

Madeleine Case – A Pact of Silence SOL

By Felicia Cabrita and Margarida Davim

30 June 2007

Madeleine's parents and the friends with whom they spent their holidays in PDL are suspects in the inquiry. There are contradictory versions about the night of the kidnapping, and an assumed pact of silence in the group.

The beginning of June is flowing in a strange way in the Algarve. A chilly wind and overhead clouds help to fill the auditorium of Lagos, where a solidarity concert is being held for the missing English girl. It's been a month since Madeleine McCann vanished without a trace.

A few kilometres from Lagos, in the Ocean Club resort at Praia da Luz, the faint illumination further densifies the climate. At the reception, which leads to the Tapas restaurant, there is nobody. Getting inside is easy.

A Portuguese waiter, but with a British 'behaviour', strikes the first blow on the journalist's plan: "We only serve dinner to the club's clients". "What about a drink?". He says yes.

It's 9.30 p.m. If we were to believe the several members of the McCann's holiday group, and after several mismatching versions, at this time Madeleine was being carried out of her apartment by a dark-haired man, who would be around 35 years old.

From the same table where the group of nine had dinner on that evening, one tries, in vain, to observe the apartment's front – a ground floor apartment that faces the restaurant. A linoleum screen on the side of Tapas and the corridor of bushes that follows the limits of the apartment's back yards prevents any vigilance to that level.

The image of Madeleine – big blue, questioning eyes and an innocent smile, fixed on the photographic films – is always present. It doesn't leave the conversations of whom passes by. One remembers the words that the mother, Kate Healy, is supposed to have said to a friend (and that the husband, Gerry McCann, did not know): "I had a bad premonition about my children, when I found out the Ocean Club had no baby listening service".

The choice of Algarve as a holiday destination would come to change their lives. Everything was arranged with three other couples, with whom they used to travel. Some of them had recently been to Greece, with their children, and the Mark Warner agency, the same that prepared their trip to the Algarve, had done their itinerary for the islands. According to their reports, the hotel where they stayed had a baby listening service – a service that is assured by four or five members

of staff who would control the children while the adults dined, by listening through doors and windows to confirm that everything inside was quiet.

At the Tapas bar, from bartenders to staff from the Kid Club, criticism is whispered: “We have a creche where they left their children for most part of the day, where they could be until 11.30 p.m. without spending another Euro. They could also have used our baby-sitters, who stay with the children in their rooms until 1 p.m. In this case, they would have to pay an extra fee, but these people looked like they could afford it”, an employee comments, concluding that “this was a very strange group, that never stayed with their children”.

The children’s routine

The story of Madeleine looks like a tangled ball of wool. In the last days of April, Kate and Gerry, both 39 and doctors, arrive with their friends in Praia da Luz. The weather is not very good, but the group makes the best of it. The children seem to exist outside of the adults’ world. In the morning, Kate would take Madeleine, almost 4, and the 2-year old twins, to the Kids Club. The other couples in the group did the same. While the little ones entertained themselves with collages and paintings, the group divided itself between tennis and jogging until lunchtime. In the creche, the girl’s picture is taken: “She was shy and had some difficulty in adapting to the group. She always stayed close to the English children she already knew”.

It is at lunchtime that the families socialize a bit. After a short nap, the children go back to the Kids Club, while the parents use the activities that the club offers. They only get to meet again in the late afternoon, when the children’s dinner is served. Before 8 p.m., Madeleine and her siblings, who seem to function like a clock, are already asleep. Half an hour later, the group of friends meets at Tapas. The staff remember that they only leave at midnight: “They were very lively and drank a bit too much. I didn’t even realise they had children, because I never saw them around”.

Mathew Oldfield, one of the elements of the group, is back in England. He reacts with surprise upon the contact of Sol, but he does not avoid the conversation: “We drank. We were on holiday. So what?”.

And thus the days followed one upon another, at the Ocean Club. The holiday week is almost over and the group’s spirit does not change. Nobody had noticed until then, how the children were kept at a distance.

The most reliable way to understand what happened on May 3, when Madeleine disappeared, is to analyse the various versions that emerged.

It would have been 10 p.m. when Kate decided to check the children at the apartment. This is the only moment in the story that gathers consensus. Madeleine had vanished from her bedroom and the twins were sleeping like nothing had happened. The mother was back at the restaurant in one leap. She was disoriented.

PJ called two hours later

In seconds, the resort is in turmoil. The group's four men and the club's employees check every corner. They seem to be oblivious of the essential: to call the authorities. GNR is the first to arrive at the scene, but the news only reach Policia Judiciaria (PJ) more than two hours later. The first explanations arise. Where were the parents when the child disappeared? Gerry explains that, inspired in the scheme that some of the friends had used on their holidays in Greece, the nine members of the group took turns in checking on the children with some regularity.

This is the beginning of a story that will change in many chapters. Gerry starts by saying that he first left the table to check on the children around 9.05 p.m. When he entered the apartment the children were fine, he just noticed that the door to their bedroom was partially open. He looked at the window, which was closed, just as the shutters, and relaxed.

Ten minutes later, his friend Jane Tanner, who went around the apartments, crossed ways with a dark-haired man who was walking in the opposite direction, carrying a child. She didn't make any connections either.

A few minutes later, Mathew Oldfield enters the room, sees the McCann children fast asleep, and notices nothing out of the ordinary. It is at 10 p.m. that Maddie's mother discovers her daughter has disappeared. The window was wide open and the shutters were up.

To the GNR, who were in the area with sniffer dogs to search for the child, this is a highly unlikely scenario. One of the military assures: "This is an extremely silent area, where there are practically no passing cars. That shutter was very difficult to lift from the outside, and would have made a lot of noise. It would have been a lot easier to use the door, but there were no signs of a break-in".

This was just one of the reasons why the group became suspicious in the eyes of the investigators. Russell O'Brien, Jane Tanner's husband, is already back in England, but he knows he could be summoned back to Portugal for a deposition anytime. Over the phone with Sol, he tries to keep his British phlegm: "It is normal that we are suspects, and the DNA test is a consequence thereof. We were the closest people involved".

The conversation always comes back to the same issue: the night of the disappearance. The account of that last dinner has disparate versions among the group's members. Some swear that someone left the table every half hour to check on the kids; other reduce that time to half of it. Some say control is made window by window; others say the adults entered each other's apartments.

One of the employees that was on duty that evening does not remember a lot of movement: "I only remember a tall, grey-haired man getting up once from the table". It was Russell, who, two days earlier, also had attended dinner.

An aerobic instructor from the resort entertains the dinner guests at Tapas with a 'Quiz'. At 9.30 p.m. the game ends, and Gerry invites her to their table, where she stays for half an hour. During that time, as she later confided to friends, nobody left the table, but one of the chairs was vacant. Najova Chekaya refuses to talk to Sol. And Russell, when the questions start to surround him, loses his sympathy: "I have nothing further to tell you. I am not going to dishonor the promise I assumed with Kate and Gerry. They want to control all information that is disclosed".

Gerry changes his version several times, but he maintains that the door to his children's room was open. Matt revokes his first statement: when he entered Madeleine's room, the door was open and there was more light, as if the shutters had been raised. Here starts to develop the theory that there was already someone inside the apartment. Which reinforces Jane Tanner's version (that she saw a man carrying a child).

Only Jane saw the man carrying a child

But there is a witness whose deposition contradicts this theory. Jeremy Wilkins – a TV producer who had met Maddie's father during their holidays and used to play tennis with him – was walking his eight months old son at that time. He met Gerry, who went out through the apartment's back door after having checked on the children, and the two men exchanged a brief conversation. At that time, if one is to believe the first accounts, Jane would have left Tapas in the direction of the apartment's main entrance, and would have crossed paths with both of them. "It was a very narrow road and I think it would have been almost impossible to walk by without me taking notice", Jeremy says, pointing out the fact that he saw no man carrying a child, as Jane states.

But Jane continues to guarantee that, at the top of the street, she saw a man with a child in his arms.

Although the area is scarcely lit, and the situation did not make her suspicious at the time, she describes the beige trousers, the dark thick jacket and the black classic-style shoes in a detailed way. Once again, Jeremy disagrees: “If that happened, I would have likely seen it”.

On the next day, the media circus was fully installed. The first reports are on Sky News first thing in the morning, even before portuguese press takes hold of the story. Journalists and locals dispute the information. Robert Murat, the son of an English mother and a Portuguese father, with little luck in business, does not waste the opportunity. He moves from failed businessman into the role of a translator for the press and the police. Some British journalists, after sucking him to the bones, start suspecting his availability.

The Murat contradiction

Contrarily to the GNR elements and the Ocean Club’s staff, who participated in the searches on the night before and assure they did not see Murat around, Gerry and some of his friends guarantee that he was there. And thus he becomes an arguido.

Gerry and Kate’s friends, who are interrogated tightly by the PJ over almost a month, refuse to clarify this contradiction, when asked by Sol. “We have a pact. This is our matter only. It is nobody else’s business”, says David Payne, another element with the group. Minutes after we tried to contact Kate, Gerry, in a fury, calls the Sol journalist: “What do you think you are doing? Do you think you’re better than the Portuguese police? I’m going to forward your contact to PJ and you will have to explain yourselves”.

PJ says ‘everybody is a suspect’

The director of the Policia Judiciaria in Faro, Guilhermino da Encarnacao, confirmed with Sol that “we do not discard the possibility of having the family and friends as suspects”. This is always done “without neglecting other clues. Everybody who was at the resort at the time are suspects”.