

Ms Deirdre Manchanda v The Independent

Clauses noted: 5

Ms Deirdre Manchanda of London complained to the Press Complaints Commission on behalf of the Fitzsimons family and Tahseen Hassan that an article published in *The Independent* on 7 August 2008 headlined "The last tragic moments of Margaret Hassan" was insensitive in breach of Clause 5 (Intrusion into grief or shock) of the Code of Practice.

The complaint was not upheld.

The article contained an account of the murder of the complainant's sister, Margaret Hassan, who had been killed by insurgents in Iraq in 2004. A video of Mrs Hassan's last moments had been seen by Robert Fisk, the journalist who wrote the piece, at the offices of the television station Al Jazeera.

The complainant said that Al Jazeera had always considered the tapes too distressing for broadcast, and that the article therefore put gratuitous details about her sister's death into the public domain. While Mrs Hassan's husband Tahseen had given the journalist permission to watch the video shortly after her death, no consent to publish the details had been granted. A number of family members were unaware of all the details of Mrs Hassan's death until the article appeared. The complainant also said that the newspaper had failed to contact the family prior to publication.

The newspaper said that the abduction and murder of Margaret Hassan had received considerable publicity. There was a public interest in this story about her death, which illustrated the awful consequences of the invasion of Iraq. It added that the story was not just about Mrs Hassan's murder – important though that was to the article – but about videos of other killings that had ended up at Al Jazeera. In terms of Mrs Hassan's death, the piece contained little additional information to what had previously been published – and the paper provided cuttings published in 2004 from a number of news outlets that referred to the video and details of her death. The newspaper accepted that it would have been helpful for the family to have been contacted to make them aware of the imminent publication, and took this point on board for the future.

Adjudication

The Commission regretted the great distress that had clearly been caused to the complainant, and wished to express its sympathy to her and her family.

Clause 5 has generally been taken by the Commission to refer both to the behaviour of journalists and to the content of published articles in the immediate aftermath of a bereavement or other shocking incident. The purpose of this clause is not to prohibit the publication of news about traumatic events, but to minimise the risk of gratuitously aggravating people's vulnerability at such times.

The background to this complaint was the much-publicised abduction and murder of Margaret Hassan in 2004; the occasionally controversial role of Al Jazeera in receiving and sometimes publishing videos of killings by insurgents in Iraq; and the consequences of the war in Iraq in general. In other words, these were major issues of public concern which formed part of the history of the invasion and its aftermath, and which will therefore inevitably be legitimate subjects for journalism from time to time. Against this background, and taking account of the fact that Mrs Hassan's death had been some years before the publication of this piece, the Commission did not consider that failure to contact the complainant in advance of the story's appearance was a breach of the Code. However, it welcomed the editor's undertaking to consider warning the family in advance of any future coverage.

In terms of the content of the piece, the Commission understood that any description of Mrs Hassan's final moments would naturally be distressing to members of her family. However, it did not consider that the information was gratuitously graphic or out of proportion to what was already in the public domain, or that the tone of the account was insensitive or unsympathetic. These are the tests that the Commission would normally apply in cases such as this. It was also relevant that the newspaper was not breaking the news of the death, or of the specific method, but commenting on it some years later.

In all these circumstances, the Commission concluded that the article did not breach Clause 5 of the Code.

Adjudication issued 18/12/2008