

***Mr Richard Davies v The Daily Telegraph***

Clauses noted: 1

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.

Adjudication issued 21/04/2011