

Mr Richard Davies v Evening Standard

Clauses noted: 1

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.

Adjudication issued 21/04/2011