

PRESS COMPLAINTS COMMISSION

The Minutes of the 177th Ordinary Meeting of
The Press Complaints Commission Limited held at
Halton House, 20/23 Holborn, London EC1N 2JD on
Wednesday 2nd March 2011

Present: Baroness Buscombe Chairman
John Home Robertson
Anthony Longden
Ian MacGregor
John McLellan
Ian Nichol Deputy Chairman
Lindsay Nicholson
Simon Reynolds
Esther Robertson
Eve Salomon
Simon Sapper
Julie Spence
Ian Walden
Tina Weaver
Peter Wright (who was not present for items 1 – 4(iii))

In attendance: Stephen Abell Director

The following members of the secretariat attended the meeting as observers: Hannah Beveridge, Elizabeth Cobbe, Jonathan Collett, Charlotte Dewar, Will Gore, Rebecca Hales, Scott Langham, Ben Milloy, Amber Mun, and Catherine Speller.

1. Apologies

Apologies were received from Matti Alderson.

The Chairman welcomed Alison Hastings, consultant to the PCC.

2. Minutes

The minutes of the meeting held on 19th January were approved as a correct record of the meeting and for publication.

3. Matters arising

(i) Complaint No. 10-5741 A woman v Take a Break

The Chairman informed Commissioners that, following the recent adjudication against Take a Break, steps had been taken by the magazine to prevent the breach recurring and the office would approach the new editor (when she was in post) to propose a training seminar to be run by the PCC.

(ii) Complaint No. 10-1622 Caborn v The Sunday Times

The Chairman confirmed that Richard Caborn had now withdrawn his complaint.

(iii) Complaint No. 10-4027 Lord Triesman v The Mail on Sunday

The Chairman confirmed that the office had received no response to its recent correspondence to lawyers acting for Lord Triesman.

4. Complaints

(i) Complaint Nos. 10-0522/10-0551/10-0552/10-0553/10-0564/10-0571/10-1387 Davies v Daily Mail/The Daily Telegraph/The Guardian/Evening Standard/Daily Mirror/The Independent/The Sun

Peter Wright, Tina Weaver and Ian MacGregor took no part in the discussion of these cases.

After discussion, the Commission made a number of rulings on these cases. In five of the cases, the Commission decided that sufficient remedial action had been offered by the newspapers. One case did not involve any breach of the Code. The complaint against the Independent was withdrawn before the meeting. The terms of the adjudications were as follows:

Daily Mail

Mr Richard Davies complained to the Press Complaints Commission that three articles headlined "Boyfriend of MP's niece is arrested on suspicion of Meredith copycat murder in France", "I am a monster" and "MP's sex killer niece is jailed for 15 years", published by the Daily Mail on 19 November 2007, 12 January 2010 and 13 January 2010, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The newspaper had offered a sufficient form of remedial action.

The complainant's daughter, Jessica Davies, had been convicted of the murder of Olivier Mugnier at Versailles Criminal Court in January 2010. The 2007 article (which remained available on the newspaper's website) had been published immediately following Mr Mugnier's death. The January 2010 articles reported on the subsequent trial. The complainant initially contacted the Commission in February 2010. He did not complain in November 2007 (when the first article was published) as French law prevents the publication of evidence gathered by the police and investigating magistrate until a trial. Subsequent delay was caused by the complainant's efforts to obtain the official results of Ms Davies' blood sample; in July 2010 the Commission agreed to suspend its investigation until such documentation was received. The complainant provided the toxicology report – along with letters from his daughter's solicitors – in October and November 2010. The Commission then sought an independent translation of these documents, which was sent to the newspaper in January 2011.

The complainant said that the articles were inaccurate and misleading on a number of points. First, the coverage made repeated references to the murder of Meredith Kercher which were misleading. The complainant said that French police had rejected speculation that the cases were linked in any way. In addition, he provided a letter from his daughter's solicitors asserting that the Kercher case had not been mentioned during Ms Davies' trial. Second, the complainant said that – contrary to claims in two of the articles – there had been no "violent sex game" or "frenzied sex session" on the evening of Mr Mugnier's death. Rather, despite attempts to do so, the couple did not make love at all.

The complainant also objected to the claims in the coverage that Ms Davies had "slashed...Mr Mugnier's throat". He said that police and court evidence confirmed that Mr Mugnier had suffered one stab wound to the chest ("thorax"), with one other small superficial scratch. The complainant provided a letter from his daughter's solicitors regarding the location of the wound. Furthermore, Ms Davies had not smoked cannabis or consumed illegal drugs on the

evening in question: court evidence and the toxicology report – provided by the complainant during the course of the investigation – showed that she had taken only prescription medicines. Finally, the complainant said that his daughter had not attended Notre Dame Catholic School and had never studied in America.

The newspaper said that the matters under complaint had been widely reported. French legal procedures meant that there was no official court transcript of the court case. It did, however, provide copies of the reporter's contemporaneous notes of conversations with police and prosecution sources: the links to the Kercher case had been attributed clearly to them in the coverage. The notes also showed the same sources referring to "passionate, violent sex – talking and then doing", while Ms Davies herself had made reference in court to making love to Mr Mugnier. The claim of failed love-making had only been introduced at a later stage, and that was noted in the article of 13 January.

Furthermore, the newspaper said that it was not in dispute that Ms Davies had been under the influence of alcohol and prescription drugs on the evening in question. Whether or not she had smoked cannabis in addition to this was not a matter of great significance. Mr Mugnier had done so. While the newspaper admitted that there may have been some confusion on the issue, the reporter's notes showed that the word "cannabis" had been mentioned in court in relation to the substances that Ms Davies had consumed that evening. Moreover – whilst the fatal wound appeared to have been sustained to Mr Mugnier's chest – other newspapers and agencies (including France's national news agency AFP) had reported that Mr Mugnier suffered a number of wounds, including to his throat and chest.

Nonetheless, the newspaper offered to publish a clarification making clear that tests for cannabis made after Ms Davies' arrest were negative. It also offered to amend its online coverage to reflect that the wound was to the thorax and not the neck.

Adjudication

Newspapers have an essential part to play in the reporting of crime and the judicial system that prosecutes those accused of committing it. It is vitally important that any such reports adhere to the key principles governing accuracy under the terms of the Editors' Code: taking care not to publish inaccurate or misleading information; and clearly distinguishing between comment, conjecture and fact.

These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission

took this opportunity to highlight the importance of care in the use and presentation of material originating from the police and court processes of other countries.

The most significant points in regard to the coverage related to the circumstances in which the killing had taken place: the existence or otherwise of a “frenzied” or “violent” sex session; whether Ms Davies had smoked cannabis or consumed illegal drugs on the night; the exact location of the wound suffered by Mr Mugnier; and the suggested link between the case and the death of Meredith Kercher.

On the alleged link to the Kercher case, the Commission was satisfied that the claim had not been presented as fact in any of the coverage: the 2007 article stated that the “police feared the couple had set out to recreate the murder of Meredith Kercher”, in addition to quoting a police source on which this claim was based. Further references to any link at the time of the trial in 2010 did not suggest that this had formed part of the case in court, and had, again, been clearly presented as speculation based on sources (“Detectives believe the crime may have been inspired by the Meredith Kercher murder”). The newspaper – which was entitled to offer the opinion, clearly distinguished as such, that the cases had “grim similarities” – had provided notes of the reporter’s conversations with sources on this subject. In the Commission’s view, readers would not have been misled by the presentation of the claims.

In the absence of any official transcript of the court proceedings, the Commission had regard to the notes provided by the newspaper. These showed, for example, that there had certainly been reference to “cannabis” in the case: it had not been denied that Mr Mugnier had smoked cannabis in the flat on the night in question. That said, once the complainant had provided the toxicology report which made clear that Ms Davies had not smoked cannabis, it was right for the newspaper to clarify this to readers. It had offered to do in an appropriate manner. This offer represented a sufficient form of remedial action under the terms of Clause 1 (ii) of the Code.

Finally, the Commission wished to acknowledge the discrepancies highlighted by the complainant in other areas of the coverage. These included the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat); whether there had been a “violent” or “frenzied” sex session; and details of Ms Davies’ education. Bearing in mind the full circumstances of the case, and the facts that were not in dispute involving the death of Mr Mugnier, the Commission did not consider that these points required separate correction or clarification. The terms of this adjudication allowed these points of dispute to be aired publicly.

The Daily Telegraph

Mr Richard Davies complained to the Press Complaints Commission that an article headlined "British woman confessed to being a 'monster', her murder trial hears", published in The Daily Telegraph on 11 January 2010, was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complaint was not upheld.

The complainant's daughter, Jessica Davies, had been convicted of the murder of Olivier Mugnier at Versailles Criminal Court in January 2010. The article reported on the trial. The complainant initially contacted the Commission in February 2010. Subsequent delay was caused by the complainant's efforts to obtain official documentation relating to his complaint; in July 2010 the Commission agreed to suspend its investigation until such documentation was received. The complainant provided the material in October and November 2010. The Commission then sought an independent translation of these documents, which was sent to the newspaper in January 2011.

The complainant said that the report was inaccurate when it stated that his daughter had "slit" Mr Mugnier's "throat". This was not the case and the indictment did not say this.

The newspaper said that its coverage as a whole had identified the location of the wound as both Mr Mugnier's "thorax" and his "throat". While the Prosecution had used the technical term "thorax", it was clear that the actual area described was the throat or neck. In court evidence, Ms Davies had stated that – when on the telephone to the emergency services – she had "one hand on the receiver, the other pressed to his [Mr Mugnier's] throat". The French word "gorge" had been used.

The complainant said that the wound was well below the neck, which was a different part of the body to the thorax. He provided a letter from his daughter's solicitors regarding the location of the wound.

Adjudication

Newspapers have an essential part to play in the reporting of crime and the judicial system that prosecutes those accused of committing it. It is vitally important that any such reports adhere to the key principles governing accuracy under the terms of the Editors' Code: taking care not to publish inaccurate or misleading information; and clearly distinguishing between comment, conjecture and fact.

These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission took this opportunity to highlight the importance of care in the use and presentation of material originating from the police and court processes of other countries.

The Commission wished to acknowledge the discrepancy highlighted by the complainant relating to the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat). Bearing in mind the full circumstances of the case, and the facts that were not in dispute involving the death of Mr Mugnier, the Commission did not consider that this point required correction or clarification. The terms of this adjudication allowed it to be aired publicly.

The Guardian

Mr Richard Davies complained to the Press Complaints Commission that two articles headlined "French police hold MP's niece over man's death" and "Niece of British MP admits stabbing lover while high on drugs", published in The Guardian on 16 November 2007 and 11 January 2010, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The newspaper had offered a sufficient form of remedial action.

The complainant's daughter, Jessica Davies, had been convicted of the murder of Olivier Mugnier at Versailles Criminal Court in January 2010. The 2007 article (which remained available on the newspaper's website) had been published immediately following Mr Mugnier's death. The January 2010 article reported on the subsequent trial. The complainant initially contacted the Commission in February 2010. He did not complain in 2007 as French law prevents the publication of evidence gathered by the police and investigating magistrate until a trial. Subsequent delay was caused by the complainant's efforts to obtain the official results of Ms Davies' blood sample; in July 2010 the Commission agreed to suspend its investigation until such documentation was received. The complainant provided the toxicology report – along with letters from his daughter's solicitors – in October and November 2010. The Commission then sought an independent translation of these documents, which was sent to the newspaper in January 2011.

The complainant said that the articles were inaccurate and misleading on a number of points. First, the 2010 article headline was misleading

when it claimed that Ms Davies was “high on drugs”. This implied that she had taken illegal drugs on the evening of Mr Mugnier’s death, which was not the case: she had taken only prescription anti-depressants.

Second, the 2010 article stated that Ms Davies had “smoked cannabis” on the night in question. This was incorrect: only Mr Mugnier had done so. Court evidence and the toxicology report – provided by the complainant during the course of the investigation – showed that she had not taken any illegal drugs.

Third, Mr Mugnier had not sustained a wound to his “neck” as reported; rather, police and court evidence confirmed that Mr Mugnier had suffered one stab wound to the chest (“thorax”), with one other small superficial scratch. The 2007 article had also been inaccurate on this point, making reference to Mr Mugnier being “stabbed in the throat with a knife”. The complainant provided a letter from his daughter’s solicitors regarding the location of the wound.

The newspaper said that its 2010 headline had to be read in the context of the article as whole which made clear that Ms Davies had taken anti-depressants. The use of prescription and recreational drugs was not always distinct and Ms Davies had constantly been warned not to mix her prescription with alcohol. It accepted, however, that the reference to “drugs” was ambiguous and offered to amend its online article to refer to “prescription drugs” (with a note on the article recording the change).

On the cannabis claim, the newspaper provided its reporter’s notes on the matter which recorded a court clerk referring to “cannabis and alcohol in substantial quantities”. This, it said, was in specific reference to Ms Davies, although this was not recorded in the notes. Ms Davies herself had stated that Mr Mugnier had “rolled a joint” when they returned to her flat, although there was no further reference as to whether both of them had smoked it. Once the complainant had provided the toxicology report, the newspaper offered to publish a clarification making clear that tests for cannabis had proved negative.

The newspaper added that the terms “neck”, “throat”, “chest” and “thorax” had been used interchangeably in numerous reports of the incident, including that reported by France’s national news agency AFP. It said that Ms Davies had made reference to pressing Mr Mugnier’s throat as she called the emergency services. Whether the wound was at the base of the neck or a few inches below changed nothing significant about the report of a fatal stabbing.

Adjudication

Newspapers have an essential part to play in the reporting of crime and the judicial system that prosecutes those accused of committing it. It is vitally important that any such reports adhere to the key principles governing accuracy under the terms of the Editors' Code: taking care not to publish inaccurate or misleading information; and clearly distinguishing between comment, conjecture and fact.

These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission took this opportunity to highlight the importance of care in the use and presentation of material originating from the police and court processes of other countries.

The most significant points in regard to the coverage related to: the exact location of the wound suffered by Mr Mugnier; whether Ms Davies could be said to be "high on drugs" at the time of the attack; and whether she had "smoked cannabis" on the evening in question.

In the absence of any official transcript of the court proceedings, the Commission had regard to the notes provided by the newspaper. These showed, for example, that there had certainly been reference to "cannabis" in the case: it had not been denied that Mr Mugnier had smoked cannabis in the flat on the night in question. Moreover, the reference to "drugs" in the headline did not necessarily mean "illegal drugs"; indeed, the phrase "high on drugs" had been explained in the article, which made the position in regard to prescription medicines clear to readers. That said, once the complainant had provided the toxicology report which made clear that Ms Davies had not smoked cannabis, it was right for the newspaper to clarify this to readers. It had offered to do so in an appropriate manner. This offer represented a sufficient form of remedial action under the terms of Clause 1 (ii) of the Code.

Finally, the Commission wished to acknowledge the discrepancy highlighted by the complainant relating to the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat). Bearing in mind the full circumstances of the case, and the facts that were not in dispute involving the death of Mr Mugnier, the Commission did not consider that this point required separate correction or clarification. The terms of this adjudication allowed it to be aired publicly.

Evening Standard

Mr Richard Davies complained to the Press Complaints Commission that three articles headlined "Labour MP's niece in sex killing case 'had tried suicide'", "Boyfriend of MP's niece is arrested on suspicion of Meredith copycat murder in France" and "Minister's niece slashed throat of lover then told police: I am a monster", published in the London Evening Standard on 17 November 2007, 19 November 2007 and 11 January 2010, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The newspaper had offered a sufficient form of remedial action.

The complainant's daughter, Jessica Davies, had been convicted of the murder of Olivier Mugnier at Versailles Criminal Court in January 2010. The 2007 articles (which remained available on the newspaper's website) had been published immediately following Mr Mugnier's death. The January 2010 article reported on the subsequent trial. The complainant initially contacted the Commission in February 2010. He did not complain in November 2007 (when the first articles were published) as French law prevents the publication of evidence gathered by the police and investigating magistrate until a trial. Subsequent delay was caused by the complainant's efforts to obtain official documentation relating to his various complaints; in July 2010 the Commission agreed to suspend its investigation until this material was received. The complainant provided this documentation in October and November 2010. The Commission then sought an independent translation of these documents, which was sent to the newspaper in January 2011.

The complainant said that the coverage was inaccurate and misleading on numerous issues. First, the coverage made repeated references to the murder of Meredith Kercher which were misleading. The 2010 court report stated that the murder was "said to have been inspired" by the killing in Italy. The complainant said that French police had rejected speculation that the cases were linked in any way. He provided a letter from his daughter's solicitors asserting that the Kercher case had not been mentioned during Ms Davies' trial. Second, the complainant objected to claims in all three articles that Ms Davies had "slashed ... Mr Mugnier's throat", stating that police and court evidence confirmed that Mr Mugnier had suffered only a stab wound to the chest ("thorax") with one other superficial scratch. He provided a further letter from his daughter's solicitors regarding the location of the wound.

The newspaper said that the matters under complaint had been widely reported. French legal procedures meant that there was no official court transcript of the court case. It did, however, provide copies of the reporter's contemporaneous notes of conversations with police and prosecution sources, which had made the links to the Kercher case. That said, the newspaper accepted that its article had incorrectly claimed that this information had been heard in court, offering to publish a correction on the matter.

The newspaper added that – while the fatal wound appeared to have been sustained to Mr Mugnier's chest – other newspapers and agencies (including France's national news agency AFP) had reported that Mr Mugnier suffered a number of wounds, including to his throat and chest.

Adjudication

Newspapers have an essential part to play in the reporting of crime and the judicial system that prosecutes those accused of committing it. It is vitally important that any such reports adhere to the key principles governing accuracy under the terms of the Editors' Code: taking care not to publish inaccurate or misleading information; and clearly distinguishing between comment, conjecture and fact.

These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission took this opportunity to highlight the importance of care in the use and presentation of material originating from the police and court processes of other countries.

On the alleged link to the Kercher case, it had not been established that this was stated in court, as the article had suggested. The newspaper's position was, in fact, that the information had been provided by police and prosecution sources. The reporter was not present in court itself, and whilst the newspaper was entitled, to a certain degree, to rely on sources, the nature of the information – most importantly that it had not been verified – should have been made clear to readers. As such, the newspaper was obliged to correct this point. It had offered to do so in an appropriate manner. This represented a sufficient form of remedial action under the terms of Clause 1 (ii) of the Code.

Finally, the Commission wished to acknowledge the discrepancy highlighted by the complainant relating to the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat). Bearing in mind the full circumstances of the case, and the facts that were not in dispute

involving the death of Mr Mugnier, the Commission did not consider that this point required separate correction or clarification. The terms of this adjudication allowed it to be aired publicly.

Daily Mirror

Mr Richard Davies complained to the Press Complaints Commission that two articles headlined "I'm a monster" and "Quentin Davies' niece sentenced to 15 years for murder", published in the Daily Mirror on 12 January 2010 and 13 January 2010, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The newspaper had offered a sufficient form of remedial action.

The complainant's daughter, Jessica Davies, had been convicted of the murder of Olivier Mugnier at Versailles Criminal Court in January 2010. The complainant initially contacted the Commission in February 2010. Subsequent delay was caused by the complainant's efforts to obtain the official results of Ms Davies' blood sample; in July 2010 the Commission agreed to suspend its investigation until such documentation was received. The complainant provided the toxicology report – along with letters from his daughter's solicitors – in October and November 2010. The Commission then sought an independent translation of these documents, which was sent to the newspaper in January 2011.

The complainant said that the report of the trial was inaccurate and misleading on three issues.

First, the court had not "heard" that police believed that Ms Davies was "inspired by the murder of Meredith Kercher in Italy, just days earlier". The complainant said that French police had rejected speculation that the cases were linked in any way. In addition, he provided a letter from his daughter's solicitors asserting that the Kercher case had not been mentioned during Ms Davies' trial. Second, Mr Mugnier had not been found with his "throat cut"; Mr Mugnier had suffered only one stab wound to his chest ("thorax"), with another small superficial scratch. The complainant provided a further letter from his daughter's solicitors regarding the location of the wound. Third, Ms Davies had not "smoked cannabis" on the evening in question: court evidence and the toxicology report – provided by the complainant during the course of the investigation – showed that she had only consumed prescription medicines.

There was no official transcript of the court proceedings, and the newspaper said that the information reported had been obtained from

confidential police and court sources. Whilst it was not willing to disclose the identity of these sources, it offered to publish a correction making clear that the reference to the Kercher case related to information obtained from sources rather than information heard in court. Once it had received the toxicology report, the newspaper also offered to clarify that tests for cannabis made after Ms Davies' arrest were negative.

Adjudication

Newspapers have an essential part to play in the reporting of crime and the judicial system that prosecutes those accused of committing it. It is vitally important that any such reports adhere to the key principles governing accuracy under the terms of the Editors' Code: taking care not to publish inaccurate or misleading information; and clearly distinguishing between comment, conjecture and fact.

These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission took this opportunity to highlight the importance of care in the use and presentation of material originating from the police and court processes of other countries.

The most significant points in regard to the coverage related to the circumstances in which the killing had taken place: whether Ms Davies had smoked cannabis on the night; the exact location of the wound suffered by Mr Mugnier; and the suggested link between the case and the death of Meredith Kercher.

On the alleged link to the Kercher case, it was clearly incorrect for the newspaper to have referred to this as having been stated in court ("the court heard"), when its position was, in fact, that the information had been provided by police and prosecution sources. The reporter was not present in court itself, and whilst the newspaper was entitled, to a certain degree, to rely on sources, the nature of the information – most importantly that it had not been verified – should have been made clear to readers. As such, the newspaper was obliged to correct this point. It had offered to do so in an appropriate manner.

In the absence of any official transcript of the court proceedings, the Commission had regard to the reporter's notes provided to it as part of its investigation. These showed, for example, that there had certainly been reference to "cannabis" in the case: it had not been denied that Mr Mugnier had smoked cannabis in the flat on the night in question. That said, once the complainant had provided the toxicology report which made clear that Ms Davies had not smoked cannabis, it was

right for the newspaper to clarify this to readers. The newspaper's offer represented a sufficient form of remedial action under the terms of Clause 1 (ii) of the Code.

The Commission wished to acknowledge the discrepancy highlighted by the complainant relating to the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat). Bearing in mind the full circumstances of the case, and the facts that were not in dispute involving the death of Mr Mugnier, the Commission did not consider that this point required separate correction or clarification. The terms of this adjudication allowed it to be aired publicly.

The Sun

Mr Richard Davies complained to the Press Complaints Commission that three articles headlined "MP's niece cut man's throat", "Minister's niece on murder trial" and "Meredith 'copycat monster'", published by The Sun on 15 November 2007, 11 January 2010 and 12 January 2010, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The newspaper had offered a sufficient form of remedial action.

The complainant's daughter, Jessica Davies, had been convicted of the murder of Olivier Mugnier at Versailles Criminal Court in January 2010. The 2007 article (which remained available on the newspaper's website) had been published immediately following Mr Mugnier's death. The January 2010 articles reported on the subsequent trial. The complainant initially contacted the Commission in February 2010. He did not complain in November 2007 (when the first article was published) as French law prevents the publication of evidence gathered by the police and investigating magistrate until a trial. Subsequent delay was caused by the complainant's efforts to obtain the official results of Ms Davies' blood sample (which was relevant to his complaints against other newspapers) and additional documentation; in July 2010 the Commission agreed to suspend its investigation until such documentation was received. The complainant provided the toxicology report – along with letters from his daughter's solicitors – in October and November 2010. The Commission then sought an independent translation of these documents, which was sent to the newspaper in January 2011.

The complainant said that the coverage was inaccurate and misleading on three issues. First, the 2010 articles stated that the "court heard" that the killing had been committed in a "copycat of the Meredith Kercher murder". The complainant said that French police had

rejected speculation that the cases were linked in any way. In addition, he provided a letter from his daughter's solicitors asserting that the Kercher case had not been mentioned during Ms Davies' trial.

Second, the complainant objected to the repeated claims in the coverage that Ms Davies had "slashed" Mr Mugnier's throat and, in the 2007 article, had stabbed him "six or seven times". The complainant said that police and court evidence confirmed that Mr Mugnier had suffered one stab wound to the chest ("thorax"), with one other small superficial scratch. He provided a further letter from his daughter's solicitors regarding the location of the wound.

Third, the complainant said that – contrary to claims made in the 2007 article – there had been no "brutal sex game" or "extreme" sex session on the evening of Mr Mugnier's death. Rather, despite attempts to do so, the couple did not make love at all.

The newspaper said that the link to the Kercher case was attributable to police sources, which were verified by its reporter's notes (which were provided to the Commission). However, it accepted that its story may have led readers to believe that any possible link had been mentioned as part of the court case. It offered to publish a correction on this point.

On the other points, the notes showed police sources referring to "passionate, violent sex – talking and then doing" and Ms Davies herself had made reference in court to making love to Mr Mugnier. In addition – whilst the fatal wound appeared to have been sustained to Mr Mugnier's chest – other newspapers and agencies (including France's national news agency AFP) had reported that Mr Mugnier suffered a number of wounds, including to his throat and chest. The newspaper offered to add a statement from the complainant outlining his position to the online versions of the articles.

Adjudication

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These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission took this opportunity to highlight the importance of care in the use and

presentation of material originating from the police and court processes of other countries.

The most significant points in regard to the coverage related to the circumstances in which the killing had taken place: the existence or otherwise of a “frenzied” or “violent” sex session; the exact location of the wound suffered by Mr Mugnier; and the suggested link between the case and the death of Meredith Kercher.

On the alleged link to the Kercher case, it was clearly incorrect for the newspaper to have referred to this as having been stated in court (“the court heard”), when its position was, in fact, that the information had been provided by police and prosecution sources. The reporter was not present in court itself, and whilst the newspaper was entitled, to a certain degree, to rely on these, the nature of the information – most importantly that it had not been verified – should have been made clear to readers. As such, the newspaper was obliged to correct this point. It had offered to do so in an appropriate manner. This represented a sufficient form of remedial action under the terms of Clause 1 (ii) of the Code.

Finally, the Commission wished to acknowledge the discrepancies highlighted by the complainant in other areas of the coverage. These included the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat); whether there had been single or multiple wounds; and references to a sexual liaison. Bearing in mind the full circumstances of the case, and the facts that were not in dispute involving the death of Mr Mugnier, the Commission did not consider that these points required separate correction or clarification. The terms of this adjudication allowed these points of dispute to be aired publicly.

(ii) Complaint No. 10-5964 A man v Daily Mail

Tina Weaver and Ian MacGregor returned to the meeting. Peter Wright did not.

After discussion, Commissioners reached a ruling on this case. However, after the decision was sent to the newspaper and the complainant one of the parties raised concerns about a number of points. The decision cannot, therefore, be published at this juncture.

(iii) Complaint No. 10-5580 Simpson v Scottish Daily Mail

The Commission considered this case about alleged harassment and concluded that Clause 4 of the Editors' Code had been breached. As a result, the complaint was upheld in the following terms:

Mr Brian Simpson of Glasgow complained to the Press Complaints Commission that his family had been harassed by the Scottish Daily Mail in breach of Clause 4 (Harassment) of the Editors' Code of Practice.

The complaint was upheld.

The complainant was the father of Bryan Simpson, a Scottish university student who had been photographed at a tuition fees protest in London in November 2010 allegedly attempting to take a police officer's hat. The newspaper had published two articles about Bryan Simpson's involvement in the demonstrations on 11 and 12 November.

The complainant said that reporters and photographers representing the newspaper had attended his home four times in a 24-hour period. He and other members of his family had refused to comment and asked the representatives to leave the property each time. On a further occasion the complainant had been approached near his home and asked for his comment. He had contacted the police, who had asked the newspaper's representatives not to approach the house.

The newspaper said that its enquiries related to a matter of public interest: Bryan Simpson had been photographed allegedly assaulting a police officer. He had subsequently been questioned by police and bailed pending further enquiries. It had a duty to seek a response to the allegations. The journalists had returned to the home in response to new information that Bryan Simpson had been seen entering the property; when asked to leave they had done so. They had also complied with police requests. Following the complaint, the newspaper was willing to write a private letter of regret to the complainant and circulated an internal note making clear that the family would have no comment on future stories.

Adjudication

Clause 4 of the Code states that journalists "must not engage in intimidation, harassment or persistent pursuit" and "must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them".

In this case, it was not in dispute that the newspaper had approached members of the complainant's family on four separate occasions at the family home. A journalist had also spoken to the complainant outside his home on a separate occasion.

The Commission accepted that there was a limited public interest in seeking Bryan Simpson's response to the allegations against him. However, the complaint was that the journalists, on several occasions, had contacted the complainant and his family, who plainly did not wish to speak and who had made their feelings clear from the start. It seemed to the Commission that the journalists had persisted in questioning the complainant, who was not at the centre of the story, and against whom no allegations of impropriety had been made. The result was a breach of Clause 4 of the Code.

(iv) Complaint No. 10-4029 Carmarthenshire County Council v South Wales Guardian

Peter Wright returned to the meeting.

Commissioners discussed this complaint and concluded that the actions of the newspaper were in breach of the Code. The complaint was upheld and the Commission agreed on the following adjudication:

Carmarthenshire County Council complained to the Press Complaints Commission on behalf of a couple that an article headlined "My Maxine is not evil – mum", published in the South Wales Guardian on 4 August 2010, contained a photograph of their adopted child without consent in breach of Clause 6 (Children) of the Editors' Code of Practice.

The complaint was upheld.

The article was an interview with the mother of Maxine Williams, who had been convicted of murder in 2008. Ms Williams' mother had spoken about her daughter's appeal and about the adoption of her daughter's child as a result of the conviction. The article included a photograph of Ms Williams with the child, who was also named, taken when she was around 13 months old.

The complainants were the adoptive parents of the child, who was three years old at the time of publication. They had not given consent for the publication of the photograph, and had only been made aware of it when a third party – who had identified their child from the article – had alerted them. The publication of the

article had caused distress and they were concerned about the future effect of publication on the child.

The newspaper said that the use of the photograph had been authorised by the child's biological mother and grandmother. The consequences of Ms Williams's crime and the actions of social services in the case were proper objects of public scrutiny, and the information included about the child had not been unduly intrusive. The newspaper offered to consult the complainants before republishing the child's picture until she reached the age of 16. The complainants wished for an assurance that neither the child's name nor her photograph would ever be republished.

Adjudication

The Commission agreed that the newspaper had been entitled to present the views of the child's grandmother on the subject of her removal from the family's care. There was a general public interest in debating the actions of public authorities in the case, to which the article contributed. In the Commission's view, the publication of the child's previous name was not intrusive in this context.

The Commission also had to consider the publication of the photograph. Clause 6 (ii) of the Editors' Code states that "a child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents".

The Commission took the view that the photograph, in the context of an article about the child's mother's conviction for murder and the impact of the adoption, clearly involved her welfare. The paper had not obtained the consent of the custodial parents prior to publication. The Commission noted that one person had apparently identified the child from the information in the article, which had caused anxiety to her adoptive parents. The Commission considered that there was a breach of Clause 6 (ii) here.

To justify such a breach, the Editors' Code requires an exceptional public interest to override the normally paramount interests of the child. In this instance, while the Commission recognised the general public interest in the story, it did not consider that there were exceptional public interest grounds specifically to justify the publication of the picture. The complaint was therefore upheld.

(v) Complaint No. 11-0001 Amess v The Echo

There was considerable debate about this case. Commissioners concluded that the newspaper should be requested to reconsider its position with regard to offering an apology. As such, the office agreed to continue with efforts towards resolving the complaint through mediation.

- (vi) The Commission formally approved (subject to individual queries on specific complaints raised with the office) the following PCC Papers, which had contained draft adjudications for Commissioners' ratification or otherwise: 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5030, 5031, 5032, 5033. All papers had been circulated since the previous Commission meeting.

5. Role of Deputy Chairman

Commissioners received and discussed a paper about the position of the Deputy Chairman. The Deputy Chairman indicated that he primarily saw himself as being a sounding board for the Chairman and as being available to other Commissioners – and staff – to discuss any matters on a confidential basis. The Commission was pleased at how the role was developing.

6. PCC PR and Communications Plan 2011

Commissioners discussed and approved a plan for PR and Communications activity during 2011.

7. Chairman and Director's meetings

Commissioners received an update on appointments undertaken by the Chairman and Director.

8. Any other business

- i) The Chairman informed Commissioners that the Phone Hacking Review Committee had met for the first time. It had already started reviewing the PCC's past work on the subject. The Commission would be kept updated.
- ii) Commissioners noted that they had each been contacted by a disgruntled complainant from several years before. The Director

confirmed that his concerns had already been examined both by the PCC and by the Independent Reviewer.

- iii) The Chairman informed Commissioners that she understood measures were being taken by the Press Standards Board of Finance (Pressbof) to try to bring Northern and Shell titles back into the fold of self-regulation.
- iv) Commissioners were updated on the recent applications for lay membership positions.
- v) It was proposed that the Commission should arrange an away-day in due course.

9. Date of next meeting

2.00pm on Wednesday, 13th April 2011 at Halton House, 20/23 Holborn, London EC1.