

Mr Richard Davies v The Sun

Clauses noted: 1

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

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; 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.

Adjudication issued 21/04/2011