

The Murder of Asunta Yong Fang

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By

Mark Guscini

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This book is dedicated to the memory of Asunta Yong Fang, and to all the other children in the world who are not given a choice over a matter as fundamental as their own lives.

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INTRODUCTION

In September 2013 the body of twelve-year-old Asunta Yong Fang Basterra Porto¹ (who was born in China and adopted by Spanish parents while still a baby) was found abandoned at the side of a woodland path near the cathedral and university city of Santiago de Compostela in north-west Spain. Some days later her parents were arrested as the prime suspects of the murder, and after a long and complicated committal phase² and then trial, which left various matters unsolved, were found guilty by the jury and each sentenced to eighteen years in prison.

This is the first book in English about the murder and trial, and the only book in any language to include the whole story and an in-depth analysis of all the events. The author was authorized to interview Rosario Porto Ortega, Asunta's mother, in prison (the only authorized visits in her five years in prison apart from her lawyer and psychiatrist), and also spent

¹ Spanish people have two surnames; the first one being the father's first surname (in Asunta's case, Basterra) and the second one the mother's first surname (in Asunta's case, Porto). This sometimes leads to confusion in countries where people generally have only one surname, as they take the last (i.e. the mother's) surname as the main one. A frequent occurrence when the first (i.e. the father's) surname is common (e.g. García, Rodríguez, Vázquez) is for the person to deliberately use the second surname when this is more "attractive". Hence Judge Vázquez Taín is often known as Judge Taín, Rosario Porto's lawyer José Luis Gutiérrez Aranguren is usually cited as José Luis Aranguren, and the prosecuting lawyer Ricardo Pérez Lama runs a buffet called "Lama and Associates". The artist Pablo Picasso did the same; Picasso was his mother's surname, while his father's surname was Ruiz. Pablo Ruiz does not have the same ring to it as does Pablo Picasso. The equivalent in English, if we had two surnames, would be choosing to use e.g. Armstrong or Greenwood instead of Brown or Smith.

² This is also known as the "inquisitorial legal system", as the investigating judge interrogates the accused party and all the witnesses. Magistrates in England and Wales carried out such committal proceedings until the 1998 Crime and Disorder Act came into force, under which their powers were limited to deciding whether the accused person should be released on bail or remanded in custody. The idea behind not having committal proceedings was to make the whole process shorter. Lengthy committal proceedings still take place in Spain; an investigating judge is appointed, as in this case, and at times these proceedings seem to be more detailed than the trial itself.

several days talking to the lawyers of both parties, trying to find solutions for some of the more complex matters in the case, the policemen who were directly involved in the arrest and the investigation, Asunta's ballet teacher and journalists who covered the story from beginning to end.

The book is amply illustrated with photographs taken by the author, professional photographers and journalists. Some of the most relevant and significant images are taken from security cameras at banks, jewellers and petrol stations (as used by the police in the trial); the quality of these images is not the same as the professional ones, but their importance in the case justifies their inclusion.

Some people and certain entities refused to speak to me or have anything to do with this book. Belén Hospido, Asunta's father's lawyer during the committal and trial, refused throughout to talk to the media, and of course, she also refused to talk to me for this study. Some of the witnesses also ignored all requests to talk to them, although this was not so important as their detailed statements to the police and judge explain everything they could have told me and I doubt very much that they held anything back in the trial that they would later be willing to share. The staff at the Sportown store in Santiago are apparently under strict orders from their owners not to talk to anyone about the case unless they are accompanied by the police. I am sure that everyone who did not wish to be involved in this research and book had a very good and pertinent reason for not talking to me.

CHAPTER ONE

ASUNTA

This first chapter is in many ways an introduction to what is dealt with later in the book. It provides the necessary background for understanding the analysis; first the bare events are narrated, leading into how the same events were interpreted, amended and analysed in the pre-trial committal phase, during the trial itself and afterwards.

The girl called Yong Fang was born in the city of Yongzhou in China on 30 September 2000, and like so many other thousands of Chinese girls born under a government policy of one family, one child, and given the preference for male heirs and descendants, was given up for adoption. Three months before her first birthday she was adopted by a couple from the city of Santiago de Compostela in the north-west of Spain (see Figures 1 and 2); Rosario Porto Ortega and Alfonso Basterra Camporro.

Rosario Porto is the only child of Francisco Porto Mella, who was a well-known and successful lawyer and Honorary Consul of France in Santiago, and Socorro Ortega, a member of the Academy of Fine Arts of Galicia and a lecturer in Fine Arts at the University of Santiago, one of the oldest universities in Spain (it was founded in 1495).

Rosario was born on 11 July 1969 when her mother was in her mid-30s and her father in his mid-40s, which at the time was relatively late to have a first child¹. She studied primary education at the Pío XII school in Santiago and the first years of secondary education at the Rosalía de Castro School (see Figure 3) in the same city – precisely the same schools Asunta went to. In the academic year 1986-1987 Rosario finished what would be the Spanish equivalent of sixth form studies in Oxford, and then from 1987 to 1992 she obtained a degree in Law from the University of

¹ Certain popular publications spread rumours suggesting that Rosario herself was an adopted child, e.g. Andrés Guerra, ‘Así era la familia de Asunta a ojos de sus compañeros de colegio’, *Vanity Fair*, 27 September 2013 (although in the magazine’s favour it should be stated that they admit they were not able to confirm this point). Rosario’s mother had a difficult and high-risk pregnancy, due to her age, but she was definitely her natural mother.

Santiago (the vast majority of Spanish degree courses at the time lasted for five years). Her true interest was Psychology, but she was obliged to follow in her father's footsteps. One of these years was spent with an Erasmus grant in Le Mans (France), where she sat her exams for the year in French. After obtaining her degree, she spent another year in the United Kingdom, where she did a course in legal specialization². In 1995-1996 she did postgraduate studies in Paris, and eventually started working in her father's office. She inherited his position as Consul of France in Santiago and for the French Pilgrims' Way to Santiago³ in 1997. She therefore enjoyed a privileged upbringing, never lacking for anything material (and as far as can be deduced, neither lacking in affection from her parents). Santiago de Compostela is not a large place (the population varies from year to year but the recent average is 100,000, to which we could add the approximately 30,000 students who live there during the academic year) and the Porto/Ortega family was well-known, appreciated and acknowledged in all the cultural and political circles in the city.

Before Rosario met Alfonso (a mutual friend introduced them to each other) she had a boyfriend who worked on the railways; no source is more specific about exactly what this man did, but it was clearly not good enough for her parents, who virtually forced her to leave him as the difference between their social classes was too great. She also wanted to go to university in Madrid to study for a degree in Economic Law, but once again her parents persuaded her to stay in Santiago and study for the pure degree in Law. Everything was perfectly in order for Rosario as long as she did what her parents wanted (the right degree, the right boyfriend); she went along with the kind of life they had planned for her until they died, when she openly rebelled against it all.

² Giles Tremlett, 'Why did two parents murder their adopted child?', *The Guardian*, 2 February 2016, says that Rosario only completed a few months of her Erasmus course in France because "Nobody knew who I was. Here in Santiago, as my father was a faculty teacher, they treated me with greater consideration", and that her claim to have studied in London is suspect because in her on-line CV she says she studied at the 'London High School of Law' – "an institution that does not exist" – when it could easily have been a slip for the London School of Law. Rosario definitely did specialize in legal studies in London.

³ The different pilgrim routes to Santiago form an essential part of the history of Galicia in general and of Santiago in particular; the main road is from Roncesvalles to Santiago and is known as the French Way. The English Way runs from La Coruña to Santiago, as most pilgrims from the north of Europe (including but not limited to England) came to La Coruña by boat and continued from there on foot. The importance of the French Way is shown precisely by the fact that it has its own consul.

Alfonso Basterra Camporro was born in Bilbao in the Basque Country in 1964 and settled in Santiago towards the end of the 1980s. He holds a degree in Journalism and was employed for some time at the newspaper *El Correo Gallego* but after adopting Asunta he went freelance and collaborated with various different publications. Alfonso and Rosario got married in October 1996, but decided not to have natural children as Rosario suffered from systemic lupus erythematosus, an incurable disease which manifests itself in swollen joints, fever, chest pain, feeling tired and a red rash on the skin. The origin of the illness is not known, and it is believed to be hereditary, at least in part.

The couple therefore decided to adopt internationally, more specifically in China. The paperwork and formalities were apparently much more complicated in Galicia (the related legislation and procedures depend on the regional rather than the national government⁴) than in China itself; the attitude of the civil servants too was much better in China (at least this is what Rosario told me on one of my visits to her in prison). They went to China in the summer of 2001 nominally as part of a group of adopting couples, although they actually travelled a few days later than the rest of the group.

They were impressed with the standards of the orphanage, especially after hearing all kinds of stories about the terrible conditions abandoned children (especially girls) were forced to live in. Asunta and Rosario formed an immediate bond, right from their very first contact; it took the baby longer to adapt to the men in the family.

The couple decided to keep the child's Chinese name, Yong Fang, adding to it the name Asunta and of course, the first of their own respective surnames; the adopted girl's full legal name in Spain was therefore Asunta Yong Fang Basterra Porto. The name Asunta is a variant on the more frequent *Asunción*, which means "assumption" and comes from the Catholic tradition of the assumption of the Virgin Mary into heaven. The past participle of the verb in Spanish is precisely "asunta"⁵; in English we only have the noun "assumption" and the past participle is generally expressed as "was taken up (bodily) into heaven". As with so many other names related to Roman Catholic tradition⁶, this does not

⁴ Government in Spain is much more decentralized than in the UK.

⁵ The Spanish text of the related dogma reads "La Inmaculada Madre De Dios, siempre Virgen María, cumplido el curso de su vida terrestre, fue asunta en cuerpo y alma a la gloria celestial".

⁶ Some of these names strike non-Catholic ears as somewhat strange: many girls have such religious names as Dolores (Sorrows), Rocío (Dew), Remedios (Remedies), Mercedes (Mercies), Belén (Bethlehem) and Trinidad (Trinity). The

imply that the parents held any kind of religious belief or affiliation. In fact, Asunta's education was deliberately free of any religious emphasis; her parents taught her to think for herself. She did not take her First Communion, which apart from any religious meaning it might still retain for some in Spain, is, much like Christmas, mainly a social event to bring family and friends together and enjoy a meal, not to mention the numerous gifts the child receives. Part of the ceremony involves girls wearing a white dress, and boys a sailor style suit; Asunta hated dresses and white clothes even more, and so she simply did not go through with the formal ritual of the First Communion.

Neither Rosario nor Alfonso were infertile; the decision to adopt was taken simply because of Rosario's illness (lupus) and the risks inherent in pregnancy. In fact, a month after returning from China with Asunta she became pregnant, although she had an abortion.

Asunta was the first child to be adopted from China in the city of Santiago, and as her mother and grandparents were well-known in the social and cultural life of the area, the news found its way into the media and onto the television. The regional broadcasting company interviewed the parents when Asunta was six years old; they spoke about the obligatory "donation" of €3,000 they had to give to the orphanage, and Rosario said that an adoption is for life, just like a biological birth⁷. She heartily recommended adoption "provided that you want to be a mother or father".

Asunta was much more of a tomboy than a "girlie"; she always preferred to play with cars and trucks rather than dolls, and wear jeans and trousers rather than skirts or dresses. She never started puberty; even at twelve years old she was still a girl and not a teenager, and showed very little interest in boys. Rosario asked her directly about this; when Asunta said that she preferred to be doing other things, her mother asked her if she liked girls instead. Asunta understood the reference and said "No, Mum, I'm not a lesbian".

Among the documents to come to light during the committal phase were two school poems written by Asunta as exercises, both about her

four first names all come from the different nomenclatures of Our Lady. The fact that Jesús (i.e. Jesus) is a common name for males is also curious for the Anglo-Saxon world.

⁷ Excerpts from the interview, together with photographs of Asunta in her early years, can be seen at http://www.antena3.com/programas/lo-que-la-verdad-esconde-caso-asunta/lo-que-la-verdad-esconde-el-caso-asunta-capitulo-1/rosario-y-alfonso-cuentan-como-fue-el-proceso-de-adopcion-de-asunta_201705245925f47f0cf205e8f6fd39f5.html.

mother. The media paid a great deal more attention to the first poem, written in Galician (Santiago is the capital of Galicia, which is a bilingual region), as it has very little to say about Rosario that is in any way complimentary. Some media went so far as to suggest that it shows a breakdown in the mother/daughter relationship⁸. The poem seems, however, to be more of an exercise in what we could call silly rhyme, with lines like “She sings horribly and cooks with salt”, which in the original, even though it makes no sense, rhymes (Canta fatal, cocíña con sal), rather than a profound analysis of her feelings for her mother⁹.

My mother is greedy
 But not beautiful
 She is short
 But not nice
 She sings horribly
 And cooks with salt
 She runs worse
 But drinks better
 Not at all flexible
 But very old
 She doesn't know how to talk
 But she does know how to tell me off
 She knows how to shout
 But not how to talk nonsense

Asunta wrote another poem just a few days before her death (she signed off with her name and class, 2 ESO¹⁰, the year she had just started in September 2013). The poem (this time in Spanish) is about a woman who takes drugs, but it is not clear whether this is a reference to Rosario and her medical treatment, or even to herself (she was aware of the “white powder” her father made her take and the effects it had on her):

⁸ Cf. Xurxo Melchor, ‘Un poema de Asunta: Miña nai é avariciosa’, *La Voz de Galicia*, 6 June 2014, where the title ‘A poem by Asunta: My mother is greedy’ seems conceived to make readers think that this is what Asunta really did think of her mother.

⁹ The poem in Galician reads as follows: “A mina nai é avariciosa, pero non preciosa. É baixiña, pero non riquiña. Canta fatal, cocíña con sal. Corre peor, bebe millor. Ten pouca flexibilidade, pero moita idade. Non sabe falar, pero sí regañar. Sabe gritar, pero non desvariar”.

¹⁰ Educación Secundaria Obligatoria: Compulsory Secondary Education, which takes children up to the age of sixteen, when they can legally leave school and all formal education.

Her smile as brilliant as the sun
 Her mouth deep and beautiful
 She loved the light green and white cabbage
 And also bright white cocaine.

There was so much love in my heart
 That I could hear my restless wrist tremble
 Yesterday she laughed and cried on the plane
 It was just a single, short dry tear.

That beautiful slim figure
 Wanted to cure her addiction to cocaine
 I insisted on this with her and she did it

As a reward I painted a portrait of her
 She took the advice of a goose¹¹
 And in the end she happily accepted it.

Still hanging on a notice board in her apartment is a much earlier poem by Asunta (the accompanying drawing with its huge outstretched arms is the work of a little girl):

My Mum is called Charo¹²
 And her hair is short
 She is thin and her hair is black
 And she is beautiful
 She does my ribbons for me
 And she is a good person
 She loves me a lot.

Right from the start Asunta stood out head and shoulders from the rest in an academic sense. In addition to everything she learnt at school¹³, she went to French¹⁴ and Chinese class, she played both the piano and the

¹¹ Once again, this meaningless line is simply a rhyme with cocaine “coca”, while goose is “oca”.

¹² Charo is an abbreviation of the name Rosario.

¹³ It is perhaps more frequent in Spain than in the United Kingdom for children to go to all kinds of extra classes and clubs; especially when in primary school. My own children played football, roller hockey and went to extracurricular art and music class; as they become teenagers many of these activities fall by the wayside and they concentrate on just one or two.

¹⁴ A classmate from the Alliance Française, where she went to class, played a significant role in the trial later on; this girl was four years older than Asunta but Asunta was in her class, which shows how quickly she learnt the language. It is

violin and also went to ballet¹⁵. It is, however, all too easy to think that Asunta was a genius and that she had mastered all these languages and musical instruments at the age of twelve. Such is often the image given by the media. The truth is at the same time more prosaic and also more human; Asunta was not a genius, she was, no more and no less, a very clever and applied twelve-year old girl. The text on her blog (analysed below), which she wrote directly in English, is far from perfect, although good for a girl of her age. She was good at the piano but less so on the violin; there is in fact a video on Internet showing her singing, playing the piano, the violin, the recorder and the tambourine¹⁶.

Asunta was such a good student at school that she jumped up a year, missing the last year of primary school and going straight into secondary school. The change from primary to secondary often involves a physical change too, to a new school and building with new classmates (only private and government-subsidized private schools tend to teach from pre-school to sixth-form equivalent in the same facility), as in Asunta's case, so new classmates and friends would have been on the horizon anyway.

She was always very close to her grandparents, who were always available for her at any time and lived nearby. Alfonso's family base was many miles away in the Basque Country and contact was obviously much less frequent¹⁷. Asunta was Francisco and Socorro's only grandchild, and they were deeply and lovingly devoted to her. Everything seemed perfect; but as always when this seems to be the case, unpleasant changes were just

true, however, that she had the help of her grandfather and mother, who both spoke French fluently.

¹⁵ Asunta's ballet teacher, who is English, told me that she was extremely applied and had an incredible memory; so much so that the teacher used her as a kind of Jiminy Cricket, to remind her which exercises they had practiced and when. The teacher also told me that Asunta could never have been a professional ballet dancer as she did not have the right kind of hips; this is apparently a question of pure luck, something that you are either born with or not.

¹⁶ http://www.antena3.com/programas/espejo-publico/noticias/escenas-vida-diaria-pequena-asunta-basterra_20150225571b45d84beb287a29178143.html. On the same video we can hear the pride in her mother's voice, as she says "My daughter really has the hands of a pianist", and her concern for more mundane aspects as she tells Asunta "Put your hair on the left behind your ear – you look horrible". We should not forget that Spanish is a much more direct language than English; British mothers might be more subtle in the way they address their daughters about their hair. Rosario here is no different from any other Spanish mother.

¹⁷ After the murder of Asunta and arrest of her parents, Alfonso's father was occasionally interviewed on television saying that Rosario was guilty, his son was innocent, and he was only doing the interview as he was getting paid for it.

around the corner. Asunta's grandmother died suddenly at home on 13 December 2011, at the age of seventy-eight, and just eight months later, Francisco died at home too at the age of eighty-eight, on 26 July 2012. The two deaths, so close to each other in time, must have greatly affected both Rosario and Asunta.

Rosario had already given up her position of Honorary Consul, which is hardly surprising as it requires a lot of work for no pay. The only advantage for the holder (apart from social prestige, which is very difficult to quantify and in her case was hardly necessary anyway) is that you can use the position to further your own business if you have one, but otherwise it is a great strain on the consul's time. On one of my prison visits to talk to her, Rosario told me that she gave it up because the only thing that interested most of the other honorary consuls in Galicia for other countries was making sure everyone knew they were consuls and having the word "consul" figure prominently on their business cards.

She also closed her father's legal business, gave up her own career as a lawyer and started working more as a freelance legal consultant. This change brought her into contact with a specific client, Manuel García Rendo, who contracted her as a legal advisor and linguistic interpreter in relation to an investment in Morocco. They travelled there on various occasions and he became her lover¹⁸. There was never a future in this relationship, as the man in question was married with children (as was Rosario, but he apparently told her he had no intention of leaving his family) and his wife was pregnant again at the time of his adventure with Rosario.

When Rosario met Manuel and their relationship evolved into something more than business, another character also came into her life. This was Messaoud El-Omari, who was born in Morocco but at the time had been living for around twenty years in Santiago. He was a friend of Manuel García Rendo. He was believed by the media to have accompanied Rosario and Manuel on some of their trips to Morocco, although the

¹⁸ According to an anonymous newspaper article entitled 'Rosario Porto vivía una aventura con un empresario gallego a espaldas de Alfonso', *El Faro de Vigo*, 4 December 2013, the businessman in question said "I have had sexual relations with her. Her daughter was never there. It was always at night and we were alone. I understood that her husband didn't know anything about it". This is not strictly true as on 20 September, the day before Asunta was murdered, García Rendo and Rosario went sailing on his boat in the afternoon and he admitted to having sex on that occasion, i.e. not at night. When they were together in Morocco it could have been at any time of day.

purpose of his supposedly travelling with them and exactly what relationship he had with her have never been sufficiently explained.

At the time when Asunta died, El-Omari was himself on trial for the exploitation of immigrants from his own country (they would pay him to obtain for them a work and residence permit in Spain). He admitted he knew Rosario, and even said she had gone to spend an afternoon at his house with Asunta so that she could play with his own two daughters, but he denied having travelled with her and Manuel to Morocco as his passport had been withdrawn because of the legal proceedings he was involved in. Strangely enough, his lawyer was Belén Hospido, who would later take Alfonso Basterra on as a client after his first lawyer refused to defend him.

El-Omari was initially suspected of helping Rosario in the murder of Asunta; it was still assumed that Rosario could never have moved Asunta's body by herself (a point that was later ignored; it was simply accepted as fact that she must have done, despite everyone, including the investigating judge, believing at first that this was impossible), but eventually no charges were made as there was absolutely no evidence to suggest he had been with Rosario on 21 September 2013.

He was, however, fined twenty-five thousand Euros and sentenced to four years in prison for exploiting immigrants. What people did find strange was his appearance and attitude at the funeral home where the wake was being held for Asunta (just before Rosario was arrested). Rosario introduced him to Alfonso, but what surprised just about everybody who went to the funeral home to give Rosario and Alfonso their condolences (this was before they were arrested and nobody at this stage suspected them of murder) was that Messaoud El-Omari seemed to be acting as a kind of bodyguard or doorman, and only let people in to the room where the coffin was if he knew them or if Rosario motioned her approval. No matter what the relationship between Rosario and El-Omari involved, he was not even called on to answer questions in the trial. He was not involved in the murder of Asunta.

Alfonso found out about Rosario's relationship with Manuel by entering into Rosario's e-mail account and reading her exchanges with García Rendo (which means we can assume that he knew Rosario's user name and password, and that he either regularly checked the account or had reasons to suspect something was going on).

Early in 2013 she divorced Alfonso; under the circumstances, which were obviously not to his liking, not just because of the third man but because he did not want her to leave him, his behaviour changed, he kicked a hole in a door in the apartment and was even physically

aggressive with Rosario. The flat they were living in belonged to her, as did the other larger apartment she had inherited from her parents; she was in fact redecorating this second apartment for herself and Asunta, which is why she was staying in the other one. She had already prepared Asunta's bedroom and had had the apartment soundproofed so that Asunta could play the piano and violin without bothering any neighbours. Despite Rosario's ownership of the property, Alfonso initially refused to leave and Rosario had to go with three other women to convince him to leave; she even gave him money and prepared his suitcase for him with all his belongings in it. He took the keys to the larger apartment and stayed there for a further three days, until Rosario convinced him to leave this flat too.

Despite his persistent occupation of her property and despite his physical violence towards her, Rosario never reported him or went to the police; one of the most frequent reasons why wives who suffer physical aggression from their partners do not report them is that they are afraid of losing them, but in this case Rosario had already divorced him of her own accord, all the money and possessions were hers, and the custody of Asunta was hers too. There must have been another reason why she did not report him.

Alfonso, meanwhile, who was working as a freelance journalist at the time, all in one lost his comfortable position as Rosario's husband (she alone had inherited all her parents' possessions and money, including the huge country house and estate in Teo, often referred to by the name Montouto as well). He went back to the Basque Country for a few weeks to try and find financial (and possibly other) support from family members.

He started writing longer and longer e-mails to Rosario explaining all the things she had to do at home (he had generally taken care of the domestic details, as this was something she hated). If he intended to win her back by explaining how convenient it would be to have him around, it was a mistaken strategy from the start (although it has to be conceded that when people are abandoned they do not always react in a sensible and logical manner). Below is an example of one of the numerous and repetitive e-mails he sent:

I am writing you this e-mail to give you a bit more work, just in case you don't already have enough. Various things; in the meat drawer there is a piece of pork that Lisa brought. Put it in the freezer. There are also some vegetables. Get Carmen to wash them. Remember to call Sabela on 20th to take Asunta for her vaccination on 24th. You'll have to take her again on 24th June, but that will be the last one. Asunta's ID card has expired. Put the money that I put in the piggy-bank into her account and tomorrow

leave me her bank account number at Farggi¹⁹ just in case I can put something in for her at any time. I have cancelled my status as a freelancer, at the IRS too. You will receive the bill for this month, but not in February, so you'll save 254 Euros every month²⁰. On the magnet in the hall there is an invitation for Asunta to go skating this month. Don't forget that the ice rink is open till 3 February. As for Carmen's invoices, it's very easy: go to her file, get the most recent one and a blank copy, and fill it in with the data on the other one. And as you run out of blank copies, do photocopies. And if the gardeners want to prepare a bonfire, all you have to do is call the Town Council of Teo and ask them for the regional government telephone for bonfire permits²¹. You can do it all by phone. It's very easy, all they ask you, apart from your personal details, is what parish Montouto belongs to. It's Cacheiras.

Finally, on Monday you can call 1004 and cancel my mobile phone account. You'll save about 25 Euros every month in addition to the 254 Euros freelancer fee. I'm leaving on Saturday morning. Don't bother sending me any e-mails because one of these days I'm going to cancel this account.

Even though it might sound pathetic, and I suppose even more humiliating for me, my only purpose in life was to look after you and grow old at your side. Sorry, but it's not easy for me to stop loving you²².

On 21 January he sent another e-mail:

In the file attached is a list of things that when I have time I'll come to pick up, although I don't know if I'll ever have time. At the end of the list I specify that this is all I want, nothing else; in other words, I want nothing more, not to mention a car. Your offer to my mind is paltry²³. It's your problem and as you don't know how to solve it you try and fix it by giving it to me. Is it to wash your conscience clean or what? It's incredible, and even more incredible is the fact that you don't know me yet.

Let me tell you again, I'm poor, I don't have two pennies to rub together. I have no money to pay a psychologist, I don't know what my future's going to bring, not to mention having money to invite someone to

¹⁹ Farggi is an ice-cream parlour and cafeteria. It is very common in Spain to leave envelopes and other things for people to pick up in cafeterias.

²⁰ Rosario was apparently paying his Social Security fees (254 Euros per month was the rate in 2013) as a freelancer.

²¹ All bonfires require permits from the regional government, as a measure to avoid forest fires (permits are now given out online, but never in the summer months).

²² The Spanish text of this e-mail was published in Cruz Morcillo, *El Crimen de Asunta: Los Secretos del Caso que ha conmovido España* (Madrid: La Esfera de los Libros, 2014), pp. 76-77.

²³ Rosario seems to have offered Alfonso her second car, an Opel Corsa (Opel is known as Vauxhall in the UK).

seafood at the Carretas²⁴, going to concerts or anything like that, but I have tons of dignity, and I don't know if others can say the same. So after being forced to sign a divorce contract in just a few hours when I still don't really know why things had to turn out like that, after being thrown out of the house I lived in for years as if I had the plague, after losing my job and finding out that my wife had been cheating on me for several months, telling me all kinds of lies right to my face and after not being able to see my daughter, you might understand how I feel, although I doubt it.

He continued later on the same day:

One thing more. Don't bother to answer my previous e-mail. Don't forget that the other day you made it very clear you were really busy (and I don't doubt it) and couldn't answer all the different things I had sent you. But don't forget either that we do things depending on the interest we have in doing them, and it's clear that your plans don't include answering me (not even to say "thanks"), but when it comes to writing to someone else, and you know very well who I mean, you always found time and above all interest, because you didn't just write one or two e-mails to your lover. But anyway, let me give you some advice: think about what kind of man has a pregnant wife and goes to bed with another woman, and not happy with that he keeps on doing it after the baby is born. Just thinking about it makes me want to throw up.

Think about it and please stop treating me as if I were an idiot, because you've been doing that for long enough now²⁵.

Despite Alfonso's telling her not to bother answering him, she did, just a few hours later. The difference in tone in comparison to his e-mails is self-evident:

Alfonso, I'm not going to argue with you, I'm very tired. If you want to believe me, fine, if not it would hurt me – I can't deny it – but there's nothing else I can do. I know it bothers you, but I do want to thank you for your help in reminding me about unavoidable things I could forget about. And if you let me, I'm going to ask you for something: understand my pain, accept my apologies, and please don't get angry about these words.

As for the things you asked me to send you, no problem.

But give me a couple of days to get organized²⁶.

Alfonso answered that same evening from Bilbao:

²⁴ An expensive restaurant in Santiago.

²⁵ Morcillo, *El Crimen de Asunta*, pp. 78-79.

²⁶ Morcillo, *El Crimen de Asunta*, pp. 79-80.

I'm sure you are in great pain. I also admit that my words this afternoon in front of the Guggenheim were sincere²⁷. I'm trying at all times to use my common sense so that I don't do anything crazy, but at the same time I have to tell you that you have caused me great pain. Nobody in all my life had ever hurt me like you have done, and that's why I go from moments like this afternoon, when I reconsider, to others when anger gets the better of me. It's a bad habit because all it does is corrode me on the inside with anger that tears me apart. I'm not going to lie to you, but I can only say that what happened, what you did, is repulsive. I don't want to hurt your feelings, but that's what I feel and so that's what I want you to know. Two new lives start here. What you do in yours will of course be entirely up to you. I don't know if the future will bring us back together or not, but for the time being, in the short term, and even in the medium term, I don't think it will be possible (you will understand that I don't even want to go near your mother's bedroom).

But don't forget that this isn't your decision, but mine. Don't be surprised if when we talk on the phone my tone towards you is the same as it has been up to now. And don't be surprised if I don't want to know too much about you; sorry, but I would never have done what you did²⁸.

In March he seems to have calmed down somewhat and changes the style of his e-mails to one that attempts to show that the separation was almost his decision:

Hi, Charo. In the brief explanation I gave you this morning about how I want to approach my life from this time on, and after my third birth (you know, the first one was 1964, then 1992 and now 2013), it's not that you won't form part of it. Of course you will, as you are Asunta's mother, but don't forget, and I don't mean this as a reproach, that this will be the limit of your presence in my present life, and probably in the future as well. It's not going to be easy for me, not at all. I'll have great ups and downs in this new stage, but that's how it has to be. It's for the best. The years I spent at your side were the best years of my life. I'm sure of that. My memories of La Robleda will always be there, as will our honeymoon and our life on Doctor Teixeira²⁹. And our incredible journey to China. And it will be very difficult, I can assure you, for me to feel something like that again. So I am leaving behind me fantastic memories that I would like everybody to be able to experience at least once. But now I'm starting a new phase, a new route in life where you are no longer present, and you probably won't be

²⁷ It would appear that they spoke on the telephone.

²⁸ Morcillo, *El Crimen de Asunta*, pp. 80-81.

²⁹ The name of the street where they lived together in Santiago.

ever again. All I ask for is health, and as Paco³⁰ used to say, a couple of pennies in my pocket. You have made your choice, you have taken sides and you have found a replacement for me in your heart. The only thing I can wish you is luck, in both your personal and professional life. And if you ever need anything, you know where to find me.

All of Alfonso's anger, threats, promises and complaints fell on deaf ears, as Rosario's true feelings are made evident in an e-mail she sent to a friend at the end of March:

I can't believe it! Finally, a moment of peace so I can write to you. I have so many things to tell you, but I'm so slow typing and have such a terrible relationship with the keyboard (a vice I acquired from having a secretary or an Alfonso to do it for me) that writing an e-mail of anything more than five lines becomes a great challenge.

First of all: a thousand apologies for not having got back to you sooner, but I don't stop running from here to there and I'm exhausted.

Secondly: I am now a divorced woman, and have been since 14 February 2013. I think it was the quickest divorce in the history of the world – I applied on 14 January and the sentence came out on 14 February. Sensations: vertigo and lightness, although more than anything else, relief. Alfonso still hasn't got it, he goes from playing the victim to being aggressive. Exhausting.

Thirdly, although no less important: Asunta took it all very naturally and is showing a really good attitude to the new situation. The truth is that Alfonso is doing things really well as far as Asunta is concerned, and that helps a lot. We have to give him his due.

Fourthly: I am still seeing Manuel. 14 March – his birthday – was the first anniversary of our clandestine relationship, and for the occasion this presumably tough guy chose Agadir to celebrate, the place where it all started. I imagine a business trip was his alibi with his family ... We were together from 12 to 22. In the professional sense it's all a big mess – our counterpart is a professional conman and we had to bring two lawsuits against him, one civil and the other criminal. On a personal level we are closer and closer together, and I am making a huge effort to handle this new situation. Well I'm not so pleased with his family situation and how different it is from mine ... I hope that time and experience help me to handle all this mess a bit better.

Console yourself by thinking that any option is better than this disaster of a country. A thousand apologies again for taking so long to answer and tons of kisses.

³⁰ Paco is the short form of Francisco, Rosario's father's name, and the reference could be to a saying he used.

This was a revolution in Rosario's life in all aspects and ways. It seemed as if the bright young lawyer who had been brought up to follow in her father's footsteps had finally rebelled against all this tradition and social respectability, thrown it all to the wind and decided to start again on many levels.

Despite her decisive actions, her new life took its toll on her and at the end of June 2013 she was hospitalized for severe depression. During the week she was in hospital, it was Alfonso, who had come back from the Basque Country and set up in a tiny student flat just round the corner from where his ex-wife and daughter were living, who took care of her, while Asunta stayed with her godmother. He possibly saw this as a possibility of their getting back together; Rosario was pleased to enjoy a friendly relationship with her ex-husband, but had no intention of taking up again where they had left off.

When she was discharged from hospital on 1 July, she was presumably with Manuel (despite the inherent danger in his being seen there), as she sent Alfonso, who had gone to pick her up, the following message:

When you get here, please don't come in to bring me my purse. It's very important that you don't come in. Give me a missed call and that's all. But don't come in. I'll explain later. Wait for me outside and make sure you can't be seen. I'll explain later.

She never did explain, although the only possible explanation for not wanting anyone to see Alfonso go to pick her up was that she was with Manuel. Alfonso found out that she had been with Manuel the day afterwards, and so the following day he refused to answer her calls. For some reason, despite having divorced him, and despite being irresistibly attracted to Manuel, Alfonso still had some kind of hold over her. As explained elsewhere, it cannot have been financial as all the money was hers, and she had plenty of other options for looking after Asunta when she was otherwise occupied. And so when Alfonso laid down his condition for continuing to take care of her and their daughter, she accepted; and the condition was none other than to leave Manuel.

She then started spending more time with Alfonso, and he even slept in her apartment (although Rosario later pointed out to the investigating judge that he stayed over "like a brother", i.e. there were no sexual relations).

4 July 2013 was a key date in the story. This was the day Rosario broke off her relationship with her lover in fulfilment of the agreement with Alfonso. Rosario's actions with Alfonso are difficult to understand; she had a lover and had divorced her husband, and she could have left

Asunta with any number of people if she needed time for herself for whatever reason, or sent her on a course abroad or to a summer camp. She had no real need for Alfonso, and yet she agreed to his condition (at least temporarily). She explained the situation to the investigating judge:

It was Alfonso or death. He fed me lunch and dinner and I started to see that I was getting worse and worse. I didn't feel like doing anything. My best friend told me "You're falling into a depression, head-first". Alfonso's condition for looking after us was that I had to leave the other person. So I left him, on 4 or 5 July. I gave him an excuse, because I didn't want to tell him that it was a kind of blackmail from my husband³¹, who on top of that had taken a great dislike to him. My ex-husband tried to get in touch with his family and tell them what was going on, trying to ruin his marriage, but I had known all along that he was married, he never lied to me about that and never said he was going to leave his family.

What happened from this point onwards is explained in detail and analysed below, but just to complete the picture a brief summary is now given. On the night of 4-5 July there was an attempt to kill Asunta while she was asleep, followed by various episodes of sedation (various witnesses explained the details). Rosario left her lover in fulfilment of Alfonso's condition for looking after her and their daughter. In August Asunta hardly saw her parents; in September there were further episodes of sedation, Rosario went back to Manuel without Alfonso's knowing, and on 21 September Asunta was reported missing by her parents. Her dead body was discovered very early in the morning of 22; she had been suffocated. The autopsy showed that she had been heavily sedated just a few hours beforehand.

Three days later Rosario was arrested as a suspect of the murder, given the obvious contradiction between what she told the police and what they discovered on security cameras, and a day after that, Alfonso was arrested too. The committal phase was characterized by constant leaks to the press; despite the official secrecy of the proceedings, to all effects and purposes there was no secrecy at all. Everything was published in the press, narrated on the news and ceaselessly analysed on Internet.

Both Rosario's and Alfonso's lawyers left their clients within days of their arrest, alleging their lack of specialization in criminal law. Alfonso hired Belén Hospido, while Rosario contracted the services of José Luis Gutiérrez Aranguren. For a short period of time she exercised as a lawyer herself in her own defence together with Gutiérrez Aranguren, but after

³¹ Alfonso at this point was her ex-husband.

falling asleep at one of the sessions, she left the whole case in his hands. The accusation was brought by the Clara Campoamor Association, a non-profit organization in Spain which specializes in the legal defence of women and children. Their lawyers in the region are from the offices Lama and Associates; the two lawyers who actually took charge of the case were the company owner, Ricardo Pérez Lama, and one of his associates, Rocío Beceiro. They did not charge the Association for any of their services. In honour of Asunta's eastern roots, the Civil Guard named the case "Operation Waterlily"³².

The investigating judge during the committal phase was José Antonio Vázquez Taín. He is very well known in the region and is deserving of an introduction. Born in the province of Orense in Galicia, he obtained his degree in Law from Santiago de Compostela³³, and became well-known for his work against drug trafficking along the coast of Galicia; to such an extent that he was nicknamed "Robin Hood" in the area (despite the fact that none of the traffickers' wealth was distributed among the poor - the name probably meant no more to the people in the area than some kind of a popular hero). In 2011 he was assigned to the case of the robbery of the Codex Callixtinus (the priceless manuscript held at the cathedral of Santiago), and eventually recovered it (it had been stolen by the cathedral electrician). Nobody can doubt his efficiency in these two cases.

His style (in dealing with suspects and witnesses) is difficult to describe. He is very direct and at times can come across as aggressive; when interrogating Rosario Porto he made it clear, to my mind at least, that he was convinced she was guilty.

In addition to his work as a judge, Vázquez Taín is a novelist and author. He uses his experiences as a judge and what he learns from the cases he deals with as the raw material for his novels. The novel he wrote during and after the murder case of Asunta (which he himself claims helped him keep his head clear during the proceedings)³⁴ involves a teenage girl who disappears, but the similarities stop there: it is much more related to his experiences in drug cases and is full of pertinent comments on the judicial system in Spain and its inherent problems. The girl in

³² The flower is typically Asian. The name of the case in Spanish was "Operación Nenúfar".

³³ He is one year older than Rosario and coincided with her in the Faculty at Santiago, although in a different year. It is a large faculty, so they probably never met.

³⁴ *Al infierno se llega de prisa* (Barcelona: Espasa Narrativa, 2014).

question in the novel is found alive and well in the end, which was not the case with Asunta³⁵.

He has also written a book about crime in general³⁶, which is a useful reference point and an interesting walk through all different kinds of crimes. As the writing of this book was coming to an end, Judge Taín had another book published, about interesting trials throughout history, such as Jesus of Nazareth, Galileo and O.J. Simpson³⁷. It is not frequent for a judge to write novels based on the cases he is involved in, but this in itself is neither illegal nor unethical.

He was, however, involved in an incident related to the case. When he was a guest speaker at a course for the police on terrorism, public safety and anti-system violence, held in Vigo (NW Spain) on 28 October 2013, while he was still investigating the case of Asunta, he made a critical comment about the press: “But it works in journalism, a tweet comes out and says that the data reveals that Asunta could fly, and not only that, but it comes from a well-informed and confirmed source; so, Asunta could fly”.

The Higher Court of Justice in Galicia wished to see the judge suspended from his functions for one month, although in the end the penalty was reduced to a public warning. He appealed against the verdict, but the appeal was rejected. In the appeal he claimed that the course was not open to the general public, and that one of the topics under discussion was the lack of reliability of certain data published by the mass media; he also stated that reporters and journalists are subject to such pressure to come up with something new that they use anonymous sources as if they were indeed well-informed and confirmed.

³⁵ There was, however, severe criticism for the fact that the novel was first presented a year and a day after the death of Asunta. Rosario Porto’s lawyer described this “coincidence” as “repulsive”; other judges stated that the book was “opportunistic”, “lacking in ethics and scruples” and the “unbelievable work of a man with no soul”. Cf. Silvia Rodríguez Pontevedra, ‘Sumarios de novela: Juez y escritor. Vázquez Taín alma del caso Asunta busca argumentos para nuevos títulos’, *El País*, 28 September 2014. Vázquez Taín himself claimed that the presentation of the book had originally been planned for the following month of January, but he was such a fast writer that the publishers brought the date forward and made it coincide with the anniversary. As stated above, in any case, the novel is not in fact related to the case at all, so there should have been no controversy over its date of publication.

³⁶ *Matar no es fácil – una aproximación al mundo del crimen a través de algunos de los casos más impactantes* (Barcelona: Espasa, 2015).

³⁷ José Antonio Vázquez Taín, *Grandes Juicios de la Historia* (Barcelona: Planeta de Libros, 2018).