

### ***Mr Martin McGuinness v Sunday World***

Clauses noted: 1, 2

Mr Martin McGuinness complained, through P. J. McGrory & Co. solicitors, to the Press Complaints Commission that an article published in the Sunday World on 28 May 2006 headlined "McGuinness was Brit spy" was inaccurate in breach of Clause 1 (Accuracy) and 2 (Opportunity to reply) of the Code of Practice.

The complaint was not upheld.

The article contained the claims of Martin Ingram, a former agent handler in the Force Research Unit. He said that a transcript of a conversation between "J118" and "G", published in the newspaper, was between the complainant and his M16 handler.

The complainant was concerned that the headline had stated as fact he was a spy, and that the newspaper did not contact him in advance of publication for an opportunity to comment. The headline, the complainant said, was not justified by the contents of the article, in which Mr Ingram was quoted as speculating that the complainant was a spy. The transcript document was clearly not authenticated by anyone in a position of knowledge.

The newspaper said that the full headline was actually "Spook's shock claims: McGuinness was a Brit Spy". It was therefore clear that the article concerned an individual's opinion on the subject. The article was based on a document which Martin Ingram claimed was a transcript of a conversation between the complainant and his handler, and which had been authenticated by other intelligence sources. Mr Ingram – who the newspaper said was a credible source and the man who had previously identified the FRU agent "Stakeknife" – also gave a detailed account of the complainant's alleged co-operation with the security services. The newspaper did not contact the complainant in advance of publication, as it was aware that he had not previously been willing to offer a comment to it on any issues of controversy. It published a follow-up article containing Gerry Adams' dismissal of the claims in the follow week's edition, and offered to publish an interview with the complainant or a statement of his vehement denial.

The complainant considered that the headline "Spook's shock claims" appeared to be separate, and was in a different box, to the main headline. This gave a misleading impression.

### ***Adjudication***

It was clearly not within the scope of the Press Complaints Commission – which does not have legal powers of investigation or sub-poena – to establish the veracity of the claims contained in the article. Nor was it necessary for the Commission to do so, in order to come to a decision on this complaint under the terms of the Code. The central question was whether the newspaper had clearly distinguished the claims of Martin Ingram as comment rather than fact. The Commission considered that it had. Above the main headline of the front-page was a reference to the "shock claims" contained within the article. Although this was in a separate box to the headline, the Commission considered that it was clear that it referred to the main article. Furthermore, the Commission noted that the second paragraph of the front page made clear that "the revelations are made by...Martin Ingram" and the opening paragraph of the page 4 article began: "a British Army whistleblower today names Sinn Fein chief Martin McGuinness as a high-ranking MI6 agent". The banner headline for this story was "allegations about Republican chief's past".

Taking all this into account, the Commission considered it likely that readers would have recognised that the reference to the complainant as a spy was not a statement of fact but a claim from an intelligence source.

The second issue related to the newspaper's failure to contact the complainant for comment prior to publication. The Commission considered that, in view of the nature of the allegations, the newspaper should have done so, and included the complainant's denial in the first article published on the subject. Nevertheless, the newspaper had taken care to ensure that readers would be aware that the article was based upon information from an alleged official document and a former member of a security organisation, but that the claims had not been otherwise corroborated. The Commission also noted that the newspaper had published the complainant's dismissal of the allegations as "total and absolute rubbish" the following week. In these circumstances, the Commission considered that the failure to contact the complainant did not in itself mean that the newspaper had failed to take care over the accuracy of the reporting of the allegation.

That said, the complainant himself clearly considered there to be ambiguity in the presentation of the article. The newspaper had responded to this by agreeing to publish either a follow up interview or a statement making clear that the complainant vehemently denied the claims that he was an agent. This was within the spirit of conciliation that the Commission encourages. It hoped that the complainant would take up the offer, but taking the coverage as a whole – and given that it was not in a position to determine whether the claims themselves were true – it did not consider that there were any outstanding issues under the Code for it to pursue.

Adjudication issued 03/11/2006