

Mr Richard Davies v Daily Mail

Clauses noted: 1

Mr Richard Davies complained to the Press Complaints Commission that three articles headlined "Boyfriend of MP's niece is arrested on suspicion of Meredith copycat murder in France", "I am a monster" and "MP's sex killer niece is jailed for 15 years", published by the Daily Mail on 19 November 2007, 12 January 2010 and 13 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; 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 articles were inaccurate and misleading on a number of points. First, the coverage made repeated references to the murder of Meredith Kercher which were misleading. 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 said that - contrary to claims in two of the articles - there had been no "violent sex game" or "frenzied 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 complainant also objected to the claims in the coverage that Ms Davies had "slashed...Mr Mugnier's throat". He 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. The complainant provided a letter from his daughter's solicitors regarding the location of the wound. Furthermore, Ms Davies had not smoked cannabis or consumed illegal drugs on the evening in question: court evidence and the toxicology report - provided by the complainant during the course of the investigation - showed that she had taken only prescription medicines. Finally, the complainant said that his daughter had not attended Notre Dame Catholic School and had never studied in America.

The newspaper said that the matters under complaint had been widely reported. French legal procedures meant that there was no official court transcript of the court case. It did, however, provide copies of the reporter's contemporaneous notes of conversations with police and prosecution sources: the links to the Kercher case had been attributed clearly to them in the coverage. The notes also showed the same sources referring to "passionate, violent sex - talking and then doing", while Ms Davies herself had made reference in court to making love to Mr Mugnier. The claim of failed love-making had only been introduced at a later stage, and that was noted in the article of 13 January.

Furthermore, the newspaper said that it was not in dispute that Ms Davies had been under the influence of alcohol and prescription drugs on the evening in question. Whether or not she had smoked cannabis in addition to this was not a matter of great significance. Mr Mugnier had done so. While the newspaper admitted that there may have been some confusion on the issue, the

reporter's notes showed that the word "cannabis" had been mentioned in court in relation to the substances that Ms Davies had consumed that evening. Moreover - 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.

Nonetheless, the newspaper offered to publish a clarification making clear that tests for cannabis made after Ms Davies' arrest were negative. It also offered to amend its online coverage to reflect that the wound was to the thorax and not the neck.

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; whether Ms Davies had smoked cannabis or consumed illegal drugs on the night; 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, the Commission was satisfied that the claim had not been presented as fact in any of the coverage: the 2007 article stated that the "police feared the couple had set out to recreate the murder of Meredith Kercher", in addition to quoting a police source on which this claim was based. Further references to any link at the time of the trial in 2010 did not suggest that this had formed part of the case in court, and had, again, been clearly presented as speculation based on sources ("Detectives believe the crime may have been inspired by the Meredith Kercher murder"). The newspaper - which was entitled to offer the opinion, clearly distinguished as such, that the cases had "grim similarities" - had provided notes of the reporter's conversations with sources on this subject. In the Commission's view, readers would not have been misled by the presentation of the claims.

In the absence of any official transcript of the court proceedings, the Commission had regard to the notes provided by the newspaper. These showed, for example, that there had certainly been reference to "cannabis" in the case: it had not been denied that Mr Mugnier had smoked cannabis in the flat on the night in question. That said, once the complainant had provided the toxicology report which made clear that Ms Davies had not smoked cannabis, it was right for the newspaper to clarify this to readers. It had offered to do in an appropriate manner. This offer 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 a "violent" or "frenzied" sex session; and details of Ms Davies' education. 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