

## **Rogatory Statement**

**Russell O'Brien**

**Date: 8/4/08**

**Time: 8:59am**

**Russell O'Brien's Rogatory interview 10 April 2008 Hours 8.59am**

**RUSSELL JAMES O'BRIEN SIGNED STATEMENT 08/04/08**

*Russell James O'Brien & The lost DVD Interview*

*Russell James O'Brien was questioned on the 8th of April from 9.55 a.m. until 8.18 p.m., divided into 5 distinct time periods (9.55 – 11.30 a.m., 12.01 – 12.50 a.m., 2.06 – 3.55 p.m., 5.15 – 6.56 p.m., and 7.37 – 8.18 p.m.). Officially, all the video images of this day were rendered useless because the video camera didn't work... which means that Enderby police wants us to believe that, even during pauses, they never verified if the interrogation was being recorded correctly. This was the official version, the one that was offered to the Portuguese authorities. Nevertheless, the truth of facts is different, and Russell O'Brien was questioned again on the 10th of April; this time the camera worked.*

Surname: O-BRIEN

Forenames: RUSSELL JAMES

Age: OVER 18 Date of Birth:

Address:

Postcode:

Occupation:

Telephone No:

Statement Date: 08/04/2008 Number of Pages: 1

I am the above named and I live at the address given to the police.

On Tuesday 8th April, 2008, between 09:55am and 11:30am I was interviewed by Detective Constable GIERC at Leicestershire Police Headquarters, the interview was recorded on DVD. I am able to state that what I said during that interview is an accurate account of my evidence.

On Tuesday, 8th of April 2008, between 12:01pm and 12:50pm I was interviewed by Detective Constable GIERC at Leicestershire Police Headquarters, the interview was recorded on DVD. I am able to state that what I said during that interview is an accurate account of my evidence.

On Tuesday 8th of April 2008, between 14:06 hours and 15:55 hours I was interviewed by Detective Constable GIERC at Leicestershire Police Headquarters, the interview was recorded on DVD. I am able to state that what I said during that interview is an accurate account of my evidence. During the interview I produced the following exhibits:

Sketch map ' Praia Da Luz (RJO/100)  
Table Plan ' Tapas Restaurant (RJO/101)  
Search Sketch ' Praia Da Luz (RJO/102)  
Phone List ' (RJO/103)

On Tuesday 8th of April 2008, between 17:15 hours and 18:56 hours I was interviewed by Detective Constable GIERC at Leicestershire Police Headquarters, the interview was recorded on DVD. I am able to state that what I said during that interview is an accurate account of my evidence.

On Tuesday 8th of April 2008, between 19:37 hours and 20:18 hours I was interviewed by Detective Constable GIERC at Leicestershire Police Headquarters, the interview was recorded on DVD. I am able to state that what I said during that interview is an accurate account of my evidence.

This statement is made by myself and is true to the best of my knowledge and belief.

**Signed: RUSSELL O'BRIEN Signature witnessed by: A J GIERC DC 1578**

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**Number: S746A**

**Surname: O-BRIEN**

**Forenames: RUSSELL JAMES**

Age: Date of Birth:

Address:

Postcode:

Occupation: CONSULTANT

Telephone No:

**Statement Date: 10/04/2008 Number of Pages: 10**

I have previously made my statement to the Portuguese Police in relation to my holiday visit to Portugal in April-May 2007. I stayed in the resort of Praia Da Luz and was there at the time of the disappearance of Madeleine Beth MCCANN. I had travelled to Portugal with my wife Jane TANNER, and our two daughters Ella and Evie, also travelling with us was our friends Matthew OLDFIELD, Rachael MAMPILLY and their daughter Grace. We were due to meet our mutual friends over in Portugal David and Fiona PAYNE, their two daughters Lilly and Scarlett along with Fiona's mother Dianne WEBSTER, and Kate and Gerry MCCANN and their three children Madeleine, Sean and Amelie. We arrived in Portugal on Saturday 28th April 2007.

On the 8th April 2008 officers from Leicestershire Constabulary interviewed me in order to clarify certain points and in order for me to provide further information where possible.

The interviews were visually recorded, however I understand that due to technical difficulties the equipment failed to record.

I have been informed that these questions arise from an official request from the Portuguese authorities. I am aware that my statement will be subject to the Portuguese Criminal Code in addition to English Law.

I have been informed that this statement has been made from the monitoring notes which were taken at the time of the interviews being conducted.

I have been given the opportunity to refresh my memory from the statement made by Jane TANNER (my wife) and I have been allowed to see these documents, this was done in the presence of DC 1578 GIERC.

I wish to add that Jane's statement covered our routine from the 28th April 2007-2nd May 2007 quite comprehensively and my original Portuguese statement referred to Jane's statement, this was therefore a good point of reference for me.

The following statements are answers given in response to the questions asked of me during the interviews, in the order that the questions were asked. (page 1)

We have been away before as couples and have had various conversations about going away as families, the planning took place in January 2007, this was around the time that Jane and I were moving with the girls to Exeter- 3rd January 2007.

It was Fiona and David PAYNE'S idea to go away and Jane and I were more than happy for them to do the organising as we were busy with moving house. We had all been away on Mark Warner holiday's before, and they seemed to be a good destination. There were emails between us as a group, mainly exchanged with Matt and Dave, things weren't so straight forward as we were all living in different parts of the country which made planning things very difficult. I am aware that David had made various requests to the Mark Warner Company and one of which was that all the apartments were to be in the same block, and preferably all to be near by to each other.

I am aware that Matt had replied to an email sent by Dave, and by mistake had included Mark Warner on the same reply I recall that it said something along the lines of 'Go Dave Go'. Dave is quite certain about what he expects from things, and is quite aware of his consumer rights and entitlements although it seemed to be quite trivial to me at the time. We were aware from the various emails that the resort was quite spread out, and Dave strived to keep us all together. I feel that this may have been construed by Mark Warner staff as having been annoying and the staff member receiving it may have been annoyed by it, I feel that this could be looked upon badly.

We flew out from Gatwick airport having stayed the night with Matt and Rachael at their home which was near to the airport. The others flew out later the same day from East Midlands Airport.

This was the first holiday that we had been on with the MC CANN family we had been away previously with the others in the group. We had been due to go away as couples to Majorca in 2005 but Jane had found out that she was pregnant days after we had booked the holiday, as far as I am aware our places had been given to another couple I believe by the name of Tara and Stuart GOLD.

I'd describe our relationship with the couples as very good, I had met David PAYNE at Medical School in 1989 and we had stayed in Halls and Student Houses together, I met Fiona in 1993/1994 and was best-man at their wedding in 2003, we all went out to Tuscany in Italy for their Wedding. I recall that Matt and Rachael were there as were Gerry and Kate. I met Matt in my first year as a Doctor this was in around 1994, again I was close friends with him we lived in the same house, and I was best-man at their wedding in 1999. I have remained friends with Matt he moves around a lot and has worked in several places and countries.

I would say that our relationship with Kate and Gerry MC CANN is not as close as with the other two couples, I first met Gerry when he was speaking at a conference in Atlanta in 1999, and I recall that we both had interest in the same aspects of cardiology. I recall that we exchanged emails with each other to discuss various aspects of our research. Gerry moved to the Glenfield hospital and worked in the same department as I did but I was based at the Leicester Royal Infirmary, at that time Gerry was my equivalent at Glenfield and a voice at the end of the phone- I'd say this was in 2001-2002.

I'd say that we have known Kate and Gerry on a more personal level since 2002-2003 when both Kate and Jane were pregnant with Madeleine/Ella. At the beginning of their pregnancies they had been given a similar due date, although Madeleine was born about a month before (page 2) Ella. Our friendship increased through Fiona and Dave, we would often see Kate and Gerry at their house on occasions.

I recall that on one occasion Kate and Gerry visited us with Madeleine, I think that the girls must have been around 9months old as they were crawling. Other than that I don't recall them visiting us again, I know that we have been to their house for Madeleine's 1st and 2nd birthdays but I would say that we hadn't spent any considerable time at the MC CANN'S home. In relation to Kate HEALY/MC CANN I have only really met her since Madeleine was born, or through our meeting with Dave and Fiona.

Dianne WEBSTER is Fiona's mother we obviously met her through Fiona and Dave PAYNE, we have been friends with them for some time meeting them at Fiona and Dave's house. We have been for trips out on their boat I'd say we know Dianne quite well.

As far as I am aware there were no others due to go to Portugal, I think that Dave and Fiona had thought of asking others, but Jane and I thought that nine adults were enough. I recall that Dave and Fiona had mentioned another couple by the name of Dave and Fiona BURLING who live somewhere in Maidenhead but I am not entirely sure whether or not they were actually asked or invited. I am aware that Dianne was a late edition, but I am not sure when she was booked onto the holiday.

In relation to there being any group hierarchy I'd say that that wasn't at all the case, Dave, Matt and I have all been close friends since Medical school and see each other as equals, I don't know Gerry quite as well but there is no problem with him fitting into the group. I am aware that Dave and Gerry know each other very well.

The flight out to Portugal on the Saturday was early it was around 08:00am we all sat together on the flight and I recall that is where I first saw Jez WILKINS, he was sat near to Matt on the aisle. I recall that a lot of people were speaking to one and another as people do on the plane, we landed around 10:00am and waited for the baggage, on our arrival we were met by Mark Warner staff.

We were taken out of the airport and out onto the buses waiting nearby, we sat in the middle of the coach on the right hand side. I recall that Charlotte PENNINGTON who was a nanny at Mark Warner was also sat on the bus- I believe that she looked after Fiona and Dave's kids. It was reported in the press that she had seen Kate and Gerry at the airport but I don't see how

that would have been possible as I don't believe they had arrived by then, I believe that their flight arrived an hour or so after ours did.

Whilst we were on the bus we were given welcome packs and from what I recall we had been allocated room numbers and the packs I do not believe that it included the apartment keys (5D) but I cannot be sure. I recall that there was also a map of the area.

When we arrived we parked near to the apartment reception and we were taken to our room around lunchtime. I recall sending a text message to Gerry and Dave to say that we had arrived and also a text to a friend from Germany- who had tried to ring me, I had sent a message to tell them I was away on holiday.

I recall we all went to the pool as the kids wanted to swim, it was a windy and cold I'd say it was mid afternoon time, I remember that the PAYNE'S and MC CANN'S arrived at some point whilst we were all at the pool. We all went to the welcome meeting at the Tapas Bar on Saturday and I think that we may have gone to another one but I cannot be sure. (page 3)

I recall that they spoke about where to eat, the nannies introduced themselves and I recall that there were various people there from the sporting activities recruiting for their events/activities.

We all went to the Millennium restaurant that evening including the children it was a 10minute walk this was around 18:00-18:30hours, it was at this meal that Matt began to feel quite unwell. We didn't stay out late so that we could put the children to bed as it had been a long and tiring day, Jane and I didn't stay up particularly late as we all felt tired too.

The respective apartments were as follows Dave, Fiona and Dianne 5H, empty apartment 5C, Matt and Rachael 5B- which was a smaller apartment and Kate and Gerry were in 5A. I believe that the apartments were allocated to fit in with the number in each individual group- as I said previously the allocations appeared to be done prior to our arrival and may have been done following Dave's emails to Mark Warner.

I recall seeing Jez around the Mark Warner complex we didn't speak much I hadn't met him prior to being on the plane, I can't recall him being on the coach from the airport but I think that he must have been on there as he was staying at the same resort. I don't know what apartment he was staying in at Mark Warner, but I think it was quite near us. I'd like to point out that we had had the occasional conversation on polite terms as well as seeing him at tennis.

Sunday 29th April 2007 I had booked into water-sports on the Saturday but I don't think they operated on Sunday. I can't recall exactly what I did on what day but I had booked to have windsurfing lessons and to do a bit of sailing. My recollection now is a little poor due to the lapse in time I got up around 08:00-08:30am we had breakfast at the Millennium restaurant, we went down to the beach, played a bit of tennis- but as I'm not a brilliant player I wasn't all that bothered about playing tennis.

We were booked into the Tapas bar, we ate there that night initially it was booked as a one off I think by Rachael as far as I am aware the table was booked for 20:30hours. I am aware that Rachael asked to eat there each night for the remainder of our stay this I believe was booked on the Monday morning as a block booking- the time was agreed by the group. Matt was unwell and I recall I went to see him, he had been suffering from a stomach upset so I can say that there were only eight adults at the Tapas bar that night.

The good thing about the Tapas bar was that it was quite near to the apartments, and the walk to the Millennium was quite far away, the Tapas bar was also used by the kids club for afternoon tea.

Kate and Gerry weren't so flexible about meal times as their children were in more of a routine, as were Dave and Fiona, where as Jane and I are slightly more accommodating and our children have been used to staying up late on occasions. The bookings were made for the

following week 20:30hours after the children were settled in bed.

In relation to the childcare routine it was a collective decision made as a group, Dave and Fiona used their two way child monitor to monitor their children. Kate and Gerry made a physical check on their children. Matt and Rachael made a physical check on Grace. Jane and I also made a physical check on Evie and Ella.

I'd like to point out that we knew that there was NOT a baby listening service, this had been picked up before our departure as there had been other inaccuracies in the brochure picked up by Dave, I believe that the brochure inaccuracies would be recorded in emails by David PAYNE. (page four)

Jane and I made checks between courses, and would generally alternate the visits, Kate and Gerry did their checks by the clock. I'm aware that initially we would only check on our own rooms but on occasions we often listened at other apartment doors or windows, and made checks on some visits.

On Sunday I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's. I had taken Matt's keys and I believe that their door was deadlocked the same as ours and that I would have needed to turn the key two times. We kept our shutters down, and the patio door was closed I am not sure whether theirs was the same. I recall that Kate and Gerry's apartment was accessed by the patios door which was left closed and unlocked. I recall that their front door was accessed from the car-park access was easily gained to the apartment from the poolside.

All the meals were included in the booking as was a limited choice in drinks, if anything else was ordered there may have been a need to have made an additional payment. I recall that orders may have been put onto a bar bill and paid at the end of the week.

Sunday we left the restaurant early around 22:00hours the service was reasonable and quite quick, times didn't vary all that much we may have had a drink at the bar before going back to the apartment but I cannot be sure.

Generally of an evening we would drink beer or have a few glasses of wine, generally three to four glasses, I can honestly say that no-one in our group was ever drunk. I'd say that generally we had five-six bottle of wine between the group of nine, it was a similar amount most nights.

Monday 30th April 2007 I recall I may have done some windsurfing this was just after I'd dropped Ella off at the kids club near the Ocean Club and Evie at crèche near to the Tapas bar. I may have done some shopping but I really can't be certain, I recall Jane, Kate and Gerry playing tennis. We didn't eat out at lunchtime we generally ate with Rachael and Matt and this was in our apartment or theirs, as well as at David and Fiona's. After Madeleine disappeared we all began eating lunch at Dave and Fiona's apartment.

I think in the afternoon I may have been out with Matt, I had wanted to spend time as a family but Ella wanted to go to the kids club. Monday to Wednesday I can say that the days were all very similar and it is difficult to distinguish one from each other. I know that on one of the evenings either Monday or Tuesday I stayed in the flat with Evie as she wasn't well Jane brought my meals over to me this was mentioned in my first statement. I feel that this is more likely to have been Monday as I feel that we were all together as a group on Tuesday-nine adults. I believe that this was when the Trivia quiz had taken place.

I recall going for a sailing lesson on Tuesday and Jane went to play tennis, we collected the kids as usual around lunchtime, Kate and Gerry had lunch in their apartment as they did on most days. I went out in the afternoon to the beach I was with Matt and as far as I can recall we went out kayaking. The children were in bed as usual 19:30-20:00 they appeared to be well asleep and checked that they were prior to leaving the days were generally uneventful up until Thursday 3rd May 2007.

On Wednesday Rachael was ill, we stayed out later than normal, after our meal we sat around and then moved into the bar area we stayed for around 45minutes to an hour, this was our only 'late night' of the holiday, I recall we had a cocktail. Checks were made as usual we would alternate completing the checks and this was done every half hour or so. I listened at (page 5) the MC CANN'S apartment and believe that this was around 23:00hours, on all occasions the children were ok. During the week I checked on some occasions and listened at others.

On the 3rd May 2007 I saw Madeleine in the morning a couple of times this was when I dropped Ella off. I took the kids up to breakfast at the Millennium club and walked to the Ocean Club I was late getting Ella there, the kids were having a great time at the kids club and all appeared to well.

I went to the flat with Evie, whilst she was resting I read a book. When she woke up we went outside to watch Jane play tennis I saw Madeleine at lunchtime I can't recall if Jane or I collected Ella it's all a bit hazy now.

I recall that Jane had been having a tennis lesson also there was Kate and Rachael. We were watching some children have their lesson this was before lunch. I recall that one of the guests a guy from Southampton came over his daughter was playing tennis, he wanted to take a picture but expressed to us how uncomfortable he felt in doing so- he said something similar to feeling like a pervert or a dirty old man when taking a picture of his own child, I do not wish to implicate him. I recall that the child was of a similar age to Madeleine and Ella.

I recall that Madeleine and Ella had had a similar lesson the day before.

We agreed that in this day and age taking a photograph of your own child you shouldn't be made to feel uncomfortable, it was a horrible coincident. I would like to stress that I do not think that this man had any involvement in Madeleine's disappearance. I feel that it was a haunting coincidence.

Ella went back to the kids club and I went out with Matt sailing, I Jane was looking after Evie. Whilst I was out sailing with Matt he fell in the water, I had to sail back to save him this made the day quite memorable that and it being the best day weather wise. When we came back Jane was at the beach with the children, I recall that at some point around 17:00-17:30 Kate was out running she was dressed in her full running kit which was a vest and shorts- one item was grey and the other pale blue but I cannot say which way round.

When Kate ran past on her run she didn't speak to us, but she did acknowledge us as a group. We didn't stick to our usual routine so much that day the children stayed with us and ate their tea at the bar by the beach called the Paridiso. Everyone was there at the beach except Kate, Gerry and their kids. I collected Ella from the Ocean Club before she went up to tea at the Tapas Bar, I cannot say whether Madeleine was there or not.

It was a warm day, good afternoon I recall that I went up to the social tennis around 18:00hours with Matt I think David went to the apartment and then up to Gerry's. I played tennis for around an hour to an hour and a half, Dan the tennis coach was also present, as were some other male guests and Gerry we played a mixture of singles and doubles.

The kids came up with Jane, Fiona and Rachael from the beach, but not the MC CANN'S children I presume that they were at the apartment. They stayed for a short while before going back to the apartment to be bathed and put to bed. I got back to the flat around 20:00hours as we were running late we had to take the rackets back with us. The children were in bed Jane went down to the restaurant around 20:30-20:40hours I remained in the flat for another ten minutes or so waiting for them to settle down. I went down to the Tapas bar the adults of 5H were running late as usual, David and Fiona are always late and it is a standing joke in our group. Around 21:00hours Matt was going over to check on Grace so he said he would chase (page 6) the Payne's up as we were all waiting to order and we were

conscious that the waiting staff wanted us to place our orders. I believe that he listened at the windows on his way to find the PAYNES having gone to check on Grace.

The evening was the same as evenings before Kate and Gerry were behaving entirely normally. Following Madeleine's disappearance and subsequent search we had made a time line together this will show what time Gerry left the table. I don't recall at what point but it was around 21:05 Gerry left the table was only away for a little while, Jane also went to check the children and was gone for a minute or so. The children were ok she didn't mention anything unusual. After we had eaten the starters I needed to go to the toilet so Matt and I decided we would go and check on the children. We walked together I recall that the light was fading I went straight to 5D I could hear Evie was murmuring. I went into the apartment and Matt went into his. I went to the toilet to urinate and then started to clean up Evie and change her, Matt came into my apartment and asked if I needed any help. It was getting darker by this time. I said to go back and tell Jane that Evie was unwell.

I sat in the lounge and read to Evie Jane came back having eaten her meal. We stayed together in the apartment for around 5minutes. I went across to the Tapas restaurant this would have been around 21:45hours, Jane remained with Evie. The group joked about Jane having been to relieve me they were all in good humour. Kate left the table there was nothing significant about her leaving but I think it was a similar time to my meal arriving. I think that this would have been around 22:00hours, I didn't have a watch or phone to check the time but Rachael did ask for the time and 22:00hours was mentioned. I know that she didn't leave straight after me arriving back as the waiters had agreed to cook me a fresh meal.

Kate returned through the reception area standing at the end of the path near the stones, and yelled over towards our table in the Tapas bar I cannot recall exactly what she yelled but it was along the lines of Maddy is missing. We all got up immediately except Dianne who remained at the table. I am fairly sure on the time, I have put a great deal of thought who may have been watching us during the week, but all appeared quite normal to us, the people who would have known our routine would have been the waiters. I can't recall any other people dining in the restaurant at the time, there would have been people in there but as we ate quite left they would have left during our meal.

We went over to Gerry and Kate's apartment I didn't go in to the apartment. I can recall it would have been a similar layout to ours, although the furniture and décor was different to ours as the apartments are leased. I didn't go into the bedroom on this occasion, but I'd imagine that there are wardrobes in there as there are in ours. When I had been into the apartment on previous occasions it had been dark.

During the interview I drew a seating plan of the Tapas bar and who was sitting where which I have previously marked and produced as my exhibit.

On the evening I was wearing brown jeans/cord style trousers, a pale blue stripe top, and Jane had taken my jumper which was blue. The nights were quite chilly which is why Jane had my jumper I am quite use to the cold.

I wish to reiterate that I joined the group at the Tapas bar 20:45 I went down to the table alone, everyone was there except the PAYNE'S and Dianne. (page seven)

When I went to check the children I went to my flat first then Matt walked on to his flat 5B, I believe that he was gone for around 60-90seconds. Then he checked on the MC CANN'S children having left my apartment. This was the final check before Madeleine was noticed missing, nothing appeared to be unusual and there was nothing that suggested we were being watched.

When Kate raised the alarm she didn't get to the table as the area was all enclosed, she was at

the start of the path she shouted across to us. We ran out through the reception we were all in a panic some people went into the flat I stayed outside, I then conducted a quick search of the immediate area with Matt, Dave and possibly Gerry. We searched a cul-de-sac area which I would describe as being a passage way at the front of the block on the car park side. We went on to search the gardens and patios. Then we went downhill towards the centre. On the second search we went to the shopping centre and then towards the tennis courts. We searched around the back of the tennis courts.

On my way back I bumped into Dave he said to me this is bad this is really bad they've not found her. We searched down to the beach I searched the East side, and Matt and Dave the West side. We went back to 5A it was clear that panic was setting in Gerry was on the phone to a family member back home, for someone that is such a strong character he is usually so calm, decisive, confident. He was lying on the floor in hysterics, he had a high voice crying like a baby, I didn't know what to say.

By this time we had been joined by Ocean Club staff I am aware that Fiona and Rachael had spoken to Jane.

Jane has been made to feel frustrated, like she is a sympathetic witness, a fantasist and a liar. She feels that the P.J do not believe her.

I went to Jane she was with Rachael I hugged her she said "I knew there was something odd, I knew it was strange". "I watched someone carrying a child". She played it down Jane's character is to be calm, composed but she wasn't herself at this time. She was adamant that she had seen the man, and that the child could have been Madeleine. She feels there is a good chance she witnessed the abduction.

I know that Kate and Gerry were NOT involved at all, I saw Jane she was shaking she had a terrible realisation the she may have seen Madeleine being taken away. We have been crying out for these interviews I have never seen Jane like this before.

We have coped- somehow we have been keen to be there to put across our feelings, we have struggled in silence, what Jane saw was suspicious she is NOT a liar, a fantasist we as a group have nothing to gain by giving false evidence or creating false leads.

I was asked who I spoke to' People in the bar at the shopping centre. Older groups of Portuguese people near the front, and a female possibly member of staff from Mark Warner.

We tried to find a picture of Madeleine Kate checked her camera but these were mainly of her at home or not such a clear picture. We found a picture of Madeleine but we couldn't print it off. Cat or one of the nannies said that they had a printer and took the camera away to get some photos copied. A copy of the photo was given directly to the Police, someone from the Mark Warner staff made a poster- but I do not know who that was. (page eight)

I am not sure who informed the authorities or media of Madeleine's disappearance but Gerry may have informed the authorities along with Matt. As for the media I think Rachael called a friend who works at the BBC.

I loathe the media even more so now, I have a very low opinion of them Dave was also seen keen to make use of the media and think that he may have constructed an email- but I am not sure whether that was actually sent. I know that there were attempts to contact the British Consulate.

Searches- I searched mainly on my own, although we were all close by to each other. The searches weren't really planned no plans were drawn up and there wasn't really any particular structure. There may have been places that we missed, it was hap-hazard and panicked. It wasn't well organised.

Leave doors/windows open- We didn't leave doors/windows open. We did sit outside on Saturday along with other days on the patio, we wouldn't have left it open once away.

Checks on children- Checks made on children, we had the routine already outlined in this statement.

How often- four-five checks per evening. Kate and Gerry checked by the clock, where as Jane and I checked between courses, I don't have any recollection of the MC CANN'S children crying had I have heard them crying I would have checked on them.

Confirmed his mobile phone number.

Number ending 678- belongs to Susan HEALY mother of Kate MC CANN, believes that the call recorded was made by Fiona Payne who had borrowed his phone due to her battery being flat. Number ending 842- belongs to Brian HEALY again cannot account for call doesn't believe that he made or received it and may have leant the phone to Fiona.

Number ending 801- his mother text message asking how holiday was going and checking on their welfare.

Landline number- his parents home spoke to parents again to check on welfare as distressed and upset by Madeleine's disappearance.

Number ending 603- Anthony NICHOLLS colleague, call made wanted to make him aware that he would be away for a longer period, but as he was also away conversation cut short, and called another colleague.

I wish to clarify that I have only met Susan and Brian HEALY previously at Madeleine's birthday parties. I then met them after they flew in following Madeleine's disappearance.

Clarified light beginning to fade, when Jane left the table reasonable amount of light, aware that there were street lamps in the area. Route back from table- shutters didn't look at them, but would have noticed if there was anything suspicious or untoward- felt that it was a loaded question. Inner route would take less than minute and outer route just over a minute.

Clarified who made the time line handed to Portuguese officers- I had written it- both copies, in consultation with Dave and Gerry. It was written 02:00-03:00hours in Gerry's room. It was my idea a form of gathering information and putting things in order. This was after the searches which were again conducted around 01:00-02:00hours. (page nine)

Shown a typed time line typed on a lap top borrowed from female tennis coach Georgina, seven adults there when time line drawn up, then shown to the MC CANN'S afterwards for them to make any alterations or additions. Was written after the first weekend after Madeleine's disappearance this was following David PAYNE'S suggestion. It was checked against initial draft, it was a group recollection and with the groups agreement. The document was typed on the laptop USB flash disk which was handed to the PJ when I went to complete my statement.

Clarified who Dan was- Tennis coach from Mark Warner, saw him in car when conducting the search- he was in a car, and had other occupants but cannot say who. He went on to search area which was in darkness.

Comments- I am troubled by MURAT'S denial of being there on the night of Madeleine's disappearance and assisting in the translations. This has troubled me he would have an alibi had he have been honest about being there. The statement given in Portugal are true and accurate, other people put MURAT there on the night one of those being Sylvia head of house keeping. I would like to point out that I do not wish to change the statement given to the PJ but have reservations that the time may have been inaccurate and it may have been the following morning when I saw him.

Our statements have been previously given in good faith I am positive that he was there on the night. What I said in my statement was right.

To attend for re-enactment, no great willingness to attend suspecting Kate and Gerry or the

group is very very wrong. How do we all move on we have been unable to defend ourselves in the press, we have been threatened, the press just magnify things, our professional status has been threatened I have had the press ringing my ward, Spanish reporters running around the hospital. It is unbearable. There are various websites set up about us all we have been reported, on our lives are no longer our own. It appears to us that the PJ are trying to nail someone in the group or Kate and Gerry for this, to us they are now doing too little too late. This all should have been done in the first 10-14days.

At least now there is a genuine attempt to further their investigation, we have had so much adverse publicity, we are not hiding anything. We would only really be willing to attend now if Kate and Gerry's Arguidos status was relinquished, and the media be shown that they are NOT to blame for this, none of us are.

This now needs to be managed in a way that is mutually agreeable to both sides now, we don't trust the environment we don't feel that we would be safe going over there. We are willing to help with the investigation, Jane is not willing to go back and I don't think that we would be able to cope with it. Jane is calm and composed and able to deal with things, but how is she expected to cope with all the slating in the media.

I cannot stress enough that we as a group have not been involved in Madeleine's disappearance, we have only ever tried to help the PJ and investigating officers with the investigation into her disappearance. If we are to be expected to return to Portugal for this re-enactment then we will need certain assurances.

I wish to add that this statement may appear at time to be disjointed but these are my responses to questions posed by Leicestershire Constabulary Officers on behalf of the PJ and the McCANN family.

This statement is made by myself and is true to the best of my knowledge and belief.

Signed: RUSSELL O'BRIEN

Signature witnessed by: K HOLLIDAY 406

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#### **Russell James O'Brien - Record Of Tape Recorded Interview I**

1578 "Right. The time is eight fifty-nine am and that is on Thursday the tenth of April two thousand and eight. We are in an interview room at Leicestershire Police Force Headquarters. I am Detective Constable, one, five, seven, eight, Andrew GIERC from the Leicestershire Major Crime Unit. Would you kindly give me your full name and date of birth please?"  
Reply "Yeah, it's Russell James O'BRIEN, twenty-six, eleven, seventy".

1578 "Thank you very much. As you know Russell this is your second visit to Force Headquarters this week. You are here voluntarily as a significant witness to assist with the Portuguese Authorities in the investigation of the disappearance of Madeleine McCANN, which occurred on the evening of Thursday the third of May two thousand and seven in Portugal. You have given previous interviews with us on, it was Tuesday the eighth, wasn't it, two days ago?"  
Reply "Umm".

1578 "And from those interviews we have compiled a statement in respect of the content of those interviews. And what I would like you to do now is, I will present you with the statement and I will invite you to read through it and we can alter, amend, add, take out anything you need".

Reply "Okay, okay".

1578 "So it is really to your satisfaction".

Reply "Alright".

1578 "It will be your statement".

Reply "Uh hu".

1578 "So if, it is quite lengthy, there are about nine or ten pages".

Reply "Yeah".

1578 "And we can, as we go through we can take note of any modifications or alterations required".

Reply "Right, okay. Do you want me to read this out loud or just to"

1578 "You can do if you wish it is entirely up to you".

Reply "(O'BRIEN read through the statement). Erm, yeah, the first page, is, erm, is fine. I suppose the only addition was that, was an explanation of why I, why I would look Jane's statement. And that was because there was a reference in my original statement for a period of time that was not covered in my interview. That would be the only thing that I would have".

1578 "So that is an addition"

Reply "It says, erm, 'I have been given the opportunity to refresh my memory from the statement made from Jane TANNER', she is not actually legally my wife we are just, we are just partners, erm, 'and I've been allowed to see the documents'. I asked to see her document because my original statement to the PJ, erm, made reference, I think for the Monday to the Wednesday especially, to Jane's and it was not written in any detail in mine. Does that make sense"

1578 "I think so".

Reply "Yeah, so I just, I just, the clarification for why I'm seeing Jane's statement was that the three days of, of the holiday were really a reference to her statement in my statement. But, apart from that, the rest of page one is fine. I can confirm we moved down to Exeter on the third of January, I can't be more specific at the bottom, but. In the second paragraph, at the start, 'I am aware that Matt', erm, I suppose I'd just have it clarified that, erm, it says that, erm, 'Dave is quite certain of what he expects of things and quite aware of his consumer rights, et cetera'. Erm, I think it would just be worthwhile, that the reason I brought that up was I'd imagine that the people at MARK WARNER may have, erm, probably in London or their Head Office, would have thought that, erm, you know, that, that, that this was a, erm, a rather annoying email, in the fact that they had been copied back in on Matt's reply, erm, it may have just irritated a few people at, at, erm, at their office. Erm, there's a, an error in the paragraph that says 'This was the first holiday that we have been on with the McCANN family', that's true. Erm, it said 'We had been due to go away as couples to Greece in two thousand and six', erm, Matt and Rachael, Dave and Fiona and myself and Jane did go to Greece in two thousand and six, it was actually, erm, tut, we were due to go away with the McCANNS in the Autumn of two thousand and five to Majorca but pulled out because Jane as heavily pregnant with, erm, was heavily pregnant with Evie".

1578 "This was the first holiday we'd been on with the McCANN family""

Reply "Yeah, that, that's true, but it's the next statement that's wrong".

1578 "We were due to go away was couples""

Reply "We did go away as couples to Greece but the McCANNS weren't with us, it was with the rest of the group, the other three couples".

1578 "Okay".

Reply "Erm, and Jane was heavily pregnant for a holiday in September two thousand and five to Majorca, where Dave and Fi did go away with the McCANNS and also with Tara and, actually, I think it's Stuart GOLD rather than Andrew GOLD".

1578 "Tara and Stuart GOLD"

Reply "It's Stuart GOLD, I think actually I said Andrew, it's actually Stuart".

Reply "And the rest, like I said, is fine. And the rest of the second page is, is, is fine".

1578 "Okay, it is down to"

Reply "Yeah, the paragraph ending 'In relation to (inaudible). And the rest of that page seems, seems fine. Erm, page three".

1578 "This is where we go out of synch a little, I'm afraid, there was an error in printing".

Reply "Alright, so it starts, at my page three it says 'Dianne WEBSTER'"

1578 "Yes, I've got that".

Reply "Have you got that"

1578 "Yeah".

Reply "Erm, the first three paragraphs are fine. I think, I suppose, the only comment is, when I'm talking about Charlotte PENNINGTON in the fifth paragraph, erm, I said that she, 'I believe she looked after Dave and Fiona's kids', then, then there's a separate, a sort of a separate sentence there. Erm, and it might be worth clarifying that, at least in popular Press, she erm, she, there was a report that she said she saw Kate and Gerry at the Airport, but I think she's, and I don't think that would have been possible, because we had left the Airport on the coach with her, so I think she's probably confusing that with, with one of us. So that's, that's only a report from the popular Press rather than anything that she said".

1578 "So how do you wish us to word that"

Reply "I suppose, erm, 'I believe she looked after Fiona and Dave's kids', full stop, erm, 'In the media at least she has reported seeing Kate and Gerry at FARO Airport on our arrival, but I don't think, I think she's mistaken because they had not arrived by then'. I mean, it, it is potentially, theoretically possible that she was nipping in and out of the bus, but I don't think she would have, erm, they were, they were a good hour landing after us and we weren't extensively delayed at the Airport, from my recollection, it seem, probably less like".

1578 "So they arrived some time after you"

Reply "Yeah, I think they, they were, they were landing about a full hour after us, but I think by the time we'd got luggage out and we were on the coach, they were actually coming by taxi anyway, so I don't think they would have been expecting to meet anyone from MARK WARNER, erm, because they'd made their own, because they'd changed the flight, they'd made their own independent means of getting from the airport to PRAIA DA LUZ. Erm, so, I mean, that's, erm, she's probably wrong there. Yeah, erm, yeah, 'I think the apartment keys weren't', but I think it's the other way round really, I think, I think we were just given our, we were allocated numbers and I don't think the packs had the keys in, but I can't be sure, so it's, it's the same sort of thing, I'm not sure, but, erm, it's the other way round".

1578 "We had been allocated room numbers and the packs may have included the apartment keys but I cannot be sure"

Reply "I think they didn't, they may have, yeah, I suppose, it's just, I don't think we did get the keys, but, erm, or the other way round. I, I don't suppose that's terribly important. Erm, I'm not, I can't quite say, but certainly, in terms of that text message from a friend from Germany, I've only got a fairly dim recollection of it, it wouldn't have been ringing me in relation to work, I mean, she was in Leicester as a student in our University Department about, nearly eight years ago, so there wouldn't be any relation to work now, so it would have just been, maybe just delete in relation to work, because I think she'd either texted me or called me at some point. Erm, I just want to clarify the, the third from bottom paragraph, on my copy that says 'I recall that they spoke about where to eat', erm, it's just, we were actually at the Tapas here, it says 'I recall this was to be – at the Millennium Restaurant'. I don't, I think that could be just deleted, I mean, we had, we had to eat at the Millennium Restaurant that night because the Tapas was not open on the, the day of arrivals I think, but that implies that

we were at the Millennium Restaurant at the time a little bit, so I would perhaps just delete 'at the Millennium Restaurant'. They told, they went, they went through the eating arrangements and they introduced themselves and there were people recruiting for activities, but we were actually at the Tapas at the time".

1578 "So take out 'at the Millennium'"

Reply "I think just delete 'at the Millennium Restaurant', it just implies that we were in a different position there. Erm, there's an error in the next paragraph, erm, 'We all went to the Millennium Restaurant that evening, it was a ten minute walk, this was around half six to seven', probably, I don't know whether we discussed the times, it was probably, maybe six to six thirty for a start. And it says 'Everyone expect Matt was there because he was feeling unwell', that's wrong, Matt actually did come with us but he started to feel quite unwell when we got there and just sort of sat looking fairly green and unhappy during the meal, so he did come with us".

1578 "So we amend the time"

Reply "I think it was probably a bit earlier than that".

1578 "Eighteen hundred".

Reply "Yeah".

1578 "To eighteen thirty".

Reply "I don't think it was, erm, particularly late".

1578 "And Matt was present"

Reply "Yeah, but was just, erm".

1578 "But feeling unwell"

Reply "Yes, and then it just rather jumps, the next paragraph, erm, 'The children were all in bed' and that the children came, the children were with us on this occasion, yeah, they came up to the Millennium, it was, every single person went up, because we were all in there. I think, maybe the clarity is, after we returned from the Millennium Restaurant I think everyone just put their respective children to bed and called it".

1578 "This implies that the children were not with you at the Millennium"

Reply "Yes".

1578 "Which in fact they were"

Reply "No, every, we all went up and then we came back, erm, well I think, when, if we had the video, what, what went on and we talked about there, is that we return, after we returned from the Millennium Restaurant we didn't really do much else, I think we just got our respective children to bed and then, and then probably went too, or not that much longer afterwards. Erm, the rest of that page is fine. Erm, a little bit sort of out of, out of, erm, tut, synch really about Jez, I mean, it's talking, it's going back to the coach and not saying much on the plane. I think, I certainly don't think I recall, I, I, we did see Jez around the MARK WARNER complex, we were on, erm, hello terms, I don't know how, you know, we were on kind of greeting terms, we had the, the odd, the odd conversation here and there during the week, he played I think a lot more tennis, so he knew, he had more, a lot more time with Gerry than with me, erm, and it says 'I hadn't met him prior to being on', oh yes I have, 'We didn't speak much'".

1578 "I hadn't met him prior to being on the plane"

Reply "Yeah, I did meet him on the plane, yeah".

1578 "That is correct, isn't it"

Reply "Yeah, it's just jumping around a bit, isn't it really".

1578 "I can't recall him being on the coach from the Airport but I think that he must have been on there as he was staying on the same resort"

Reply "Yeah, I think it's just to say that".

1578 "So if we add there that you saw him".

Reply "It's just like all three sentences are all kind of ploughing into one there. 'I recall

seeing Jez around the MARK WARNER complex and was on', erm, I don't know, 'polite terms with him', we'd sort of say hello and not, we've had a couple of conversations probably, but not much more than that. Erm, and then, erm, so, yeah, we didn't speak much, 'I hadn't met him prior to being on the plane', full stop. 'I can't recall him being on the coach', but, you know, he almost certainly was because he was staying on the same resort, that's fine. And I don't, 'I don't know whereabouts he was staying but I think it was fairly near to where we were".

1578 "Fairly near to where you were"

Reply "Yeah, I think it was in, either the apartment blocks near us or there was some just over the other side of the road, as we discussed on Tuesday, MARK WARNER didn't own every, every apartment in every block, they had a, sort of a splattering of apartments across the Ocean Club. Erm, it says 'Sunday the twenty-ninth of April', I think it's worth just saying, on that it currently runs, I think it's actually running straight into the Monday thereafter, erm, we, I think I booked into Water Sports on the Saturday at this meeting at the Tapas, I think that's where you made your bookings, it possibly may have been on the Sunday, I'm not entirely sure there, but, erm".

1578 "So the booking for Water Sports"

Reply "May have been on the Saturday at the Tapas, it could have possibly been on, at a separate meeting on the Sunday, I'm not entirely sure whether there was one, one introductory meeting where everything happened including some of your bookings for what you wanted to do or whether there was a separate one on the Sunday. But, erm, but just the way, the way this reads it implies that I had wind surfing lessons that day, but actually, erm, there was no water, I don't think there was anything in terms, in terms of lessons down at the waterfront until the Monday".

1578 "I can't recall exactly what I did on that day" it should read, shouldn't it"

Reply "On that day, yeah. Erm, but 'I'd agreed to have wind surfing lessons and do a bit of sailing' shall we say 'Monday through Thursday', we add 'Monday through Thursday', because we certainly didn't do that, I think the Sunday was sort of a, a relative day off for, erm, for the staff, well certainly with the, you know, for the staff at the beach I think. I think the rest of it's fine. I don't, I really can't recall an awful lot about the Sunday, I think we probably just had a bit of a look round, a trip to the beach. I've got a vague idea I, that you may have been able to still hire the kayaks, so I think I might have had a go on one of them, but I suppose that's not terribly, terribly relevant. Erm, it says on the next paragraph 'I'm aware that Rachael asked to eat there each night for the remainder of our stay', erm, that's correct, but I think it's worth pointing out that that booking was probably made on the Monday. So we made one-off booking to eat at the Tapas on the Sunday, as I say, I think that was Rachael. Erm, but I might be confusing it with the, the next day, where there were only a certain number of us around and I think Rachael made, asked, was asking if there was a block booking and I can certainly remember being stood, erm, around, there was a number of the group, erm, with her at the time, but I think it was Rachael that asked".

1578 "So Rachael asked for the block booking on the Monday"

Reply "After we'd eaten there once. We must, we, you know, we didn't know what it was like and I think we ate there and, erm, enjoyed it and thought it was, it was going to be convenient, erm, for, for, for us and for the children and so the block booking would have been the next morning. So, yeah, Matt was unwell on the Sunday. Yeah, there was only eight of us there. Erm, it doesn't quite make sense here. It says 'In relation to the child care issues it was a collective decision made as a group', fine. 'Dave and Fiona used their two-way child monitor', erm, 'alone to monitor their children' because they".

1578 "'Dave and Fiona used their two-way child monitor to monitor their children'"

Reply "Yeah, and that, that's what they used because they had this, they could, they could listen in and talk to, in their room as well, so they didn't, erm. And then it says, and it doesn't make sense, it just says 'Kate and Gerry to check their children', there's a verb missing there".

1578 "Really it should be a full-stop after 'their children', shouldn't it"

Reply "A full-stop, yeah. Yeah, full-stop, yeah. And then 'Kate and Gerry', erm, I'd say,

'physically', 'physically went', yeah, 'physically checked"'.

1578 "Kate and Gerry had to physically check their children""

Reply "A physically check, 'physically check their children', erm, 'as did Matt and Rachael to check Grace and Jane and myself to check Evie and Ella'. Erm, I'm not sure that we were ever, I don't think we were led to believe that there was a Baby Listening Service, I think, erm".

1578 "Right, just bear with me a minute".

Reply "Sorry".

1578 "We were led to believe that there was a Baby Listening Service but this wasn't the case""

Reply "I don't think we were led to believe, I think we, we, erm, we knew that there wasn't a Baby Listening Service, erm, I don't think we were led to believe that there was. Erm, there were certain things in the brochure about the resort that were incorrect and that formed part of Dave's emails, erm, but they were largely about other things, like hire and, erm".

1578 "The brochure was incorrect""

Reply "In, in, in other ways, but I don't think it was about, it wasn't about".

1578 "Was incorrect in relation to the Baby Listening Service""

Reply "No, I don't think, I don't, I don't remember it was, I think, erm".

1578 "The brochure was incorrect in other aspects""

Reply "Yeah, fairly trivial, just about, erm, I think".

1578 "And these formed part of""

Reply "Of Dave's correspondence with MARK WARNER. I think it was, erm, there was, erm, there were a few things that I, because it was a new resort I think things had, were, were in a state of flux for MARK WARNER on what, on what was said in the brochure and what was actually there and things were changing and some things that we were promised didn't happen, some things that, that were. A lot in the brochure were actually there and, erm, I don't, it wasn't that there wasn't a Baby Listening Service, I don't think, but, erm, you know, I think, erm. I think for the next paragraph, erm, 'Kate and Gerry would check', it says 'Initially we would only check our own room', I think actually it was, it was more, it was more fluid than that, I think early on, for instance".

1578 "Sorry, whereabouts are we""

Reply "I'm aware that initially we would only check on our own rooms, on occasions we may have listened at other apartments and doors and windows', I think actually, generally speaking, what we would do is, we would often listen at other, often listened at the windows of the other apartments and routinely go into our own, erm. But it wasn't a question of initially we'd only check our own rooms, I think actually earlier on, and certainly from my point of view, I actually went into Kate and Gerry's room, erm, on the Sunday and Matt's room on the Sunday, we, at the start we were going to each and every room, but I think then, because there was a bit of, it was actually more that we would listen at the windows and go into our own room, because there was, you know, everyone was going up and down in a cycle, in the circuit, so".

1578 "So 'We may have listened at other'"

Reply "Listened and, and early on actually checked, yeah, early on we".

1578 "'Listened at other apartment doors or windows'"

Reply "I think that happened, that happened quite a lot, we would often do that".

1578 "So you are happy with 'the doors or the windows'"

Reply "Yeah, 'listened at the doors and windows'"

1578 "And also""

Reply "'And checked on our own rooms and', you know, 'on some visits other people's apartments'. But I don't think it was like, I don't, it's the word 'initial' 'Initially we'd only check on our rooms', I don't think that was necessarily true, I think we would be listening at the window just to make sure no-one was awake".

1578 "So we could take out that 'initial' then"

Reply "You can just say, yeah".

1578 "I'm aware we""

Reply "Well, 'I'm aware that we checked our own rooms and also listened at other apartment doors and windows' and then 'maybe on occasion, on some occasions we actually entered the other rooms as well'. Erm, the next paragraph, I don't think I was quite so specific about, erm, 'Other people's apartments were on deadlock', but I think when I, well, so that's wrong. 'On Sunday I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's', that's true. Erm, I'm not sure about taking their keys, I think I, I think I definitely took Matt and Rachael's keys, but I entered Gerry's flat through the patio door".

1578 "Okay. So, 'I had taken their keys and recall the door was deadlocked, I needed to turn the key two times, the shutters were down'"

Reply "Yeah, yeah, I don't think, erm, I don't think, erm".

1578 "I recall that Gerry and Kate's I had to get (inaudible)".

Reply "That, that, that is me talking about our arrangements in our flat, so it's kind of all fused into one there. So maybe just to clarify that, it would be easier to say 'In our flat we closed the patio door, shut and locked', erm, 'shut the blinds, the shutters down and locked the internal window, double locked the front door after we went out and the patio door was also locked, was closed and locked'. So that was, that was our arrangements inside our flat. And then on Sunday 'I recall I checked Kate and Gerry's apartment as well as Rachael and Matt's and my recollection is that I needed Matt's key to check on their room and I had it, but I didn't need Kate and Gerry's key because they went through the patio door', erm, we went through the patio door to cross in and look into the children's bedroom. So, at the time, I have to say, I didn't really think that, you know, about the differences in how, in how we were, the security in the, in the rooms was, but, erm, I definitely did not go in through Gerry's and Kate's main, you know, double locked door or anything, I'm sure I went through the patio, so I think they were doing things differently from Matt and Rachael, at least from the ground floor perspective, right from the word go".

1578 "Okay".

Reply "Erm, but, yes, the business about 'The door was deadlocked and I recall I needed to turn it two times', actually that is not recalling anything, that's just describing how, erm, how we, erm, left, left five 'D' when we went to, went to dinner, closed the patio door, deadlocked the main door, put the shutters down and".

1578 "Sorry, whereabouts are you now"

Reply "I'm just clarifying what I've already said there. As I say, that this is sort of two different, erm, threads of the same conversation here. One conversation is, what did, you know, what, what did we do in our flat, and that is the shutters were down on all the windows, the internal windows behind the shutters were shut and locked, erm, and the patio door was, was locked from the inside and, erm, and then we went out through the main door into the car park and double locked the door. We were conscious that, that, erm, if you, you only do one lock on the main door then it can be opened from the inside but if you double lock it then, then, then you need the key to get in or out".

1578 "Yes".

Reply "And then the second point is, what did I do on Sunday, and on Sunday, erm, on one of the visits at least, erm, I went back to five 'D' and checked on our children, but I also went to five, erm, 'D' on Matt's and I, I'm pretty sure that I needed Matt's key to do that, so I think they were doing the same as us. But when, for Kate and Gerry, I just went in through the patio steps and, and just across to the room. It says 'I recall that their front door was accessed from the car park but immediate access to their apartment was gained from the pool side', and I think that's, I mean, that was correct on, on, on that particular night and that particular visit, it's whether that was what they were doing every night, I'm not sure, but I think, erm, they generally were going in through, through the, erm, through the patio door".

1578 "So if we put 'generally' in between 'but' and 'immediate', 'But generally immediate access to the apartment w as gained from the pool side'"

Reply "The pool side, yes, to their apartment, yeah. The rest of that page, erm, as far as, erm, 'Back to the apartment but I can't be sure', is fine. So on Monday the thirtieth of April now, erm, I think that can, (inaudible) Jane's, not very important, but, I think it's not 'Wind surfing or sailing', I think it was wind surfing, so 'or sailing' can be deleted".

1578 "I recall I may have done some wind surfing or sailing""

Reply "Yeah, just delete 'or sailing' on Monday, it was wind surfing. Erm, 'I dropped Ella off at the crèche', she was always quite happy to go, it wasn't that she didn't like going, actually it was Evie that, Evie was a little bit more, erm, reticent about going, erm, so there's two, there's two things here. What I would say here is 'I dropped Ella off at the crèche', erm, 'and Evie was also left at the crèche although wasn't quite so keen on it as Ella initially'. So it was Evie that wasn't as keen on it".

1578 "Evie also dropped off""

Reply "'Also dropped off', erm, they were obviously at separate places. Erm, and the point about, at the end of the holiday, was that our intention was not put Ella or Evie into the crèche on every session because obviously I sort of don't see them as much as Jane does and I, I mean, there were a couple of sessions we didn't, we didn't put them in, so I just, erm, had some time with them over, over the week. But, as time went on, although this clearly also, erm, goes into the couple of weeks after the abduction, when we were still there as well, that Ella, Ella loved it so much, you know, she was saying, you know, 'I just want to go', you know, 'I want to go to club'. Erm, so, you know, although we weren't intending to put Ella in all the time, in the end she went most, well she did go most morning and afternoon sessions because she was so keen on it and had such a great time there".

1578 "So 'Ella went to'"

Reply "'Ella went to Kids Club', erm".

1578 "Kids Club""

Reply "Erm, the plan was for her not necessarily to go to all sessions".

1578 "And the Kids Club was the reception, wasn't it"

Reply "That was down at the, yeah, the Ocean Club. Erm, Evie was in the, the crèche, but immediately behind the Tapas. But the plan, our plan at least, Jane and mine, was that we would put them into a certain number of sessions just allow us some free time to, to, to do a few other things, but that I would probably spend some time with them not in clubs. But Ella, Ella absolutely loved it and after a couple of sessions Evie, Evie was pretty happy there too".

1578 "So 'I dropped Ella off at the Kids Club'"

Reply "Yeah, that's probably more, not crèche".

1578 "And Evie at reception""

Reply "'Evie at the crèche'".

1578 "Sorry, 'at the crèche'".

Reply "Evie went to the crèche, erm".

1578 "Initially"

Reply "Initially Evie, well, I mean, and by initially, like a lot of nursery, when you leave people at nursery, I mean, for the first five minutes, you know, Evie wasn't very happy, but, no, she enjoyed it once she was there, she was usually happy to see us. Ella had been at pre, you know, had been going to pre-school and had gone to nursery actually for a lot longer than Evie had over the years, so she just sort of got on with it, just went in and got on with it".

1578 "So the statement there that 'Initially she didn't like going but by the end of the holiday she was asking to go'"

Reply "That's, that's".

1578 "That is correct in respect of Evie"

Reply "No, no. No, no, no, I mean, Evie was only one so she wouldn't be asking to go anyway".

1578 "Sorry".

Reply "Erm, sorry, the clarification here is, that we weren't going to book them in for every session, erm, initially we dropped of Ella, she just got on with it, absolutely happy from the

word go. Erm, Evie when we dropped off, would have a bit, a few tears like a lot of young kids do when you leave them at nursery, but there were no reports of her not having a good time and she was happy, you know, once, once she had been dropped off. The comment about wanting to go more was actually as the week wore on, although I'm talking really now, you know, we were there for an extra two weeks and we used the facilities of MARK WARNER, so Ella was enjoying the Kids Club so much that she usually requested to go rather than, rather than us kind of saying, you know, 'Do you want to go'. So Ella ended up, you know, going to probably more sessions because she just got so much out of it and came back, you know, so animated, you know. And they were very good with them, they took them out, they changed, every half hour they'd do something different, they'd do something inside or they'd go to the beach or they'd go sailing or they'd go and play tennis, you know, a really, really exciting day for Ella and she would come back absolutely knackered. Erm, so I think that, that's just for clarification. Yeah, erm, I think, where it says 'We generally ate with Rachael and Matt', erm, 'and this was in our apartment or theirs', I think it could be worth saying there 'We also ate in', erm, 'Fiona and Dave's flat' full-stop. 'And then after Madeleine disappeared we all began eating in Dave and Fiona's', well 'We all began eating lunch at Dave and Fiona's apartment very, very, very regularly', that became the focus for us all. So just the addition of, erm, 'and sometimes at Fiona and'".

1578 "We didn't eat out at lunchtime we generally ate with Rachael and Matt""

Reply "And this was in our apartment or theirs or also Fiona and Dave's", that's probably the easiest way of just adding it without changing the whole thing. So there was a, there was a sort of a circuit of lunches where all the kids would get together and after Madeleine disappeared we generally ate lunch at Dave and Fiona's apartment".

1578 "So we include 'or theirs/Dave and Fiona'"

Reply "Dave and Fi as well, yeah. And then the next bit is fair enough, which is fair enough there that 'After Madeleine disappeared we began eating' maybe just 'lunch at Dave and Fiona's apartment regularly'. Erm, at the end, the next paragraph is fair, you know, it's fair enough I think, I think that's fine. An addition at the end maybe just saying, you know, regarding the Monday and Tuesday, I think it was Monday night because, erm, I have this recollection that on Tuesday it was the first night we'd all been together, the nine of us, actually, you know, present".

1578 "Yes".

Reply "However Jane actually thinks that it was, erm, Tuesday, it was probably Tuesday night, so we're, we're not entirely sure. I don't know if that's going to be very relevant, but I thought it was Monday and Jane thinks it might have been Tuesday".

1578 "You say 'Either Monday or Tuesday'"

Reply "Yeah, so as long as, well".

1578 "You could cross-out 'either' and put in 'possibly'. 'Possibly Monday' and cross-out 'or Tuesday'"

Reply "Erm, I don't know, maybe I'm just being fussy. I mean, it was either Monday or Tuesday, me and Jane can't quite agree on that one, we thought, erm. Just leave it as it is".

1578 "If we leave it as it is. We do say 'Either Monday or Tuesday', don't we"

Reply "Yeah. I think rather than, erm, at one point I know, erm, Madeleine and Sean and Amelie did eat lunch in, in Dave and Fi's apartment, so rather than 'each day' it might be worth just saying 'most days'. I think they, they generally, erm, had their lunch separate, I think. So it says 'Kate and Gerry had lunch in their apartment as they did each day', but there was certainly an occasion on one of them, sort of a Sunday, Monday, Tuesday, erm, that they, that they ate up in, you know, we were all, all the kids were together at one point, it was a bit of a squeeze with everyone in there".

1578 "So do you want to"

Reply "Just change it to 'most days' and then at least it, because it certainly wasn't sort of every day. It says 'I want out', erm, erm, I think it should probably say 'I went out'. I think the conversation we were having there is actually I think me and Matt".

1578 "It should be 'went', shouldn't it"

Reply "It should be 'Went out in the afternoon to the beach'. And I think this is, what we were saying at this point is, erm, I think me and Matt actually went kayaking. And I don't know".

1578 "I went out in the afternoon near to the beach""

Reply "Well 'to the beach', I think possibly me and Matt may have kayaked".

1578 "So we will cross-out 'near to the beach' and 'think'"

Reply "'Matt and I went kayaking'. I think Dave came, yeah, maybe even Dave came as well. There was, there was several on one occasion, the three, the three of us".

1578 "Kayaking, possibly with Dave""

Reply "Possibly, but certainly with Matt and maybe, erm, 'with Matt and possibly also Dave'. There was one, there was one occasion when the three of us took the kayaks out. And I'm not quite sure what the next bit is, 'Saw your children with their Nannies at the Mini Club. We met at the Tapas Bar'. I think this is actually, this is, that's, this is me describing what happened at the end of the afternoon, the afternoon Mini Club. At the end of the morning session we generally had to pick them up from Ocean Club, at the end of the afternoon session the Nannies would bring them up on a little kind of plastic chain, all the kids would sort of hold onto a thing".

1578 "Yes".

Reply "And they would walk them through that garden I described on Tuesday and they'd come across the road and go to high tea about five o'clock. So I think, you know, certainly we wouldn't go to the beach and 'Saw the children with their Nannies at the Mini Club', I mean, we went to the beach had a kayak and the children came back to high tea at about half five, erm, brought back by the Nannies from Ocean Club".

1578 "The children came back about half five to high tea""

Reply "Yeah, from, 'from Ocean Club accompanied by the Nannies' which is what they did every day. Maybe, erm, this is just the description of, of what tended to happen. As I say, we didn't have, you didn't have to do a pick up at".

1578 "The children came back about five thirty pm from Ocean Club""

Reply "Yeah, five fifteen, five thirty, yeah".

1578 "To""

Reply "'To the Tapas area', there was a sort of raised covered area where they would sit all the kids down and they would bring them out their food, so they were fed separately".

1578 "For high tea""

Reply "Yeah, I'd never heard of the word 'high tea' until I'd been to MARK WARNER. Erm, okay, yeah, I think there's, I mean, certainly days that were generally uneventful and nothing kind of sticks out in my mind about anything unusual that gave us any suggestion that we were in for, you know, for the events that we were in for".

1578 "Umm".

Reply "Erm, it's worth, it says, 'I recall that there was a Trivia Quiz on either Tuesday or Wednesday evening, it was conducted by aerobics', this is wrong. Erm, this was a way, if you had other information, of working out which day I wasn't there. Erm, there was, the day that I didn't, so either on the Monday or Tuesday, the day that I wasn't there, erm, that, that I think it was that, you know, there was an aerobics instructor who, this is second-hand information, who was drumming up some support for, you know, some group called Pool Aerobics or something, from the people who were there. Erm, and the only reason I mentioned that was, if you had that information in other people's statements about what night the quiz took place on, that was the night I wasn't there".

1578 "Right. 'I recall there was a Trivia Quiz on either the Tuesday or Wednesday evening'".

Reply "So that might be better, jumping back up to where I have said 'I know on one of the evenings, either the Monday or Tuesday, I stayed in the flat with Evie, she wasn't well and Jane brought her over', so if at the end of that statement, that paragraph, it then says 'this occurred on the night where there was a Trivia Quiz, possibly conducted by the aerobics

instructor', I mean, that would, that would, erm. And then when, when the statements are, you know, are cross-referenced, then I think it would be probably fairly apparent to know which night that was".

1578 "Then we can delete those two lines"

Reply "And then the rest of it can go, yeah, that doesn't, I mean, I might as well hop, hop back up to the, the other bit. But I wasn't there, I don't recall the Trivia Quiz, that was the night I wasn't there, it is only speaking to other people, erm, that I know that that was, that that was the night I missed. On Wednesday, it might be worth saying that 'Rachael was ill and stayed in the flat'".

1578 "Right. So 'On Wednesday Rachael was ill and stayed in the flat'"

Reply "In five 'B'. It says 'I checked the McCANN's apartment', erm, kind of implies I may have gone in. I think that I made a check to the apartments at that point, which would have been in, certainly by this point, it was generally a listen outside with the others and a check on your own".

1578 "I checked the McCANN's apartment and I believe that this was around twenty-three hundred"

Reply "Yeah, I think this is a kind of fusion of all that we were discussing on the extra, the extra visits back from the bar and I said well within that hour I think me and Jane, yeah, me and Jane had gone back, you know, once each".

1578 "And this was on the Wednesday"

Reply "This was just the Wednesday. This is when we stayed, you know, after the meal we stayed in the bar area for a, you know, for a cocktail or something and then, erm, so we were out for a little longer than any of, any of the other nights. And on the, but the way it's written there it says that I checked the McCANN's apartment, but I think by this part of the week, certainly on my, from my, my own, when I went back I generally went into our apartment and then we'd just have a listen at the shutters on the others".

1578 "So if I say or if we say there 'I checked the McCANN's apartment by listening at the shutters'"

Reply "Yeah, yeah, from outside, yeah. And that would have been true for Matt's as well. Certainly I didn't end up, you know, after that first Sunday night, I don't really recall going into the other people's apartments with any, at all really, I think it was largely a listen to make sure all was quiet and a check on your own. And everyone was doing this, with a listen outside. So there were fairly regular listens and then slightly less regular visits inside by people, you know, individual, erm, parents. It says 'All appeared to be well' rather than 'too well'. 'It all appeared too well' sounds a bit ominous".

1578 "Yes, possibly right".

Reply "'Went to the flat with Evie'. No, I didn't leave Evie in the flat. It says 'Went to the flat with Evie, while she was resting I went outside to watch Jane play tennis'. I think I was sat and, I went to the flat with Evie, erm, she, I think she did have a snooze that morning, erm, and I read a book and played with her and then, at some stage, I think when Jane had finished playing tennis, I then went out with Evie to play tennis".

1578 "Right. So we just need to add in there then"

Reply "Well if it just said that, you know, well Evie came with me to watch the tennis, Evie wasn't in the flat on her own at that point during the day. 'Went to the flat with Evie, read a book, later me and Evie went outside to watch Jane play tennis' full-stop. Maybe, 'I believe I saw Madeleine at lunchtime', I'm sure that, erm. And it says 'I can't recall if I collected Ella or whether she was brought up by the Nannies, it's all a bit hazy now', I think I can probably say the Nannies did not bring the children back at the end of the morning session because there was no tea, they weren't bringing them back sort of thing. So I think I can probably, I can probably clarify there that, erm, 'Either Jane or I collected Ella from the', erm, 'from the', erm, 'Ocean Club, Mini Club'".

1578 "'Either Jane or I'"

Reply "Yeah, and it's slightly out of order here now. The next paragraph, erm, yeah, the

wording, it's a bit, it's a bit sort of, I mean, there's, there's such a kind of, you know, uncomfortable coincidences next, in this next, but this is out of order, this is before we have gone and collected Evie. So after I've gone out to play tennis, erm, the next couple of paragraphs occur and then 'We probably saw Madeleine at lunchtime and one of us probably collected Ella', so it's slightly out of, it's slightly out of synch this".

1578 "So".

Reply "So these two paragraphs probably are going to go in at the point where I went outside to play tennis".

1578 "Sorry, which two paragraphs"

Reply "Well the bit about the, erm".

1578 "So those two paragraphs".

Reply "The chap on holiday, you know, feeling, erm, you know, awkward, taking a photograph of his daughter".

1578 "Yes, they want to be slipped in"

Reply "They need to go at the end of 'I went outside to watch Jane play tennis' full-stop, because everything else is at lunchtime, this was actually before lunchtime. I think the wording here is a bit, is a bit, erm".

1578 "In between 'play tennis' and 'I believe I saw Madeleine at lunchtime'"

Reply "Yeah, yeah, so that's coming, 'I saw Madeleine at lunchtime' and 'Me or Jane collected Ella from the Ocean Club' will be a kind of, a later paragraph. No, this is wrong. Erm".

1578 "Just bear with me a moment please".

Reply "I mean, the essence of it is right, but, but the".

1578 "So we now go to"

Reply "I recall", I mean, it's a bit, it doesn't need the 'I recall'. 'After', it's actually 'After Jane".

1578 "Are these the two paragraphs that we want to"

Reply "That we'll be moving to, at the end of that (inaudible)"

1578 "Yes".

Reply "It's actually going to be 'After Jane's tennis lesson'. Erm, you can actually delete 'Madeleine was playing tennis' at all, because, erm, it wasn't Madeleine, Madeleine and Ella had done this the day before, erm".

1578 "Okay. So I shall take out 'I recall that Jane was having a tennis lesson'"

Reply "It's just 'After Jane's tennis lesson'". And then you can actually delete 'Madeleine was playing tennis, they were having a lesson', because that, well it wasn't Madeleine that day at all. Erm, it says 'After Jane's tennis lesson', I'll try and preserve it as much as possible, 'I recall that one of the guests', erm, 'a man from Southampton came up' full-stop. 'His daughter', it was his three year old daughter, 'his young daughter was having a', this, it may be word perfect, 'was having a', erm".

1578 "We have got 'His daughter was playing tennis'"

Reply "Well, yeah, his, his daughter was having a tennis lesson, you know, a kid's tennis lesson, I mean, she was only, she was probably the same age as Ella and Evie, they were in the same, they were all at the same clubs but they had, there were, there were a certain number of children so they had them in two groups, so they didn't always do the same thing, you know, Beavers and the Lobsters or something. Erm, and, yeah, she was having a, a sort of, well kind of a kiddies tennis lesson".

1578 "Yes".

Reply "And the question about Madeleine then, this is exactly the same as Madeleine and Ella had done the day before. Erm, and that's where that very famous picture of Madeleine with the tennis balls was taken, so. But it wasn't Madeline on this day, Madeleine and Ella were in the same group and I think they'd been done on, you know, the Tuesday or the Wednesday, they had come up, so they all, there were two kind of mini kid groups, mini club kid groups and they did, you know, they were on like a rota and they did things at different

times and on different days. So Madeleine was not there at that point at all. And I think that's important, particularly, because of what the man said, if Madeleine was potentially being photographed by anyone, it was absolutely clear that Madeleine and Ella were not there that day. It says 'I recall that a guy from Southampton came up, his daughter was playing tennis, he wanted to take a picture', erm, 'but casual', maybe 'casually expressed to us how uncomfortable he felt in doing so'".

1578 "But casually expressed""

Reply "Yeah, you know, he wasn't, he just. And it might be worth saying that, you know, he said that the, you know, something like, you know, 'These days you feel like a pervert' or maybe just extending that, you know, 'You feel like a dirty old man taking a picture of your own daughter' maybe just to make it a bit more explicit, because that's what he said, you know, he didn't just come up and say 'Oh I feel like a dirty old man', you know, sort of, you know, 'In this', you know, 'The way things are these days', erm, you know, 'you feel like a criminal' or 'a dirty old man taking a photo of your own kid'".

1578 "The way things are these days you feel like a""

Reply "Yeah, you know, it, it was, it was a, it wasn't just a 'Oh I feel a bit dirty taking this'".

1578 "Did he use the word 'pervert'""

Reply "Huh, we had a whole conversation about this and whether those were his first words or whether this was what, you know, because there was Kate, there was myself, Jane, Rachael, him, there was a small group, you know, around, and I think he felt a little self-conscious because he was walking past another group of parents taking a photograph of several kids at the net of the tennis".

1578 "Yeah".

Reply "I don't know if he used the word 'perv', but the conversation went round on this and, you know, that, that society, you know, makes, can make normal parents feel uncomfortable doing what ten, twenty, thirty years ago would have been considered an entirely innocent thing, like taking a photograph. Erm, I think it would be 'a dirty old man', 'feel a bit of a perv', phew, I don't know what his first words were. But then we actually had a conversation and I think, you know, we, probably as a group, kind of said, you know, said 'It's ridiculous isn't it, you know, you take a picture of your own kid and you're made to feel like you're a pervert' or something like that. Erm, and I don't like the next paragraph the way it is, I think its, erm".

1578 "Just a moment. And present at that conversation were"

Reply "Well certainly myself, Jane, Kate and Rachael, erm, I don't know if there was any, erm, I think it was kind of generally a sort of women's tennis lesson that had gone on, there may have been a partner of one of the other, of the other guests, there were a couple of people who were, who Kate and Rachael and Jane had played with, I, I forget the names. I've got this vague recollection there was a lady who, probably in her mid-forties, blonde hair, who may have been there as well, I, I never really spoke to her really. But there may have been one person like in the group as well who had been playing tennis. And this chap who, who, erm, whose name is in my original statement, I'm afraid I've forgotten what it was, erm, but he, as I say, he lives in Southampton, he was there with his wife and a young kid and, erm, and had lived in Exeter about fifteen years before, which was one of the conversations we had, erm, at that point. Erm, but, yeah, those are, those, certainly Rachael, Kate and myself, Jane and this man".

1578 "Okay".

Reply "And the next paragraph just doesn't, I know it's been cobbled together, it doesn't read, erm, actually I think, erm".

1578 "I found this most uncomfortable""

Reply "Well, no, I think, not".

1578 "Or are we going down to Ella"

Reply "No, no, no, 'I found this most', I mean, huh, it's my recollection that at the time it seemed, erm, like, huh, a slightly lamenting conversation about the state of modern day, you know, Britain, you know, so maybe, erm. I think it might be worth just to clarify, we then, you

know, something like 'We then had a conversation about the seemingly', erm, 'ludicrous nature of', erm".

1578 "Okay".

Reply "'Of, you know, 'that you couldn't take photographs of your own children'".

1578 "'We then had a conversation'"

Reply "Yeah, that 'the ludicrous pressure on parents that they can't take photographs of their own children', because I think that was the essence of it. And certainly the other, the other aspect of the conversation that was made, which kind of, you know, is, huh, is doubly haunting, was that, you know, we said that, you know, 'You're far', you know, 'You're far more likely to get clobbered by your uncle or your neighbour than some', you know, 'random stranger'. Erm, which in light of the way that the Police investigation has gone, erm, it feels like, you know, erm, a real kick in the nuts".

1578 "'Far more like to get clobbered by'"

Reply "You know, you're far more likely to have, you know, you know, to have a problem with somebody, from somebody you know, and we actually said, and that was actually sort of said, you know, we all worry about, you know, a small number of fairly kind of sick perverts".

1578 "'Rather than a stranger'"

Reply "'Rather than a stranger, yeah, but, huh, erm, which of course, you know, of course statistically is true, erm. And the bit here that says 'I found this most uncomfortable', is that, you know, since, since this happened, you know, ten or eleven hours before, before Madeleine was abducted, it just seemed a really, it's really, you know, a very, very uncomfortable coincidence, you know, ever since I found this, you know, this whole pile of things that are nast, you know, are really kind of unpleasant, but the fact that we actually had this conversation, you know, within twelve hours of her going missing was, was, erm, well, haunting, you know, that men were, erm. You know, it's just, erm, I mean, it is just a coincidence, it's not as if, within the space of a year in Britain, you know, you don't hear of, you know, a school banning cameras and, you know, it's quite, it's not an uncommon conversation I think for, you know, for parents with young children these days to think, you know, you know, has it gone too far, you know, is there too much, is there too much kind of worry and protection and are we, you know, damaging children's upbringing, by by not allowing them to, you know, to, to run free a little. Erm, and I think, yeah, and the last statement, I definitely want that there. I mean, as far as I was concerned, this was, this was an entirely reasonable comment from this man, he'd just walked past a few parents, some of whom he probably didn't know, erm, and he was taking photographs of his daughter, who was on this tennis court, but there were adjacent children in, in, you know, in shot. Erm, and I can, you know, particularly as a, as a man, can particularly understand how he might have felt going up there because clearly, erm, you know, this is, this is something that, you know, you need to be aware of. And my dad, you know, we've had a conversation about this since, you know, when I was little and growing up, in the street he would freely talk, he would freely talk with my friends and people going by and he says, you know, just, you know, these days you just, you just ignore people, you ignore children because you wouldn't want anyone to sort of think that you were, you know, you were kind of, erm, trying to entertain them with an ulterior motive. So this did not feel bad and I would hate to think that me saying this that anyone would think that I was trying to implicate this man, I do not think that there was anything untoward in it".

1578 "Okay".

Reply "'Yeah, 'I went back to the Kids Club', erm, 'I think Jane was looking after Evie', well 'Jane was looking after Evie', there wasn't a question of".

1578 "'So 'I think that' wants coming out'"

Reply "'Yeah, 'Jane was looking after Evie', we didn't, we didn't put her into, into the club that afternoon. Yeah, 'When I was with Matt he fell in the water and I saved him'. The saviour. Erm, yeah. Sorry, yeah, the rest of that page is fine. It sounds like I'm blowing my own trumpet there, but I'm a bad sailor, it, it was quite a, it was quite a feat. Erm, so at the end

of page".

1578 "Where are we now up to"

Reply "'When I was out sailing with Matt he fell in the water, I had saved him', erm, 'which made the day quite memorable', yeah, full-stop. Oh that, and it being 'the best day weather wise', yeah, it was a really nice day".

1578 "Yes".

Reply "Okay"

1578 "Yeah".

Reply "Erm, 'Jane was at the beach with the children (inaudible) she was in full running kit'. Erm, you did ask me about what kit she had on at the time, erm, I mean, I said I think it was probably either a grey vest top, it was probably slightly less than a tee-shirt, erm, and sort of blue sort of sports, you know, female running shorts, or the colours were the other way round, but, that would be a guesstimate. You also asked if we, erm, oh well you've got it later on, it says 'When Kate ran past on her run she didn't speak to us but she did acknowledge us as a group'. I think, yeah, I mean, that perhaps goes back, it just needs, it's a bit out of order, but it's there nonetheless. Erm, no".

1578 "Do you want me to put that sentence in 'in full running kit'"

Reply "It just, I suppose, 'She was dressed in her full running kit' and the description of it and 'When Kate ran past', then at least it's all the facts together. The next. Sorry, you haven't finished yet. The next, the next statement is wrong. Erm, it says 'The Nannies had brought the children up for readiness for tea, I can't say if I saw Madeleine when Ella came back', that's wrong. What happened was, erm, ordinarily we would have met all the children from the Kids Club, the Mini Club at high tea, they would have been brought up and sat down by the Nannies and we'd have just joined the group, we'd have been there when they got there. On this occasion we were on the beach and as it got towards five o'clock I, I pelted up the hill to collect Ella before they were taken up to the main complex. Does that make sense? And so, erm, the reason that I think this is in here is, you were asking me I think if I'd saw Madeleine there, now because I got there before the children had left, by rights Madeleine should have been there as well, unless Kate and Gerry had taken her out earlier for some reason. Erm, with eleven months passage, I can't, if I'm honest with you, I can't picture whether Madeleine was there. But, generally speaking, by this point in the afternoon people were not, we weren't collecting, we weren't doing any collecting in that afternoon, so I think Madeleine will have been there. Erm, but if I'm honest, I can't, you know, hand on heart, say, when I picked Ella up and took her down to the beach before the Nannies took her up to, erm, for high tea, that I saw Madeleine there. But I got in early enough to get Ella out before the end of, well, you know, arrived just before they actually left to go up, so by rights she should have been there".

1578 "Okay".

Reply "And I think, I, I can't remember what I said in my original statement on that one, to be fair. Erm, but, erm, my gut feeling is that she was there when I picked Ella up. But, as I say, you know, hand on heart, that's not, that's not a".

1578 "Yeah, you do say you can't say if you saw Madeleine".

Reply "No, I think now it's, I can't honestly say that Madeleine was there when I picked Ella up at five, but there was no particular reason why we were doing any of these pick ups, the only reason I ran up there was because we were on, we were on the beach and we didn't want Ella to be taken all the way up to high tea. And I think by this point we'd already decided we were going to stay on the beach and go and have some food down there".

1578 "'When Ella came back', those four words"

Reply "Yeah, that's wrong, I mean, that's not quite right, I can't. Erm, well you need to delete 'The Nannies had brought the children up in readiness for tea', because that, that's not true, I mean, I got Ella before they'd even taken her up, so that can go, it needs to go out entirely. And the comment about that was that 'The Nannies would have taken them up to tea at the Tapas had I not', well 'would have taken Ella had I not got in there and signed her out

and brought her down to the beach'. But I think it's fair enough to say that, erm, 'I'm not entirely convinced now whether Madeleine was there or not, but I've no reason to suppose that she wasn't'. And it's not 'when Ella came back', so perhaps 'I'm not entirely sure whether Madeleine was there now when I picked Ella up, when I collected Ella'".

1578 "And this was from the Kiddies Club"

Reply "Erm, yes, I picked them up from the, from the club in the, just the sort of first floor of the Ocean Club complex, sort of main reception".

1578 "And you then took her back down to the beach"

Reply "We went back down to the beach. I suppose be a bit more specific about what happened on the beach. Erm, yeah, 'We didn't stick to the usual routine that day', erm, 'ate their tea at the bar on the beach called the Paradiso. Everyone was there except Kate, Gerry and the kids'. It might be worth just saying 'I believe Dianne was there as well', because that's the only person, I'm not entirely sure, we did, we did, erm, occasionally pop there during the day on a number of occasions, rarely in the week or after the abduction, but I'm pretty sure Dianne was there. I think, I say 'I think Dave went to his apartment and Kate and Gerry's'".

1578 "'I think Dave went to his apartment'"

Reply "'His apartment and Kate and Gerry's'. At the end of the next, it was 'Dan the tennis coach was also present, as were a handful of other male guests'. 'And Gerry', for that matter, it doesn't, doesn't explicitly say that Gerry was playing some tennis, which he was. So 'Dan the tennis coach was also present', err, 'as were Dave, Matt, Gerry and several other male guests'. It's probably worth, I don't think they, I'm not sure whether the kids were still awake or not. I think by the time Jane left to go down the kids were in bed but they hadn't been in bed and asleep for as long as, as we'd normal had, just to make sure that they were definitely settled, but I suppose that's too, too critical. 'The children were awake', I know the children were only just in bed".

1578 "'The children were awake', you want it to say 'The children'"

Reply "'The children were only just in bed when Jane went down to the restaurant around half', well, 'The children had not long been in bed when Jane went down to the restaurant around', err, we were late, so I think I've said twenty thirty to twenty forty there, we were late, so, I mean, you could lose the 'twenty thirty'. Because we played tennis a lot later and Jane was trying to get them bathed and bed and on her own it invariably takes a lot longer than when the two of us did it".

1578 "Sorry, 'Jane went to the restaurant around'"

Reply "I think, it says 'around twenty thirty to twenty forty', she did go down late, so that was the whole point, so".

1578 "So you want to remove 'twenty thirty'"

Reply "I think just say, yeah, just say it was 'twenty forty'. We certainly didn't get down there bang on time. '(inaudible) ten minutes or so to settle down. Went down to the Tapas Bar' full-stop. Huh, Dave and Fi are going to kill us if they ever read this. 'Five 'H' were running late as usual, Dave and Fi are always late, it's a standing joke in our group', yeah. Ha ha, being absolutely condemned. 'At nine o'clock', okay, that's fine. Erm, I think you did ask me when I arrived, erm, does it say that there, yeah. I suppose it's probably worth saying 'I went down to the Tapas Bar, everyone was present except the adults in five 'H''. I think you'd asked me who was at the table, you know, Jane was there, Rachael and Matt were there, Kate and Gerry were there. There wasn't a question of anyone else missing, just, erm, from either end of the apartments".

1578 "'I went to Tapas Bar and everyone'"

Reply "'Except the adult occupants of five 'H' were present'".

1578 "But the children weren't present"

Reply "No, no, no. Erm, yeah, the next paragraph looks a little, erm, well it's a bit out of order, isn't it, is that all it says".

1578 (inaudible)

Reply "Okay, erm, well I'll just go, it just looks like, erm, it goes a bit kind of strange in the order really".

1578 "Right, yeah".

Reply "Erm, okay, so up until 'The evening was the same as the evenings before. Kate and Gerry behaving entirely normal' is fine. Do you mind if I have a quick wee"

1578 "No, not at all, no".

Reply "I'll be two secs".

1578 "I shall leave the disc running".

O'BRIEN left the interview room.

O'BRIEN returned to the interview room.

1578 "Okay"

Reply "Yeah. Thanks for that".

1578 "Okay".

Reply "Erm, right".

1578 "I think this was the point where you mentioned a timeline".

Reply "Oh right. So we kind of started to describe that. Yeah, it just seems to, it seems to, okay, well, I'll, I'll remember bits and just see if it seems to read in order. Okay, yeah, I think".

1578 "Chronologically".

Reply "Chronologically, in order, erm, Matt had got up, as has already been said, just to check on the rooms and also to, erm, maybe worth I suppose to say 'Around nine o'clock Matt was going to check on Grace and the other windows as well', because he did, he did a, he actually did a check".

1578 "So in there then you want"

Reply "'Did a check on Grace', erm, 'and'".

1578 "'To check on Grace'"

Reply "'And listen at the other windows, at the other apartment windows', because that's, as we said on Tuesday and in that very hastily scribbled timeline on the back of the, the kind of kids book, he was very adamant at that point that all of the external shutters appeared to be in, in the, in the down position, untampered with".

1578 "So 'Around twenty-one hundred hours Matt was going over to check on Grace'"

Reply "Yeah".

1578 "'And listen at the other apartment windows'"

Reply "Yeah".

1578 "'So he said he would chase up the PAYNEs as we were all waiting'"

Reply "'Who were actually already on, and they were, they crossed paths on'".

1578 "'Yes. 'We were conscious of the waiting staff'"

Reply "Yeah".

1578 "'Wanting us to place our orders'"

Reply "Yeah, and the next short paragraph is fine. And I suppose what this is saying really is that obviously we, we sat, we sat down and, you know, together after the events and we tried to come up with the, the best kind of timeline collectively, but".

1578 "'Maybe chronologically that should go later in your statement'"

Reply "Yeah, yeah. So I think, erm, maybe it started, if I just kind of, for the moment at least, I'll remember that, but I don't recall what time, point it was, but around, around, erm, yeah, five or ten past nine. I think that's the time that Gerry was actually potentially away really, erm, you know, that Gerry was away from the table, I don't, I don't specifically remember him sort of standing up anymore, say like eleven months on, erm, but, erm, you

know, he was, erm, he was away for, you know, about sort of ten minutes or so or something like that, five or ten minutes. But he went, he went, he went, Matt went around nine and he went around kind of five past or ten past nine".

1578 "I don't recall at what time, at what point, it was around twenty-one zero five to twenty-one twenty""

Reply "I think that's, that's almost the time that he would have been away for, not that he left as late as, erm, twenty-one twenty, yeah. So he, he went, he was away, but, I mean, I, to be honest, you know, as I've said here, it's the timeline that kind of says when Gerry went up. Yeah, 'Jane also went to check the children and was gone for a short time', I think it was, to be more specific there 'It was just a matter of a couple of minutes'. Yeah, 'She didn't mention anything unusual'. 'After we'd eaten the starters I needed to go to the toilet and Matt and I said we would go and check on the children', yeah. 'We altogether recall that the light was fading', yeah, I think, erm, and we discussed this the other day, erm, and I did mention this to Stuart PRIOR as well, I mean, it says 'was fading' there, I think it was probably dark then, but I can't actually picture the light, you were asking me about the street lights particularly".

1578 "Yes".

Reply "But when, when I was in the flat after, you know, just a little bit on from here, I can picture Matt when he came back from the flat and certainly he was standing in the doorway saying, you know, 'Do you need any help or are you alright with Evie on your own', it was pretty, it was, it was pretty dark outside, admittedly standing inside with the light on at this point, but it was pretty dark, it was, erm, it was fairly dark".

1578 "So are you happy with 'The light was fading'"

Reply "Yeah, well, yeah, I think it was, erm, the light, the light was, was, was quite, erm, was well on the way towards, erm, you know, dusk there. I don't know whether that makes it sound like it was just beginning to, beginning to get dark or whether it was actually quite dark. I mean, I think a minute or, you know, or two after this point, where we were walking up, certainly from standing inside the apartment with Matt in the door, it looked, I can picture the background there and it was pretty dark, but then again you flick a light on and it will look dark".

1578 "If you read on a sentence or two you should come to the point where Matt came to your apartment so we could add in it there"

Reply "Yeah, we could, we could add, we could add it there, yeah, okay. 'I went straight to five 'D', I could hear at the door Evie was murmuring', well 'at the window' rather than 'the door', I think".

1578 "Sorry, where is that"

Reply "Well the door is there and Evie's in the bedroom next to it, so I would have thought we'd have heard it from, you know".

1578 "I could hear at the""

Reply "'Hear at the window Evie was murmuring'".

1578 "So we will substitute 'door' for 'window'"

Reply "'Window', yeah. I think it's the opposite way round really, 'I went to the toilet to urinate', and I knew, I knew, because Evie was awake, I was staying anyway, so 'I went to the toilet to urinate and then checked on Evie and she had been sick', so I think I actually went".

1578 "Okay, I will swap those"

Reply "Just round, yeah. I had a pee first because I was a little desperate. Erm, 'I started to clean her up and change her. Matt came into my apartment and asked if I needed any help. I said 'No, go back and tell Jane that Evie was unwell'".

1578 "So if we include in there 'Matt came into my apartment'"

Reply "Oh yeah, yeah, 'He asked if I needed any help'. Erm, at that point, erm, the external light was, was, was fairly low, it looked pretty dark, well I can picture Matt in the doorway and it was fairly dark".

1578 "So your choice of words 'pretty dark' 'fairly dark'"

Reply "Fairly dark'. Erm, the only other thing I can remember that we mentioned, I'm just going to see if it's coming in the next, no, it's not in here and I think it, I mean, we did mention it on Tuesday but it hasn't been put here. That, you know, given the amount of stick that, that I've had with the Portuguese Press for not requesting any fresh sheets for Evie, erm, I think I'd actually like to point out that the, that this wasn't some third world, erm, apartment and it did actually have a washing machine. And, erm, you know, we've been, you know, they don't know where it's come from, but, erm, I don't know whether it is a question that the PJ have particularly done, but, you know, every time I translated to the PJ, erm, the Portuguese Press article, it says that we never requested any, erm, we never requested any further sheets and if they were sick all over them then how could this be true. But it's quite sort of staggering that eight months later then the fact that there was a washing machine in the building isn't in there, so I would be very keen for that to be put in please".

1578 "Okay. So at the end of paragraph"

Reply "So 'I told him to go back and tell Jane that Evie was unwell', erm, I'd obviously cleaned her up and changed her. Erm, I think maybe what I would do is I'd say 'Matt came into my apartment and asked if I needed any help, I said 'No, go back and tell Jane that Evie was unwell'" and then, because I don't think that I would have had time then, it was then I started, 'I got her out, I gave her a quick wash in the bath, changed her, got the sheet off the cot', erm, and at least, whether I started the washing machine then, but at least 'I put them in the washing machine and then sat down with Evie'. But I want it in there that there was a bloody washing machine in the apartment".

1578 "Gave Evie a quick bath""

Reply "Yeah".

1578 "Changed her""

Reply "'Changed her' and, erm, and MARK WARNER do stretch to cleaning facilities on their holidays, so".

1578 "And placed bed linen""

Reply "Excuse to sound so cynical, but. 'And placed', well I don't think, I don't think I necessarily put the, I got the dirty linen and her clothes off and at least I think, you know, there was a few bits of sick and I probably gave them a rinse off in the bath and then just shoved them in the washing machine, whether I started it then or did it later I've no idea. But, you know, since we've been".

1578 "And placed clothing"".

Reply "Suspicion has been put on us because, erm, we didn't request any further sheets. I think I'd rather have it in there that, erm".

1578 "Into the washing machine"".

Reply "That even as a man I can use a washing machine, staggering though that may sound. Anyway, enough of that. I think, erm, say 'Jane came back, we were in the flat together for a number of minutes', it might be worth adding, so 'Jane came back having eaten her meal at approximately twenty-one forty' or something like that".

1578 "Right. So where are we now then"

Reply "I sat in the lounge and read to Evie. Jane came back having eaten her meal' and I thought maybe say, 'There was probably a number of minutes, no more than five, that', erm, 'where we were in the flat together"".

1578 "We were in the flat together for about five minutes""

Reply "Yeah, it wasn't more than that, but, erm, yeah, (inaudible) Jane having to relieve me (inaudible) Kate left the table. Written here that 'There was nothing significant about her leaving', I think, I think we'd actually discussed that it wasn't, it wasn't a clear moment in my mind or certainly not like eleven months on, and again, you know, and again I don't know what, what my original statement said, but certainly the comment that 'The table was in good humour and there was nothing different about the nature or the mood there or the fact that anyone had got up and left'. I don't think anyone else got up and left after my return apart from, apart from Kate. Yeah, I'd say 'I think it would have been about ten o'clock', I didn't

have a watch. There was a point at this time where some, does it say here, that somebody around the table asked what the time was and I think Rachael asked and they answered that it was about ten o'clock. That is probably worth saying, because I think, you know, there's a little bit of, you know, erm, best, best estimate on some of the other times, there was, around the time of ten, there was actually somebody announced at the table it was about ten o'clock".

1578 "So at the end of the paragraph"

Reply "Kate left the table, there was nothing significant about her leaving, but I think it was a similar time to my meal arriving'. Oh yeah, yeah, I suppose that's a point, erm. There it might say 'The Tapas staff kindly re-cooked my main course', because I got back at twenty-one forty-five, but the food was probably, you know, the best part of ten minutes later before I got it".

1578 "Yes".

Reply "Yeah".

1578 "Probably if, the last sentence, this last sentence here".

Reply "Oh yeah, straight after, yeah, good point, yeah. 'After me arriving back I waited for them to cook a fresh meal', say, 'which arrived perhaps twenty-one fifty-five' or 'approximately twenty-one fifty-five'".

1578 "I know that she didn't leave', oh okay, 'I know that she didn't leave straight after me arriving back'"

Reply "Yeah, yeah, I think there was, erm, there was a period of time, yeah. Yeah, that's fair enough, it wasn't sort of a question of me arriving and her going, it was a good, there was a fair amount of time before I got my food anyway. It says there 'And a great deal of thought he may have been watching us', well it says 'watching' but I think, erm, 'watching us during the week' might be more explicit about what that means".

1578 "After 'watching', it is' watching us during the week""

Reply "'Watching us', yeah, 'during the week'. It says 'The only people who would have known our routine would have been the waiters' and that's clearly not, that's, erm, perhaps just a bit strong, erm, you know, as I said on Tuesday, I've certainly got no, no reason to, to be suspicious about any particular person or, or people. But, erm, it may be worth just, just making a statement of the fact that 'The waiters would have been aware of our routine', just change it to that and then it's less, it's less definitive than, you know, somebody else could have been watching and, you know, I think it's just that, probably better that way".

1578 "Yes".

Reply "And then it says 'I can't recall whether there were any other people dining in the restaurant at the time', erm, there, there had been other people there, it's just I can't, so maybe say 'There were other people earlier on' at least, I think because we were eating quite late and we were late, most people had eaten and gone by, by ten o'clock, but it's, it's, erm".

1578 "So say that 'There were other people'"

Reply "'Other people were dining earlier on but I did not recall who they were and I think we were the last, the last diners by the time that the alarm was raised'".

1578 "Okay".

Reply "'Once we'd gone over to Gerry and Kate's apartment', no, that doesn't really make sense, 'Listened at the door', no, erm, I didn't listen at the door, I'm not sure what, that's sort of a bit, erm".

1578 "I think this is when you went in earlier in the week, isn't it!"

Reply "I think there is a bit of, erm, you, I think at this point you, you actually got the, the, tut, erm, the diagram out and just, just pointed some things out perhaps. But, erm, no, I mean, this is all, all a bit peculiar, erm".

1578 "'Once we'd gone over to Gerry and Kate's apartment'"

Reply "'Some people went up the steps and entered the apartment'. This is, this is a bit out of place, isn't it, really".

1578 "Can you just bear with me. 'Some people went up the steps and entered the apartment' and take out 'listened at the door'"

Reply "Yeah, 'Some remained at the porch entry', 'at the', erm, I keep saying porch, 'at the foot of the stairs', is probably the best one. And then the rest of this paragraph needs to go entirely somewhere else, doesn't it, erm, it's actually describing the apartment, erm, and, and actually the visits".

1578 "Do you remember when you did go into the apartment"

Reply "Sunday night. Oh you mean on the night"

1578 "On the Sunday night".

Reply "Erm".

1578 "I think here we're referring to the".

Reply "The night in questions. But then, then, then, this is actually my description of, you were saying what else was in the room, you had the plan out at some point, although it seems that this has, this has somehow kind of migrated to a different part of the, erm, the order, I think by the time we are here we didn't double back and start talking about my visit in the room, but. This perhaps might be best".

1578 "So this visit into the apartment, certainly this sentence 'I didn't go into the apartment from what I can recall (inaudible)', oh sorry, no".

Reply "Yeah, I went into the apartment on Sunday. This is almost like a fusion of, of the two things. I mean, I didn't go into the apartment directly after the alarm had been raised, I don't think, we just sort of got to the, the exit, some people had gone in and some of us kind of formulated 'Right, where shall we', 'We'll have a quick look around while they're checking the apartment'. So this is, this is partly looking back at when you were, you had the plan out and said, you know, 'Was there anywhere big like a wardrobe where you could hide'".

1578 "Yes".

Reply "And then I described, erm, what I'd done on my Sunday check on their kids, when I actually did go in through the patio door and from, I'd, I'd come in through the patio door here and gone across sort of diagonally to the, the room where the children were and then just sort of listened at the door without actually entering. And then you said 'What else was in the room' and then I described that there was a table, sort of, I think a wooden table, a kind of traditional sort of table, and some seated area nearer, nearer the door and that the overall layout of the flat was very similar to the one that me and Jane were staying in, in terms of symmetry, the size of the rooms, but the furniture and the fittings were, were very different, because they were all individual flats, I think leased by MARK WARNER. Erm, so I'm not quite sure where, where that lot could go. But that's, you know, I suppose it's on the video record anyway now. Erm, on the Sunday night I entered via the, via the patio, just went to the frame of the door and listened in the room, I didn't actually go in. Erm, and what I said then really, that the flat was very similar to ours in, in its layout, symmetry and, erm, and size, but the fittings were entirely different".

1578 "And, I suppose, chronologically, we can include that to your Sunday night".

Reply "Yeah, chronologically, that could".

1578 "We can move".

Reply "The description of the flat and what I thought the furniture was, erm, and the fact that it resembled very, almost identically in fact, the, the layout of our flat".

1578 "On the Sunday night".

Reply "Umm".

1578 "So that can be moved to earlier in the statement"

Reply "Yes, the Sunday night, yeah".

1578 "So if we continue chronologically then".

Reply "Yeah".

1578 "The alarm has been raised"

Reply "The alarm has been raised and then it, unfortunately it does then double back".

1578 "I didn't go into the apartment"

Reply "Yeah, no, I didn't go, yeah, okay, so we're back to that bit. 'I didn't go into the apartment' and then the rest, at this point, the rest of that's irrelevant, the whole of that, in

fact the whole of that paragraph is then irrelevant at that point. Yeah, I suppose that might be best just the start of. 'On this evening I was wearing', yeah, they're, erm, I don't know you'd describe them, they're kind of, they're not, they're not quite jeans, but, yeah, they're a kind of a mix, I'd say sort of a mix of material, 'and a stripy shirt', it's not a 'top', it was a 'shirt', it was similar to the one I've got on here".

1578 "A pale striped shirt' shall we call that"

Reply "Yeah, erm, 'greens and browns'".

1578 "Okay".

Reply "Erm, 'Jane had taken my jumper which was blue', yeah, a sort of smock style jumper I'll describe it as and she had that on at some point".

1578 "A smock jumper""

Reply "Yeah, one of these ones that, you know, that have a, a relatively, a naval kind of feel to the collar, it's a weird, sort of a weird fish".

1578 "Are you happy with 'smock type jumper'"

Reply "Yeah, yeah. Phew, 'I'm quite used the cold', I don't know whether I'm quite used to the cold, maybe 'I tend not to feel the cold', ha ha".

1578 "Okay. 'I tend not to".

Reply "Erm, because these paragraphs are a little bit out of the flow, but (inaudible), fine, okay, that's fine. 'When I went to check the children I went to my flat first and then Matt walked on to his flat five 'B', I believe that he then went to check the McCANN's children', perhaps that paragraph just needs to be lifted to the appropriate point on the last page".

1578 "I think at some point we are going to get to the phase where we were asking you direct questions".

Reply "Yeah. Okay. I mean, at least, fact, you know, factually, there's no, I don't think there's anything, erm, the only problem with that paragraph 'Went to the children, went to my flat first, then Matt walked on to flat five 'B', I believe he then went to check the McCANN's children, he was gone for sixty to ninety seconds', erm, that's slightly wrong, erm, 'He went to my flat first, then Matt walked on to his flat five 'B', he was gone for sixty to ninety seconds before asking if I needed any help'. So he went to his flat five 'B' and was away for, you know, a small portion of time, just enough really for me to have, have been to the toilet really, and then he came back to my flat after that sixty to ninety seconds and then, erm, said 'Do you need any help', I said 'No, just tell Jane that', you know, 'Evie is unwell and come back when she's done'. And then he went".

1578 "Right. So".

Reply "Then, and this is only from, you know, this is not from a first hand account, but then he went to check on Kate and Gerry on the way back".

1578 "Yes. So if I could just go through that 'When I went to check the children I went to my flat first'"

Reply "Uh hu".

1578 "Then Matt walked to his flat five 'B'".

Reply "Uh hu".

1578 "Is that okay"

Reply "Yeah".

1578 "I believe that he then went".

Reply "No, no, that's, that's, that's out of order there. 'After sixty to ninety seconds he returns to flat five 'D'".

1578 "'After sixty to ninety secs'"

Reply "'He returns to five 'D', checks if I need any help, I say no and then I believe he went on to check the McCANN children'. And then 'This is the final check before Madeleine was noticed missing'".

1578 "'Checks if I needed help, I said no, I believe he then went'"

Reply "'To check on the McCANN children'. Erm, and then we're back in the , I mean, this is, I suppose all of this is just second hand information anyway, from my point of view, it says

'This is the final check before Madeleine was noticed missing. Nothing appeared to be unusual and there was nothing that suggested we were being watched', it's all a little, erm, it's mainly kind of repetition and out of order. I don't know quite what the, there was no mention of the shutters being checked at five, at five 'A', erm, I'm not quite sure what hat's referring to, but, in any case it's going to be a comment from, from Matt. Erm, when we were talking about the timeline at some point, I don't know whether that sort of cropped up here, Matt certainly made a comment that there was no suggestion that the shutters had been tampered with at nine o'clock, I'm not quite, I mean, I, I don't think, you know, he went in through the patio door and well you've spoken to him anyway, but I don't really know whether this is relevant to my testimony anyway".

1578 "So you would like to remove this then"

Reply "Well I don't".

1578 "If we remove".

Reply "Yeah, from".

1578 "This is the final check before Madeleine was noticed missing' if we remove that"

Reply "Yeah, yeah, actually, yeah, it's mainly me just commenting on what Matt said".

1578 "If we remove the remainder of the paragraph"

Reply "Yeah".

1578 "Down to 'five 'A'"

Reply "Yeah, I mean, I'm not quite sure what that's sort of referring to there and, as I say, Matt did the check, not me".

1578 "Okay. I think at that point, we are getting close to the end of the tape, it might be an idea to have a comfort break".

Reply "Yeah, okay".

1578 "Before we continue".

Reply "We're getting there".

1578 "Yes, we are".

Reply "So the time is ten fifty am and this interview is ceasing".

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## Russell James O'Brien - Record Of Tape Recorded Interview II

1578 "Okay. The time is eleven thirty-two am and that is on Thursday the tenth of April two thousand and eight. We are in an interview room at Leicestershire Police Force Headquarters. I am DC, one, five, seven, eight, Andrew GIERC from the Leicestershire Major Crime Unit. Could you give me your full name and date of birth please"

Reply "Yeah, Russell James O'BRIEN, twenty-six, eleven, nineteen seventy".

1578 "Thanks Russell. As I have explained to you before you are here voluntarily as a significant witness to assist in the investigation by the Portuguese Authorities".

Reply "Yes".

1578 "In the disappearance of Madeleine McCANN on the third of May two thousand and seven. This is the second interview of today and we shall continue, if we may, with a draft statement for you to read through in respect of interviews conducted on the eighth of April this year in this block".

Reply "Uh hu. (O'BRIEN read through the statement). Okay. Finish the rest of that page, erm".

1578 "So we can go from"

Reply "'When Kate raised the alarm she'".

1578 "When Kate raised the alarm""

Reply "Erm, she didn't get to the table, I think, 'It was all enclosed', I don't know what that means, it could be just deleted really".

1578 "So 'It was all enclosed' to be deleted""

Reply "Yeah, and it just says 'She was at the start of the path when she shouted across to us', which is fine. Erm, it's fine then down to 'and possibly Gerry'. I think maybe just to clarify what 'the cul-de-sac area' means, that's actually the passageway and gardens in front of the apartment blocks".

1578 "We searched the cul-de-sac area""

Reply "Erm, which is actually the passageway, I think, erm, when I said 'cul-de-sac', erm, I was referring to the fact that, although we'd never been along it in that direction, you can't get out at the other side of the complex from the passageway that separates the pool from patio sides of the apartments. But we searched down there and we done the adjacent gardens".

1578 "So we need to describe 'the cul-de-sac area' as""

Reply "As the 'passage', well there, there was, erm, 'the passageway'. Erm, and then the last bit says 'Shopping Centre and tennis courts' there, that was actually on the, the sort of second wave of searching that I did. Erm, so after we searched immediately around the, the complex, erm, and we hadn't found her, I then went, I think around the back, or the front really, where the car park and the apartments are, to the main road, dropping down into the, into the town centre, erm, I forget the name of it, and went down round the back of the tennis courts, looking in there, round the back of the Baptista Supermarket where there's a car park area and a bit of derelict ground, erm, and then into the Shopping Centre, which is the bottom two or three floors of a of a relatively large building just down the hill. Erm, so that is a separate, erm, sort of search, after coming back to the foot of the apartment and clarifying that, that Madeleine hadn't been found in the immediate vicinity".

1578 "So after coming back to the foot of the apartment"

Reply "Yeah, we then went on separate searches further from the apartment and mine involved the front, and by that, I mean the car park side of the apartment and then down the hill towards the town centre, erm, and along there looking through fences, into the complex and the tennis courts, the back of the Supermarket and the derelict ground adjacent to that and the shopping, the lower echelons of this building which is a small, a small precinct".

1578 "Sorry, back of the tennis courts"

Reply "Uh hu".

1578 "Back of"

Reply "The back of the Supermarket and then into the, the small, slightly old, erm, Shopping Centre, which goes over one or two floors".

1578 "Yeah".

Reply "Erm, it's actually the day I met, 'On the way back from the Shopping Centre', in the next paragraph, I met Dave and he was running down the hill with a, with, you know, sort of panic in his eyes, saying 'This is really bad, this is bad, they haven't found her'. There was obviously, a number of minutes had passed by this point, while we were looking individually".

1578 "So 'I met Dave on the return'"

Reply "On the return".

1578 "'On my return'"

Reply "Heading back towards the, the, erm, the Super, well near the Baptista Supermarket, just down from there, erm, met Dave and it was him that said to me 'This is bad. This is really bad. They haven't found her. She's missing'".

1578 "And he said"

Reply "Yeah, 'This is really', you know, He said 'This is really bad, they haven't found her'".

1578 "This is bad, this is really bad, they've not found her"

Reply "Yeah, or, you know, sort of words very similar to that. The, erm, the next bit is, erm, sort of correct but relatively brief compared to what we discussed yesterday. Erm, it said, erm, there was then Dave, Matt and myself shortly after this point swept down the hill towards the beach".

1578 "So 'we' needs to be changed with 'Dave, Matt and'"

Reply "'Dave, Matt and myself', yeah".

1578 "'Searched down towards the beach area towards the Ocean Club'"

Reply "Erm, well it's, yeah, I mean, that's, that's sort of later, no, it's a bit misleading really. Erm, we actually dropped down, almost directly, as the roads would take you to the beach".

1578 "So 'We searched down towards the beach area'"

Reply "Yeah, you can remove 'towards the Ocean Club'".

1578 "And we can remove 'towards the Ocean Club'"

Reply "And the addition there was what we described, that Matt searched the, the beach immediately in front of where we came down at, which would be the sort of west, yeah, the western end of the beach, as far as, erm, Matt and Dave came into, erm, the area in between, and I went over towards the eastern part of the beach, erm, predominantly walking down the, the beachfront away from".

1578 "Sorry, just repeat that again for me please. Matt searched"

Reply "Matt searched, yeah, well, what would be the sort of west, he, where, where we came out we were sort of the west end of the, the beach anyway and he stayed and searched the rocks and the, the surrounding immediately there".

1578 "'Matt searched west end of beach'"

Reply "Yeah, Dave took a sort of central portion of it and I went right over towards the sort of the, the main sandy area of the beach, erm".

1578 "'And I went over to'"

Reply "Sort of on the west, well the eastern part of the beach".

1578 "'Main sandy part of beach'"

Reply "Yeah, and dropped down to the waterline because it was quite easy to see back towards the town, because it was, there was street lighting, erm, but you couldn't, certainly from further in, you couldn't see if, you couldn't see the beachfront terribly well. And there was quite a lot of beach in that direction, so I went a certain amount, I didn't, I didn't go all the way over to, erm, I think it's called Black Rock, but I got to a certain point and thought, you know, it's actually, you know, well away from the beach (inaudible), turned back and, erm, on the return journey, this was when I bumped into, erm, somebody who, who, who was already aware that someone was missing.

I think, I don't, I don't remember her necessarily being, erm, definitely somebody I recognised from MARK WARNER, but she was an English woman in her, in her early or mid-twenties, fair or blonde'ish sort of hair, erm, I'd asked her if she'd seen, erm, you know, a little girl wandering around and, you know, I can't remember what she said, but she was already aware that somebody was missing, so clearly she'd either bumped into Dave or somebody else searching around higher up in the town. Erm, and then, before we kind of rejoin here, I sort, I sort of zigzagged back up through some of the roads, such that you, I would have covered a

sort of triangle, from the apartment down to the beach, along the beach a little bit, and then, and then sort of heading back up to the starting point, over, over a number of minutes, I mean, it was certainly not every road or every garden, but, you know, just, as I headed back I tried to take in a number of, a number of roads and entrances just to see if there was anything there. And during the course of this I'd spoken to a few people, there weren't, there weren't masses of people around actually and, erm, you know, a couple of holidaymakers and I can, I can remember speaking to some relatively elderly, erm, Portuguese people who were just walking along near the front at one point, but, erm, and the only other person I spoke to was, I presume, a Bar owner in that, in the Shopping Centre, and there was just one other, erm, elderly Portuguese man in there having a drink, erm, and they just sort of shrugged and, so. Those are the kind of people that we discussed the other day who I met during that search. Erm, and then, then it picks up back here really, where it says 'We went back to five 'A', it was clear that panic was setting in on Gerry' and certainly, certainly this was my first, erm, experience of, of, erm, of the anguish that Gerry was in, you know".

1578 "Yes".

Reply "So, I don't know whether this, at this point here was where Gerry was on the phone, I, I had spoken to him at some point about what he was like on, on the patio, and he feels that this may have been a little bit later on, but, you know, it was around, it was around, erm, it was around here, erm, we certainly went back, erm, and whether this was immediately after I returned or perhaps a little bit later on, I'm not sure. But the rest of this is, is absolutely correct, 'He was speaking to somebody, a member of his family'. And, you know, Gerry is, you know, a very determined, a very, a very strong guy, he doesn't get flustered easily, he doesn't, erm, he shrugs off the minor nuisances of life with consummate ease and he was just, as described here, erm, you know, just 'like a', 'like a', 'like a sobbing child, absolutely hysterical' and I just, erm, you know, stood, stood there pretty useless really, erm, you know, none of us knew, none of us knew what to say, so that is correct. Erm, I think around this, huh, I think as I said yesterday, in terms of the recollection, and certainly at this point I had gone back to, to my flat or to the doors of five 'D'. I think I may well have actually gone back, erm, to speak to Jane briefly in between, erm, the, the searches as well, so I'm not, as you can imagine, it's a little bit of a blur in what order some of this happened".

1578 "Okay".

Reply "But the detail here about when I went back to Jane is certainly true in terms of content, whether it occurred at the point we're writing here or whether it occurred in between one of the other searches, I'm not sure, but".

1578 "Right".

Reply "Erm, and some of it's obviously a bit of a rant as well rather than the detail, but, erm, 'Went round to Jane'. Certainly she has been made, over the months, by what's written in the papers, to, you know, to be extremely hurt and frustrated. She's been, you know, she's been called, at best, my wording here was that 'She's been described', 'She'd been described, at best, a sympathetic witness and, at worst, a fantasist and a liar', erm, and she, she certainly feels that the PJ".

1578 "So do you want something introducing there"

Reply "Well I think Jane's been made to feel, I mean, this is obviously content rather than, rather than chron, erm, rather than chronology. But 'She's been made to feel very', 'She has felt very frustrated and has been described, at best, a sympathetic witness'".

1578 "So 'Jane has'"

Reply "'Has been frustrated', 'Has been very frustrated'".

1578 "'Has been frustrated'"

Reply "Yeah".

1578 "'Made to feel' needs to come out doesn't it"

Reply "Yeah, take that out, yeah, 'Has been very frustrated and has been described'".

1578 "'Jane has been very frustrated'".

Reply "'Has been described in', 'in the Press', at least, 'as, at best, a sympathetic witness

and, at worst, a fantasist and a liar', I think was the quote. Erm, and this has been repeated over and over again, including yesterday for the last nine months".

1578 "Sorry, 'At best as'"

Reply "'At best, as a sympathetic witness'. I mean, I, I'd never heard this term, but the implication being that she had come up with an adequate explanation for the situation, you know, in, in some misguided way of, of, erm, of, erm, of, of getting Kate and Gerry some answer. 'And, at worst'".

1578 "'At best, a sympathetic witness and, at worst'"

Reply "'A fantasist or a liar'. Erm, and, yeah, 'Jane, she was with Rachael', erm, 'and possibly Fiona', I don't remember that too well, but she was standing in the doorway of five 'D'. Erm, and she said, I just, I hadn't heard this up to this point and she was saying 'Oh if I knew there was something' or 'I knew it was strange' and, you know, then she just said I think 'I saw someone carrying a child', that's fine, I think they're the kind of words that she used. But I think the next bit is a bit ambiguous, what I actually said the other day was, erm, I think, huh, in her mind there was no doubt that, that, that, you know, when she heard the news that, erm, that Madeleine was missing, that what she saw, you know, forty minutes earlier or so, was absolutely, erm, that the two were, were definitely related, you know, it was a, this was an instantaneous reaction. Erm, by what you've got here 'She played it down', I think, well, what, I think she was, she almost didn't want to believe herself over the, over the next couple of hours and she's been concerned that on the night, the PJ who arrived later on in the night, that she, that she kind of sort of tried to, you know, almost, almost say the opposite, she's not clear, you know, she's, I mean, she will have said this in her statement anyway, but she didn't play it down to me, erm, you know, I think, erm".

1578 "So 'She played it down' needs to come out"

Reply "Yeah, it needs to come out or, or, or, in the sense that, she was worried, but at a much later stage she's, she's kind of thought, you know, 'Did they not take me seriously on the night and did I play it down', she is concerned that she may have played it down, but it doesn't stand there. And where it says 'She was very calm, composed and adamant', I think this is a sort of fusion of me saying that Jane is naturally a very calm and pragmatic person, you know, she doesn't, erm, she's not distractible and doesn't fall prey to hysterical outbursts, erm, you know, if there's a problem she just shrugs her shoulders and gets on with it, erm, you know, no noise, no fuss, and that's her character. So her character is like that, so I think 'Jane was calm and composed' needs to be replaced with 'Jane's character is', 'is', 'is not', 'is not one of a hysterical nature', erm".

1578 "Okay. 'Jane's character'"

Reply "'And despite being upset she was adamant that what she had saw was important'".

1578 "Right. So just run that by me again please, so 'Jane's character'".

Reply "So, you know, 'She played it down' can just go, that's not really relevant".

1578 "Yes".

Reply "'Jane's character is', 'is', 'is calm and collected and she is not prone to hysteria'. And I think then 'Despite being upset, she was adamant that she had seen this man' or 'this person and felt that the two were related, that Madeleine's disappearance and her mild', kind of, 'unease at seeing this person were related'".

1578 "Okay. 'She was adamant that she had seen this man'"

Reply "And that it was, and that 'There was a good chance that she may have witnessed Madeleine's abduction'. So, I mean, it's, it's sort of there, but I think I was talking about Jane's character when I was talking about 'calm and composed' and she certainly wasn't

entirely calm and composed when I saw her. Erm, okay, I know that 'Kate and Gerry were not involved at all'. 'I saw Jane, she was shaking', erm, I think it's a bit rambling. Erm, I mean, it wasn't so much then, I mean, Jane had already had this realisation, erm, that, you know, so it may be better just to say that 'She had had a terrible realisation that she may have seen Madeleine being taken away', so rather than, it wasn't then, and by the time I saw her she'd already, she'd already, you know, this was instantaneous".

1578 "So the words 'It was then' need to be removed"

Reply "Yeah, yeah, 'It was then we', it was really 'She had had'".

1578 "And the word 'we' needs to be replaced by"

Reply "Removed. 'She had', I think. So 'It was then we' is replaced by 'She had had a terrible realisation that she may have seen Madeleine being taken away'".

1578 "Yeah".

Reply "Obviously the next couple of lines are just me waffling on, but, huh, but the content's fine. I'd certainly never seen Jane like, like it before, you know, she was, erm, completely, completely, erm, I mean, she was absolutely certain. Erm, and I suppose, just 'Nothing to gain by giving false evidence or creating false leads' rather than just 'false evidence', 'false leads', 'false evidence or and creating'".

1578 "We as a group have nothing to gain"

Reply "By giving false evidence or creating false leads".

1578 "So 'or creating' needs to go in there".

Reply "Erm, the next page, I'll just read a section of it".

1578 "Okay".

Reply "Yeah, okay, the next page. Erm, it starts off, I presume these are the individual questions from the, from the, erm, the PJ and we've covered some and, I suppose, if we've got to go through these again, I can just, erm, whiz through. 'Asked who I spoke to', erm, 'It was people in the Bar in the Shopping Centre'".

1578 "People in the Bar"

Reply "But that was, erm, if I sort of clarify, that was presumably the owner and a man, an old man in the Bar in the Shopping Centre. Erm, you know, I'd say 'Some older Portuguese people near the front'. And it says 'a female member of staff from MARK WARNER', I didn't recognise, I didn't know her at the time, she may well have been a MARK WARNER staff".

1578 "Okay. 'Older groups of people near the front'"

Reply "'Near the front'. As I say, there weren't many, there was surprisingly few people around. 'A female member of staff possibly from MARK WARNER' might be better, because I have to say, I didn't recognise, I didn't know, I don't think I recognised her before that point".

1578 "And a female member of staff possibly from MARK WARNER"

Reply "Yeah, she was certainly, yeah, she was, she was English, you know, clearly not a, not a local. Erm, next it says 'We tried to find a picture of Madeleine', I mean, it wasn't so much struggling to get the picture, it was struggling to find the means of printing it. We had the cam, we had Kate's camera, erm, the, what we were trying to do is find a picture that actually gave a good likeness, rather than just being any old shot it actually had, you know, a close-up of her, of her face. There were a lot of pictures on the camera but they were, you know, just at home and on, you know, in profile and things like that".

1578 "Yes".

Reply "So we had, we".

1578 "So to the words 'we were struggling', 'but we were struggling' need to be removed"

Reply "Erm, yeah, 'we tried to find', I think, it's fairly irrelevant, I think, you know".

1578 "So"

Reply "'We were trying to find a picture but we', you know, delete 'but we were struggling'. 'Kate checked the camera'. Erm, I don't actually remember saying that Jane had taken the picture of Madeleine at the tennis lesson, in any case, it wasn't that day it was the day before

that Madeleine and Ella were in the group, erm, on a different day doing the tennis. I think, you know, it's fairly, I think it's fairly irrelevant anyway, I don't think Jane did have a picture from the tennis lesson. So I think that that could all go, I think that 'Jane had taken a picture of Madeleine at the tennis lesson that day' could all go and then put, the main thing here was, erm, 'We were searching for a printer and Kat, one of the Nannies, said she had a printer'. I'm pretty sure it was Kat. So this paragraph's quite".

1578 "So we keep in 'We couldn't print it off'"

Reply "We needed to print it off" that, that was the sticking issue, we had pictures but we needed to get in somewhere to print them and I think people had asked at, at, at the reception down at Ocean Club".

1578 "So the pictures of Madeleine"

Reply "On a digital camera".

1578 "That were printed off"

Reply "Yeah".

1578 "Came from Kate's camera".

Reply "From Kate's camera as far as I can remember, yeah. And the main issue was trying to find somewhere to print it".

1578 "What about if we say 'Kate checked her camera and found some pictures'"

Reply "Yeah, yeah, or 'Kate's camera was checked', I don't think Kate was in no, in no state whatsoever to check her camera".

1578 "Okay. So 'We tried to find a picture of Madeleine'"

Reply "Yeah".

1578 "'Kate's camera was checked'"

Reply "Umm, 'And Kat or one of the other Nannies went to their flat to retrieve a printer or something that would connect to a printer and then the pictures were printed in the office off the small reception portal', there's a little office in there".

1578 "Okay. But 'Kate or one of the Nannies'"

Reply "Yeah, 'Kat or one of the Nannies', I mean, Kat was there and Leanne was there, but whether it was actually their printer or lead, I'm not sure. The rest of that paragraph, erm, is fine. Erm, I think Gerry, it was actually Rachael, where it says 'I'm not sure who informed the Authorities or media about Madeleine's disappearance', it says 'It may have been Gerry', erm, oh I beg your pardon, it's the Authorities there, it says 'Authorities or media'. I think, erm, Gerry and Matt, erm, were the people who, who actually tried to get the Ocean Club to phone the Police but it wasn't the media, so maybe delete, if you delete 'or media', because the person on the media, I think that was, I think that was Rachael".

1578 "So we need to delete 'or media'"

Reply "Yeah, I think it was Gerry or Matt, one or both, who, who raise, who actually raised the alarm with the Police, I think".

1578 "'It may have been Gerry or Matt'"

Reply "Yeah, I can just, you know. Erm, the rest of that sentence is fine. I think it's 'I loathe the media' comma, just to make it, just to read. Erm, 'A very low opinion of them', full-stop. 'David also', 'David was also keen to make use of the media and I think he may have conducted', conducted, 'may have sent an email but I'm not sure', I think he was looking to do it but I don't think, erm, I don't think that actually happened".

1578 "Would you say 'I'm not sure whether that was actually sent'"

Reply "Yeah, yeah, that's fine. Searches well we've got more details where we've said it again (inaudible), I think that's fine. 'Leaving doors and windows open', 'We didn't leave doors and windows open. We did sit outside Saturday on the patio, we wouldn't have left it open once inside', I don't know what that means, I think we were saying that occasionally we would

sit outside but we didn't go away from the flat with the patio open. I'm not quite, I don't recall the".

1578 "I think the question was something like 'Had you left doors and windows open during the holiday'"

Reply "Yeah, and, and".

1578 "And the reply is 'We didn't leave doors/windows open'".

Reply "'And occasionally', say, 'we would sit outside on the patio', but I don't know about Saturday. I think it's actually 'We would sit outside on the patio' so you can cross Saturday off 'but we wouldn't have left it open once away from the apartment'".

1578 "Okay".

Reply "So maybe 'inside' is just 'once away'".

1578 "I'm sorry, 'inside'"

Reply "It says 'We did sit outside Saturday', cross it off because obviously it wasn't just Saturday we sat outside, 'but we wouldn't have left it open once away'".

1578 "So 'Saturday' is deleted"

Reply "And 'away' replaces 'inside'".

1578 "'And we wouldn't have left it open once away'"

Reply "Yeah".

1578 "So we delete 'inside'"

Reply "Yeah".

1578 "And we add 'away'"

Reply "Umm, and then, erm, 'Checks on children and how often', I think that's, that's clear enough. Erm, 'Mobile phone number', erm, I think that's, erm, 'Zero, six, seven, eight, eight, four, two, eight, zero, one', that's all fine. 'Landline number', erm, yeah, I don't know whether I made the call or they rang me again, but, yes, it was just an update on what was going on. Erm, '(inaudible) Anthony NICHOLLS', erm, I wonder whether you brought that one up, because he was in France at the time, I don't know whether it's worth saying he was there, he was away, perhaps a short one, but that's fine. Erm, it says 'Only met them after they flew in following Madeleine's disappearance', erm, 'had not previously met', I had, I had met them at Madeleine's birthday, but they hadn't, I hadn't been in contact with them prior to their arrival, so I didn't speak to them on the phone, erm, either between Madeleine's birthday the year before and them arriving, so I had no contact with them in that time".

1578 "I wish to clarify that he had not previously met".

Reply "Well I had, I had previously met them, as I said, but".

1578 "So we could delete the word 'not' couldn't we"

Reply "Yeah".

1578 "I wish to clarify that".

Reply "'Had previously met Sue and Brian HEALY at Madeleine's birthday but only met them after they flew in', erm, 'only met them again after they flew in following Madeleine's disappearance'. I hadn't seen them for, you know, erm, the best part of a year and I think that was the only occasion that we'd, we'd met. I'm not quite sure what the last paragraph, it says, erm, 'Route back from table, shutters, didn't look at them', it doesn't really make a great deal of sense, this is just our description of how I walked back, erm, you asked me if I noticed anything suspicious or untoward and I said no to that, erm, I'm not quite sure, 'I felt that it was a loaded question', I don't recall because I don't remember what we were discussing there. But, no, it doesn't really read very well but there's nothing, I don't know if 'felt that it was a loaded question' was something I said or whether it's something that's just got jotted down. It doesn't seem to be relevant but I don't know if it's just worth just deleting 'I felt that it was a loaded question'".

1578 "Okay".

Reply "And the rest of it's, you know, in shorthand but accurate. Yeah, I'll go just down to there because it changes there. Erm, just to clarify that you made the timeline, I've written it, it's fine, all of that, I think that's fine, the times are quite vague and I'm not sure really but

they'll do. I don't know why it says 'Control Risk' in"

1578 "That's the company".

Reply "Yeah".

1578 "I think that submitted, is this the company investigating on behalf of Gerry and Kate"

Reply "Yeah, yeah, but the time, the timeline was done by us and us alone, the one that you got out yesterday".

1578 "Okay. So 'Control Risk' needs to come out"

Reply "Yeah, so I don't know whether we gave, we probably gave them a copy as well, although I don't remember specifically, but, you know, Gerry, Gerry had a copy of the file just as, as we did, but Control Risk, I don't think were even, were even there at that point".

1578 "Okay".

Reply "Erm, and so that was a timeline that was made purely by the nine of us, erm, and, yeah, so Control Risk, certainly Control Risk had no part of it. Erm, it says it 'Was written the first weekend after Madeleine's disappearance', 'After the first weekend', so I don't think we did it on the Saturday or the Sunday, I think it was probably".

1578 "So 'Was written'"

Reply "'After the first weekend after Madeleine's disappearance', so I'm not entirely sure of of which day we started, which day we completed on, but it certainly, well I don't think it was as early as the Saturday or the Sunday, I think I said on, the other day that it was probably the sort of Monday or Tuesday of the next week, but I'm not entirely sure, but as I say, it wasn't the Saturday or the Sunday, it wasn't that quick. Erm, and then up until 'comments', everything else I think is, erm, is fine. Erm, it's rather brief in terms of what I've written about, erm, Robert MURAT and then there's a whole, my whole third statement is, is solely about our meetings, erm, so there, there is a vast amount of information that, that isn't there, but obviously in my third statement is, is a sort of testimony for that. I think what I've written here really is that, erm, we gave that statement, erm, within a few days of him being made aguido, certainly before, erm, any details of, of his movements, according to his statement, had been, had been leaked or had come out into the open. Erm, we certainly, the three, you know, the three of us, all immediately thought, when we saw him on the television, that we recognised him and that he was there on the night and the statements that were given were given relatively soon after the event and at the time I had absolutely no doubt that that was, that those were accurate. The reason I brought this back up here is because I cannot see what he stood to gain by not, by not being, well by saying he wasn't there on the night when there was the potential for so many people to have seen him. Erm, and it's been a bit difficult, kind of, erm, you know, he was trying to knock a square peg into a round hole here, because I certainly had a great deal of faith in what I said at the time, you know, there was no, I didn't have any doubts, was it the evening, sorry, was it the night, was it the next morning, but with him denying it, with no further evidence coming out, with no questions in here whatsoever that kind of led, that would, that sort of said, you know, 'What about Robert MURAT', I can only speculate that there's, that there is no further evidence, erm, that kind will push, will push the case further on him. Erm, and then I also got the information from the likes of Charlotte PENNINGTON and, and, erm, at least earlier on, Sylvia, erm, well sort of the Housekeeper, and Press reports saying that other people also placed him there on the night, that kind of made me think, well this is, that I, you know, that I am correct".

1578 "So is there anything that you would like to add to that paragraph"

Reply "Well only that it's, it's out, out of the context of what I've just been saying again there".

1578 "Is there anything you would like to add to improve"

Reply "I think at the end 'that he would have an alibi', erm, 'Although', 'Although convinced of the accuracy of our statements at the time of', erm, 'of giving'".

1578 "Okay. 'Although convinced'"

Reply "'Convinced of the accuracy of our statements at the time of giving'".

1578 "Yeah"

Reply "And further backed up by the testimony of Fiona, Rachael' and potentially a number of other people if you believe the Press".

1578 "And further backed up"

Reply "By the testimony of Rachael, Fiona and other people'. It not going to make sense this, after this, is it, it's one of these long O'BRIEN sentences that don't really end, erm".

1578 "Backed up by the testimony of Rachael, Fiona and others' did you say"

Reply "Yeah".

1578 "Yeah"

Reply "I cannot understand why Robert MURAT would deny being there and I do not wish to change my statement but have".

1578 "Which statement"

Reply "Well 'I do not wish to change', you know, the".

1578 "My original statement"

Reply "The original kind of statement".

1578 "Yes"

Reply "'But have', you know, 'the niggle that unintentionally we have', 'that we have got a time wrong and that it was in the morning'".

1578 "A niggle that unintentionally"

Reply "You know, 'I may', 'I may have the time wrong'. Erm, let you write that".

1578 "Yes"

Reply "Erm, can I just see how that. Erm, 'However Rachael and Fiona report they only saw him once and it was on the night'".

1578 "Sorry, 'However'"

Reply "'However Rachael and Fiona said they', you know, 'they firmly place him there on the night'".

**4064 "(DC HOLLIDAY enters the interview room)**. Can I borrow you a minute"

1578 "Yes".

DC GIERC leaves the interview room.

DC GIERC re-enters the interview room.

1578 "Okay".

Reply "Should have just started from the start of the morning, ha ha".

1578 "I have just had some clarification that in respect of Robert MURAT".

Reply "Uh hu".

1578 "You will be given the opportunity in a short time to expand on".

Reply "To go over on film like we did the other day"

1578 "Yes".

Reply "Okay".

1578 "The idea of clarification of this statement, the content of this statement are the notes made by monitoring Officers".

Reply "Uh hu".

1578 "And really".

Reply "So we just want to get through this"

1578 "Yes".

Reply "Alright, fair enough. Erm, all what I've added there was, was fine. And I think I was just carrying on. 'Our statements were previously given in good faith and positive our statement was right at the time', erm, I think just delete 'at at the time' because it implies that it's not right now".

1578 "I'm sorry"

Reply "It just says here 'What I said in my statement was right at the time', I think those statements were correct, it's just with the passage of time and all the other news has made me doubt, has made me doubt whether I've got what I saw on the morning and the evening mixed, but I'll come back to, I can come back to that"

1578 "Okay".

Reply "Erm, I don't know if, erm, if that, I mean, you could probably just remove that, I mean, I've not, you know, proof of that at all, I think it's just that, you know, the sort of watched, I mean, certainly reported on and, you know, that's all true, but I haven't had, I suppose, that's".

1578 "So take the word".

Reply "Well that's by, by journalists anyway, but I think I'd rather that was removed".

1578 "So you wish that to say 'There were various websites set up'"

Reply "Yeah, 'and reported our lives are no longer our own'".

1578 "Okay. So we will take out 'we are watched'"

Reply "Umm. Erm, that's, that's over doing it, Jane has not, 'Jane is unwilling to go back', she hasn't got problems with her, that's just, that's overdoing it, she hasn't got problems with her nerves, you know, she, I think she thinks that going back would certainly, erm, be, you know, be absolutely awful, erm, for the reasons in that paragraph, but".

1578 "'Jane is unwilling to go back'"

Reply "Yeah, 'Jane is (inaudible) to go back' as well. Erm, but".

1578 "Yeah"

Reply "And I think 'she', I think 'she' would probably be better just put as 'we' because I think it applies equally to both of us".

1578 "Did you mention this bit here 'She has problems with her nerves'"

Reply "Yeah, that can just go out, that's just, I mean, she's, that implies that, erm, you know, it's been, you know, clearly we've had a very, very, very unpleasant year, erm, I could never have imagined it, but it's not that, you know, that makes it sound that she is under a, well I think".

1578 "'And I don't think she'd be able to cope with it'"

Reply "Well you can put 'we' really, I think we think it would be absolutely dreadful being out there".

1578 "'And we'"

Reply "Yeah".

1578 "'Don't think'"

Reply "Well 'We want to cope with it', maybe just 'want', 'we want to cope with it'". No, leave it, leave it, that's fine. Erm, yeah, that's fine, the rest of it's okay".

1578 "Very good".

Reply "Okay. We should have started from the top shouldn't we, ha ha".

1578 "Right. Okay. Are you okay for a comfort break"

Reply "I'll break whenever you want to break, you know, if you want to have a conflagration just about the best way of, of doing it".

1578 "I'm ready to proceed but I just need to, erm, to go and take a quick comfort break myself".

Reply "Right, then I'll have a comfort break, ha ha".

1578 "After you".

O'BRIEN left the interview room.

O'BRIEN re-entered the interview room.

1578 "Excuse me".

Reply "Okay".

DC GIERC left the interview room.

DC GIERC re-entered the interview room.

1578 "Okay Russell, moving on".

Reply "Uh hu".

1578 "I would like for you now, if you would please, to recall, to the best of your ability, again take yourself back if it helps, and recall everything that happened, that you witnessed, from the beach on the Thursday afternoon".

Reply "Okay".

1578 "Let's start with going to the beach and it was late afternoon I understand"

Reply "Well we, me and Matt had gone down to the beach to go on, as I say, Matt's a good, quite a good sailor and we took one of the, the, erm, the catamarans out. So we'd gone down, erm, just after lunch, probably after the kids had gone back to the Kids Club, so two, two o'clock, two or three o'clock, and had quite a long sail, erm, we were out for a long time, Matt sailed for a bit and then I sailed for a bit and he kind of gave me a bit of a lesson really. Erm, as I said, he, he got bounced overboard and the kind of wire snapped and I had to learn quite quickly how to turn a catamaran round and not run someone over in the water with it. So we pick, you know, we picked him back up, erm, a boat came back out and repaired, you know, kind of repaired the, the bit that had snapped, erm, it was the harness. And then we came back to the shore and by the time we got back to the shore, and I think we'd noticed for some time before that the, a lot of the others had congregated down on the beach and were down by the, by the waterfront, pretty much at the end of the, the boardwalk from the Paradiso Restaurant.

So me and Matt got, dropped the boat off, came over, erm, lots of general laughter about Matt's near death experience and, erm, I trying to, you know, play up the glory as much as possible of course. Erm, the kids were playing there, erm, this was, I would imagine would be, you know, quarter past four, half four time, erm, when we probably finished sailing. Erm, went for a swim. The first real, you know, thing, from the point of the investigation, is that we saw Kate do her run, her run past at some stage and it was, the people who was there, it was all, you know, it was Dave and Fi, erm, Matt and Rachael, erm, myself and Jane and all, and all of our children. I can't off-hand remember whether Dianne was there or not, as I said before, I think she probably was. Erm, and, you know, around the five or five fifteen, five twenty mark or somewhere round there, erm, Kate McCANN came running down, she didn't, I don't think she stopped to speak to us, as far as I recall, erm, and she carried on up on the hard sand, quite near to the water, away towards, towards I think what's called Black Rock, it's a big kind of cliff, just erm, just east of the beach, erm, gave a bit of a wave of acknowledgement, erm, and as we were discussing earlier, I think she had a fairly sort of standard running kit on her, a pair of, of, erm, of shorts that, erm, and a, and a, and a, either a very sort of light tee-shirt or maybe a kind of running vest, I don't remember which way round, but I saw, I seem to remember one being grey and one being a kind of navy blue, but which way round that is, I'm not sure. Anyway so she ran off and, erm, I don't, I don't remember her coming back, but as time went on, I think the kids were getting a little bit hungry, so we drifted back up the beach to the, the Paradiso Restaurant, I think it's called, erm, and got some chairs there, ordered some, some food for the children, because they'd missed, they'd missed high tea.

I have missed something out, something out here, of course, is that, erm, around the five o'clock mark, erm, I had to pelt up to Ocean Club to get Ella out before the Nannies would have taken them up to high tea back at the Tapas. So I went up there, collected Ella and brought her back to the beach. You've already asked me whether I saw Madeleine there, I have to say, hand on heart, you know, a year later, I don't remember whether Madeleine was there or not, but the routine would have been that none of us would have needed to pick, to pick them up, so I, I presume she was, but can no longer absolutely place her there when I picked Ella up. So we came back to the beach and, you know, as it was getting, you know, we headed off with Ella, after a short play, up to the Paradiso Restaurant, they played on the frames in front of there while the food was being ordered and had food, all fairly uneventful. Erm, around, around the six o'clock mark we were, we were having such a good time down there we were, we were half tempted to, for the men not to go back to what was planned up at the Tapas, erm, namely a sort of men's social tennis round, you know, which I think was due to start at six. And I think as it got around six we thought it's not really fair, you know, three of us not going there, there might not be enough players, you know, there wasn't a full resort,

so me, Matt and Dave, erm, left everybody else down at the beach and headed back up to the, to the, erm, the apartments, well to the Tapas anyway.

And I think, from the best of my recollection, I think me and Matt went straight to the, the courts, Dave went off to his apartment and I believe, erm, to Gerry and Kate's apartment as well. Erm, we then went down to the tennis, erm, it had already started because we were a little late, erm, and, erm, there was Gerry, Dan and a number of other male guests, maybe just sort of another three, two or three people, whose name I may have known at the time but no longer do, I certainly didn't know them terribly well. And we started off playing doubles on both, both of the two courts, erm, sometimes changing, changing players".

1578 "So there is Gerry, Dan, yourself and Matt"

Reply "And Dave and a couple of other guests".

1578 "You said Dave went to the apartment"

Reply "Well he did, but only briefly and then, well he went, he went back there and then, and then joined us, so fairly rapidly there was the full kind of compliment of, erm, of, the male adults within the group were playing tennis. And, erm, we played for, you know, a fair amount of time, I mean, in total, we were out there probably an hour and a half nearly, erm, you know, something between an hour and an hour and a half. Erm, and at some point during that period, erm, all the, the people came back up from the beach, so the kids were up at the, I can remember them being up at the, erm, the netting looking down at the sunken courts. Erm, I say, they may have come down onto the court briefly and, erm, well it's the point we weren't playing anything like competitive tennis anyway.

Erm, and at some stage Jane, I think, well the kids had had a fairly long day, it had been quite hot, erm, and all that week they were usually absolutely exhausted at the end of the day and ready for bed, erm, and Jane took our children back. I think Matt took, erm, Grace took, sorry, Rachael took Grace. And I think Gerry actually left the court because he had been playing for longer than us, I think he went back a little earlier than me, Matt and Dave. Erm, and Dan, the tennis coach, had also left before we did, I think he'd been playing all day and it was quite a hot day so he'd had enough.

Erm, and the reason I mention that is that normally if you went, if they were still there when you finished, you could put all the balls and the rackets away in the pavilion, erm, within the grounds, erm, but we had to take all of the rackets and balls back with us, so, you know, it was relatively late. And I'm not entirely sure what time I got back to, to the room, but, you know, well eventually, me, Matt and Dave all came back. And it was probably the latest that we'd got back and Jane and the kids had been in there for some time. Erm, I'd say it was probably coming up to, you know, not, not far shy of eight o'clock itself.

Erm, and I would have probably had a quick shower, helped with the, erm, you know, with the stories and getting ready for bedtime. I know, I know our kids were pretty tired that, that evening, they'd been playing on the beach and had a really, a really busy. But we were running a bit close to our half eight, erm, booking, so the kids were in bed, but they hadn't been in for long. So I think shortly after half eight, erm, maybe sort of twenty-five to or twenty to, Jane went down and I certainly can recall saying 'Well you know what I like', you know, we'd ordered, it was a very limited menu, we'd discussed what we liked each night, and I said, you know, 'Just order the me the', 'Order the X, Y and Z and I'll be down when I'm happy that the kids are definitely asleep'. And I didn't stay much longer, to be honest, they were, they were all fast asleep and there wasn't a noise out of them at all.

So I headed down, you know, about quarter to or so, erm, to the Tapas, exiting through the main door on the car park, erm, and double locking it there, the patio was shut and everything down and didn't see anything particularly remote on the way down, erm, and just arrived as

normal. The mood entirely normal at the table and I, on my arrival, the only people who weren't there, erm, as we discussed, would have been the adults in five 'H', so Dave, Fi and Dianne, who were pretty routinely the last ones there, as, erm, you know, all week. Erm, we kind of sat and, and, and talked, waiting for them. And I can distinctly remember, from the position I was sitting, I was looking towards the apartment block and, erm, you, you could see the lights on in their, in their rooms, inside, and occasionally see people walking about. So there were lots of jokes about the fact that they were still, still not there and probably if we didn't get a move on they weren't going to serve us. So Matt, erm, around nine o'clock, give or take a few minutes, but around that sort of time, he got up and said 'I'll go and drag them out' and I believe also had a listen outside of all of the rooms as well. In any case, as he was walking back, he actually met them on the way down. And so by the time they had sat down and Matt had come back from a brief listen at the windows of the bedrooms, we were all there. Erm, I don't know whether we'd ordered individually,

I doubt we did, I think we probably put the order in altogether. Erm, so we'd have ordered. Erm, obviously we create, we sat down and created a timeline so I'm aware that the next person who got up was, was Gerry, not from a really clear recollection of him getting up necessarily, but, nonetheless, Gerry was away from the table for, erm, for five or ten minutes. And during the time that he was away, erm, you know, we decided, me and Jane, that we'd do, we'd do a check on our room. So Jane actually got up, erm, and went over and did a check, erm, and then came back. And I don't remember her saying anything about Gerry talking or, or, or, or any problems in the room or having seen anyone, I think she just, she just did the check and returned. Erm, and, erm, I presume at some point, although I can't picture it, you know, Gerry himself coming back. We had, we had the starters. And I think the next clear thing in my mind is actually that, erm, by the time the starters arrived, we'd eaten them and everything else, I thought it was probably about, you know, it was time we did a check and I also needed the toilet so rather than just go to the toilet, which was almost up to the portal, I got up and Matt, erm, said 'Oh I'll come and do a check as well'. So me and Matt walked back to the, to the, erm, to the flats, erm, this would have been about, about kind of twenty-five past nine, I suppose. Erm, and as we, you know, it will probably come back to, but as you asked me the other day, I didn't certainly notice anything particularly strange or different, I didn't see any cars parked or anyone standing around or loitering.

I don't think we, we walked around the side of the building and I don't recall making any particular look at the front of the building to notice any changes in the, in the shutters. But we probably wouldn't have bothered, you know, 'a' low suspicion anyway and 'b' we were going to go to each of the flats and just have a listen, so I don't think we made any visual check of it first. Got to my flat five 'D', erm, and as we, you know, got sort of quite close I could hear Evie murmuring, so she was, she was obviously awake. So I went into five 'D', erm, I actually went to the toilet first. Erm, and then Matt broke off at this point and he went over to his flat five 'B'. And I was just, just in the process really, after having a wee, of checking, erm, of checking Evie and had, you know, had established that she'd, erm, that she'd been, that she'd actually been sick in the cot. Erm, I, you know, Matt returned, so this was only really a matter of a couple of minutes or so later, and, you know, he asked if everything was alright and I said, you know, 'Well Evie's obviously awake and I think she's been sick'.

So he offered to help and stay if I needed it and I said 'No, you go back, just let Jane know that Evie's awake and she's been sick and', you know, 'and whether she'd come back after she's finished her dinner'. Erm, so Matt then went away and, to the best of my knowledge, he then went round the back of the building and did a check of Kate and Gerry's room via the patio door, before returning to the table. Erm, within the flat, erm, you know, I got Evie out and she had some sick on her, on her, on her clothes and on her face, so I actually turned on

the sort of shower taps and I got her out of her, erm, out of her kind of nightie that she was in, gave her a quick wash, erm, and then, at some stage, either then or later on, I also stripped the, stripped the cot, I think I must have done it at the time because I think that actually had more sick on it than anything and I just rinsed that off in the bath. And then they went into the, erm, fully functioning, easily to operate by men, washing machine, that, erm, that MARK WARNER had, had, erm, provided, that was in the flat anyway. Erm, and then I just sat really with Evie down near the patio door, erm, she was, you know, she was awake but otherwise, otherwise fairly happy, and just read a book, read a book to her I think. Erm, and then Jane, you know, a number of minutes later, I mean, I would have thought his was probably around, round about the sort of twenty to mark, sort of ten minutes later from when I arrived, had come back having sort of eaten her main course. We were in the flat together for a little while and I would imagine at this point probably put the washing on and, erm, you know, and then Jane, Jane said, you know, 'They've made your main course, why don't you go back down and get it'. I'm not entirely sure which way out I went,

I mean, ordinarily we would have always have gone out through the front door and deadlocked it. Erm, I mean, you asked the other day whether I did go that way, I have to say there's, there was nothing stopping me nipping out the quicker patio way and Jane was shutting the door, but I don't recall which way I went back, but I certainly didn't see anything untoward on the way back either, although, by this point, obviously, it was pretty, it was, it was dark. Erm, I arrived back at the table, erm, everyone, there was, there was some hilarity in the fact that Jane had been dispatched, erm, to relieve me in the apartment, erm, and I kind of, erm, quickly picked up that that was what the, what the, the joke had been. There was, there was some dialogue with the waiters, erm, of a humorous nature as well. And I think my food was actually still there at the minute, but as I was starting to eat that, I mean, one came over and said 'Oh no, don't', you know, 'it'll have gone a bit cold', you know, 'we'll do you a fresh one'. So I then waited for a period of time, you know, sort of five or ten minutes while they quickly, you know, it was sort of thin steak so I'd imagine quickly grilled or fried, erm, fried up a meal of that. Erm, mood, identical, you know, a very good humoured night, I think it was probably the, out of all the days of the week it was the one where, I think, where everyone was really, you know, really had had a, you know, enjoyed the day, the weather had been great. Erm, you asked the other day whether I specifically recall Kate getting up to leave, erm, I can't picture her, her going, but obviously at some point she, she was the, the only person I think to, to go back to the room sort of after my return to the, the table, I think. Erm, the, and the only real point of reference that we can, that I can remember now is that, is that somebody did ask what time it was at some point, probably while Kate was away, and Rachael, erm, sort of said that it was around the ten o'clock mark, so I think, you know, although we have to be a little bit, you know, there's a bit of, erm, a bit of a guesstimate going on, on sort of the other times, there as certainly a time check that was announced, you know, around the ten o'clock mark. Erm, my food had arrived, well my food had arrived I think by this point.

And, and then Kate, erm, erm, returned, erm, obviously Jane wasn't there but the rest of us were still there, and she came through and, you know, into the portal, I didn't see her arrive, but the first thing really we recall then is, erm, is, is Kate shouting across from the, from the reception area and perhaps she didn't come particularly close, I don't recall. Erm, and as we discussed the, on the initial recording, erm, if I'm honest, I don't recall her absolute words, only really the meaning that, erm, you know, that, that Madeleine, that Madeleine had gone. Erm, and so, you know, at this point, you know, she, we all just got up and, erm, erm, and, and left with the exception of Dianne who, who I think stayed, who stayed at the chair. We then got up to the foot of the, of the apartment and, erm, you know, clearly, you know, a state of, you know, growing, growing panic. Erm, some people went directly into the flat initially,

erm, included, including Gerry and, and Kate, others just stayed at the, at the, at the gate, erm, on the road leading down beside the apartment. Erm, and you know it was, it was absolute, you know, bedlam, there was panic and, you know, I'm not, the, the order of how things were decided and what, and what we did is, is just a complete blur at this point, but, you know, nonetheless, I think people came back out and then, you know, she's, she's certainly not there. And I recall, certainly me, erm, erm, Dave, Matt and I think initially at least Gerry, just said 'Look, let's just', erm, 'let's just split up and find', erm, you know, 'see if we can find her, see if she's just wandered out'. So everyone did a little bit of a search just in the, in the immediate area and I went along the passageway which was in front of the patio, the patio entrances of, of the apartments, erm, round, all the way along that initially, I think, and unbeknown to me at this point, because we hadn't really used this entrance a great deal, certainly not walked to the other end of it, it was actually a dead-end, so I then had a look in the, in the front gardens of, of the apartments on the ground floor that you could see, searched a little bit just in between the two apartments and obviously this was a fairly brief search and rapidly doubled back and, erm, you know, the, other people had just came back from the immediate vicinity as well and it was established obviously that no-one had, had found her.

I'm not entirely sure whether I went round to quickly see Jane at this point or whether it was after my next, erm, my next search, but while I'm talking about the searches I'll just say that. I think then we decided that we just needed to look a little bit further afield, erm, and I went round the, the front of the apartments, the high side of the apartments, had a look along there, erm, got to the, what I'm calling the main road that drops in from, erm, from the, from the motor, from the dual carriageway outside of town, and then looked, you know, down, you know, looked down the hill there, erm, towards the, the, erm, the western side of the tennis courts, erm, really looking, you know, either side of the road just to see if she was sort of wandering there, erm, and you could hear kind of 'Madeleine' being shouted pretty much everywhere around at this point. Erm, that, the next, after I kind of moved down a bit to the left, there was the Supermarket quite some distance away, but there's a, there's a, there's a road and I think it had a car park or a, well certainly a car park but there was an area of sort of rough that you could probably, you know, it's not tarmaced or anything, had a look around there, couldn't see her. And then there's, erm, there was an entrance into, erm, the building kind of opposite this, which is, is, which is like a Shopping Centre, erm, or at least the lower floors seemed to have a kind of a set of like a Curry House and a Bar and a few things and a swimming pool as well, and, huh, I can't remember the layout in there very much, but I remember it being kind of split on, on at least sort of two levels, lots of little recesses around kind of, I think kind of shop windows and stuff. So I didn't really know where I was going, I'd never been in it before, but, nonetheless, sort of wandered around the lower floor and didn't find anything.

I went up on, on, I think on the next floor up, as I came off the stairs and came round there was a, a small Coffee Bar or a Bar on the left and looked in there and asked, there was a, there was a, a man and a, erm, erm, presumably a barman in there, just, there was only a couple of people, and said, you know, 'Have you seen a little girl' and, I mean, I don't know how much English they spoke, but they seemed to, they just sort of shrugged and said no. So then just around that area. And then, and then found my way out of the, the Shopping Centre and actually came out at the other end from where, well a different entrance, I didn't come out the same way I don't think, erm, and, erm, it was actually on the road that comes down in front of the Baptista Supermarket. I don't know whether I searched a little bit more around there, but not long thereafter I met Dave coming down the road in front of the Supermarket, erm, just looking terrible, just pale, erm, you know, sort of, you know, sort of fear in his eyes, saying, you know, 'This is', erm, 'This is really bad. This is bad', you know, 'No-one's found

her. No-one's found her'. Erm, and I don't know what happened at this point particularly, erm, whether we went around there, but at some point or other me, Matt and Dave found ourselves either back at the flat or, or, or, together somewhere nearby and decided that we would, erm, head down to the beach, I think that was just 'a', you know, you think 'Oh there's water down there it's dangerous if she's got that far' and 'b' just, it was, it was desperation and gravity takes, you know, would take you that way. So the three of us swept down through a number of roads, erm, and then came out down at the, you know, down on the beachfront and I think by this point we thought it, you know, it was fairly futile searching as a three so we split up and took sections of the beach and, as I've described before,

I think Matt looked immediately around where we had come out on the beach, me and Dave kind of headed along towards where the majority of the beach was in the other direction and Dave started searching on that part of the beach and I got myself almost over to where this Café Paradiso or Restaurant Paradiso is, along the boardwalks and out to the, to the water edge, erm, and I found there that you could, if looking back, you, it wasn't perfect, but you could see a fair amount of the beach and as well, and also be able to look at the waterline as well. Erm, went along there for a bit towards Black Rock, erm, and then, and then at some point decided to turn, to turn back, I mean, I thought, I think it felt rather unlikely that, that Madeleine was going to have walked the distance that I was starting to go, I think, you know, there's no, there's no reason why she would have necessarily left the kind of the beach area and gone down there. So I didn't go all the way, turned back, as I came back, erm, you now, I bumped into the, the woman I described before, early twenties, fair hair, given the light, English, possibly a MARK WARNER employee, although I don't, I don't remember, I don't know whether I'd seen her before, erm, or since, but she was certainly, you know, either, erm, tut, someone who worked out there because she wasn't Portuguese, she seemed to be already aware that, that somebody was missing, either through bumping into Dave or, you know, having been higher up in the town recently.

Erm, and then did a, a, a comb through various streets, erm, not with any great, erm, plan but just to try and cover some area on the way back up to the, the apartments. And then obviously got back up to the apartments and it was clear that, you know, the, erm, you know, that things were still, you know, very, very dire and no-one had found her. I mean, right up until this point I, I thought some, you know, I did honestly think that this was just, that the patio was open and she, you know, and she had gone for, gone for a wander. Erm, by the time we got back from this I think, you know, there was, there were other people were certainly starting to congregate and, in fact, I think some people were starting to search, mainly staff from MARK WARNER, who I think had been alerted fairly quickly. Erm, and it's a, and it's a bit of a, it's a bit of a blur as to, you know, what, what happened at this point. As I said before, I think I probably went round to Jane before I'd done this, this sort of leg to the beach and back, but it may have been, it may have been that I actually went round at this point. And, erm, I went round to the, you know, went round to the room, erm, and, from recollection, Jane was stood in the doorway, I think almost certainly with Rachael, possibly with Fiona as well. Erm, and, you know, I went up and she was, you know, clearly very, very distressed, erm, just, erm, you know, phew, you know, almost, almost sort of shaking, and I, you know, I just thought it was just part of the, you know, the shock that we were all kind of experiencing, and I gave her a quick hug and she said, you know, 'I think I saw someone.

I think I saw someone taking Madeleine away' and she sort of told me what, erm, what, you know, what she, what she had witnessed when she'd done her check, but, you know, hadn't put too much weight on it because you know, until, until your suspicions are raised, you know, why would you, why would you. Erm, and as we discussed before, you know, there is no doubt in my mind, I mean, I've known Jane for twelve years, that she is, erm, she is calm, she

is collected, she doesn't make a fuss, she doesn't, erm, she doesn't get flustered by things, you know, if there's a problem then she just gets on with it, she's not neurotic, she's not hysterical and, you know, from her recollection at the time, this wasn't, this wasn't something that dawned on her hours later, this was an instant, erm, visceral feeling, you know, right inside, that, that these two things were absolutely related, you know, as soon as she knew that Madeleine was missing then, then, erm, it was, it was absolutely clear as anything to her, you know. I've said, I've said the other day on the other film, you know, that she has been treated abominably by the Press, erm, fantasist, liar, you know, sympathetic witness ,whatever you like, it's been repeated over and over again, it's gone unchallenged, it's gone undefended, it hasn't been, hasn't been put to bed by a statement from the Police and, you know, this, Jane would not make this up, there is no question in my mind that she would fabricate this, there's no, as I've said before, there's no, there is no benefit for finding Madeleine by creating some random false lead off into the dark, you know, in a certain direction.

Erm, and Jane hasn't been, you know, has never been more sure f something in her life, I mean, she didn't see enough of this person to know exactly what they looked like, she didn't see the child to know that it was definitely Madeleine, but something triggered her suspicion at the time, but because, you know, as far as she was concerned, all was well in the flats, you know, she didn't really kind of think much more of it, but then, as soon as she knew Madeleine was gone, there was something odd about this chap, it wasn't right, it wasn't right the way, the speed, you know, and all the things that she's, you know, undoubtedly described. But, but she has been treated like shit for nine months in the Press, I mean, it's been disgusting, it's been absolutely appalling, you know, and I think, huh, I mean, none of, you know, you know, I've said earlier, I mean, I cannot abide the media and I think they're, I think they're an absolute disgrace at the best of times and had a fairly strong view of them beforehand and it's only been made dramatically, dramatically worse by this, but, you know, they, they have poured scorn on what we consider and certainly Jane considers to be the fundamental sort of eye witness account of this and, you know, at every stage when she's done her, you know, when the, the picture was commissioned, it's been laughed at, scorned at, you know. I don't think there's any doubt in Jane's mind, erm, that this is, this is, this is what, this is the moment where Madeleine was being taken away and, you know, as a, as a statement, you know, a personal witness for her, she is not going to make this up and it's not going to be, erm, huh, it's not going to be some hysterical reaction to the circumstances, that is just not Jane's personality and I think she's demonstrated that during the year by, by, you know, when not reacting in a hysterical way to, you know, phew, national TV interviews and everything else.

So, anyway, I saw her at some point either after the initial searches or after this longer one. Erm, then, erm, there's a period of time where, where we didn't search and, erm, we were trying to do things, you know, nearby, erm, one of the, one of the things we tried to do after the Police, the local GNR Police had arrived, was we tried to get, we tried to get the photograph, erm, Kate certainly had some on her camera, they were looking for one, you know, face on that was big enough rather than a, you know, a profile or something, so that took a little while, we then didn't have any means of printing it and a lot of the MARK WARNER staff were around including John the Manager, I think it was Kat the Nanny, erm, but certainly one of the Nannies made, you know, certainly had found, found either a, well either a printer themselves that would print only from cameras or at least, erm, a connection to the printer that we could use for the card, I can't remember what the equipment was in the end, but all of this took quite a, quite a while to get hold of. Erm, you know, there was sort of pandemonium outside really, erm, attempts were made to, to get in touch with the Consulate, erm, and, erm, you know, there, and a lot of conversations between us together and also members of the, erm, members of the MARK WARNER staff and bystanders as well about what had happened

and there was, there was quite a lot of people helping out in, in the sort of local searches as well around the adjacent blocks. At some point in amongst this but before, probably before I, erm, you know, tried to get hold of the pictures, I actually ventured towards, in towards five, erm, five 'A' and, as I said the other day, I really did feel at a little bit of a loss and quite pathetic in terms of, you know, knowing what to, you know, how to support Kate and Gerry and I've always felt a little, I mean, we've all felt a little ashamed that, you know, were a bit powerless to, to, to really kind of, to help them and to support them, but, you know, my recollection of Gerry at some stage around this time was I came up the steps, I could certainly hear him, I mean, even earlier than this, you could hear wails of despair, erm, you know, almost sort of inhuman wails of despair from Kate inside the flat on, erm, erm, on a number, a number of occasions when we went back and, erm, but this was the first time I'd actually really seen or heard Gerry, he was on the phone to, erm, a member of his family, erm, curled up really on the floor just outside the sliding patio door just sobbing uncontrollably and in between sobs just saying 'They've', you know, 'Someone's taken her' or 'Somebody's bloody got her', you know, 'She's gone' and absolutely erm, you know, you know, for such a strong man to see him on the floor broken he was, he was incapable of even standing up, he was just lying on the floor and just repeating himself, there was so little he could, you know, there was just nothing else in there.

Erm, and, erm, at this point, you know, there was, erm, you know, other conversations, you know, this is where I believe I had my first meeting and conversations with, with, with Robert MURAT, he'd helped break up a little bit of a, of a fracas between a couple of guests and the, and the Police, the couple of Police who were, who were there and were standing outside the apartment or just a little bit up from it, erm, and, erm, they weren't, they weren't visibly doing very much and I think a couple of the, either British ex-pats who live there or tourists, one of whom, they were both in kind of their fifties, if I remember rightly, they were getting quite, quite mouthy, they were quite, they had a very clear idea of what they thought that should be done and, erm, at one point they were, they were saying this quite loudly to, to, you know, a couple of members of the GNR whose English obviously wasn't good enough to hear a, a shouted colloquial rant in English at them, erm, and I've a recollection of, of, of MURAT sort of saying, you know, 'Hang on guys they can't understand you', you know, being actually very helpful and that is my recollection of him on the night, that he came across as concerned, like a lot of people, you know, said 'I've got a daughter the same sort of age, this is terrible, this is terrible', helping defuse the situation with, with the, erm, with the, erm, with a couple of members of the GNR. I had another conversation,

I mean, over, I'm not entirely sure what sort of timescale this is, I think my original statements said this was all around one am, but it's all a little bit of a blur, erm, I had a few other conversations with him, erm, either round the back of the apartments, erm, I mean, he was saying that, you know, again, sort of console here, very consolatory kind of comments which were, which a lot of people were saying to anyone who they knew was part of the group, erm, and one thing he did make a mention of was, you know, it was something about Norfolk, which I believe is where he his, his, his wife and kid live and he said there was, you know, there was a case a few, a few years back, erm, of someone went missing and then they turned up, they may have turned up hundreds of miles away, but, you know, they were unharmed, they were safe. Again, you know, the kind of thing that most people were quite happy to, happy to hear and, you know, I didn't have any, any great sort of suspicion about him on the night, in fact, he didn't feature in any of our statements on the first or the second attempt, erm, I know Fiona and Rachael have much more vehement views on what he was like, they found him a little, you know, different, but, from my point of view, he was, he was just helping like a number of other individuals and, erm, and being fluent in Portuguese was, was obviously a big help on such a night. Erm, he also sort of gave the impression that he might have done

some Police work before and, to be fair, I probably didn't know at the time but now I don't know whether he was referring to translation work that he'd done with the Portuguese Police here or whether he'd been involved in translating for, for Police in Britain, you know, in the opposite direction, but I've got this vague, vague now recollection of some kind of conversation on that, on that, erm, on that level.

Erm, the next, so, you know, at some point I think I felt, I was starting to feel sort of useless again, just hanging around the apartment, you know, there were a lot of people, you know, going around at this point, so I opted, after the pictures and after a period of time back in the flat and conversations to go away again, erm, and this time I searched over and on towards the Millennium Restaurant, so in a, in a completely different direction to where I had been before. As I said, I don't think the, although people, there was some coordination within small groups of individuals, there wasn't really a systematic route to anyone being searched, so I may have been covering ground that had been done before, but, nonetheless, I chose somewhere that I hadn't been before, erm, searched along those roads, there's a few alleys that kind of, well alleys the wrong word, erm, roads that I presume higher up just sort of go, you know, lead out of town, that run parallel to the road that goes up past Millennium, erm, I went round a few of, erm, a couple of these with increasing futility really, and I think despite there being a bit of moonlight, I couldn't really see very much, erm, there were sort of dog barks and you kind of think, you know, 'I'm just going to walk into some field of rabid dogs', so in the end I kind of double back.

And I think almost as I'd, you know, given up on walking up these roads, I went down and, as I said on Tuesday, erm, a car came up one of these roads with what I think was Dan the tennis coach inside and another, at least, I think at least one more occupant, I can't remember whether he was driving or whether he was in the, in the passenger seat, but he certainly recognised, recognised me in the headlights and being as tall as I am it's usually fairly easily spotted, erm, and he, and I kind of said 'Look, I've been up there, I can't really see very much', he said 'Don't worry, we're driving up these with the headlights, we'll have a good look'. So I came back to the, the main, the main road, erm, that was leading over to the Millennium and then for a fair amount of time went round all of the individual flats there and looked, the ground floor, you know, they're all, they're all identical with walls running like this and gates and you can open the gate and you can look in on the ground floor at all of the gardens and there were a number of other people kind of searching around doing the same sort of thing. Erm, and then at some stage I headed back to the apartment, that was, that was my final search of the night.

The, the next real recollection, I mean, I don't know how much time we spent in our own flats and talking outside, but the next recollection really is, erm, being in the, in the flat, this was sort the first time I remember being in the flat with, with, erm, with, with Gerry, you know, around this point there, there were a lot more, I think, I think the PJ had arrived and certainly there were actually other, other members of the GNR around as well because there was, you know, a fair number of people milling around in the, in the passageway going in through the, the, erm, the locked door, not, so not on the patio side, but there were a lot of people including Police around, around the exit there near the shutters and stuff. Erm, and at some stage sort of quietened off and the, the PJ sat down with, you know, came in and sat down with Gerry, the recollections of what happened there are relatively dim now, but the only ones I can really recall was, although it was prompted by what you showed me on Tuesday, was that we were writing on the back of a piece of card, I thought it was a cereal box but obviously it was a children's book, a very kind of, very, very, draft idea of what happened in the hour and, erm, and what state the windows and the shutters had been in and I think I, that was, that was written with me sat at the table in Kate and Gerry's room. Gerry by this point had

certainly calmed down but was, his head was just on the table, you know, like that, he was just staring at the, at the table, very, very quiet and very, very low. Dave PAYNE was in there at least at one point early on. And I think possibly Sylvia this Housekeeper, I think she came in, I think she was offering to translate at some point.

But anyway Dave PAYNE said to, erm, there were two members of the PJ had arrived, there was a guy I remember being almost shaved bald head, quite dark complexion, and a second one who we kind of nicknamed 'baby face' who did our fingerprinting about a week later, erm, and those two were there and Dave was, was saying, you know, 'Shouldn't we', you know, 'Why are we sitting here, shouldn't you be on the radio, shouldn't there be more people here, shouldn't there be', you know, 'this should be on the radio, it should be on the television' and, erm, I recall 'baby face' or his colleague saying 'No media', and, you know, and that was full-stop and then turning round to me writing the timeline and saying 'That's what we want', fair enough. Erm, huh, and that's really it. At some point Jane came in, I think because Jane was in with our kids at this point, I didn't hang around too, you know, too long and I went out, but Jane came in I think to give a brief statement to the, the, the PJ on the night, erm, and this is where she's concerned that, she didn't really want to believe what she had seen and she was worried that she had played it down to those staff on the, on the night, such that, that she was never taken seriously again by the PJ, erm, but, erm, that was, that, I mean, that was, you know, her concern about how she, how she pitched it at the time, but she desperately didn't want to believe that what she saw was, was true and be the last person, you now, in the group to sort of see Madeleine. Erm, and then I have to say that the rest of the evening is, is a bit of a blur, the PJ were at the flat I think for probably about an hour, but I'm guessing there. At some stage they permitted or told, erm, erm, somebody, Kate and Gerry, that the, that the, that the twins could be taken upstairs, because certainly one of the next things I can recall is quite late on in the evening being upstairs, erm, in five 'H', the twins were, I think they'd been taken up there, I think they were still, I think they were still asleep, although at one point they, they did, did wake up and I think Kate and Gerry later on were, were cuddling them. Erm, and we were all just stood there almost in, in silence or at best whispers, you know, absolutely dumbstruck by, you know, the, the turn of events.

Erm, and, you know, Kate and Gerry were sort of sat on, they were sat on the sofas there or on the edge of the sofa, erm, absolutely broken, just, just, you know, hugging each other and or just sat there, erm, and we were there, you know, well I was up there for a while, I've no idea what time this was really, erm, it seemed, well it seemed like we'd been up all night already but it was still dark and I think we went, we decided that we, you know, we weren't going to, we weren't going to search anymore, most of the, most of, by this point, most of MARK WARNER I think had largely decided as well that there was no obvious sign of her in the immediate vicinity and the fact that, you know, there was no-one outside at one point and when I went to bed everyone had gone, erm, clearly, well at least most of the GNR, I don't know if there was anyone still there at all. Erm, and had a very brief, erm, period of lying next to Ella, I think I went in one room with Ella and I think Evie had already been moved into our room and Jane slept with her in there and just lay there for an hour or so, certainly didn't get any sleep. Erm, and then, you know, we, we got up, I think it was probably in the first twinkling of light, and I don't really remember anything, there was certainly no breakfast eaten, I mean, there was nothing like that.

My next real recollection is going back up to, to five 'H', you know, it'd be light by this point so it must have been, you know, seven, you know, seven o'clock, seven thirty or something, I remember it was light. And, erm, you know, the situation was pretty much as I'd left it before and, you know, Kate and Gerry were there and, you know, I think they, I remember them telling us that they, you know, they, I think in the end they'd gone out searching on their own,

you know, they were just depressed because they said, you know, there was no-one else there, you know, they were the only ones out, you know. So just, just almost a, a muted silence, but the twins were there, I think they were, they were awake. Erm, I think at some point, as I say, the phone call, questions on there, around the eight o'clock mark, particularly because Rachael at some stage, I can remember her being sat in our apartment and Rachael was talking to a colleague or a friend who worked at the BBC News Desk, I think it was, she was certainly on the phone, you know, on the phone to a colleague who, who either directly or indirectly worked for the BBC or knew somebody who did and, erm, but that was, that was, I'd missed that out, that was certainly earlier on, probably before we'd gone to bed. Erm, and at some point we put the SKY News on the, on the TV in their room and, you know, it was breaking news and I thought I'd better ring my mum because, I'm not quite sure how specific, I forget how specific it was, but I thought, you know, mum needs to know what's happened and also if it's 'a child has gone missing in Portugal', my mum would probably go 'Crikey, I hope that's not one of ours', so I had a very tearful conversation with my mum explaining what had happened and, erm, you know, and, you know, sort of saying well, you know, 'Ella and', you know, 'Ella and Evie are safe, but it is, it's Madeleine' and, erm, erm, you know, as I say, she was pretty upset and, erm, well it was only a brief call and didn't really have a lot to say and, erm, you know, when my dad came back, you know, my mum was in a terrible state and he thought one of us was dead. Erm, but, erm, I'm not really quite sure how the morning, earlier part of the morning like clumped together, obviously at some point the Police came back, erm, probably not, you know, around, you know, they were there maybe when I was making this phone call again and at some stage there was, we must have been, you know, we're going to take, you know, some of you to the Station this morning, some this afternoon and we split up into pairs so somebody could stay, MARK WARNER had said, you know, 'We'll open the crèche and all of the children can stay at the Tapas irrespective of age and there's more staff on there so', you know, 'if you do need to go to', you know, 'the Police it's covered throughout the day', but, erm, I don't quite know where that, that sort of fitted into things.

At some stage, erm, Kate had asked for, erm, to find a Priest, I think this was not going to be, this was probably a little bit later on, it was not going to be much longer than before they actually went away with the Police to Portimão. Erm, you know, I certainly saw Robert MURAT again on the morning and that's the occasion, erm, on which I took his, his mobile number, erm, and I thought, you know, certainly with some of the translational difficulties with, you know, with the staff, that he appeared to be a very, a very kind of useful person to sort of be able to contact should we need him, as I say, I remember taking his details just on the corner of the apartment, we were outside, not, not on the road outside five 'A' but just at the junction of the two roads, he was walking off and going around there and I remember kind of catching him and saying, you know, 'What's your name' and just putting Robert and his number into the phone. Erm, I think that was before I then got the number of the Anglican Priest, sorry the Anglican, erm, Father, because Kate's Catholic, and I was also given some numbers, I don't, I don't remember who gave me these, and I rang a couple of them which didn't go through, so I went down to, at some point during the early part of the morning, I think this was probably after Kate and Jane and Dave and Matt had all gone to the Station, erm, and rang these numbers, I thought maybe it was my mobile not putting me through, I got in touch with the Father from the, from the, erm, from the Catholic Church there, he was out, difficult English between the two of us, but he was out of town but offered to see Kate, you know, on his return, and then when I came back up they said 'Were you after the Priest' and I remember, I said yeah, and I remember being directed and sat over there, but actually this was the outgoing, it was his last day in Portimão, erm, his last day in Praia Da Luz, and I had a chat with him poolside, you know, in fact, probably in the chairs we were sat in the night before and then he went off. The kids at some stage here got put into the crèche and for a fair amount of the morning was spent in there, you know, we, we certainly didn't really feel like being away

from them for too long".

1578 "No".

Reply "Made the phone call to Anthony NICHOLLS, which is the one you asked, he was on holiday in France and actually riding a bike at the time so he was no use anyway because I'd forgotten he was on holiday and I actually wanted to speak to someone at work saying, you know, 'pending a minor miracle we are not going to be back on Saturday for work on Monday', so I rang Tom WHITEHEAD from the balcony of the crèche and, you know, had quite a long conversation with him explaining what had happened".

1578 "Okay. I think we will leave it there for a short while".

Reply "Okay".

1578 "Have a break, a bite to eat".

Reply "Uh hu. Alright, thanks".

1578 "The time is one twenty-two pm and this interview is ceasing".

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### **Russell James O'Brien - Record Of Tape Recorded Interview III**

1578 "Okay. The time is two eleven pm and that's on Thursday the tenth of April, two thousand and eight. We're in an interview room at Leicestershire Police Force Headquarters. I'm Detective Constable 1578 Andrew GIERC from the Leicestershire Major Crime Unit. Would you give me your full name and date of birth please?"

Reply "Yeah it's Russell James O'BRIEN, twenty sixth of November, nineteen seventy".

1578 "Thank you Russell. This is the third interview of today, as I've stated previously you're here voluntarily".

Reply "Mmm".

1578 "As a significant witness to assist the Portuguese Authorities in their investigation into the disappearance of Madeleine MCCANN in Portugal on the third of May, two thousand and seven. I would now like to move on to some time lines and we have, these are copies of written documents or time lines written on the back of, looks like a kiddies book or something".

Reply "Mmm mmm".

1578 "An activity book. If we could just for a few moments go through these documents".

Reply "Mmm mmm".

1578 "Which one came first"

Reply "Erm as we discussed the other day, I'd forgotten these over the year but I think this is an attempt, this is a draft attempt, they're both in my handwriting, this is a draft attempt, err and then I think I'm transcribing in a slightly more a neater writing, hoping that it's more legible for other people to read as well, so I think this one came first".

1578 "So just to differentiate between the two documents".

Reply "Mmm mmm".

1578 "One of them has the word 'Gerald'."  
Reply "Mmm mmm".

1578 "Written towards the lower half of the document and the other one does not".  
Reply "Yeah".

1578 "You're saying the one with 'Gerald' written on it, was the final document"  
Reply "Well it was certainly second one, I said I think I was writing this down in a hurry when I".

1578 "It came after this, this first one"  
Reply "It came after this one yeah, yeah".

1578 "So the one that doesn't bare the name of 'Gerald'."  
Reply "Is the earlier one".

1578 "Was the first attempt, the earlier attempt as you say. When was this drafted up"  
Reply "Erm this was drafted er around the time that the initial pair of Officers from the PJ came to 5A (inaudible) early in the morning of the fourth of May, two thousand and seven so erm I can certainly recall writing some of this, I think perhaps the neat, maybe the neater version erm sat down at the table in Gerry's flat with Gerry erm Dave PAYNE and at least at some stage of it, the two Officers from the, from the PJ".

1578 "What would have been the time difference between these two documents"  
Reply "Er that I'm not too sure, I think what, what essentially I'm doing, is I'm, I've written something here fairly quickly for myself and then I've looked at it and thought it's, it's not actually gonna be useful to hand to anyone to read other than me, so I think they're probably not that far, I've written that and then I've sat down, perhaps I was writing this with that being on my knee or something and never sat down, but I don't, I don't recall the time difference but, but we're looking at from what I describe about my activities in the run up to this, to these being within you know, a short space of time, half an hour, maybe even less, I don't think I wrote this, had it in my pocket for a night, the other thing that makes me think that is, is probably the front of the back cover of a book".

1578 "Yes".  
Reply "So I've probably, I've probably written it, thought that's rubbish, even I can barely read it, let's start again, I don't think there's much time difference".

1578 "If we look at the 'Gerald' one".  
Reply "Yeah".

1578 "You have a recording at nine thirty".  
Reply "Yeah".

1578 "Russell O'BRIEN in 5D".  
Reply "Yeah".

1578 "What does that read"  
Reply "It says with poorly daughter".

1578 "Oh sorry, with poorly daughter".

Reply "With (inaudible) abbreviation for with".

1578 "And then there's nothing until nine fifty five pm".

Reply "Yeah".

1578 "And I think at ten pm the, you have the next entry, alarm raised".

Reply "Yeah".

1578 "Okay".

Reply "After (inaudible) I think all of this is incomplete, I mean that's an incomplete sentence there, erm yeah that's alarm raised after Kate and I presume I'm gonna write return to table but, but, but I haven't".

1578 "So when we compare the 'Gerald' version".

Reply "Yeah".

1578 "To the earlier version".

Reply "Mmm mmm".

1578 "You see that at nine thirty five, you have written".

Reply "Matt checks, Matt checks the twins, checks and sees twins".

1578 "Matt checks and sees twins".

Reply "It looks like that, yeah that what it looks like, as I say it's, it's, it's not even that great for me to read there, but it does say Matt, Matt checks and sees twins, so this is as I said after Matt left me in 5D, he's gone back and I think there was a, certainly there was a concern that Matt was, whether he actually definitely saw Madeleine at the time or not, he can certainly (inaudible) certainly in the, in the days and hours afterwards I mean Matt was unsure about whether he definitely clocked Madeleine in the room, although he was quite convinced that he, he, both the twins were there, so I think that's why I've written that there".

1578 "The nine thirty entry on the non Gerald version if you like".

Reply "Yeah".

1578 "Is"

Reply "It says Russ and Matt check all three, so this is just an abbreviated time, an approximate time that me and Matt came back from the table to check on the, on the flat and I've crossed out Ella there and so it was written in, in haste".

1578 "And then the, on the 'Gerald' version, you have a vertical line between nine thirty and nine fifty five".

Reply "Yeah, yeah".

1578 "What did that signify"

Reply "I'm not sure, I don't know whether this was, this was me trying to get the sort of start and the end together and err and then, and then asked, asked for more, you know more detail of what people were doing. From a personal point of view I suppose once, once I was in the, in the erm room at nine thirty, I wasn't, I wasn't privy to any of the other direct information, so whether this is just sort of me thinking that I'll need to fill this in later, but you

know it's just a, this is incomplete, this sentence is incomplete and I think at some stage whilst I was writing this, the PJ were very keen to talk to Gerry then I left and I think then Jane came in, so I think this is something that was actually being written at about a point where I left it with the Police and then Jane was, Jane and Gerry were talking to the PJ".

1578 "Okay. We have another version here, time line".

Reply "Mmm mmm".

1578 "And this is a typed version".

Reply "Mmm mmm".

1578 "And it's headed sequence of events, Thursday the third of May, two thousand and seven, twenty thirty hours to twenty two hundred hours as recalled by, then we have the, the group of adults there. Are you happy with the content of this document Russell?"

Reply "Yeah either, (inaudible), this is, this is the document that the group together created erm as we were saying before, after the first weekend, err I think we all felt when we came back from our initial interviews that with the amount of information, the need to, to translate erm, that we came back feeling that, that there was, there was probably a lot of detail that hadn't been got across about the evening, we were quite keen to try and get a time line together before some of the facts started to become dim for us as well, so I think it was Dave who, who suggested err as I'm not entirely sure of the exact date but certainly on sort of the Monday and the Tuesday perhaps of the, of the, the week after, the week after the abduction".

1578 "Yes".

Reply "Erm you know that we should probably sit down and do this, I think he was quite keen to write it about the whole holiday before the weekend and after erm, I mean in retrospect I think I wish we, I wish we had, erm but we, we settled to do the, you know the immediate period that evening, erm it was typed, I typed it and it was typed on a borrowed laptop from erm the tennis coach of Mark WARNER who's called Georgina, the surname of, of who, I don't think we have ever, ever known, erm we compiled it over the course of probably a, a couple of sittings during one day. Kate and Gerry by this point after the weekend were, well they were having meetings with the likes of Alan PIKE the Psychologist that came out to, to see them and they were, they were often erm organising things and speaking to people, the Consulate etc., etc., etc., so we actually saw erm you know probably less and less of them as the days wore on, so they weren't here with the initial draft of it, but we just left their comments to be added later and then we told them that we'd done this and they came, erm read it through, added in the bits that were relevant to when you know, when, what they saw and erm and when they left the table, as well as the time line erm Jane gave a, a full, as full as possible description of the person she thought she saw carrying a child that may have been Madeleine away and I think erm there's also a fair amount of detail about some suspicions from, from Gerry that the room might have been in a slightly different way, erm than what it was based on his and Matt's observations of going into the room.

So we got, we, we wrote this, we wrote this down very much to try and get a, a permanent record of what we thought as accurate as general as a thought had been in the group, erm having (inaudible), it's important to say cos we've, I get the impression from again you know, from the Police perhaps but, but certainly from what comes out in the Press, that this has been perceived by the PJ as an attempt to, to sort of standardise our answers and you know and make sure that we're all saying the same thing, it certainly wasn't created with that intention, it was very much that the original statements were, were brief, were obviously prone to translational difficulties and you know, at no point have we concealed this, I turned up on my second interview and presented them with the, with the stick and said, 'look we've sat down, it's all typed, we think this is quite accurate, there you go', so you know, it's been, it was, it was, it was really quite hard for, you know to hear that, or at least hear the fact be implied that the Police felt that this was some, some conspiracy to try and err and cover things up, this

was, this was done to go over the events, down on paper before they become, inevitably they got less and less clear in our mind and we were transparent in that we gave this to the Police at the very next meeting, there was no attempt to conceal this and have this as a hidden document that we were all reading from".

1578 "Okay. We shall move on to the next phase which is a list of questions I shall ask you and these originate from the PJ".

Reply "Mmm mmm".

1578 "And then we shall follow on with Gerry and Kate's list of questions".

Reply "Okay".

1578 "And then any other business really".

Reply "Mmm mmm".

1578 "So firstly, what time did you arrive at the Tapas Restaurant the evening of the third of May, two thousand and seven"

Reply "Erm I'd say I think this was probably around quarter to nine".

1578 "Were you alone or with your wife"

Reply "I was alone, Jane had come down to the table five, ten minutes earlier".

1578 "Who was already sitting at the table"

Reply "At the time of arrival, everyone was there apart from the adults in 5H, so that would be Fiona and David and her mum Diane".

1578 "How often were you checking on your children"

Reply "Well".

1578 "And how"

Reply "During the week we, things sort of (inaudible) but in general terms, me and Jane were checking with err between courses, err I know some of the people were doing it more by the clock but we tend to go between courses, sometimes we were also off for you know, we're listening at, at least the windows and doors of other, of other rooms and checking directly in our own child's room, erm err as, as we discussed before on a, at least one occasion on the Sunday night I also went into both Matt and Rachael's flat with a key through their deadlocked door, as with Kate and Gerry's err patio door to just look in on their kids, erm but generally speaking at least for me, thereafter in the week, I would usually just check internally in ours and listen at the window at, at the other flats before returning, erm in terms of frequency as I say, although some people were doing it by the, by the clock and it was, was relatively ad hoc you know when, when the moment took, I think for me and Jane it was generally in between courses and we'd often alternate".

1578 "Okay. During the dinner that evening, were you always at the table"

Reply "No, erm I say I arrived about quarter to nine and as I described in, in the, my account of, of the evening, I made erm a single trip back to the flat, err and then returned and that was err with Matthew OLDFIELD at about sort of twenty five past nine, somewhere around there. On that visit it was clear listening at the window that Evie had woken up, erm and so as I've already, already gone over, I went into the flat, had a wee, Matt came back after checking 5B, he discovered you know that I'd found Evie, that had been awake and she'd vomited, asked if I wanted any help, I said no, he returned via Gerry and Kate, Gerry's flat, I stayed there err got Evie out, out of her, out of her sort of soiled clothes erm gave her a quick wash and the clothes down, changed her into something else, sat read her a book, Jane came back and then I returned to the table about quarter to ten".

1578 "As the questions go through, it says if you weren't at the table, where did you go".

Reply "(Inaudible) 5, 5D".

1578 "And at what time"

Reply "So about twenty five past nine I left the table".

1578 "For what purpose (inaudible)"

Reply "To check on the kids and ultimately to stay with Evie".

1578 "How long were you absent"

Reply "It would be in total, it's between from about twenty five past nine and returning to the table about err, err about quarter to ten".

1578 "And how many times were you absent"

Reply "That was the only, that was the only trip".

1578 "After the alarm was raised, what did you do"

Reply "Erm like the rest of the table, with the exception of Diane, we ran to the foot of the erm, the staircase or the steps outside, err at that point I didn't go into the flat, a number of people I think stayed just at the, just at the door, some people went in, certainly Gerry, Kate and Fiona err and then obviously erm we started an immediate search as I've described before".

1578 "Who did you talk with"

Reply "Is this at any specific time"

1578 "It follows on from the previous question, so after the alarm was raised, what did you do"

Reply "Yeah okay".

1578 "And who did you talk with"

Reply "Well at that point in time, there was only really the group there, err there was no other, no other parties immediately around straight away, erm there was a very brief conversation with you know, some of the other group and to quickly establish what we ought to do straight away, erm I presume some of the others were doing a second search, just inside the flat just to make sure Kate hadn't missed them but I certainly think that, that Matt and Dave and I think perhaps after a, some (inaudible) Gerry, we, we, we kind of split up, so we had a conversation just about, let's, you go that way, you go that way, erm but there wasn't anyone else around I don't think to talk to, some, somebody went back to the Tapas both to let Diane know about everything you know and I presume the waiters will have been spoken to but it wasn't, not by me".

1578 "Did you have any photo of Madeleine in your possession"

Reply "Erm we got a photo of Madeleine later on but this is two hours later, erm".

1578 "So who gave it to you"

Reply "Okay well certain, I'm not quite sure what the, the initial, the question made it sound like whoever had one in our possession anyway, I didn't, erm we got a, we erm, after a portion of my searches, we got hold of erm Kate's camera, erm looked through the digital cam to try and find a picture of Madeleine reasonably recently, reasonably face on and, and with her being the main, the main character on the photograph, erm clearly that that was going through, there were quite a few pictures that were not ideal, so we, we went through those, erm and then printed that off, erm all of this taking a reasonable amount of time to try and get hold of equipment and have offices opened and etc., etc".

1578 "Okay. What kind of photo was it"

Reply "The, it was a, it was a photo of err, it was the one that was being circulated in the, in the days immediately afterwards, I've seen so many photographs of her, of Madeleine since, I think it was a photograph that had been taken of her and a relatively number of weeks before and I think with a slightly different, slightly longer hair, erm but it was, it was a fa, it was a fa, it was a relatively full on sort of face on photograph, erm and it was printed on a standard size erm four by six err inch, as you know, using the equipment that the people had and we ran off a number of copies of this, erm and several I think were given to the, the GNR".

1578 "I was going to ask you the next question".

Reply "Sorry".

1578 "Was, who did you give the photo to"

Reply "Yeah well I think the ones that I had, I took, you know cos obviously they were printing out, you know they were slow you know, we really wanted to get them to the Police fairly quickly, so I took the first couple of copies and took those round to, I think the GNR staff, I presume they were the origin, you know original uniformed Officers, it wasn't the PJ, it was well before the PJ arrived, erm there were other copies printed off which I don't know where

they got to but I know that Mark WARNER, somebody in Mark WARNER made a poster, or at least an A4 err saying that there'd been, you know, there'd been a, err an abduction and that Madeleine was missing and that was circulated around the next morning, so somebody had, had, had that photograph and used it for that poster but I took, I don't know two or three copies maybe and gave them to the Police. I actually think ultimately there may have been more copies printed off and somebody else gave even more copies to them as well, err and I think some of the other copies were shown, were just shown to people around who were going on the searches but erm personally".

1578 "The copies that you had, you only gave to the Police"

Reply "I gave it to the Police, just to the Police".

1578 "Do you know who informed the Authorities of Madeleine's disappearance"

Reply "Er as we discussed when we were going through the, the erm, the notes from the, the previous statement, I think erm that this was Gerry and Matt but I was not around, I don't think I was around at the time, I was second hand information, I was erm, I was probably searching at the time that that happened".

1578 "Do you know who informed the media of Madeleine's disappearance"

Reply "There were several attempts during the night to, to look about getting an email out to something like Sky or something like that, I don't actually think that ever happened in the end, just because of practicalities and other people doing it but my inclination is that Rachael, Rachael OLDFIELD spoke to a colleague err back in the UK who either worked for the BBC or at least knew someone who worked for the BBC, so I, I, I think it was Rachael".

1578 "Do you know when they were informed"

Reply "Erm I think I got this out, slightly out of place when we were discussing it before and talked about it really about the next morning, I think I can, I think I can picture err Rachael talking to erm somebody at the News Desk in our, from our flat, err in the dead of night really, so quite err, quite late on, three, four am maybe but I really don't, I really don't know, but it was well after the, the main, the main kind of rush of, of, of the search and the events and it's when we were back at the, back at the apartments later on".

1578 "So that was the Media"

Reply "That was the Media".

1578 "Do you know when the Authorities were involved"

Reply "Well it was during, it was in a period of time when I was doing the search so erm I can only say what, what other people, I know that, I know from speaking to the rest of the group that there was some reluctance on the part of staff down at the Ocean Club reception to ring the Police but they were, they kind of you know, in the end had to sort of insist on it but I think it was, it would have happened not long after that original, original search but I couldn't put a time on it, I'd be, I'd be, I'd be making one up".

1578 "Did you take part in any searches"

Reply "Yes, and I presume that what I've".

1578 "With, with whom and how were they planned"

Reply "Right okay. Yes as described and, and as described in the last interview, erm there was an initial search of the building, of the perimeter of the building, erm and then we re-met again, I then did a solitary search down the, the west side of the apartments into the car park and shopping centre as I discussed, err there was then a, a joint search with me, Matt and Dave coming, sweeping down the town err towards the ri, the river, err towards the sea and erm then we split up and searched the beach and obviously we lost, we kind of lost each other during this point and then I came back as sort of, as exact manner to the, to being on my own, I then did a, after quite a long time by the apartments did a final search in the, in the sort of, the road out towards Millennium, erm and the, and the adjoining roads that go off into the dark there and then did a, and then on my way back after having met Dan in the car who then carried on going up those roads, I erm did a brief search in the flats to the sort of south side of, of the road that leads up to the Millennium".

1578 "Okay and how were they planned"

Reply "Bad, err very, very, kind of at the drop of a hat, I mean the, the initial search was just, you know just to make sure she hadn't wandered off, I think there was some planning by some of the Mark WARNER staff, just to make sure that individuals went off in different areas, there wasn't really a great deal of coordination with the ones that I did, the early ones were happening before there was a group there and the one I did last, probably after, you know whilst I was back, err outside the apartment for a period of time, there was a lot of searching going on that may have been more coordinated than what I was doing, when I went back out, there wasn't any clear coordination, so I just went to somewhere different that I hadn't, that I hadn't checked before".

1578 "Okay. During your stay at the Ocean Club, did you ever leave your doors open to the apartment"

Reply "No I don't think so, erm certainly when we weren't using the apartment, it was always completely shut down, we generally kept all the shutters down, just to keep the heat and the sun out of the apartment, so they were reasonably cool for the, for the evenings, when we went, we went to the, the Tapas err in the evenings we, we kind of locked and pulled the shutters down on, on all the bedrooms both front and back, err the patio was locked, erm and then we would go out the main door and there was the option of turning the lock to a sort of dead lock, so it couldn't be opened either from the inside or the outside without the key, just in case err, you know Ella did get up, which was unlikely but we felt it was easier to do it that way and during the day, I mean occasionally we would sit outside on the patio, err but I don't think if we went, if we went away from the, from there for any length of time, we would have locked up, I don't remember leaving it unlocked".

1578 "Did you ever leave your windows open"

Reply "No, I don't, I don't, I don't think so, erm generally speaking we didn't touch them very much, err you know we might have pulled the shutters up during the, during the day, from recollection, the front, the front windows were, were all patio sliding ones and so they were like, you have gone in and out of them but you'd have shut them and the other windows at the, on the kitchen side and the kids bedroom side, I don't think we opened and closed those very much, I mean we may have given a bit of a breath of fresh air but we didn't leave them routinely open".

1578 "In the days prior to Madeleine's disappearance, did you ever check on your children"

Reply "Erm how do, how do you mean, do you"

1578 "I guess this is".

Reply "Just about the routine again"

1578 "Yes".

Reply "So it's, is that what it says the same, it's a re-hash of, of an earlier question. Yes we, we, we err, when we were over on, in the Tapas, we had the routine that I've described before, you know generally between courses or at, you know opportune moments we would go back, search in our room, check in our room, listen at the other windows of the others occasionally, would have been, would have been a visit into the others as well and on other peoples trips, they would've, of often check their child and that and certainly listen at the other windows and, and on, on some occasions but not all, you know sometimes there was a key passed over as well but I think we've described that in some detail before".

1578 "Yes and the next question is erm, how often and yes you've, you've covered that".

Reply "Mmm yeah, yeah".

1578 "Between courses etc".

Reply "Generally between courses, other people were kind of listening at the windows as well, so although we might not necessarily have gone into our room, however you know, well, we would have gone into our, our room on every occasion when we went back for, other people would have been listening at windows on intervening times as well".

1578 "So are you able to put an approximate time period on the courses"

Reply "Erm, well you know it's like a starter you know, I would have thought that you know, we get down there, we would have ordered, we would have gone back after the starter, which

might have been sort of twenty, you know twenty minutes later, the things came out reasonably, reasonably quickly and then there would have been a gap, you know other people may have gone along on a time basis, sort of during meals and they would have come back and reported that all was clear as well, erm and then you know, another you know, twenty minutes after for the main course, so I think it's difficult to say you know, absolutely what, what it was, it would have been, it would have varied night to night depending on the speed there but you know, we were going, you know alter, you know me and Jane were generally alternating between courses and other people would have come back and said it's all quiet on yours, even if they've gone at a different stage, based on, on time".

1578 "On the erm, on the Thursday evening".

Reply "Mmm".

1578 "You went back at one point with Matt".

Reply "Yeah".

1578 "And you heard Evie murmuring".

Reply "Mmm mmm, mmm mmm".

1578 "Had anyone else heard her prior to"

Reply "No, no, I mean we had, the person who'd been back to our flat before that was obviously Jane, so Jane was the last person who'd been on any form of visit, whether it was listening or not, so she came back and obviously hadn't reported this, as we haven't discussed today, but certainly on, on film the other day, we did discuss, we also had a monitor, erm and err as did Dave and Fi but I have, certainly I don't remember the monitor going off, or hearing, or hearing Evie prior to me going back, I have to say I don't, you know don't remember Jane sort of saying, oh she was crying on the monitor as well but erm, as I say, it was more, it was more of a kind of a low whimper, this wasn't sort of getting back there and she was yelling or anything, it was more of a, I think it, it was just sort of hear her there, so it wasn't a, it wasn't a yell, erm I think one of the reasons we were going back as well, I say Dave and Fi used the monitor alone and didn't do any trips back cos they had this two way monitor, which was, was, was sort of quite you know, you know quite more sort of maybe more expensive than our model but because we hadn't heard anything much and we didn't hear anything at any time, we just wanted to make sure that, that the monitor wasn't just sort of out of range or anything like that, or not, or not working, erm but I can't, we didn't go back me and Matt because I heard anything on the monitor, so whether Evie had just started as I got there, erm I, you know I don't know".

1578 "When you were at the Tapas Restaurant, where was the monitor, where was your monitor"

Reply "We had, we had the erm, that's the, if that's their bedroom".

1578 "No sorry".

Reply "Sorry".

1578 "The piece that you took with you"

Reply "Oh Jane had it".

1578 "Right".

Reply "Yeah Jane had that, Jane (inaudible)".

1578 "All the time"

Reply "(Inaudible), I don't think you know I had it, Jane, Jane generally had it, erm but the, the monitor was obviously plugged in, in the flat and then the cable kind of stretched and we just put the, the receiver in the doorway of the, of the, of the children's room, I think, I think I remember rightly the plug, the plug for it, was, was err, was, was just over the, over the other side of the, of the, bathroom there, the room there, we plugged it in and then the lead sort of went in it, just pointed into the, into the room, so it kind of got the whole room, and it was obviously, using that, it was as near as the, as near to the window as, as was possible as well".

1578 "Okay. We erm, move on to phones now".

Reply "Mmm mmm".

1578 "Did you have your mobile phone with you in Portugal"

Reply "I did".

1578 "And what is the number of it please"

Reply "07713 258795".

1578 "I have a list of numbers here".

Reply "Mmm mmm".

1578 "And I'll ask you in respect of each number who it belongs to".

Reply "Mmm mmm".

1578 "If you could answer, who is the user of phone number 07967 016678"

Reply "I'd have to check on my phone again to do this if we're gonna do it err. It's a bit of a, obviously having done these numbers before, before, obviously there's two out of five that don't come up on my phone anyway but. Do you want to do their numbers in reverse order, while this is coming on, because I know that the later ones".

1578 "Do you want to start at the end and work forwards then"

Reply "Well yes".

1578 "Okay the erm, the last one in the list if you like is 077".

Reply "Mmm mmm".

1578 "853".

Reply "Yeah".

1578 "80603".

Reply "Just see if that comes up in my list, that is Professor Anthony NICHOLS, who is a Consultant colleague of mine at the Royal Devon & Exeter Hospital, he, there's three of us that work on a ward and when it's fairly tight, cos it's an Emergency Ward, so it, we're not, there's not many if one's off and I was ringing him to say that, unless there was a very miraculous turn of events there, that we would not be back in time to start work on the Monday, err I'd forgotten that he too was actually away err for a couple of days at the end of that week and he'd actually gone over to France, he's a very keen cyclist and has a house out there, err and I rang him and he literally answered along the lines of, 'oh hi Russ, I'm on the bike, I'm in Fra, I'm in France', or something like that and err, so I, it was useless me talking to him anyway, cos he wasn't actually at work, so he couldn't pass on any message, so I rapidly hung up, so it's probably a twenty second call, or something like that, I didn't tell him anything about what had happened. I then rang my other colleague, Tom WHITEHEAD".

1578 "Okay. The erm, the call in particular that you made to him was at ten fifty two".

Reply "Mmm yeah".

1578 "On the morning of the fourth of the fifth".

Reply "Mmm yeah I can remember".

1578 "So that would fit in with".

Reply "I was stood on the balcony of the crèche in, in there and I thought well I need to let work know now, cos this was already Friday morning and in terms of being on call, err and my, you know my general nine to five job and also out of hours, I knew I had to make some, you know arrangements quickly, so that the Hospital could cover my absence".

1578 "Okay. The next number is a land line number".

Reply "Yeah".

1578 "0151 3344469"

Reply "That's my parent's home in Merseyside".

1578 "And who are your parents please"

Reply "Erm James Robert O'BRIEN and Enid Dorothy O'BRIEN".

1578 "And whereabouts do they live"

Reply "They live at thirty six Bowness Avenue, Bromborough, Wirral, Merseyside, CH63 0EZ".

1578 "Do you know who the called party was at eight thirteen am and thirteen forty nine pm on the fourth (inaudible)"

Reply "Of, to that number"

1578 "Yes do you know who, who you called"

Reply "Who I spoke to, I spoke to my, I would have certainly spoke to my mum, my dad usually doesn't answer the phone as a general rule, I think I spoke to my mum, I mean I don't know for sure but err, both were calls for my mum, the eight o'clock in the morning one was to let her know, erm because it was breaking on the news, I think we must have seen the eight o'clock bulletin, actually I thought I'd better let my mum know that, that well, a what's happened and b that it's not, it's not Ella and Evie, I don't know whether there was a name when they shown the initial reports but err, as I said, I think I said, if not today, then on the first interview that my mum had met Madeleine so I, you know, wanted to make sure that they were aware as early as possible and the later call I'd imagine was just to, you know a supplementary you know call, I don't know whether that was to me from her or from me to her but as you can imagine we, we made an awful lot of phone calls that holiday".

1578 "Okay. The next one is a mobile again, 07831 659801"

Reply "That's my mum's mobile, so actually I've got, I think I, I don't know whether I rang erm the first, whatever, whichever calls to the land line or to that mobile is the earliest, is the call I've just described, so erm".

1578 "Well this was at erm, ten fifty two am"

Reply "That morning"

1578 "On the, on the third".

Reply "On the third, erm well that's to my mum, it was".

1578 "So this is before".

Reply "It probably wasn't the first call, that's not the first call, the land line must be the first call then is it"

1578 "No the land line ones are on the fourth".

Reply "Right okay".

1578 "This is on the third at ten fifty two in the morning, ten fifty two am"

Reply "That's a text message isn't it"

1578 "It is indeed you're correct yes".

Reply "Yeah sorry, erm that's my mum texting me, erm err she often texts me when I'm on holiday after say about, whether she sent it several days before, I don't remember my erm, my phone being err on a great deal, err I think that was just a text from my mum saying how are things and she has a habit of just sending a relatively mundane, how are yous now and again when we're on holiday".

1578 "Would that text message still be on your phone"

Reply "Err I did for a long period of time, I kept, I've got my other phone here, this was my phone at the time".

1578 "I appreciate it's been through the washing machine".

Reply "It's been through the washing machine, I actually kept a lot of texts erm for a long period of time and it may well have been on there but as I say, this has been, this was submitted to the Portuguese Police in July, err I don't know whether they took any, any sort of things off it at all, I think they were looking for, to try and see if they could ascertain a time which Robert MURAT's number was put on it more than anything but erm I no longer have the, the, the err access to this phone but you're more than, it's useless to me if anyone wants to try and it's there".

1578 "Okay. Next number is a mobile again, 07754 774842".

Reply "0754 7748".

1578 "42".

Reply "Yeah that's, that, that is not on my sim card as a call, as a, as a known caller".

1578 "Okay, the erm, the question is erm, did they contact you during your holiday, either personally or by phone"

Reply "Erm as far as I'm aware not, I mean clearly we've been, we've been through this before we have".

1578 "And again you, you needed some assistance there didn't you"

Reply "I presume this is actually Bri, this, this was Brian HEALY'S number from what you

said the other day, er I'm not, I'm not aware of making a call or receiving a call to Brian HEALY but this number and the, the one other number we've not been through, is, is, is, is Susan HEALY'S, Kate's mum, erm I've met, as I said before I've met both of them in the past, I met them at, I think just the once before the, before Madeleine went missing and that was at Madeleine's birthday party, I'd had no, no, no contact with them really until they actually came out. What I think had, has happened is that the first call is to erm Kate's mum and actually Fiona ringing her on my mobile while we were at Portimão Police Station, cos I think her battery had err, was, was err, was about to give out".

1578 "So that would be the first mentioned mobile that we moved on from"

Reply "That we went through the other day yeah so the, the two numbers that I can't recognise are".

1578 "07967 016678".

Reply "Yeah I presume yeah, erm but I can certainly recall whilst we were sitting waiting to go into be interviewed on the, on the evening of, of Friday, Friday the fourth of May".

1578 "Yes, it was seven forty three pm".

Reply "Yeah that Fiona borrowed my, borrowed my mobile for a call, but I haven't I don't think I spoke to, to either Sue or Brian until they actually, until people actually came out physically to, to, to Luz in the days after the abduction".

1578 "Okay. So we move on to the, to the next phase, which are the erm, the questions drawn up by Gerry and Kate".

Reply "Mmm mmm, mmm".

1578 "And the first one is, for how long have you known Gerald McCANN and Kate HEALY"

Reply "Okay, erm I met Gerry briefly for the first time in Atlanta in nineteen ninety nine at the err, err the American Heart Association Conference, he was a presenter there, he was presenting some of his research he'd done in Glasgow, err he already knew a few of the people who I'd, I'd just started to appear at the research, err as part of my training and he already knew a few of the people who worked in Leicester, erm one of whom had actually worked in Glasgow before, so there was a little bit of a connection between the two departments, and erm, (inaudible) turn it off, erm I then didn't really meet him for probably a couple of years though after, he moved down to Leicester as a, as a sort of, as a Trainee Registrar in Cardiology, erm and although we spoke on the phone, I worked on the Coronary Care Unit at one Hospital in Leicester and he worked at the, the main Cardiology Unit as a (inaudible), at Glenfield Hospital, err if I had a patient who was particularly unwell, who needed the, the facilities at Glenfield,

I would ring and you know some days it would be him, so he was, he was a phone, you know a voice at the end of the phone for a long period of time, and then he rotated as part of his training, err down to the Coronary Care at the Royal Infirmary on another ward as well and we ended up working I think for, on the same ward for a, a period of, of about six months and he was down at the Royal for about a year as well and during this time, obviously we worked directly together, erm and he, it was, it was coincidentally I think, around the same time that both Kate found out she was pregnant with Madeleine and Jane found out that she was pregnant with Evie, so that pregnancy was sort of marching on, err at the same time, and I don't think I'd you know after, after they were born, that's probably the, the first time that erm, that we started to see them socially, err we mainly knew them through, through Dave and Fi, Fiona had established a relationship with Kate, cos they were both, I think they were both doing Anaesthetics at the time, err and you know, so they were, they were going, they got quite close, we ended up sort of going to, you know round to their house for the night, or a barbecue in the summer or, or a few things and we got to know them there. We would generally only see them initially there, Dave and Fi they got married in, in August, two thousand and three it'll be, where Evie was, err Ella was just a few months old, err we all went out to, to have, the wedding was actually in Italy, err and Matt and Rachael, we had, all of us

were, were out there on that occasion, so we, we were all there together and since then erm, we've been to Madeleine's birthday, certainly I think erm, you know, the, the, her third birthday, I'm try, I'm trying to recall whether we also went to her second, they were probably the only two, erm but may only be the one and Kate and Gerry came round with Madeleine to my house one day, when they were both crawling, so I presume around kind of nine month old, erm and that's when my mum, when my mum and dad were down for the weekend as well, they met Madeleine on that occasion, erm but we would generally meet socially after two thousand and three, but to be fair, it was usually through Kate, erm usually through Dave and Fi".

1578 "Well the next question is, what kind of relationship is there between you and the MCCANN couple"

Reply "Yeah, sort of partially explained that there, erm so initially it was a working relationship with Gerry at work, then there was a series of erm things, largely meetings at Dave and Fi's house with the kids, yeah well and the fact that we had the kids the same age, erm and it's become erm you know, a friend, a friendship, although we, we wouldn't sort of see them or necessarily contact them you know regularly, it was more you know that during, you know during erm meetings with, with Dave and Fi at their house".

1578 "Have you ever visited Gerald and Kate at their home address"

Reply "Yeah".

1578 "Their children also being present"

Reply "Yeah".

1578 "If yes, how many times"

Reply "Yeah it, we certainly went to Madeleine's birthday, the, the year before, so two thousand and, and six, I'm trying to recall whether we went to one a year before that as well, I don't think we did, cos I don't, I don't actually think they were necessarily in their new house and, and they moved around, you know they moved from, from Queniborough to Rothley a few years back, we didn't go to their old house, so I think we've been, certainly once, possibly twice, prior to this holiday to their house and their children were present, it was Madeleine's party".

1578 "Had you already spent holidays with them at any other time, if yes could you describe the way they took care of their children in the evening at night"

Reply "(Inaudible) okay, yeah well the answer, the answer is no, we, as I say we were due to go on holiday to Majorca with them in two thousand and six but Jane was heavily pregnant so we pulled out".

1578 "How often did you meet Gerald and Kate during the holiday time period, between April the twenty eighth and May the third, two thousand and seven"

Reply "Erm it varied day to day, we'd certainly see them erm a number of times each day, erm generally, we probably didn't see them at breakfast time, they were, I say they, they played more tennis than sort of down at the water front I don't think they did an awful lot down on the water front at all, so erm Jane probably saw slightly more of, of, of Kate and Gerry because she did a bit more tennis than me. We, we'd see the children and them often at lunch time on a number of days, we had joint lunches in one or other of the, of the rooms, erm that didn't necessarily happen every day, high tea we would always see all the children and all the adults together when they were served, they were served their dinner, erm think it was about five or about quarter past five, something like that, erm so at least three or four times a day, I mean we, people did do their own thing you know during the week as well and then obviously every, every evening, erm we were, you know we, we all kind of congregated together".

1578 "Yes. How often do you see their children, Madeleine, Sean and Amelie"

Reply "Erm well it would have been on most of the occasions bar the, bar the evening for those, erm and sometimes we may have bumped in, you know may have seen Madeleine when I was picking up Ella from you know, from the, you know the, the kids club in the afternoon, or doing the drop off, so I might see them even independently from, from Kate and Gerry if I

dropped off a bit later, or picked up a bit later, so, several, several times, you know usually several times a day".

1578 "Have you ever felt you had reason to become somehow concerned about the children?"

Reply "Absolutely not, no I mean just full stop you know, I think I even ranted off at this point on Tuesday but you know, there's, there's no suggestion that Kate and Gerry are anything other than very loving parents, you know they, they, they adore their kid, absolutely adore their kids, erm you know for, (inaudible) illustrate it, you know we err, in the, in the afternoon, you know they, when you know often we'd go back, after kids club and the high tea, they'd often play in the, the play area round there and, and you know and Gerry would be kind of life and soul of the party with all the kids you know, they'll be climbing on him and he'd be sort of with, erm but you know, absolutely not, I mean it's, it's heartbreaking what's happened and the way they've been portrayed because you know they're, you know a year ago, we were all just four ordinary families who loved our children and, and Kate and Gerry are exactly that, they're just loving parents".

1578 "When was the last time you saw Madeleine?"

Reply "Erm I certainly think I saw her at lunch time on the Thursday, erm when, when sort of Ella, when Ella and her would have come out the, the, the, the, the kids club, as I said earlier on, on, on Thursday afternoon, we did something slightly different and we were all down at, down at the beach front and were gonna eat there, my gut feeling is because I got there to pick Ella up before all of the children from the kids club were taken up to the, the Tapas that I did see Madeleine there, I have to say eleven months on, I, I can't tell you that I had a picture of her definitely there, but unless Kate and Gerry picked her up separately, she, she would have been there and somewhere in the back of my mind I, I've got this picture of me taking Ella out and all the other children, including Madeleine were there but it's too long after to, to, to really be honest on that and sort of say yes I definitely saw her, cos I, I don't know I can now".

1578 "When did you see Kate and Gerald on Thursday May the third, two thousand and seven?"

Reply "Erm well we didn't see them at, at breakfast me and, me and Matt had gone up to the Millennium for breakfast and we were, we were running a little bit late, it was relatively late, erm I dropped Ella off, slightly later at the kids club, so I didn't see them at the drop off there, I think the, the first time that morning I saw Kate first, erm and that was at, after the, after they'd had a tennis, had a tennis game, I'd gone back with Evie who didn't go into the club that morning, we'd stayed in the flat, I'd gone back out to the, the tennis area with Evie, as they, well watched, maybe watched the end of the lesson, they all came off and we had this conversation with the, the man who erm, he was the holidaymaker who felt very awkward taking pictures of his kids, you know, obviously come back out to have a lesson after the, the adults had finished their lesson, so she was certainly there then and we were stood out there for, you know a reasonable amount of time, I think then when all the children came back up, I think we saw Madeleine and err, and Sean and Amelie and Gerry and Kate, so over lunch time, I don't think I saw Gerry again until we played tennis later on, cos we were down, you know Matt went sailing, we were down at the beach, err but we did see Kate on her run as I described earlier, so around five o'clock or whatever, it would probably be just after five o'clock, when Ella, when I'd come back down with Ella, erm, err Kate ran along the beach and went right up to the other end and, and I don't remember seeing (inaudible). Then the next time, I say, I saw Gerry was, he was playing tennis when we got back you know, shortly after six o'clock, er don't think I recall seeing, I think, I think you know the, Kate had already gone, was already in the flat then, it was, it was just the men playing tennis anyway, er and then the next time I saw the pair of them together was when I arrived at the table at quarter to nine".

1578 "The next question, it fits in quite nicely, what time did you arrive at the Tapas Restaurant on May the third, quarter to nine?"

Reply "I'm sure it was the first question in this section but obviously, oh no it was the other, that was the Portuguese yeah".

1578 "It's the other section yes. Who was already there at the table"

Reply "Err as I've said in, in, apart from err poor old Dave, Dave and Fi and Diane always last, err everyone else was there".

1578 "And what were Kate and Gerry doing when you arrived"

Reply "Nothing spe, maybe just, I think they were just sat there, erm and yeah there was nothing particularly special about it, I say there was no food at this point, they may have had a drink, I don't absolutely recall but we just, but the only bits I recall was it was perfectly normal, they were behaving entirely normally and we had a conversation about how crap the PAYNE's were, which is not, this is the first of ma, well it wasn't the last and it certainly wasn't the first".

1578 "The next question is, did you talk with Kate and Gerald"

Reply "Yeah, yeah I mean I don't remember any of our conversations specifically at that point, erm the, we, we, we spoke about, about that, I suppose given, we hadn't seen Kate and Gerry, I think there was also some talk about Matt's, Matt's brush with the err, with the Atlantic, erm you know, so you know there was, there was good humour, you know, this was the by far the kind of, the brightest sunniest and probably happiest day of the holiday, you know everyone had had a, a very, very good day".

1578 "How were they behaving"

Reply "Absolutely normal, erm you know, there was no, there was no suggestion that anything untoward had happened and they were concealing it, there's you know I, I just find it staggering that anyone could believe that, that something tragic could have happened in the room and that a pair of highly able, highly qualified Doctors would rather cover it up, just dispose of any evidence and then swimmingly come down to dinner, you know particularly when, if there, if there had been an accident or something terrible, they've got four other Consultants or Senior Doctors within a, you know, you know on the tennis courts or within a short shout so you know we, so much has got lost over, over time, I think you know, it is ridi, it just seems senseless you know someone involved in, you know that it was there, that four families go on, have a great holiday, show no, no signs of abnormal behaviour, err and then rather than intervene and try and save Madeleine if she'd become injured, or, or at least raise the alarm, Emergency Services, mouth to mouth, blah, blah, blah, that, that either Kate and Gerry alone or by implication with help from anyone else would, would opt to, to go into some you know amazing cover up and I think that's just got lost, I think that's got lost in the whole thing, sorry anyway".

1578 "Let's not forget these are Gerry and Kate's questions."

Reply "Gerry yeah, yeah sure. No, but they were behaving entirely normally. There was no, they could not have been acting as they were knowing that they had, that they had either inadvertently or intentionally harmed Madeleine and then disposed of the, disposed of her, or were going back to do that later."

1578 "Who left the table during the meal and why"

Reply "Err like I say this had all been said before but in summary, Matt had gone back to try and get err the PAYNE'S, the PAYNE WEBSTER'S to hurry on down and he'd also done a brief check of the rooms err from the outside. Err although I don't particularly remember him actually getting up and going, Gerry was away from the table for a period of time. Err Jane did our first check err I think about sort of quarter past, about quarter past nine then me and Matt went away err I stayed off there, I obviously can't comment on what happened whilst we was away but I'm not aware of anyone else did any further checks, no one looked in on me in the flat put it that way, until Jane came back. Err then I went back and I think the other, next, next recollection really is not so much of Kate getting up but certainly Kate being away and then, and then coming back raising the alarm."

1578 "Next question, did you see Gerald leaving the table during the meal"

Reply "Err I think I was, I was merely conscious that he'd been away, I don't know if I can particularly say I remember him going right its time for a check or anything. He, I can picture him doing that but that might have been on any night that week, you know, I picture him

standing and looking at his watch saying right I'm off, I'm gonna go and check but that could've been on any, any check that he'd at any day of the week."

1578 "What time"

Reply "Well as I say I wasn't, I wasn't just sure, I wasn't necessarily startlingly aware that he'd got up specifically there but you know from the time line you know its slightly second hand so maybe its best I just sort of say I was aware that he was away, rather than I'm aware of a particular moment in time. But it would have been shortly, not that long err you know, not a great deal of time after Matt and everyone else was at the table but before Jane had gone, which was at quarter past, ten past nine I'd say."

1578 "How long was he absent"

Reply "Well, again, he was away, he was away for a, a good number of minutes, so more, more, more than five, probably less than ten."

1578 "What did Gerald say when he came back"

Reply "I don't remember, I'd imagine, I can't really, I shouldn't really just imagine really should I, I don't recall anything, I mean most people just came back and there was usually a nod to their other half that everything was fine, you know, no problems or a report to the table but I specifically remember him coming back and telling everyone that everything was fine but..."

1578 "Was he behaving or acting differently when he returned"

Reply "No, just plain old fashioned Gerry. No change whatsoever."

1578 "And the same format of question is, is replicated for others, and firstly did you see Jane leaving the table during the meal"

Reply "Err yes as described."

1578 "At what time"

Reply "About quarter past nine."

1578 "How long was she absent for"

Reply "Just a matter of a couple of minutes really, only the time that it would take you to have got to the apartments and back, not long at all."

578 "What did Jane say when she came back"

Reply "Err I said the other day, I mean I, she didn't, she didn't make anything, I don't recall any, any special comment you know in respect of what she may have seen. She didn't, she didn't come back and say I've just seen someone odd or anything like that, there was no comment like that. Normally when people come back it was usually just sort of said it you know everything, or they all quiet, yeah, fine, great. Err I don't recall any, anything other than things like that. She wouldn't have just sat down, she would have come back and said you know, its all quiet."

1578 "Was she behaving or acting differently when she returned"

Reply "No she was absolutely normal."

1578 "Did you see Matthew leave the table during the meal"

Reply "Err yeah, obviously he left at, he left to try and get the PAYNE'S but..."

1578 "At what time"

Reply "I think It would have been around the nine o' clock mark. And yes he was behaving normally, err I don't recall any particular things he said when he came back, err..."

1578 "How long was he absent for"

Reply "Just a matter of again, the same sort of as Jane, just enough time really just to do a quick, a quick kind of check err you know two or three, three or four minutes, something like that, no more than that."

1578 "And then obviously there was the time with yourself."

Reply "Oh yes, and then we left the table together."

1578 "Did you see Kate leaving the table during the meal"

Reply "Err I can remember Kate being away, I don't, I can't picture the moment of her standing up."

1578 "At what time"

Reply "It would have been approximately just before ten because we did have the reference of someone asking what sort of time it was err and Rachael announcing the time to the table, she may have been the only one."

1578 "How long was she absent for"

Reply "Err well it, as I say, it's hard with not, with not kind of knowing the way, but clearly if she was away she was away for a number of minutes if I, I mean I can, I can recall her not being there for a little while and obviously that's fairly, fairly obvious considering that the moment of her return is when it all kicked off so I, she was gone at least several, at least several minutes, you know and err that's, that can be fairly you know sure of her absence more because clearly her return was so you know was so, you know so, so important to everything err..."

1578 "All we need in there."

Reply "Sure."

1578 "What did Kate say when she came back"

Reply "Err I don't recall the individual words as well as I think we've said on Tuesday and today, I can only really remember, remember the meaning and that was that, that Madeleine's gone err I know there's been a lot said about other things. That's, that's the only words I heard. I was deep in, deep in tucking through my, my food and I think other people were probably sat back and relaxing a bit more whereas I was actually eating at the time and the only, the only kind of really feeling I got from it all was you know Madeleine's, you know, that she's, you know she's gone, Madeleine's gone. Err but what the words were rather than the meaning I don't know."

1578 "How did she look"

Reply "Err pretty ghastly, you know, at this, this point just very, very, you know just extremely concerned you know and she shouted you know sort of very loudly into the distance, it's hard to tell but you just knew that she was, she was you know very, very concerned about something."

1578 "What was her behaviour like"

Reply "Err well initially, I say initially we just got a shout and, and everyone sort of swept up there err and I didn't go in with her at the time, there was obviously panic, it was totally appropriate to the situation you know there was a sense of haste and she was, she was going straight back up there with everyone else err in terms of behaviour I can only describe really what happened perhaps over a longer period of time and that she went from you know happy Kate MCCANN sat at the table, laughing and joking and enjoying the evening like everyone, like every, like the rest of us were err through you know obvious concern I don't remember, whereas I didn't go in the flat straight away but you know a period of time later, afterwards, just hearing these sort of unearthly pangs of despair coming, I mean shouted out and err and absolutely kind of (inaudible) just hysterical with, with, with pain and anguish err and err you know the, it was a second hand thing you know that she was, you know apparently, I mean I wasn't, I didn't see this, but you know apparently on the floor she kind of drew, drew her own blood through bruised, you know her hands were just, you know absolutely, so, so distraught. Err in my opinion, you know, if this was, if there was any foul play bestowed on them, this was the, the, the most powerful Oscar winning act you have ever seen. There was no, there was no way I could imagine anyone could, could hide the fear they must have had if something had already happened and, and then, and, and, and display this, this degree, this degree of anguish without being the most accomplished of, of, and cynical of actors, you know this was unimaginable. I mean I've told patients they are dying I've told relatives they've, you know people have died, you know I've seen lots of people very, very angry, you know, you know very, very upset, very, very quickly and really broken and this was, this was as bad as any of them I've ever seen or heard. Err you know and the same for Gerry, not, not just in these moments but over the, over the coming, over the coming days, I've never ever witnessed such unimaginable grief."

1578 "Okay. Were you shocked by her words"

Reply "Well, again, what she shouted at the, at the doors I only, I've only ever taken a meaning from that as I said, so I don't know, not shocked by, well I'm shocked by the words yes that Madeleine was missing. Err and although I can't remember it you know because it was part of these you know shrieks, and certainly the second hand comments from the other members of the group who heard what she said and what she said to people around her you know, there was every you know hell, god, damn and shit in there you know she swore but was I shocked, no I think this was an absolute normal reaction to what had happened, I don't think there was any, you know, for Kate and Gerry there was nothing abnormal or suspicious in the way that they, that they reacted to this."

1578 "What did you do"

Reply "Err well I think that's an open question is roughly kind of says what we've already discussed before I presume, err at the foot of the stairs I think we had flat, initial searches as discussed before. Err I don't know is it worth going over that in any more detail"

1578 "I don't think so, I think..."

Reply "I presume it means what did I do right at the time, I went to the foot of the steps, didn't go in initially, obviously did a quick boundary search and then progressively did more as we've spoken."

1578 "Yes. The first question is, did you get inside the MCCANN'S holiday apartment' Did you get inside the bedroom where the children were sleeping' Can you describe what you saw"

Reply "Yeah."

1578 "Did you see the twins' Did you notice anything unusual about them"

Reply "No, okay. Can I go through those in each in turn"

1578 "Yeah course you can yeah."

Reply "So..."

1578 "Did you get inside the holiday apartment"

Reply "I'd been in, I'd been in their apartment twice, I think before, I don't know on tape at least, but err I went, I did a visual check of the children on the Sunday night, entered through the patio door so I'd been in through that part of the door err that part of the building. Err I think until, actually until the night itself I don't think I'd actually gone into their apartment again, err if there were lunches and things like that they were generally done in, in one of the other apartments, particularly Kate and, err Dave and Fi's because it was so much bigger. The err, on the night I didn't get into the apartment until quite late, I certainly went, when I saw Gerry on the patio as I described earlier on, I think at point I actually did, I actually did see Kate as well but at this point I think we both, you know we were both kind of just in a heap really. Err and then I entered the apartment later on when the P and J arrived, sat at the desk and just, just like inside from the kitchen, between the kitchen and the sitting area.

Err in terms of entering the bedroom, I don't, I don't think I ever actually went into the bedroom on the Sunday night, I'd kind of gone into the door frame you know and just looked, looked in like that. Err the, the, the twins I think when I was sat in the apartment were still in the room asleep err I mean I think a lot's been said about you know did they manage to, did they sleep through something, you know, that they couldn't, you know couldn't have slept through. I mean my own, my own daughter slept through the fireworks at Kate and, at err Dave and Fi's wedding so I think children can sleep through a lot more than, than you think if they're deep asleep. I don't remember particularly sort of seeing them earlier on in the apartment, in the apartment. I think my, my first recollection is when they were, they'd been moved err into the five H apartment later on err and they were, they were sleepy but it was the middle of the night and then at some stage they were awake and I think sitting on, on err people's knees, on Kate and Gerry's knees, but I don't, yes they, they were asleep for the period of time that I was around. I don't remember them crying."

1578 "Did you notice anything unusual about them"

Reply "I'm trying to think until late, I don't think I actually saw them within the room itself,

or certainly if it was, it was a flee, a fleeting glimpse when we were, when I was in there. Err no, I don't think so, when they were upstairs later on it was a nice quiet apartment, they were either asleep or I think later on they'd were having a cuddle from, from various people."

1578 "What did you do next?"

Reply "Err I presume this is all sort of covered really I mean..."

1578 "Did you take part in the subsequent searches?"

Reply "Err..."

1578 "Who was you with? Sorry who was with you?"

Reply "Well yes and as I've said before, of all you know, there were people around searching for the most part there was, they were, they were on my own, there was a period of searching with Dave and, Dave and Matt."

1578 "On realising Madeleine had not been found in the first ten minutes, how did Kate react?"

Reply "I think I've already discussed this, I mean although I wasn't there for the whole of that, that early period whenever you were back from outside you know she was well I can certainly recall hearing her on occasions and when I later saw her she was in, in a you know in a terrible state, an absolute terrible state."

1578 "And again, the same question for Gerald."

Reply "Err I can honestly say that I would never ever have expected to see Gerry in that state, so I'd imagine if his, you know if a relative had died err you know he's not, he's not, he's not some kind of cold, cold, big cold heart, but I'd imagine he would, he's a rational, you know he rationalises things, he says you know she was eighty you know she was (inaudible) she smoked or something, he, he would be upset but he would accept, he would accept it as being a normal part of things, I've never seen anything like it, I would never expect to see Gerry like he was. He was, he was err distraught beyond any, any kind of measure."

1578 "What is your opinion about their behaviour, taking into account Madeleine had gone missing?"

Reply "Yeah, as far as I'm concerned they behaved exactly as you would expect err on the night, unimaginable anguish and grief, err and there's been a lot made of (inaudible) as I said on Tuesday there's a lot made of, you know did they behave in the right way, they didn't cry enough on camera, they were too you know they didn't say this, they didn't do that, they didn't do that. I mean my gut feeling is you know who the fuck is someone else to say how they should have done this, I'm sorry for swearing but you know, how are you supposed to react after this. They were absolutely distraught on the night, they could, they could barely think for the next, you know the next day, the next day they were in a terrible state. They started to you know pick themselves up with, with some help from you know from, hopefully support from friends and family but also some professional help from you know a crisis counsellor as well and they, this was a such a horrible experience, it was horrible enough and it wasn't my daughter, that I think you know they, you know they only had, as I said earlier on, they only had two options, they either continued to grieve like they were in the those first couple of days and die, and I'm not, it sounds kind of dramatic, but you cannot live, you can't live like that."

1578 "No."

Reply "I mean that is, that is what, that is what truly makes people just say, fuck this for a game of soldiers I'm out of here, err or you, or you change your mind set and try and be positive and try and do something active and the, you know the grief they have received because they have actually tried, they tried to do something positive and they tried to you know to take something that was both beneficial for Madeleine and also to some extent for themselves, because if they could have sat in the room all day they wouldn't, Madeleine I don't think would be alive if that was the case, and so I think that their critics are, are sanctimonious and you know without, without hitting err because I don't think anyone really knows how you would react to this and I think they you know hats off to them, they, they were, they were trodden into the ground and they got up and they did something positive. I don't think I'd have

been able to go through, to do what they've done err I don't, you know I think I would've been destroyed right from the outset and never have, never have recovered."

1578 "Okay. What did you do from ten thirty p.m. in the evening to ten a.m. the following day"

Reply "Err..."

1578 "Who did you see' Who did you talk with"

Reply "Err I just wonder how much I..."

1578 "And again, these are Gerry and Kate's questions."

Reply "Of course. I think for the most part I covered everything in an earlier question and I don't, do you want me to summarise"

1578 "Just summarise please, just..."

Reply "Okay, and any additional things that we didn't cover at the end..."

1578 "Yes."

Reply "Of the last interview. Err I've already mentioned that we did, from my actions in, I'll get it in some kind of order, I did an immediate search err we then doubled back, we split up again, I searched the, round the back of the tennis courts, down that road, supermarket, shopping centre, met up with Dave at some point near that, found out that we'd still not, still not been met. I think probably at that point is when I went back to see Jane and, and, and found out what she, what she, what she said, and then me, Dave and Matt went down to the water front, split up on the beach, met a few, you know asked a few people as we were going round what's going on, swept back up from the beach, err back to the, back to the apartment then spent a fair amount of time on there both just talking to people err we got photographs there, there was some attempts to, to get, you know contact with consulate and so on and so forth.

Err at this point, as I said before, I think this was my first meeting with Robert MURAT when he was, in my eyes, being very helpful you know liaising with the Police, translating with the Police, offering, offering consolation along with other people, he wasn't the only person, you know being a supportive member of the public. Err then, it's hard to get it all back in, then we at some stage there I will have gone into the flat, seen Gerry err briefly and I just lingered around inside the flat feeling fairly useless and at some point I made the decision, I'm going to go and do another search you know I can't be just standing around now, nothing seems to be happening, went off, searched that sort of northern part over towards Millennium and the accompanying roads and flats just below it, came back and I think at this point the, the PJ had either arrived or shortly after arrived err and then as we discussed made a brief timeline, sat in on the, the early part of the discussion where Dave was asking the PJ to release the information, you know he was saying something get it on the radio, shouldn't there be more people here, blah, blah and then I think when Jane came in I think perhaps we saw the others housekeeper I'm not sure but then somebody offered to help with translation err then I left, went back to the flat err and then the rest of the night itself was, was largely in and around the flats err at some point Rachael making the call to her friend and then before a brief attempt at just being with the kids for a, for a little while when it was cleared it seemed to have extinguished everyone's searches and err etcetera who, a brief spell together in the flats upstairs.

So that took us through really to the morning, next morning it is a bit, a bit hazy, a bit more hazy but there was only the seeing it had come onto the television err phoning my mum err there was a lot of discussion obviously with, with people from Mark Warner who were setting up facilities to try and help the situation in terms of childcare and err I think at some stage here obviously this is where, I mean it's definitely the where I got the number off Robert MURAT, off his, from his telephone, as he was just outside five A on the road there. Err the kids went to, they went to the crèche, they were all together, I rang work Anthony and Tom

WHITEHEAD err I then made you know I think at some stage someone had left the job after Kate had gone to the, to Portimão err but I say would I try and arrange for the, the err the priest to come and see her."

1578 "Yes."

Reply "And I think I described that err through Ocean Club reception and a few phone calls I got a message to him err and then and that, that only takes us to ten, that's probably just after ten o' clock I would have thought."

1578 "Thank you. Nearly finished."

Reply "That's alright."

1578 "When did you leave Portugal"

Reply "We left Portugal I think on the seventeenth. It was a Thursday so it was two weeks to the day after, with Matt and Rachael and Jane and our kids. I think Diane maybe came to the airport with us although she took a different flight and we flew back to Gatwick where our cars were and Dianne flew back to either Bedford or East Midlands, somewhere nearer, nearer for her."

1578 "How many times did you meet Kate and Gerry' I think this is in the interim period between Madeleine going missing..."

Reply "Yeah, and..."

1578 "And you leaving Portugal."

Reply "I think I remember struggling with this one the other day, err we certainly saw them you know usually several times a day. As time went on it actually got a little less because they were involved in so many other things. Err we saw them at the Police station the next day err there was, I know there was a lot of coming and going from the Police station there. I would have said we generally saw them every day or at least one of them at high tea because the kids always generally went to this, and usually once or twice a day you know outside of that, but occasionally it could have been less, you know I think they ended up doing, they ended up doing so much and they had their family err and to some extent the family took over where we were in the first few days in that we were around a lot more for them and as more and more family came you know they, they, you know we didn't see them as much. We went down to the church service there was a number of visits both planned and unplanned. Err and you know we often went with them to the (inaudible) err but as I said on Tuesday by the time it came to you know when we were due to go, I, I mean I think we'd, we'd served our purpose in terms of supporting them and giving our statements to the Police and we were seeing them less and less and they were functioning, they were much better in themselves err more positive, they had things to do, which has been their criticism but actually I think anyone who's in that situation if you don't keep yourself busy living then you know, get busy dying isn't it, so."

1578 "Do you think they were showing a normal behaviour for parents who had lost a child"

Reply "Err in my mind, as I think I've explained this, they went through unimaginable grief that no one, you wouldn't wish on your worst enemy. They then, with help improved but you know, behind closed doors on many, many occasions down in the church you know just broken hearted, so yes. Yes, absolutely yes, and anyone who says they didn't can get lost."

1578 "During the holidays did you happen to see Kate and Gerry talking with someone unknown"

Reply "Err no, I, I would see, Gerry, Gerry's one of these people that can walk up to a stranger and have their life story extracted from them within ten minutes and then tell you oh yeah he's from here and blah, blah, blah he's a very, very confident guy, and he was talking to other members of the err you know other visiting guests who I may not necessarily have known but at least who I recognised as visiting guests. I didn't see him talking to anyone who didn't seem to be part of the infrastructure or, or, or visiting the complex, you know I didn't think who the hell's that or whether he's been accosted by someone."

1578 "Yeah."

Reply "Or so on and so forth."

1578 "Did you see Kate and Gerry inside a car during the holidays"

Reply "Err no not during the holiday err you know obviously the hire car err business is well known, I, I mean, I don't think there was any of us had a car err or saw, or there was any access to a car until sort of Gerry's family all came, Gerry's family had come over and hired a car when they came. So there was a car around after that but I don't actually particularly remember err much about Kate and Gerry using it, I think on a couple of occasions, if I think closely, I think they may have driven down to the church just to try and keep the, the, the crowds and things off them. Err but certainly in terms of, the quote "holiday", that was, you know they didn't not have a car."

1578 "And finally, is there any supplementary explanation that you consider pertinent or relevant to establish the material truth"

Reply "No, I just, you know it's difficult I mean we've been very grateful to, to, to go though all of this again but even thinking back to our kind of collect, our collective knowledge of the, of the events, it doesn't jump, there isn't something that jumps out and says you know these people were there watching us and we're convinced, we're convinced that to have done this someone needed to be well aware of, of our arrangements in the evening and over and above that I think someone needed to be well aware of the access, the ease of access to Kate and Gerry's flat but you don't, I can't, I can't point the finger in any direction. You know we've had our suspicions, we've kind of thought you know could it have been somebody within the, within the complex, could it be one of the waiters you know even just watching us and tipping someone off but, but you know these are just the natural thoughts about, about trying to work it out. There's no, there's no information that says you know that, that gives us a real direction. The only thing that is absolutely you know sort of crystal in Jane's mind and certainly in mine as her partner is that what she witnessed is prob, is almost certainly fundamental to Madeleine's disappearance and its just a real, I'm not gonna say a crying shame, but that kind of sounds almost a bit too pathetic you know but it just seems such a great pity that that information appears at least in the popular, popular press to have been entirely pooh-poohed and dismissed as, as, as a, as irrelevant, that's, I'm sure isn't what the investigational line over it is in totality but that is the only one sort of grasp, thing that you can grasp and say that fits in with it."

1578 "Just very, very briefly Russ or as long as you want it to last of course, err what about Madeleine as a, as a person"

Reply "Yeah, well I can't, I can't confess to knowing Madeleine well I mean that's fair enough, we didn't, we saw her intermittently, birthdays, barbeques, but she was a, on the occasions I've met her she was happy, bubbly, err relatively headstrong on previous meetings actually she seemed to have mellowed a little bit when we went on holiday, you know a girl, you know a little girl full of, full of life, full of beans, and err you know Ella and her, we hadn't seen much of each other, they were just having a wonderful time together you know they're so similar in age err I think that's all I can say. She just appeared to be a you know that time of life is gorgeous isn't it you know they're, they're in, they're, you know they're, they've not been sullied by school and lots of other external influences you know they're still you know just in, they're speaking, they're developing personality and nothing about Madeleine would suggest, which I presume the implication here is, that she was having an unhappy life, that she was being neglected or that she was being you know brought up in a, in a, in a threatening or a dangerous environment, you know she was you know just a you know normal, happy four year, you know three year old girl."

1578 "Do you think she would have gone readily with a stranger"

Reply "Err no I don't, I don't think so, err she was, she was, she was certainly more confident than my Ella, but you know I think if you look at the gene pool, me and Jane are slightly more kind of err sort of reticent sort of people and certainly you know Gerry and to a lesser extent Kate are certainly more slightly more extrovert so she's coming from, she's coming from an extrovert background but I don't think just because you come from an extrovert background means that you're, you're, you're fanciful and, and necessarily will sort of dismiss risk even as a kid. My Ella you know would, would, wouldn't say boo to a goose you

know when even a relative comes to the house and she'll kind of hold your leg for a little while and I think Madeleine's maybe not as shy as Ella but from, from the brief meetings they had I don't think she, she came across as a, as a reckless child who just sort of disappeared you know was always out the gate of the house or anything like that you know she was always in the house, she didn't do anything daft. But I think that's about all I can say if I'm honest."

1578 "Are you aware if she was aware of stranger danger for example"

Reply "I don't think I would, you know I would err necessarily know enough about what Kate and Gerry had said to her to say that but as I say she didn't come across as, she came across as buoyant and err outgoing and confident but not necessa, but not as reckless you know, she didn't sort of put herself in physical danger you know she wasn't kind of a kid on top of the swing who'd just jump off and (inaudible) and that sort of thing so..."

1578 "Right. That's all for the moment, if you can just bare with me a few minutes, I'll just go and have a quick chat with colleagues."

Reply "Yeah."

1578 "The tapes are still in and running."

Reply "Yeah."

1578 "I'll be back very shortly."

Reply "Can I just grab another water' Sorry can I just grab another water, is that alright or shall I stay on"

1578 "I'll get you one."

**DC GIERC left the interview room.**

**DC 4064 HOLLIDAY entered the interview room.**

**4064** "Hello Russell."

Reply "Hello."

**4064** "There's been a change of plans now, I'm going to finish off, we're going to go through your statement."

Reply "Oh right, okay. Is this the..."

**4064** "This is the one I've amended, what I will say obviously for reasons because this is going out of the country perhaps we're doing things slightly different than we would normally."

Reply "Yeah, oh yeah, yeah, no it's alright don't worry."

**4064** "So the order is not perhaps as you and I would like."

Reply "No."

**4064** "But it's the order that the interviews were conducted in and the order that the tapes in."

Reply "Yeah, no Andrew explained that, that there was gonna be a bit..."

**4064** "So in transparency that's the reason that they've been written in the way that they have."

Reply "Yeah."

**4064** "So if you want to read through and see whether or not you're happy."

Reply "I'll cross-eyed after this one."

**4064** "You will."

O'BRIEN began to read through his statement.

Reply "It's a minor point but it's the tenth of April there, it says yesterday the eighth but err..."

**4064** "Right, okay."

Reply "But it's not."

**4064** "Yeah."

Reply "Must be (inaudible). Err Jane's not officially my wife, I don't know if that..."

**4064** "But she's common law wife"

Reply "Common law wife yeah, two kids and a mortgage it's as good as."

O'BRIEN continued to read through his statement.

Reply "And this where it says 'Made' should be 'May' I suppose, err I suppose maybe an 'although' between entitlements and (inaudible) just to..."

**4064** "Where you looking at"

Reply "Just to cavort actually, just there entitlements, although it seemed to be quite trivial for me at the time. Err..."

O'BRIEN continued to read through his statement.

Reply "It's (inaudible), the Leicester Royal Infirmary, maybe rather than, it just reads a bit funny to me, 'at that time Gerry was my equivalent' it maybe just says 'at that time Gerry was my equivalent at Glenfield.'

**4064** "Okay."

Reply "(Inaudible) you know, I'm his boss."

**4064** "Hmm."

Reply "The second page apart from that seems fine."

**4064** "Okay."

Reply "Yeah this is, err I know that we've been to Madeleine's house for (inaudible), it's actually third and possibly second, so maybe, well it's definitely the third because I'm sure we went the year before I err we went to Portugal, err but possibly also the second, so it's third and possibly second... I don't think that's necessary, I think Maidenhead, it's near Maidenhead, I don't know actually (inaudible)..."

**4064** "Yeah, okay."

Reply "Err I think it was this, when we arrived at the apartment near to the reception err the apartment reception it's supposed, rather than the, err Ocean Club, if that makes sense... Err oh no, Matt left early actually so (inaudible) keeps changing err he was just ill, just sort of sat there looking (inaudible)."

**4064** "Okay."

Reply "I suppose it's just from a point of view of translation, maybe odd might be better as occasional, we had a few odd conversations."

**4064** "Okay."

Reply "That's actually (inaudible) (inaudible) (inaudible) sanctimonious. (Inaudible) (inaudible) err I suppose one of the questions that was asked was to say about who did the booking and I think that was, it doesn't actually say it was Rachael who did it but all the other bookings were made by (inaudible)."

**4064** "That might be it then, that's (inaudible) isn't it."

Reply "Oh right."

O'BRIEN continued to read through his statement.

Reply "I don't know if that makes sense to you, 'I recall their front door was accessed from the car park access was easily gained to the apartment from the poolside.'"

**4064** "Should be a comma."

Reply "Oh right, 'their front door was accessed from the car park, and comma, access was easily gained to the apartment from the poolside.'"

**4064** "Yes."

Reply "I think in terms of number there, 'a' cocktail I think was, I don't think was there, after all what has been said it was only the one (inaudible)... err just because this sounds specific for the Wednesday night err that's, that was a kind of more generic thing."

**4064** "Yeah."

Reply "Err so I don't know if it's maybe, if you say over, over, during, over the week I checked on some occasions and missed others but it doesn't, that's not specifically for the Wednesday night... Err I don't remember ever saying this bit, I don't even know if we have any photographs of this, we didn't have much in the way of photographs, for some reason our camera never left the flat very often so I recall Madeleine and Ella, they were less than a day before."

**4064** "Wasn't Jane the one responsible for the picture of Madeleine with the tennis ball?"

Reply "I don't think so, I think that was from someone else's camera."

**4064** "Right."

Reply "But I may be wrong there."

**4064** "Right."

Reply "But err but I don't, I honestly don't think that that was actually a photo from Jane's camera."

**4064** "Right."

Reply "So I don't know, my own memory from there was Jane anyway but I recall Madeleine and Ella as I say less than a day before and the rest of it I don't think I can, I'm not entirely sure that's correct anyway. We had back, we've had our pictures from, yeah we've got our, we've got the pictures and I don't recall ever seeing the one that was err that was on..."

**4064** "Okay."

Reply "Err again, this, having said this to Andy this is sort of, err well in this day and age it was more of a kind of, that was what we were actually discussing at the time saying you know, in this day and age you know you can't feel, you feel, you feel uncomf, people are made to feel uncomfortable doing what would have been considered normal things in the past. It wasn't like, I didn't feel uncomfortable at the time at all, it was just normal conversation, its only in retrospect that it just seems a terrible coincidence."

**4064** "Yeah, it's that horrible coincidence."

Reply "Yeah, I just remember the err, I mean that's not that I found it most uncomfortable in this day and age, having a discussion about a photograph of your own child, that's not, that's not, I don't know whether that's just..."

**4064** "So what do you want it to say"

Reply "I don't, well, yes it was actually describing what happened, it was, we said you know in this day and age people are made to feel..."

**4064** "So if I said we agreed."

Reply "Yeah we ag, yeah, the group agreed or you know you can say they were all discussing it, those present agreed that..."

**4064** "In this day and age..."

Reply "In this day and age err photographing your own child could make you feel uncomfortable. I suppose, I don't know how much of the, that video will be transcribed as well but you know at the time we also made the comment that you know you were more likely to, to sort of be harmed by someone you know rather than, rather than some random stranger and it's ridiculous."

**4064** "Yeah."

Reply "Mm."

O'BRIEN continued to read through his statement.

Reply "Err I think it's probably a little before, maybe nine, maybe about, it'd probably be about nine fifty five or something. I said around ten, so... Are: a,r,e... Err (inaudible) (inaudible) on Andrew's sort of copy, I don't, I'm not quite sure, I think that's actually referring to what I've written on, on the, on the timeline."

**4064** "Yes."

Reply "So it doesn't really, I've got no knowledge particularly of err of Matt's check apart from what he told me later so I think that's, that's sort of err don't really make any sense to me there."

**4064** "No."

Reply "So maybe just delete that."

O'BRIEN continued to read through his statement.

Reply "Again I'm not quite sure, I don't think I've ever, I don't think I was ever aware that it was Jane's photograph, it was only, it was only ever err Kate's camera, if someone got Kate's camera she was in no fit state to start searching through, so Kate's camera was given to us and we searched through for most useful photograph that was on it, err..."

**4064** "So if I just say a picture had been taken..."

Reply "Yeah, I think, a picture, a picture had been taken, we'll use that... It says conducted

an email there but..."

**4064** "Where' Where we looking at"

Reply "Err it was, the second last line, Dave was also to make use of the media and think that he may have conducted an email, constructed."

O'BRIEN continued to read through his statement.

**DC GIERC re-entered the room.**

Reply "Err there's a (inaudible) (inaudible) (inaudible)."

1578 "If you get to an appropriate point Kate I shall cease this interview, take the tapes out, seal them up and put fresh ones in."

**4064** "But I might need to sign with the amendments."

1578 "Okay, we've got two minutes left."

**4064** "Nearly there."

O'BRIEN continued to read through his statement.

Reply "That's Jane is not willing to go back... Yeah okay."

**4064** "Okay' Alright, it may be at some point in the future we come and visit you with a more polished version."

Reply "Okay."

**4064** "But obviously I'm conscious that you need to be getting away to..."

Reply "Oh no, no don't, don't worry, I mean as long as we've got, it's only (inaudible) (inaudible)."

**4064** "Yeah, okay. Right, if you can read the caption here, that relates to the English law."

Reply "Okay."

**4064** "Just there."

Reply "Yeah."

**4064** "Okay' So that's what you're signing for there. If you can initial the amendment, so on the eighth when we've conducted the interview, sign at the bottom. Then at the end of the sentence, it's so that we can show that these were made in your presence. The next one here. And sign just there. And there, sign at the bottom. Sign there at the bottom. It's just this one, sign at the bottom. This one there, and there, and at the bottom. Just at the end, and the end there. I think we're good on that page so just at the bottom."

Reply "(Inaudible)."

**4064** "It's alright. At the end sign, just so that we can show that there's nothing been added on without your knowledge, and then at the bottom there, that's it. Thank you. And we will keep..."

Reply "Yes."

**4064** "The one where we've made amendments on."

Reply "Okay."

**4064** "That's it."

1578 "We'll cease this interview, put some more disks in."

Reply "Yeah."

1578 "And we have one final question which is concerning the re-enactment."

Reply "Yeah, okay."

1578 "Okay, so..."

**4064** "Thank you very much."

Reply "Thanks."

1578 "Thanks Kate."

**4064** "Okay."

**DC HOLLIDAY leaves the interview room.**

1578 "The time is four thirteen p.m. this interview is ceasing."

**The interview ceased at 1613 hours when the tape recorder was switched off.**

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#### **Russell James O'Brien - Record Of Tape Recorded Interview IV**

1578 "Okay. The time is four twenty-three pm and that is on Thursday the tenth of April two thousand and eight. We are in an interview room at Leicestershire Police Force Headquarters. I am Detective Constable, one, five, seven, eight, Andrew GIERC from the Leicestershire Major Crime Unit. Could you give me your full name and date of birth please"

Reply "Yeah, it's Russell O'BRIEN, sorry, Russell James O'BRIEN, twenty-six, eleven, seventy".

1578 "Thank you. This is the fourth interview of today Russell. I have one final question to put to you. Just to reiterate, you are here voluntary as a significant witness".

Reply "Yeah".

1578 "To assist the Portuguese Authorities in their investigation of the disappearance of Madeleine McCANN on the third of May two thousand an seven".

Reply "Uh hu".

1578 "And the final question is whether or not you would be available to travel to Portugal between either the twenty-eighth and twenty-ninth of April or the fifteenth and sixteenth of May two thousand and eight in order to re-enact the events that occurred between five thirty pm and eleven pm on Thursday the third of May two thousand and seven"

Reply "Well as we discussed on the, on the video on Tuesday, you know, we, as a group, do want to do as much as possible to help the investigation.

Erm, you know, we have been crying out for, to, to have this opportunity for a long, long time. Erm, the trouble is, that the whole, the whole concept, even today, seems a little bit, you know, too little too late, I think that's how, how it's best described. Erm, you know, this is not, this is not a, well, at least, well from the point of view of Kate and Gerry and the rest of us, this is not a, a child manslaughter case or a child murder case, this is a child abduction case. But with everything that happened last Summer, so much has been, has sort of been lost, we have been exposed to, erm, a vast amount of, erm, bad press, intrusion of our privacy, erm, huh, over a, over an incessant, what feels like an almost incessant period of time, that has been to, you know, great detriment of our, of our own personal wellbeing, and that is clearly most true for Kate and Gerry, but also, you know, true to a lesser extent for the rest of us. Erm, we, you know, we had hoped that obviously invest, you know, this part, you know, the fact that we were back here now was the start, is potentially the start of, you know, more close lines of communication between the PJ, Kate and Gerry and the rest of us and I think that, you know, we, we completely welcome that and we think that a lot of, a lot of the problems that have arisen have been because there has been no lines of communication and the Press have just been able to, you know, play while the cat's away really and so we have, you know, we were very pleased that this has, this has finally happened.

Erm, I'm also conscious that, you know, for, for, for Kate and Gerry's sake in the future, you know, that, you know, dialogue between us and the PJ, you know, as a group and between them and the PJ has to be re-established. Erm, but it's fair to say that we know from our experiences on the night, I mean, we were only, only we can know, we can't, we can't prove

anything, but we know that Kate and Gerry did not harm Madeleine in any way and would have had no part in her, in her, erm, you know, in her disappearance and we can also say, individually, as well, that we, that we've had no part of it as well. Huh, but, nonetheless, the making of Kate and Gerry, erm, into aguidos, although the process had already started in sort of July and August, put the icing on the cake of what has felt like a, a public demolition and a, and a concerted attempt to destroy Kate and Gerry and, to a lesser extent, but it still felt just as acutely, acutely true, the rest of us and, whether it's true or not, it feels that this has actually come from the Police initially, now this may have been the old regime and clearly there's been, you know, changes in, in who was leading the investigation. But our feeling is that in many, well, and I agree with the rest of the group, that given the nature of how we are continually, erm, what's the word, huh, promoted is not the right word, but portrayed in the, in the Portuguese Press and this includes, you know, the documents that are brought in that, even Press yesterday that still say Jane is lying, that still quote unattributable sources in the Police, both here and in Portugal, mean that we would, we would, in many respects, feel it would be absolutely mad to fly to Portugal, not just from the point of view some relatively minor concerns that, huh, you know, twelve months on a re-enactment with the people involved, you know, is, is unlikely to change evidentially the Case, but just because it will open us up to a massive tide of, of, of unwarranted abuse, both, perhaps even on the ground, but certainly in the Press and I think, you know, we, huh, we, individually, have to look to the, you know, to our own, you know, our own sort of family life and our own security and privacy and this feels like a sure fire away of, of, of blowing it all to smithereens, you know.

Personally I don't feel as anti the re-enactment of some of, as some of the rest of the group and that is despite having perhaps some of the most, you know, some of the worst Press out of the, out of the lot of us, you know, I've, you know, I'm the male who was away from the room for the longest, you know, I didn't ask for bed sheets and a whole range of other sort of associations with Exeter and Robert MURAT, you know, there's, you know, I've got a lot more in many respects to, to be worried about travelling to Portugal. But, but, erm, I think that, we, as a group, and Kate and Gerry in particular, need some signal from, from the other side of this wall to say look this is, you know, this is a, this is a, we look at the investigation. I mean, we know that, you know, as a group, that that there is no evidence to convict Kate and Gerry, there never will be, we know that there is no evidence to convict any of the rest of us and there never will be, I mean, we, we don't, we have no fear of that because we know what we know, erm, but we do have a great deal of fear for the privacy of our families, erm, the ability to go to work without Spanish news crews pissing around outside, you know, outside your window and, and a whole range of other things that have really turned, you know, turned on a personal level, a perfect life.

I had a perfect thirty-six years life and I have, you know, we have all had a shit year and I don't, I don't want it getting any worse, if anything, in the last couple of months it's just slightly starting to get better. The British Press have been, you know, dealt a very heavy, you know, a very heavy blow and, you know, where it hurts, in their wallet, I mean, the only place which it will hurt and I think we are going to have to do the same to the Portuguese Press as well. Erm, but what we, huh, in my mind, to get, to get us out there happily and safely, we need some assurances and not more than, and more than what's happened so far, you know, that, that this is looking at the investigation with open eyes. It's felt like a, it's felt like a one directional investigation, from a personal point of view, this was to nail it on Kate and Gerry or nail it one of us and that's fine, that's how it's felt. I'm sure that is not the perception of all the Officers and the PJ and I'm sure that is, that is not the full picture, but that's how it's felt.

Erm, you know, I'd like to say again that, you know, when we were out there the Officers that, that interviewed me, you know, everyone was perfectly professional, but the, the collective targets of the PJ appears to be Kate and Gerry with no other, with no other avenue. Huh, in terms of kind of a, you know, a conciliatory statement, I, I am very aware that when parties are at odds with each other, and in this, you know, I, I'm, it breaks my heart that this is the

situation that we're in, erm, is that we are, we are inevitably at odds with the PJ and the Portuguese Police. But when parties are at odds and they reach a, an impasse or a stalemate, which is where we are, and we know that, that no, no further action, or should we say no further legitimate action can be taken against any of us or Kate and Gerry in terms of Madeleine's disappearance because there is no, we were not involved, that Kate and Gerry need a way out for, you know, just for, for the pure humanity of it, erm, they cannot remain under the degree of pressure and uncertainty and suspicion that they are now, that is true to all, for all of us, you know, to a much, much lesser degree, I, I, I take that. And I am also conscious that the other side of this, the PJ have not had it easy either, you know, they've had a very high profile investigation where the International Press have given them a few, you know, bloodied noses along the way as well, and that's, and that, and so there's two, there's two very, very wounded parties. We want to help out.

I think if, and I know, Stuart's explained, you know, the legal system over there is not the same as here and it's not a question of okay we can just lift it, let's prosecute and all of this, but there has to be some control and some robust control of the Portuguese Press from the PJ to say, you know, these people are not under any more suspicion than anyone else as a witness in an unsolved case is, you know. You know, in an unsolved case it's, you know, the innocent will suffer, isn't it, I mean, it's, it's obvious that we're going to be under a degree of suspicion, we knew that from the start. But we cannot fly into, erm, a hornets nest in Portugal and have our lives literally turned into further episodes of some shitty soap opera, you know, Jane has been portrayed as some kind of soap opera villain over in the Portuguese Press and the article I brought in this morning just illustrates that, I'm under, you know, a great deal of suspicion according to, you know, you know, unattributed sources within the PJ. All of these are an enormous burden that I could never have imagined in, in all of my, you know, worst dreams that I could, you know, I'm saying I here, but clearly it's the group, and Kate and Gerry are a lot worse, but that I could find myself under and, you know, I know Jane feels exactly the same. But, if, in some, in some way it could be made so that, even if this was before aguido status was removed from Kate and Gerry, which inevitably in the fullness of time it will be because it's just not going to go anywhere short of a, of a, you know, of planted evidence, I mean, I am not suggesting that's what is going to happen, but, you know, that's the only way that that things will go further, but if the PJ can somehow, you know, bring their own National Press to order, erm, then it will appear that we are not actually just putting our whole livelihoods and privacy, you know, at jeopardy, but at the moment it just feels like it's asking someone to walk to a cliff and say 'Do you want to take your chances on the fall'. Erm, it is not because we don't want to co-operate, I mean, we have come here, you know, I've come here for a second day, we would bust our gut if we thought if anything it would do that would actually help Madeleine. And, to be honest, if there wasn't this pressure I think we'd go and do the re-enactment anyway because we could see no harm from it, the problem at the moment is we can see, we can perceive, and I think it is there, there is genuine harm to our, to our private lives, to our working lives, to the, you know, to even to, you know, our children who are just going to be, you know, they're kind of plastered over papers and they're on internet sites and, you know, that, any, our kind of lives are pulled over by sort of sick individuals who have got nothing better to do.

And I think we need to have the kind of mainstream Press treating this with the respect that it should do, this is a serious crime, evidence should not be soap opera, the British Press are just as bad, well have been just as bad as the Portuguese Press, but I don't think we are going to see the same degree of, of, of wanton behaviour from them. But, you know, I know I'm going round in circles just like I did before, but we'd be idiots to go, erm, and on the flip side of that, if we don't go I'm sure the Portuguese Press and maybe even the Police would use this as a rod for our backs as well, you know, 'Oh they're not cooperating', that is not the intention, this is actually, this is actually at the level, you know, the, the unpleasantness of this last year is

now at the level where we have to look to just maintaining, you know, some quality of life for us and our kids. Erm, I mean, that, from the outside that probably sounds, oh, you know, soft git, you know, grow up, you know, and maybe that's, and that's true, but I have no doubt that going there will, will create a complete whirlpool of, erm, of uncertainties, I can't see it realistically finding Madeleine or, or us ascertaining any more detail than what our statements do as, as they, as they are now, and just at great, at great personal cost. And I hope the PJ don't take our reluctance to do this, I hope they see it from a, as a point of view of another person rather than just a National Police Force, I hope they kind of don't see this as a, as an opportunity to, to sort of harm Kate and Gerry any more, because I don't think, in living memory, in Britain, two people have been more unnecessarily damaged after perhaps one of the most awful things happening to them.

I mean, we have seen the best of, the best of nature and the worst of human nature in the last year, a wonderful amount of help and support when we were in Praia Da Luz at first, erm, but we have, we have witnessed the, the, you know, a really sick act and we've also witnessed the, the smarmy, the conceited and the opinionated kind of backlash as well. And, you know, for our own, our own families' sake we have to, you know, we have to make sure that we are not put through a grinder. So, at the moment, I can't, you know, as I say, if the situation relaxed even a little in terms of the kind of likely outcome, I mean, I don't think realistically you could close the area off and keep the Press away, but if the, if there was some way of just, that this was treated with the respect it deserves, the Case was respected, you know, for the, you know, as an open case, an unsolved case and an ongoing one, erm, and I'd be there in a flash, and I think some of the other group might not even be there even if, even if there was something in place. But, at the moment it, phew, you know, the timing is poor, we're sceptical that it would make a big difference at this late stage and I think, I think that's true, I don't think there's any, any, I think that's, that would be most peoples assumption a year on. Erm, I mean, it just seems that it would be almost reckless, at the personal level, given the articles that are written about us. That doesn't, that is not, that is not an absolute no, it's clearly, erm, the answer is I think we'd be mad to go now, it doesn't mean we wouldn't go at some stage. But with some management of the Press and maybe that needs to come from us, I mean, maybe, I mean, I'm seriously, seriously considering, well we've already looked into it in loose terms, taking the Portuguese Press to task over what they've written, but, you know, just like the PJ have had difficulties in International Law with us here, well that's no, that's no mean feat to achieve it. And, you know, we are not, we are not, you know, we are not people who have got, you know, certainly Jane and I aren't somebody with disposable income to start, to try and fund international libel cases, but libelled we have been and many, many times. The only good thing about leaving the Press to do it is that they're making a nice long bit of rope for their own neck. And there's no doubt about it already that, that, you know, if the same thing applied in England, the papers, as soon as threatened, they just gave in, and I think that would happen in Portugal because there is no, there is no factual basis on, you know, a vast majority of some of the really nasty stuff they've written. And maybe that needs to come from us, maybe we need to have that in place, saying 'You write this kind of shit about us and we're going to, we're going to hit you where it hurts financially'. We can't expect morals out of the Press, we never could, erm, but if that attack was coming from us and the feeling that the, the Authorities in Portugal were prepared to back that up, then I would go back, but not before".

1578 "Okay".

Reply "Thanks very much. Sorry to waffle as usual".

1578 "That's fine. I think it just remains for myself Russell to, on behalf of the Portuguese Authorities, sincerely thank you for your efforts and time".

Reply "Well thank you".

1578 "And attendance this week".

Reply "Well thanks to, you know, you and, and the visiting Portuguese as well for, you know, for coming over and doing this, it's a big undertaking and a lot of time".

1578 "Thank you".

Reply "Okay. Thanks a lot".

**1578 "The time is four forty-two pm and this interview is ceasing"**

**Here's Russell's Rogatory questions:**

**Questions for R O'B from the Letter of Request:**

RUSSELL JAMES O'BRIEN should also be asked the following questions :

- \* At what time did you arrive at the Tapas Restaurant in the evening of 3rd May, 2007 ?
- \* Were you alone or with your wife ?
- \* Who was already sitting at the table ?
- \* How and how often were you checking on your children ?

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\* During that dinner on 3rd May, 2007, were you always at the table ? If not, where did you go ? At what time ? How long were you absent ? How many times were you absent ?

\* After the alarm being given what did you do ? Whom did you talk with ? Did you have any photo of MADELEINE in your possession ? If yes, who gave it to you and what kind of photo was this ? Whom did you give the photo(s) ?

\* Do you know who informed the Authorities and the Media of Madeleine's disappearance ? Do you know when those Authorities and the Media were informed of Madeleine's disappearance ?

\* Did you take part in the searches ? With whom and how were the searches planned ?

\* During your stay at the Ocean Club holiday apartment, did you ever leave your apartment doors or windows open ?

\* In the days prior to MADELEINE's disappearance did you ever check on your children ? How often ?

\* Who is the user of the phone number 447967XXXXXX (a phone number in common with Kate Healy) ? Who was the called party regarding the below listed phone call and what kind of relationship is there between you and this person ?

(Listed here, details of a single incoming call, dated 4th May, 2007, at 7.43 p.m. With a duration of 96.)

\* Did the user of phone number 447754XXXXXX, who activated antennas serving the Praia da Luz area and whom you may have been introduced to by the user of the phone number 447967XXXXXX, personally or telephonically contact you ? What kind of relationship is there between you and that person ?

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\* Who is the user of the phone number 447851XXXXXX from whom you received the below listed SMS text message ? What kind of relationship is there between you and that person ?

(Listed here, are details of a single incoming SMS message. Dated 3rd May, 2007, and timed at 10.52 p.m.)

\* Who is the user of the phone number 441513XXXXXX to whom you made the below listed phone calls ? What kind of relationship is there between you and that person ?

(Listed here, are details of 2 outgoing calls, dated 4th May, 2007, and timed at 8.13 a.m and 1.49 p.m, with durations of 169 and 213.)

\* Who is the user of the phone number 447785XXXXXX to whom you made the below listed phone call ? What kind of relationship is there between you and that person ?

(Listed here, are details of 1 outgoing call, dated 4th May, 2007, and timed at 10.52 a.m., with a duration of 13.)

\* Any further questions deemed useful, necessary or pertinent in view of the previous replies.

\* And also (questions drawn up by the arguidos (formal suspects).

\* For how long have you known Gerald McCann and Kate Healy ? What kind of relationship is there between you and the McCann couple ?

\* Have you visited Gerald and Kate at their home address, their children being also present ? If yes, how many times ?

\* Have you already spent holidays with them at any other time ? If yes, could you describe the way they took care of their children in the evening / at night ?

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\* How often would you meet Gerald and Kate during the holiday time period between April 28th, 2007, and May 3rd, 2007 ?

\* How often would you see their children, Madeleine, Sean and Amelie ?

\* Have you ever felt you had a reason to become somehow concerned about the children ?

- \* When was the last time you saw Madeleine ?
- \* When did you see Gerald and Kate on Thursday, May 3rd, 2007 ?
- \* At what time did you arrive at the Tapas Restaurant on May 3rd, 2007 ? Who was already there ?
- \* What were Kate and Gerry doing when you arrived ?
- \* Did you talk with Kate and Gerald ?
- \* How were they behaving ?
- \* Who left the table during the meal and why ?
- \* Did you see Gerald leaving the table during the meal ? At what time ? How long was he absent ? What did Gerald say when he came back ? Was he behaving or acting differently when he returned ?
- \* Did you see Jane leaving the table during the meal ? At what time ? How long was she absent ? What did Jane say when she came back ? Was she behaving or acting differently when she returned ?
- \* Did you see Matthew leaving the table during the meal ? At what time ? How long was he absent ? What did Matthew say when he came back ? Was he behaving or acting differently when he returned ?
- \* Did you see Kate leaving the table during the meal ? At what time ? How long was she absent ? What did Kate say when she came back ? How did she look like ? What was her behaviour like ? Were you shocked by her words ? What did you do ?

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- \* Did you get inside the McCann's holiday apartment ? Did you get inside the bedroom where the children were sleeping ? Can you describe what you saw ? Did you see the twins ? Did you notice anything unusual about them ?
- \* What did you do next ? Did you take part in the subsequent searches ? Who was you with ?
- \* On realising Madeleine had not been found in the first 10 minutes, how did Kate react ?
- \* On realising Madeleine had not been found in the first 10 minutes, how did Gerald react ?
- \* What is your opinion about their behaviour taking into account Madeleine had gone missing ?
- \* What did you do between 10.30 p.m. in the evening to 10.00 a.m. of the following day ? Who did you see ?

\* Whom did you talk with ?

\* When did you leave Portugal ? How many times did you meet Kate and Gerry ? Do you think they were showing a normal behaviour for parents who had lost a child ?

\* During the holidays, did you happen to see Kate and Gerry talking with someone unknown ?

\* Did you see Kate and Gerry inside a car during the holidays ?

\* Is there any supplementary explanation that you consider pertinent or relevant to establish the material truth ?

Source: [http://www.mccannpjfiles.co.uk/PJ/RUSSELL-OBRIEN\\_ROGATORY.htm](http://www.mccannpjfiles.co.uk/PJ/RUSSELL-OBRIEN_ROGATORY.htm)