

Ms Muddassar Arani v Daily Express / The Sun / Daily Mail / The Daily Telegraph

Clauses noted: 1, 2, 3, 4, 12

Ms Muddassar Arani complained to the Press Complaints Commission through Arani & Co. Solicitors of Southall that a number of articles – published variously in the Daily Express, The Sun, the Daily Mail and The Daily Telegraph and on their websites – contained inaccurate and misleading information in breach of Clause 1 (Accuracy) of the Code of Practice. She also complained that she had been denied an opportunity to reply in breach of Clause 2 (Opportunity to reply); that information about her private life had been published in breach of Clause 3 (Privacy); that the newspapers had harassed her in breach of Clause 4 (Harassment); and that she had been discriminated against in breach of Clause 12 (Discrimination).

Sufficient remedial action had been offered under Clause 1. The complaints under Clauses 2, 3, 4 and 12 were not upheld.

Adjudication

The articles

(1) On 22 April 2008, The Sun published an article headlined “£2m brief filmed at exile rally”. A follow-up article was published on 25 April 2008 headlined “Brief’s hate rap”. The Daily Express then published an article headlined “Outcry over Muslim lawyer who speaks up for fanatics” on 26 April 2008.

(2) On 7 June 2008, the Daily Mail published an article headlined “Abu Hamza’s lawyer made £1m from legal aid in a single year”; the Daily Express published an article headlined “Hamza lawyer earning £1m in legal aid”; and The Daily Telegraph published an article headlined “Legal aid fees of Hamza’s solicitor”. On 24 June 2008, The Sun published an article headlined “One place Bin Laden would be safe: Here”.

Versions of all the articles also appeared on the newspapers’ websites.

Complaints under Clauses 1 and 2 about the April articles

The 22 April, 25 April and 26 April articles related to the complainant’s appearance and speech at a conference called “Innocent until proven Muslim” in December 2007. The complainant said that the newspapers had misleadingly implied that she shared or endorsed the views of Anjem Choudary – an aide of exiled cleric Omar Bakri – who also spoke at the rally. In fact, she had been unaware of the speakers at the event and had not expected to speak herself. The Daily Express article had even included a poll which asked whether lawyers should be allowed to “act as a mouthpiece for extremists”, which had led to 133 comments from readers online.

In addition, the newspapers had presented her reference to a statement from her client, Dhiren Barot, in a misleading manner. They had failed to make clear that Barot – who had been imprisoned in 2006 for plotting radioactive bombs attacks in the UK and the USA – had been referring to a horrific assault he had suffered in prison and the subsequent lack of immediate medical attention. A video on the Sun’s website had been edited to support the newspaper’s position.

Finally, the complainant had not sought “cushier” treatment for jailed clients – but rather “easier” treatment, following the ordeal suffered by Barot – and the rally was not “secret” as alleged in the Daily Express. The complainant provided a copy of a flyer for the event, which made clear that Muslims and non-Muslims were welcome to attend.

The Sun denied that its coverage raised a breach of the Code. Its use of “cushier” was entirely accurate. The newspaper denied that it had implied that the complainant was responsible or

associated with Mr Choudary's comments: it had simply reported that she was a speaker at an event where controversial and inflammatory remarks had been made. Following the publication of the article, the Solicitors Regulation Authority had asked for a copy of the video in order to investigate.

The Daily Express said that the complainant had chosen to appear with Anjem Choudary, whether or not she had known of his involvement beforehand. Any claim that she did not share his political views was negated by the fact that she had seized the opportunity to read a statement from Dhiren Barot. The newspaper's poll was based on the comments of Andrew Dismore MP ("there is a clear distinction between doing the best for your client...and acting as a mouthpiece for their political views"). The complainant had refused to speak to reporters when they had called to offer her the right to reply.

That said, the newspaper – having viewed the flyer provided by the complainant – made clear that it was willing to amend its records on this point and to publish a letter from the complainant on the issue. The complainant rejected the offer.

Finding

The complainant's appearance at the rally alongside Anjem Choudary had clearly caused controversy, not least because of the inflammatory comments which had been attributed to him (about which he had not raised a complaint). In the Commission's view, the newspapers had the right to inform the public that the complainant had attended and had spoken freely at the event, which had been characterised as "extremist" owing to Choudary's comments.

The Commission did not consider that the articles had implied that the complainant endorsed his views; rather, they reported only that she had spoken at the event and recorded the comments of various MPs who did not consider this to be appropriate conduct. The poll in the Daily Express had stemmed directly from these comments, and the Commission considered that the use of the phrase "mouthpiece for extremists" rather than "mouthpiece for their political views" did not represent a significant inaccuracy. The omission of the precise circumstances in which Dhiren Barot's statement had been made was also not significantly misleading under the Code. It was not in dispute that the complainant had made the attributed comments, which also featured in the video on The Sun's website. The use of "cushier" rather than "easier" was not inaccurate or misleading. The Commission was satisfied that none of these points raised a breach of Clause 1 (Accuracy) of the Code.

It was clear that the rally was not "secret" as the Daily Express had alleged. The annotation of the newspaper's records represented a sufficient remedy on this issue, which was not especially significant. The newspaper had gone further and also offered a letter on this point, although the Commission did not consider that this was necessary in circumstances where the alleged inaccuracy was not a matter of significance. There was no breach of Clause 2 and no further issues for the Commission to pursue in regard to this aspect of the complaint.

Complaints under Clause 1 about the June articles

The articles of 7 June revealed that the complainant's firm had earned £890,922 from legal aid in 2007. The complainant said that the headlines to the articles were inaccurate in their claim that Arani & Co had earned £1m in that period.

She was concerned that the stories – including the article in The Sun of 24th June – also misleadingly suggested that this money stemmed purely from representing terrorist suspects (when the firm also took on family cases). The figures did not relate to profits, as implied. The newspapers had not sought to put the figures in context against other, higher-earning law firms who also represented terrorist suspects. The references to Abu Hamza and the use of comments from

Andrew Dismore MP were misleading. In addition, the Daily Mail and Daily Express articles were inaccurate when they stated that the complainant was a "mother-of-two", when in fact she had no children. This was particularly serious since it was a stigma for an unmarried Muslim woman to have children.

The newspapers made clear that the amount of legal aid quoted in the articles had been taken from official Legal Services Commission (LSC) figures. The complainant had acknowledged that the amount was correct. Readers would have understood that – as with any other type of business – fees paid to solicitors' practices did not directly relate to profits and that the money did not equate to the complainant's own salary. They were under no obligation to report other solicitors' earnings – the firms to which the complainant had referred were much larger. The Daily Mail, the Daily Express and The Daily Telegraph (online) all included an extensive quote from an LSC spokesperson putting the figure into context in terms of the type of expenditure a legal aid solicitor might occur.

Both the Daily Express and the Daily Mail apologised for the incorrect reference to the complainant as a "mother-of-two" and marked their records to ensure that the error was not repeated.

The complainant said that the Daily Mail article also contained a number of separate points of inaccuracy. The first was the reference (in regard to the 21/7 trial) to an alleged payment to Manfo Kwaku Asiedu of £600 as a "bribe" and the claim that it was "part of a plan to get all of the defendants to switch to her law firm". In September 2008, police indicated that they were dropping the investigation into these claims. The other inaccuracies were the following: the assertion that the complainant had "boasted in a magazine that those accused of terrorism come to her first" and had said that "those who speak out against Islamic terrorists 'are playing into the hands of the Government'"; and the claim that she was the "sole practising solicitor" at the firm.

The Daily Mail pointed to a quotation from a magazine article which it considered to be a boast ("I do not think there has been any Muslim lawyer who has taken on as many cases as I have") and the complainant's comments at an Islamic Human Rights Commission conference in 2002 in which she referred to Muslims who spoke out as "playing into the hands of the Government". It also provided the Law Society Directory's listing (2007/8) for the firm which stated that there was a Sole Principal, with two assistants and one consultant. Scotland Yard had confirmed that, at the time of publication, officers from the Specialist Crime Directorate were actively investigating bung claims against the complainant from the 21/7 trial. In any case, the article had made clear that the complainant denied the allegation relating to Mr Asiedu, which had been widely reported. It was willing to publish the updated position that police had subsequently dropped the investigation. The newspaper made a note of the complainant's points on its files for future reference and removed the article from its website.

Finding

The text of the articles made quite clear the precise amount of legal aid funding the complainant had received in 2007, despite the headlines referring to a rounded figure of £1m. They did so accurately. The Commission did not consider that readers would have believed that the amount of legal aid represented pure profit or was paid directly to the complainant: the quote from the LSC provided important background information in regard to the payment, which would have enabled readers to have a firm understanding of how the money was distributed. It was also clear that the complainant's firm – while it also handled family cases – was most well known for its clients who had been charged with terrorism offences. For the newspapers to claim that the complainant had earned £3.5m "from representing terror suspects" did not amount to a significant inaccuracy under the Code.

The Commission was satisfied that the complaints about the funding did not raise a breach of Clause 1 of the Code. The newspapers' decision to focus on the complainant's firm's earnings and not other law firms was a matter of editorial discretion that fell outside the Commission's remit.

The reference to the complainant as a "mother-of-two" was regrettable, and the Commission understood the sensitivity surrounding an error such as this. It was necessary for the newspapers to undertake remedial action in response and they had apologised and amended their records to ensure that this error would not be repeated. The Commission considered that this was a sufficient remedy.

The separate points in the Daily Mail article related generally to issues of interpretation. In the Commission's view, there were grounds for the newspaper to say that the complainant had offered a "boast" about the number of her clients accused of terrorism. She had clearly spoken about the high number of terrorist cases she had handled. It was not in dispute that the complainant had said that Muslims who spoke out against "each other" were "playing into the hands of the Government". It was clear to the Commission from the context that those against whom people were speaking out must be those accused of terrorism. From this, the Commission concluded that the newspaper's summary of the complainant's position was not especially misleading. However, given that the article did not reflect precisely the complainant's words, it was right for the newspaper to amend its records accordingly. Following that, there were no further issues under Clause 1 to pursue.

There was also some dispute about whether the complainant was the "sole practising solicitor" at the firm. The newspaper had clearly presented evidence from the Law Society (an appropriate source) that it had taken care not to publish inaccurate information on this point. The point was not of such significance, in any case, as to raise a breach of the Code.

In regard to Manfo Kwaku Asiedu, the Commission was satisfied that the allegations were clearly presented as such in accordance with the terms of the Code. When it subsequently became clear that the investigation by police had been dropped, the newspaper undertook to publish this update. Following such action, there was nothing to pursue on this point.

Complaints under Clause 3 (Privacy) and Clause 4 (Harassment)

The complainant argued that the coverage (which made consistent references to the amount of money the firm had been awarded in legal aid and to Abu Hamza, who had become a public hate figure) demonstrated she had been persistently targeted by the newspapers over a period of years. Other solicitors and law firms – many of whom had represented terrorist suspects – had not been subjected to the same level of scrutiny and the newspapers had sought to stir up hatred against her, portraying her as an extremist. The complainant said that she had received numerous death threats as a result of the media campaign. Abuse from the public could also be viewed in the offensive readers' comments which appeared underneath the online versions of the articles.

Moreover, the complainant argued the references to her background and religion – including the fact that she had arrived in the UK aged eight from Uganda, had made a trip to Mecca and spoke four languages – were irrelevant and intrusive. The articles also referred to the location of her office, stated that she drove a Mercedes and lived in a semi-detached property. The publication of this information was a breach of Clause 3, as was the reference to the complainant as a "mother-of-two". The complainant also raised concerns that the Daily Mail had published a photograph of her in her car, which had been taken using "persistent pursuit".

The newspapers said that their coverage of the complainant's involvement in high profile cases was entirely legitimate and in the public interest. The complainant's firm had obtained large sums of money in legal aid funding in the main to represent individuals charged with terrorism-related offences. The public was entitled to know how its taxes were spent through legal aid. The suggestion that the articles were designed to cause hatred, incitement and violence towards the complainant was unsustainable. The newspapers denied that the complainant's privacy had been breached.

Finally, the Daily Mail said that the photograph had been taken by an agency in 2005 and denied that any harassment had taken place: the photographer went to the complainant's house and took a photograph of her as she left for work.

Finding

Given that the complainant had earned a significant amount of publicly funded legal aid – £890,922 in 2007 alone – the Commission considered that it was entirely legitimate for the newspapers to report on this fact and to scrutinise her professional activities. This was especially so given the high-profile – usually terrorism-related – clients she represented, including Abu Hamza, Dhiren Barot and a number of those convicted in relation to the 21/7 plot.

While the articles had also referred briefly to the complainant's background and lifestyle, the nature of information - in the Commission's view – was bland and inconsequential. None of the details was intrinsically private and the articles did not intrude unnecessarily into the complainant's private life. As such, there was no breach of Clause 3.

The manner in which the newspapers had covered the stories – incorporating, for many, the inclusion of readers' comments on their websites – did not raise a breach of Clause 4. This Clause relates to physical harassment of individuals by journalists and/or photographers in the newsgathering process. The Code does not seek to prohibit legitimate debate or campaigning journalism and it is not the case that publishing a number of articles about one issue or individual constitutes harassment under its terms.

There was one remaining area for the Commission to consider: that of the photograph of the complainant driving her car which was obtained, she said, through "persistent pursuit" and published on the Daily Mail's website. The inside of a car in full public view is not a place where an individual would have a reasonable expectation of privacy and, as such, this did not represent a breach of Clause 3. In addition, it had not been demonstrated that the photograph had been obtained by "persistent pursuit". There was no breach of the Code on this point.

Complaints under Clause 12 (Discrimination)

The complainant said that the articles continually referred to her in a discriminatory fashion. This was purely because she was a female Muslim lawyer. Lawyers of other religions had not been targeted in the same manner. The 22 April article had referred to her style of dress ("white robes and a headscarf") while many articles included information about her background, including the fact that she was born in Uganda. Such details were irrelevant and were designed purely to stir up prejudice. The continual reference to her religion and religious beliefs – and the implication that she was an extremist – compounded the breach of Clause 12.

The newspapers rejected the complainant's claim that she had been singled out on the basis of her religion. One argued that the complainant's religion was of fundamental importance as her approach to legal business appeared to revolve around her beliefs. The firm's website, for example, was heavily orientated to the Muslim community and terrorist-related issues.

Finding

Clause 12 makes clear that newspapers must avoid prejudicial or pejorative reference to an individual's religion, in addition to avoiding details of an individual's religion "unless genuinely relevant to the story".

Although the newspapers had referred to the complainant's religion on a number of occasions in the articles, the question for the Commission centred on the relevance of these references. It did not consider that the factual references to her as a Muslim were in any way prejudicial or pejorative.

The complainant had become well-known for representing Islamic terror suspects and it was not in dispute the firm's website was heavily orientated towards the Muslim community. The complainant also made regular appearances at Islamic-related events, in which she referred to herself as a Muslim. One such appearance prompted the April coverage. With this in mind, the Commission took the view that references to her religion were relevant to the subjects of the articles, which concerned her appearance at a rally about the treatment of Muslim prisoners alongside extremists such as Anjem Choudary and the fact that she had received a large amount of public money representing terrorist suspects and convicted criminals who were Islamic. There was, therefore, no breach of Clause 12 of the Code. The fact that the newspaper had stated that the complainant was born in Uganda did not raise any breach of this Clause either.

Adjudication issued 20/10/2008