

Ms Leila Mahmoud v Isle of Wight County Press

Clauses noted: 1

Ms Leila Mahmoud of Ryde complained to the Press Complaints Commission that an article published by the Isle of Wight County Press on 26 January 2007 headlined 'Man attacked girlfriend's lesbian lover' was inaccurate in breach of Clause 1 (Accuracy) of the Code of Practice.

The complaint was upheld.

The complainant explained that she had been the subject of an assault by her friend's boyfriend, who had pleaded guilty to the offence at his trial. In mitigation, the man had said he was upset because he had discovered his girlfriend and her friend – the complainant – were having an affair. The newspaper's report of the trial had included this mitigation as if it were established fact. However, the complainant – and her friend, who supported the complaint – said the claims made by the defendant were completely unfounded.

The newspaper said it had accurately reported what was said in court. A subsequent report on the man's sentencing made reference to the girlfriend's unhappiness at her boyfriend's 'disgusting and embarrassing allegations, which caused her family to question her sexuality.' The newspaper refused to publish a letter from the complainant setting out her denial of the affair on the basis that it lacked legal privilege and could leave the newspaper open to defamation proceedings.

The complainant provided a copy of her signed witness statement but said she could not be certain it was read out in court. In the statement she made clear that she denied having a sexual relationship with her friend.

Adjudication

The editor was right that he was not responsible for the accuracy of what was said in court. The Code's requirements on accuracy in this area relate to how proceedings are reported, not to the actual comments made during legal hearings. This is an important matter of principle. However, Clause 1 (Accuracy) states that newspapers 'must distinguish clearly between comment, conjecture and fact'. In the headline and the first paragraph of the article, the newspaper had stated as fact that the complainant and the man's ex-girlfriend had been lovers, when the correct position was that this was an allegation presented to the court in mitigation. The Commission considered that there was a material distinction between these positions, and that readers may have been misled into believing that the claim had been accepted as established fact. This should have been enough for the editor to engage with the Commission in trying to find an amicable resolution to the complaint.

The Commission saw no reason why a flexible approach on the matter, depending on the particular circumstances of this case, would deprive the editor of his discretion in the future to deal with complaints about court reports as he wished. The complaint was upheld.

Adjudication issued 02/10/2007