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LINGUAGEM NÃO VERBAL NO PROCESSO PENAL
Um livro sobre comunicação verbal e não verbal em ambiente jurídico

Autorea
Celso Leal
Pedro M. Lamy

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Letras e Conceitos Lda.
geral.letraeconceitoa@gmail.com

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CELSO LEAL

PEDRO M. LAMY

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Um livro sobre comunicação
verbal e não verbal
em ambiente jurídico







*Os seres humanos demonstraram um talento para o autoengano
quando as suas emoções são agitadas.
Carl Sagan in Cosmos*







Agradecimentos

À minha mulher.
Quem me dá força, coragem e amor
suficiente para acreditar que tudo é possível.
CELSO LEAL

Domingo 6 de Agosto de 2019, Caldas da Rainha

Às minhas três irmãs
que são o meu passado, presente e futuro
vos agradeço por me mostrarem
o sentido da vida.

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pelo contributo essencial que permitiu esta obra.

Obrigado.

PEDRO MAGALHÃES LAMY

Domingo 29 de Março de 2019,
Lisboa.





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Prefácio

Since biblical times, the ultimate theater in any society has been a form of a judicial hearing whether it was before a tribal group, religious leaders, or civil authorities. What we now call the courtroom, has throughout history served as a place where justice hopefully can be achieved by presenting the facts through the spoken testimony of live witnesses and of course the accused. Both the spoken word and the all-important body language of everyone in the courtroom has always contributed to how justice is transacted. In every society, there is a demand that the witness or the accused be present só that jurors and judges may make assessments based on body language as to the validity of testimony. Shakespeare was right when he said all life is theater, it is especially so in judicial settings where some of life's heavier decisions are made daily.

What we have learned about nonverbal communications in the last forty years and its effect on how we make decisions will fill volumes of books and thousands of research papers. From the work of Paul Ekman on micro-expressions to Harvard University's Nalia Ambady and thin slice assessments, to the work of Jo-Ellan Dimitriou on courtroom nonverbals, to my own work in the area of body language, we know so much more now than even a decade ago. We know that we make rational and irrational decisions based on body language and that we are often persuaded by body language. From reading the body language of a baby that cannot speak to determining who might be a threat to us or is disappointed, to selecting our future spouses or mates, so much of our world is based on body language. We let people into our homes based not on what they say but how they look and behave. We also send people to prison based on how reliable they look and testify.

In the realm of forensics, in other words, everything that may be an issue for the courts to consider as a matter of law, what witnesses and the police see is just as important as what they hear. But how they testify is also important. What the judge sees, and the jury is privileged to observe is both the spoken words and the manner and demeanor of witnesses. How



the attorneys and judicial officers and even the judge acts and behaves, even the way they question witnesses, affects those perceptions of that witness as much as a suspicious parent may affect a child's recollection by being too caustic, too suspicious, too unwilling to believe.

This book is a call to action for justice professionals to acknowledge that the art and science of nonverbal communications has advanced. That body language is now studied by universities every bit as much as mathematics. That by understanding nonverbal communications and how it can be used, will improve considerably the ability of officers of the court, police officers, magistrates, judges, and others to better question witnesses and suspects and to use the information we all transmit through our body language, to better communicate and to be more respectful and in line with what science teaches us.

This book also looks at the importance of how we use nonverbals to detect not so much deception but rather when we suspect that something is wrong, something is being hidden, or a person is trying to divert us from the truth. This is a contribution to the ever-growing literature on nonverbal communications in a forensic setting, and for the Portuguese speaker, this is a helpful adjunct to this wonderful science to which I dedicated 40 years of my life to study and understand.

Please consider this book as an added bonus to your learning experience where you can explore how nonverbals factor into the study of testimony and judicial proceedings. It is a contribution to the literature that will help to grow the art and science of nonverbal communications and will hopefully enrich not just your knowledge and skill base but also your life. I highly recommend it.

JOE NAVARRO, M.A.

FBI Special Agent (Ret.)

Author of What Every BODY is Saying.