

From : Jes Wilkins ( Jes@xxxxxx.uk.com )  
Sent : 30th April 2008 12.09 pm  
To : Prior Stuart  
Subject : Witnesses' Questions

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Thanks for this and for your message.  
I'm not sure what they mean by witnesses' being compelled to attend as my understanding is that I am under no obligation ?  
My position remains the same really. As you mentioned in your message last night if everyone else is on board and I am the only outstanding person saying no I would be more likely to reconsider.  
Feel free to call me if you wish to discuss it further.  
Best

Jes

-----Original Message-----

From : Prior Stuart  
Sent : 29th April, 2008 19.10  
To : Jes Wilkins  
Subject : Witnesses' Questions

Dear Jes,

This is the response that I have received from Paulo Rebelo, the Officer leading the Portuguese Investigation, following the issues that you and your friends raised in relation to the proposed re-enactment and his earlier replies.

I will call you shortly to discuss this further,

Thanks

Stu

Page 4253 (Page 2 of 3)

From : Paulo Fernando Gaspar Rebelo  
Date : 29th April 2008 12.39 pm  
To : Prior Stuart  
Subject : Witnesses' Questions

Dear Stuart,

In Portugal, the Criminal Investigation is conducted by the Policia Judiciaria, under the supervision of the Public Prosecutor's Office.  
The competence to evaluate the interest and need for the performance of any Criminal Inquiry lies with these two entities, not with the witnesses.

In fact, according to Portuguese Law (article 132, Section 1, subsection a) of the Code of Criminal Procedure), whenever a Witness Summons is served, the witness is compelled to attend the Authorities so that any action mentioned in the Summons may take place.

Following the messages sent by the witnesses', I hereby inform you that both the PJ and the Public Prosecutor responsible for the Investigation consider all the questions and doubts previously raised by the witnesses' to have been properly answered.

Therefore, in this context and in a clear way, could the witnesses' inform you, by noon tomorrow, if they will attend (or not attend) the re-enactment.

Thanks once again for your valuable cooperation,

Best regards

Paulo Rebelo

CSICPage 4254 (Page 3 of 3)

Thank you for your cooperation.

Leicestershire Constabulary.

[4256 - Letter re: Tapas response to reconstruction](#)

**Processos Vol XVI Page 4256**

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NUIPC - 201/07.0GALGS  
4th Brigade  
Inspector Joao Carlos

To: The Coordinator of the Criminal Investigation

With regard to the express mention in the Letter of request sent to the UK authorities, which requests that various of the witnesses pronounce themselves as regards to their availability to travel to Portugal with the aim of participating in a reconstruction of the events, different positions about the subject from these witnesses were received by Leicester Police.

These positions, reached after various requests for clarification from the witnesses in question, are contained in the messages that precede this note.

I submit these for your consideration.

CONCLUSION

Portimao 30th April 2008

Signed

Inspector  
Joao Carlos

**4257 to 4259 - Letter re: Tapas response to reconstruction**

**Processos Vol XVI Pages 4257 to 4259**

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From The Public Prosecutor's Office  
Portimao Circuit

### Conclusion on 2-5-2008

The reconstruction of the events is an act foreseen in Portuguese Law (article no. 150 of the Penal Process Code, the transcription follows this communication and forms an integral part of it) consisting of the reproduction, as faithful as possible, of the conditions under which the events or supposed events took place and of its repetition.

The re-enactment has a very particular nature in the present process files as it aims to reconstruct events that occurred almost a year ago, aiming to achieve an approximation of the conditions that occurred and, on the other hand, not under estimating the inconvenience represented by the travelling of a group of citizens to Portugal, in spite of this representing a mark of solidarity amongst friends as well as a particularly painful and difficult situation amongst friends.



Although this is considered to be a very important diligence for the investigation, **it will only take place if the witnesses indicated below are present**, taking into account that the arguidos have already manifested their availability to participate in the reconstruction.

The objective is that all the participants (the arguidos Gerald McCann and Kate Healy, the witnesses who on 3rd May 2007 were dining in the Tapas Restaurant and would leave to check whether their children were sleeping in their respective apartments, as well as another witness who spoke to the aguido Gerald) repeat what they did that day, as faithfully as their memory allows them to, in order to check what was said in the statements in the process files, enabling conclusions to be made about how things took place at the scene and thereby make adjustments to enable the investigation evaluate the need for any additional procedure.

The reconstruction in which the persons referred to previously would participate, as well as incidentally any other protagonist whose presence may be necessary in order to visualise the events, would take place between 17.30 and 23.00 on the 15th, being the day destined for formalising all diligences, this being the date previously combined and of which all participants were informed, which is not susceptible to change given the circumstances of time and place in which this would occur.

The reconstruction would take place in the space of the Tapas restaurant, the apartments blocks where the events occurred and surrounding areas, done by the PJ with recourse to filming and with the collaboration of all police entities that the PJ summons for collaboration.

The notification of the arguidos Gerald and Kate will be done through their legal representatives and that of the witnesses, David Anthony Payne, Fiona Payne, Dianne Webster, Russel O' Brien, Jane Tanner, Matthew Oldfield, Rachel Mampilly and Jeremy Wilkins will be done through collaboration with the UK police upon request from the PJ, copy of this communication should be delivered regarding the reconstruction to each of the participants.

Please prepare accordingly.

Annex: transcription of article 150 of the CPP:

## **Of the Reconstruction of Events**

Article 150

Presumptions and Proceedings

1. When it is necessary to determine if an event could have happened in a certain manner, it is admissible to proceed to its reconstruction. This consists of a reproduction, as faithful as possible, of the conditions in which the event was reported or supposedly occurred and of the repetition of the way in which this occurred.
2. The office that orders the reconstruction of events should have a succinct indication of its objective, the day, time and place in which the diligences would take place and the form of their effectiveness, eventually with recourse to audio-visual means. The same office can be designated as the evaluator for the execution of determined operations.
3. Publicity of the diligence should, as far as possible, be avoided.

Remitted to the process files and to Mmo JIC: as a result of communication dated 14-1-2008 (page 3835) the period for the inquiry began with the entry into force of the reform to the CPP, in other words on 15-9-2007, therefore this period is of 8 months as foreseen in article 276 no. 1 of the CPP, meanwhile the investigation continues with various other diligences, now with the compliance of the Letter of Request sent to the UK authorities and with the reconstruction that will take place this month, which renders unviable the presentation of the final archiving or accusation despatch. Lastly, but not less importantly the progress of the investigation inquiries demands that access to the process files be postponed for a period of 3 months, to be determined in the terms laid down in article 89 no. of the CPP.

**4260** Subject: Despatch Further information re: reconstruction details and operation

**Processos Vol XVI Page 4260**

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From: Portimao Public Ministry  
To: Rogerio Alves

Process 201-07 GALGS

Date: 05-05-2008

**Subject: Despach**

You are notified, in your capacity as legal representative of the arguida Kate Marie Healy, of the terms for the following effects:

Of all the contents of despatch in the process files mentioned above, a copy of which is attached.

Mara Lucia Nascimento Duarte

**4261 - Subject: Despach. Further information re: reconstruction details and operation**

**Processos Vol XVI Page 4261**

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From: Portimao Public Ministry  
To: Rogerio Alves

Process 201-07 GALGS

Date: 05-05-2008

**Subject: Despach**

You are notified, in your capacity as legal representative of the arguido Gerald Patrick McCann, of the terms for the following effects:

Of all the contents of despatch in the process files mentioned above, a copy of which is attached.

Mara Lucia Nascimento Duarte

**4266 - Letter from Francisco Paqarete re Robert Murat**

**Processos Vol XVI Page 4266**

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Portimao Public Ministry

Process 201-07.0 GALGS

Date: 15-05-2008

Denouncer: Gerald Patrick McCann and others

Arguido: Unknown and others

### Terms of Annexing

On 15-05-2008 I join the following communication received by our services to await the beginning of the inquiry.

Signed

Maria Luisa Nascimento Duarte

**4267 to 4268 - Cover letter re: witness rights to Tapas 7 and Wilkins**

### Processos Vol XVI Pages 4267 to 4268

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The Public Prosecutor  
Portimao Circuit



### Conclusion on 8-5-2008

It was noted that the circumstance of the date designated for the reconstruction is not compatible with the formalities required for the notification of witnesses.

Therefore the days now designated are the 29th and 30th May 2008:

A: Notify the arguidos Gerald McCann and Kate Healy of this despatch in person, by means of their legal representatives.

B: Notify by means of registered express mail, the terms laid down in article 5 no.1 of the CONVENTION RELATING TO MUTUAL LEGAL ASSISTANCE IN PENAL MATTERS BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION, signed in Brussels on 29th May 2000, the witnesses indicate as follows:

1. David Payne (DOB 14-04-66)  
Fiona Payne (DOB 29-08-72)

2. Matthew Oldfield (DOB 04-01-69)

Rachel Mampilly (DOB 11-11-70)

3. Dianne Webster

4. Russell O'Brien  
Jane Tanner

5. Jeremy Wilkins

C Also notify the witnesses that they can obtain information from the Portuguese authorities about their rights and obligations relating to the reconstruction (no. 4 of article 5 of the Convention mentioned before).

D. Notify the witnesses that the Portuguese authorities guarantee the payment of travel and accommodation costs for the reconstruction.

E. Remit an English translation of the previous despatch from the process files about the reconstruction with the changes required for the newly designated days

**4272 to 4279** - Cover letter re: witness rights to Tapas 7 and Wilkins4272.Jeremy Wilkins  
4273 Jane Tanner  
4274 Russell O'Brien  
4275 Dianne Webster  
4276 Rachel Mampilly  
4277 Matthew Oldfield  
4278 Fiona Payne  
4279 David Payne

**Processos Vol XVI Pages 4272 - 4279**

*(In English)*

Public Ministry Portimao

Process: 201.07.0GALGS

Date: 09-05-2008

Notified by registered post with prove (sic) of reception

As a witness, you are hereby notified under the terms and for the effects as to follow:

- Of all the contents of the dispatched pronounced in the acts above, which copy is attached.

(The present notification is presumed to be accomplished on the 9rd working day after its been sent - art 113 no 2 of the Penal Code.

Maria Luisa Nascimento Duarte

The same letter is sent to all the witnesses:

4272. Jeremy Wilkins

4273 Jane Tanner

4274 Russell O'Brien

4275 Dianne Webster

4276 Rachel Mampilly

4277 Matthew Oldfield

4278 Fiona Payne

4279 David Payne

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**4280 - Letter re: Gerald McCann procedural rights**

TRANSLATED BY INES

**16 Processos Vol XVI Page 4280**  
also Processos Vol XVI Page **4285**

16\_VOLUME\_XVIa\_Page\_4280



Processes Section  
Process no. 201/07.0 GALGS

Date: 12 May 2008 [date on stamp signed by Justice Officer no 841347(signature unintelligible)]

To:  
Excellency Public Ministry Magistrate  
Portimao Public Ministry Services

**Gerald Patrick McCann**, *arguido* identified in the above mentioned process acts, has been today notified that the days 29 and 30 May 2008 were designated for the reconstruction of facts [translator note: events],

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He requires to your Excellency the postponement of the said step [diligence], given the impossibility of his mandatory [representative] to attend on the designated days, since on 29th May he will be at the audience of the judgement (of an *arguido* subject to the obligation of remaining at his residence [in PT: T.I.R. - Termo de Identidade e Residencia]) of the process number 9872/06.4 TDLSE, which is happening at the 2nd Criminal Court of Oeiras District and, on the 30th May will be in the last session of the audience of the judgement of the process no. 1774/02.0 TAALM, which will happen at the 3rd Court of Criminal Competence of Almada's district, where the final allegations will take place. Adding that the above mentioned diligence, set for the 30th, was inclusively, subject of a postponement since it coincided with the date initially set for the reconstruction.

Therefore, given the impossibility of postponing the abovementioned audiences [trials] and due to the essentiality of the presence of the undersigned in the reconstruction of which he was now notified for the reconstruction of the facts and on the two

above mentioned diligences [the trials], it is requested to your Excellency to start proceedings to set a new date for the making of the reconstruction. Thus, manifesting here the complete availability in the agenda for the days 5 and 6 of June and 19 and 20 of the same month.

sent: legal duplicates

Signature and official lawyer's order stamp

Carlos Pinto de Abreu

sent via fax on 09.05.2008 Friday, at 22.05

**Quote:** written by xklamation:

*In this message, the mandatary, in this case Carlos Pinto de Abreu, representing the McCann couple as a lawyer is obliged to be present on the days of the reconstruction. In this message it is not explicit if Gerry McCann is forced to go, but logically a reconstruction of the 3rd May 2007 could not be made without the parents, and regarding the PT law, yes, the former arguidos couple, when they were under that said status, would have to do the reconstruction. So what we see here is a mere request to postpone the dates of the reconstruction done by the, at the time, McCann's lawyer to Portimao's Prosecutor. Later the postponement and denial will come from the Tapas group, friends of the McCanns, who as witnesses could not, again according to PT law be obliged to return to Portugal to take part of the reconstruction. Some Tapas made at the time absurd requests to come to Portugal, like that jet story, and most ended up stating that they didn't see any interest in doing the PJ's reconstruction, since it wasn't going to be filmed by a TV channel nor broadcast, in a crime watch reality TV style. As we all know, the reconstruction could have given clues to the behaviour of the whole G9 group, explain or not the inconsistencies of their alibis, and obviously, if their best interest at heart was to help Madeleine being found, none of them should have ever opposed to do a reconstruction of the night of the 3rd May 2007.*

**4281 - Letter re G. McCann and reconstruction**

## 16 Processos Vol XVI Page 4281

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### Conclusion 12-05-2008

Request made by Gerald McCann presented at 22H26 on 9-5-2008 by fax:

The days 29 and 30 May 2008 designated for the reconstruction, already represent an alteration that it was necessary to make with regard to the dates originally foreseen because of taking into account the approximation to the conditions in which the events occurred.

The this is added the fact that the type of action necessary for the reconstruction involves complex logistics in order to find a balance between the various interests and factors in play, given that the site where the reconstruction would take place is a tourist resort with much presence, namely of foreigners on holiday, having all the inconvenience that this would bring.

It is therefore not viable to proceed to the new alteration, unfortunately because of the balance mentioned above not being able to count with the interests referred by your illustrious self on

the arguido Gerry McCann, however, in the hope a solution is found.

The altered date should therefore be deferred.

[4301 Letter from Rebelo to Stuart Prior 2006.05.08 \(English\)](#)

**16-Processo Vol 16 Page 4301**

16\_VOLUME\_XVIa\_Page\_4301

Table of Contents : Vol 16..(PDF page 170 )..Page 4301?"Letter from Rebelo to Stuart Prior 2006.05.08 (English)"



Vol 16 Page 4301 (Page 1 of 1)

Portimao, 6th May 2008

Caro Stuart :

Here we send you the Prosecutor's decision regarding the re-enactment.

We kindly request you to notify the witnesses, officially, and we also request the confirmation of the receptions by the witnesses.

Thank you again for your cooperation.

Best regards

(signed)

Paulo Rebelo

CSIC

P.S. At this moment, we have our e-mail system unavailable. As soon as possible, we'll send the notifications in that way, in Portuguese and English.

[4303 to 4305 Legal details re reconstruction and Portuguese law \(English\)](#)

**16- Processo 16 Pages 4303 to 4305**

16\_VOLUME\_XVIa\_Page\_4303



16\_VOLUME\_XVIa\_Page\_4304



Table of Contents : Vol 16..(PDF pages 172-174)....Pages 4303 to 4305?"Legal details re reconstruction and Portuguese law (English)"

Vol 16 Page 4303 (Page 1 of 3)

Completed on 2nd May 2008.

=CLS=

The re-enactment of the fact is a procedure set forth in the Portuguese Law (Section 150 of the Portuguese Code of Criminal Procedure, which is below given as part of this order) and consists of re-enacting, as accurately as possible, the situation where an event is said or is supposed to have occurred, and it also consists of repeating the way it has happened.

16\_VOLUME\_XVIa\_Page\_4305



The re-enactment has, in this inquiry, a rather particular nature, taking into account that it aims at re-enacting facts occurred about a year ago, by means of a proximity to the situation in which they occurred, and also being aware of the inconvenience that a trip to Portugal might represent to a group of British Citizens, although knowing that it represents a milestone of solidarity among friends and towards friends who find themselves in a particularly painful and difficult situation.

It shall also be noted that, although this procedure is considered to be very important to the investigation, it will only take place if all the below mentioned witnesses are present, considering that the arguidos (formal suspects) have already shown they are available to participate in the re-enactment.

The purpose is to gather all the participants - the arguidos Gerald McCann and Kate Healy, the witnesses who were having dinner at the Tapas Restaurant on 3rd May 2007, and who took turns to check on their children who were sleeping in the respective apartments, as well as another witness who spoke with the arguido Gerald-, who will perform what they did on the abovementioned date, as accurately as they recall, so that what is in their written statements can be confirmed. This will allow conclusions to be drawn on how things happened on site, thus making adjustments that will allow the investigation to determine the need for any supplemental procedure.

Page 4304 (Page 2 of 3)

The re-enactment that shall have the participation of the abovementioned group of people, as well as of any character whose figurative presence might be necessary to the visualization of the events, shall take place on 15th May, between 5.30 p.m. and 11.00 p.m. On 16th May all the procedure shall be formalized, according to what had already been settled for this date and considering that all the participants meant to be present have already been informed accordingly. This cannot be subject to any change due to the time and place where the procedure shall take place.

The re-enactment will be performed at the space of the abovementioned Restaurant, Block of Apartments where the facts occurred on that date, and in the surrounding area, and it will be



carried out by the Policia Judiciaria, with the respective video recording and with the cooperation of the Police Authorities required by the PJ.

The arguidos Gerald and Kate shall be notified through their Legal Representatives. The notification of the witnesses David Anthony Payne, Fiona Elaine Payne, Dianne Webster, Russell James O'Brien, Jane Michelle Tanner, Matthew David Oldfield, Rachael Mariamma Jean Manpilly and Jeremy Wilkins shall be made with the cooperation of the British Police, at Policia Judiciaria's request.

Each notified person shall receive a copy of this Order - concerning the re-enactment. Proceed accordingly.

#### APPENDIX - Copy of Section 150 of the Portuguese Code of Criminal Procedure

Of the re-enactment of events

#### Section 150

#### Assumptions and Procedure

1- A re-enactment of events is admissible whenever deemed necessary to ascertain whether a fact could have occurred in a determined way. This consists of reproducing,

Page 4305 (Page 3 of 3)

as accurately as possible, the situation in which the fact is said to have occurred or is supposed to have occurred, as well as of repeating the way it has happened.

2- The Order requiring the re-enactment of the fact shall bear a short indication as to it's object, date, time and place where the procedure shall take place as well as to the way it will be carried out, eventually using audiovisual means. The same Order shall appoint experts to carry out specific operations.

3- Publicity of the proceedings shall be avoided as much as possible.

[4306 Confirmation fax sent](#)

#### 16- Processo - Vol 16 Page 4306

16\_VOLUME\_XVIa\_Page\_4306

Table of Contents : Vol 16..(PDF page 175 ).....Page 4306...."Confirmation fax sent"



Vol 16 Page 4306 (Page 1 of 1)

FAX  
Portimao, 6th May 2008  
Caro Stuart :

Here we send you the Prosecutor's decision regarding the re-enactment.

We kindly request you to notify the witnesses, officially, and we also request the confirmation of the receptions by the witnesses.

Thank you again for your cooperation.  
Best regards  
(signed)  
Paulo Rebelo  
CSIC

P.S. At this moment, we have our e-mail system unavailable. As soon as possible, we'll send the notifications in that way, in Portuguese and English.

**4307 Letter to Stuart Prior**

**16 - Processo Vol 16 Page 4307**

16\_VOLUME\_XVIa\_Page\_4307

Table of Contents : Vol 16..(PDF page 176).....Page 4307..."Letter to Stuart Prior"



Vol 16 Page 4307 (Page 1 of 1)

Joao Carlos Silva Pereira

From : Joao Carlos Silva Pereira  
Date : 6th May 2008

To : stuart.prior@leicestershire.pnn.police.uk  
Subject : Re-enactment  
Annexes : FW : Forwarding final reconstitution version; Sending of translation.

Dear Stuart

Here we send you the Prosecutor's decision regarding the re-enactment.  
We kindly request you notify the witnesses, officially, and we also request the confirmation of the receptions by the witnesses.  
Thank you for your cooperation.  
Best regards  
Paulo Rebelo CSIC

**4310 Emails to/from Prior and PJ re tapas response (English)**

**16 Processo 16 VOLUME XVIa. Pages 4310**

16\_VOLUME\_XVIa\_Page\_4310

**Email from J. Tanner to Stuart Prior**

Processo/16 - VOLUME XVIa.pdf

Vol XVI p. 4310

08 May 2008 10:05

(Processo/16 - VOLUME XVIa.pdf P179,180)



Dear Stuart,

Thanks for your call last night.

I spoke with Rachel last night who is chasing Brian Spiro for a response to our legal queries. We are hoping to have that today. Until then we cannot give a definitive answer. However I believe

Matt and Rachael cannot do that date, so it may be immaterial anyway!

I would just like to reiterate what I said last night, in that it is so sad we have to consider so many peripheral issues rather than just doing everything we can do to help find Madeleine. Thanks and regards.

Jane

**[4312 Email from Rachel and Matthew deciding not to take part in re-enactment 2008.05.10 \(English\)](#)**

**16 Processo 16 VOLUME XVIa. page 4312**

16\_VOLUME\_XVIa\_Page\_4312



**Email from Rachael Oldfield to Stuart Prior**

10 May 2008 10:14

(Processo/16 - VOLUME XVIa.pdf P181,182)  
Vol XVI p. 4312

Dear Stuart,

Further to our recent emails, Matthew and I have made the decision not to return to Portugal for the proposed re-enactment on 15th/16th May 2008.

We will respond to the formal notification when we receive it as well.

If you need anything further from us, please do not hesitate to give me a call.

Kind regards.

Rachael Oldfield

**[4314 to 4315 Email from Wilkins, Diane, David, Fiona deciding not to take part in re-enactment 2008.05.10 \(English\)](#)**

**16 Processo 16 VOLUME XVIa. page 4314-4315**

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16\_VOLUME\_XVIa\_Page\_4315

**Email from Russell O'Brien to Stuart Prior 10 May 2008  
14:56**

(Processo/16 - VOLUME XVIa.pdf P183,184,185)  
Vol. XVI p. 4314

Dear Stuart.

Apologies for the late reply.

We gather now that at least Jez Wilkins, Matt and Rach and Dave/Fi are not going/able to make the re-enactment. Given the prosecutor's requirement for all to be in attendance or none at all, and the absolute nature of the planned date, the decision appears to be academic ...

I hope you are well.

Best wishes,

Russell & Jane

**4316 to 4317 Portuguese translation of pages 4314 to 4315**

**4318 Further email from Fiona and David (English)**

**16-Processo - VOLUME XVIa.page 4316 to 4318**

16\_VOLUME\_XVIa\_Page\_4316



16\_VOLUME\_XVIa\_Page\_4317



16\_VOLUME\_XVIa\_Page\_4318



Email from Fiona Webster to Stuart Prior  
12 May 2008 12:32

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Table of Contents : Processo Vol 16..(PDF page 186-187)...Pages 4317-4318..."4317-Further email from Fiona and David (English)"

Processo Vol 16 Page 4317 (Page 1 of 2)

Ricardo Manuel Goncalves Paiva

From : Prior Stuart  
Date : 12th May 2008 12:58  
To : Ricardo Manuel Goncalves Paiva  
Cc : Graham Michael : Walters Jane  
Subject : FW : Portugal Re-enactment

Ricardo  
and another one  
Stu

Stu Prior  
Detective Superintendent  
Leicestershire Constabulary

(The above is referring to the added e-mail from Fiona Webster which follows)

From : fiona webster ( fionaelaine webster@xxxxx.com)  
Sent : 12th May 2008, 12.32  
To : Prior Stuart  
Subject : Re : Portugal Re-enactment.

Dear Stuart

We have now had time to consider the advice received from our legal team. Taking into account the advice given along with our many concerns previously mentioned to you; we feel we are unable to participate in the propoed (sic) re-enactment in Portugal.

Kind regards

Fiona and David Payne, and Diane Webster

-----Original Message-----

From : Prior Stuart ( Stuart.Prior@Leicestershire.pnn.police.uk )  
To : fiona webster ( fionaelainewebster@xxxxx.com)  
Sent : Wednesday, 7th May, 2008, 5.52 p.m.  
Subject : Portugal Re-enactment

Dear Fiona, David and Dianne,

Processo Vol 16 Page 4318 (Page 2 of 2)

I have received the attached document from Portugal concerning the request for you to attend the proposed re-enactment on the 15th and the 16th May, 2008. I would like to confirm that this e-mail should not be considered the service of the formal notification, but due to the short time scales involved is a notification to enable you to consider it's contents. The document will be formally sent to you by the Portuguese.

The request outlines the reasons for the process and the Legal justification as is appropriate for persons residing in Portugal.

After you have considered this e-mail, they have requested that if possible you confirm via e-mail to myself, whether you will be attending or not to assist with their planning of the event. I guess this will be after you have consulted your Legal team. I have already relayed your previous responses to the Portuguese and explained that you would get back to me after taking Legal Advice.

They again confirm that if any of the witnesses do not wish to attend then the re-enactment will not go ahead, but I also appreciate that Rachael and Matthew have indicated a difficulty with the 15th and the 16th May, 2008.

Likewise I have been advised by the Portuguese that they have no Legal Powers to order you to attend and there will be no penalty if you do not do so.

Please do not hesitate to contact me if you wish to discuss this further.

Stu

Stu Prior  
Detective Superintendent  
Crime Support Department  
Leicestershire Constabulary

**4334 to 4335 - FW Re-enactment Dates Service information re reconstruction with emails and translations**

**16 Processos Vol XVI Pages 4334 to 4335**

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16\_VOLUME\_XVIa\_Page\_4335

(In English)

From : Stuart Prior

Sent: Friday, 23rd May 2008

To: Ricardo Paiva

Subject: FW Re-enactment Dates

Ricardo,

This is the second reply I have received, just waiting for the final two.

Russell asks if the below e-mail is all that is required or do the O'Briens need to do anything further in response to the letter. Will let you know when the Paynes respond. Stu.



From: Russell O'Brien

Sent: 23rd May 2008

To: Prior Stuart

Subject: RE: Re-enactment Dates

Dear Stuart,

We gather that Rachel has already contacted you saying they won't be returning for any re-enactment. Once again, it seems an academic matter if there is not going to be 100% attendance.

Furthermore, we think it is hard to imagine a productive return to Portugal whilst Kate and Gerry remain arguidos. Secondly, the Prosecutor astonishingly referring to them as 'offenders' in their letter implies they are already considered to be guilty, and will be treated as such by the police and press. Furthermore the leaking of the date even before your email completely contradicts the letter's pretence to secrecy for the re-enactment.

It was not entirely clear from the letter who to reply to,. Judging from your email below, is this correspondence to you sufficient?

Best wishes

Russell and Jane

From: Prior Stuart  
Sent 15th May 2008  
To: Russell O'Brien

Subject: Re-enactment Dates

Dear Jane and Russell,

Just for your information I have been informed today that the prosecutor in Portugal has amended the dates for the proposed re-enactment to the 29th and 30th May 2008.

This new date will be within the written notification that has been sent to you from the Portuguese prosecutor's office.

When you have decided how you will respond to this further notification could I ask that you notify myself.

If you wish to discuss this matter further do not hesitate to contact me.

Regards,

Stu

**4336 - Service information re reconstruction with emails and translations**

**16 Processos Vol XVI Page 4336**

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NUIPC 201.07.01GALGS



To The Coordinator of the Criminal Investigation

Given the tone of the content of the immediately preceding emails referring to the witnesses' positions, in reply to the notifications issued by the Magistrate of the Portimao Public Ministry to participate in the penal diligence of the reconstruction of the events that occurred in Praia da Luz on the night of 3rd May 2007, on this date I open the conclusion of the current inquiry.

Portimao, 26th May 2008.

Signed

Inspector

Ricardo Paiva

**4345 Letter from Matthew Oldfield indicating he will not attend 2008.05.23**

**16 Processo Vol 16 Page 4345**

16\_VOLUME\_XVIa\_Page\_4345





Table of Contents : Processo Vol 16..(PDF page 214)....Page 4345-"Letter from Matthew Oldfield indicating he will not attend 2008.05.23"

Vol 16 Page 4345 (Page 1 of 1)

2x Suxxxxxxxx Gaxxxxx  
London  
SW xx 8xx

Date 23rd May 2008

Maria Luisa Nascimento Duarte

Ministerio Publico de Portimao  
Av. Miguel Bombarda  
Palacio da Justica  
no 2 Piso  
8501-960 Portimao

Reference : 3951283

Dear Sir,

I write with reference to the Notification dated 9th May 2008, which I received on Saturday 17th may 2008.

I am hereby informing you that I will not be attending the proposed Reconstruction in Portugal on 29th and 30th May 2008. I have reached this decision after considering advice from our Lawyers.

Yours faithfully,

Matthew David Oldfield

**4346 Email from Rachel Oldfield 2008.05.23**

**16 Processo Vol 16 Page 4346**

16\_VOLUME\_XVIa\_Page\_4346



Table of Contents : Processo Vol 16..(PDF page 215)....Page 4346-"Email from Rachel Oldfield 2008.05.23"

Vol 16 Page 4346 (Page 1 of 1)

Servicos do Ministerio Publico de Portimao

From : Rachael Oldfield ( rachaeloldfield@xxxxx.com )  
Date : 23rd May 2008 11.39 a.m.

To : Servicos do Ministerio Publico de Portimao  
Subject : Letters of response to Summons. Ref 3951282  
Annexes : Reply (Matt) to Summons 21st May 2008 doc ; Reply (Rachael) to PJ Summons 21st May 2008.doc

((Two attachments of replies from : a) (Matt) to PJ Summons 21st...., and b) Reply (Rachael) to PJ Summons...., inserted here))

Please see attached letters in response to the summons we have received.

Please acknowledge receipt.

Many thanks.

**4347 Copy of page 4346**

**16 Processo Vol 16 Page 4347**

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Table of Contents : Processo Vol 16..(PDF page 216)....Page 4347-"Copy of page 4346"



Vol 16 Page 4347 (Page 1 of 1)

Servicos do Ministerio Publico de Portimao

From : Rachael Oldfield ( rachaeloldfield@xxxxx.com )

Date : 23rd May 2008 11.39 a.m.

To : Servicos do Ministerio Publico de Portimao

Subject : Letters of response to Summons. Ref 3951282

Annexes : Reply (Matt) to Summons 21st May 2008 doc ; Reply (Rachael) to PJ Summons 21st May 2008.doc

((Two attachments of replies from : a) (Matt) to PJ Summons 21st...., and b) Reply (Rachael) to PJ Summons...., inserted here))

Please see attached letters in response to the summons we have received.

Please acknowledge receipt.

Many thanks.

**4348 Letter from Rachel Oldfield she will not attend 2008.05.23**

**16 Processo Vol 16 Page 4348**

16\_VOLUME\_XVIa\_Page\_4348

Table of Contents : Processo Vol 16...(PDF page 217)....Page 4348-"Letter from Rachel Oldfield she will not attend 2008.05.23"



Vol 16 Page 4348 (Page 1 of 1)

2x Suxxxxxxxxx Gaxxxxx

London

SW xx 8xx

Date 23rd May 2008

Maria Luisa Nascimento Duarte

Ministerio Publico de Portimao

Av. Miguel Bombarda  
Palacio da Justica  
no 2 Piso  
8501-960 Portimao

Reference : 3951283

Dear Sir,

I write with reference to the Notification dated 9th May 2008, which I received on Saturday 17th May 2008.

I am hereby informing you that I will not be attending the proposed Reconstruction in Portugal on 29th and 30th May 2008. I have reached this decision after considering advice from our Lawyers.

Yours faithfully,

Rachael Marimma Jean Mampilly

**4354 Email from Rebelo to Prior re: Prosecutor Decision**

**16 - Processo Vol 16 Page 4354**

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able of Contents : Processo Vol 16..(PDF page 223)...Page 4354-  
"Email from Rebelo to Prior re: Prosecutor Decision"



Vol 16 Page 4354 (Page 1 of 1)

Paulo Fernando Gaspar Rebelo

From : Paulo Fernando Gaspar Rebelo.

Date : 27th May 2008 10.25 a.m.

To : "Prior Stuart"

Subject : Re-enactment cancelation

(( Inserted here is an attachment labelled : Anulacao da reconstituticao.doc....))

Dear Stuart :

As agreed, here I send the Prosecutor's decision regarding the re-enactment cancelation. In a few words, it says that due the absence of the witnesses Matthew Oldfield, Rachael Mampilly, Russell O'Brien and Jane Tanner, there are no conditions to perform the diligence. I kindly request you to urgently transmit this decision to each one of the witnesses (Matthew, Rachael, Russell, Jane, Dianne, David, Fiona and Jeremy).

Thank you, again, for your cooperation.

Best regards

Paulo Rebelo

CSIC

**4355 - Documentation re reconstruction Tapas 9**

**16 Processos Vol XVI Page 4355**

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Prosecutor of the Republic  
 Portimao Circuit  
**CONCLUSION on 26-5-2008**

As referred to by the despatch that ordered the Reconstruction, in spite of this being considered a very important diligence for the investigation, it would only take place if the witnesses who were notified were present as well as the arguidos who had expressed their availability to participate. The witnesses Russell O'Brien, Jane Tanner, Matthew Oldfield and Rachel Mampilly have informed the process that they will not attend, therefore the reconstruction has no sense.

The notification of the arguidos Gerald and Kate was done by means of their legal representatives and notification of the witnesses David Payne, Fiona Payne, Dianne Webster, Russell O'Brien, Jane Tanner, Matthew Oldfield, Rachel Mampilly and Jeremy Wilkins was done with the collaboration of the UK police upon the request of the PJ.

Taking into account that the PJ is available to begin to translate the Letter or request, but also having a large quantity of documents to translate, and as part of the Letter of Request has already been delivered for translation, the statements of Amanda Coxon, Michael Wright, Linda McQueen, Justine McGuinness, Peter Patterson, Michelle Thompson, Emma Knights, Kenneth Walden, Carole Tranmer and Nicky remain to be translated.

**4419 Letter from Paynes re: non-attendance at reconstruction (English)**

**17 Processo VOLUME XVIIa. page 4419**

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Table of Contents : Processo Vol 17...(PDF page 6)....Page 4419-  
 "Letter from



Paynes re: non-attendance at reconstruction"

Vol 17 Page 4419 (Page 1 of 1)

Fiona and David Payne  
 xx Knxxxxxx Chxxxx Roxx  
 Leicester  
 UK  
 LEx 3xx

Servicos do Ministerio Publico de Portimao  
 Av Miguel Bombarda  
 Palacio da Justica  
 2 Piso  
 8501-960 Portimao

22nd May 2008

Dear Maria Luisa,

We are in receipt of your letter dated 9th May 2008 Ref 3951281

Following great consideration, we regret to inform you that we do not wish to attend the proposed re-enactment in Portugal.

Kind Regards

Yours sincerely

Fiona and David Payne

**139 Letter from R. Alves regarding K. McCann's willingness to participate in the reconstruction**  
**09 01 Apensos IX Vol I Page 139**

o\_apensoIX\_vol\_1\_Page\_139



Public Ministry of Portimao  
Case Section  
Case 201/07 GALGS

Dear Sir  
Public prosecutor

Kate Marie Healy arguida in the case referred to above, having been notified (page 3947) expresses her availability to participate in the reconstruction of the events on the second of the dates suggested, in other words on the 15 and 16th of next May. Her husband, Gerry McCann has also already expressed his availability.

Rogério Alves

Lawyer

Source: [http://www.mccannpfiles.co.uk/PJ/RE\\_ENACTMENT.htm](http://www.mccannpfiles.co.uk/PJ/RE_ENACTMENT.htm)