

Mr Richard Davies v The Guardian

Clauses noted: 1

Mr Richard Davies complained to the Press Complaints Commission that two articles headlined "French police hold MP's niece over man's death" and "Niece of British MP admits stabbing lover while high on drugs", published in The Guardian on 16 November 2007 and 11 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 article reported on the subsequent trial. The complainant initially contacted the Commission in February 2010. He did not complain in 2007 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 2010 article headline was misleading when it claimed that Ms Davies was "high on drugs". This implied that she had taken illegal drugs on the evening of Mr Mugnier's death, which was not the case: she had taken only prescription anti-depressants.

Second, the 2010 article stated that Ms Davies had "smoked cannabis" on the night in question. This was incorrect: only Mr Mugnier had done so. Court evidence and the toxicology report - provided by the complainant during the course of the investigation - showed that she had not taken any illegal drugs.

Third, Mr Mugnier had not sustained a wound to his "neck" as reported; rather, police and court evidence confirmed that Mr Mugnier had suffered one stab wound to the chest ("thorax"), with one other small superficial scratch. The 2007 article had also been inaccurate on this point, making reference to Mr Mugnier being "stabbed in the throat with a knife". The complainant provided a letter from his daughter's solicitors regarding the location of the wound.

The newspaper said that its 2010 headline had to be read in the context of the article as whole which made clear that Ms Davies had taken anti-depressants. The use of prescription and recreational drugs was not always distinct and Ms Davies had constantly been warned not to mix her prescription with alcohol. It accepted, however, that the reference to "drugs" was ambiguous and offered to amend its online article to refer to "prescription drugs" (with a note on the article recording the change).

On the cannabis claim, the newspaper provided its reporter's notes on the matter which recorded a court clerk referring to "cannabis and alcohol in substantial quantities". This, it said, was in specific reference to Ms Davies, although this was not recorded in the notes. Ms Davies herself had stated that Mr Mugnier had "rolled a joint" when they returned to her flat, although there was no further reference as to whether both of them had smoked it. Once the complainant had provided the toxicology report, the newspaper offered to publish a clarification making clear that tests for cannabis had proved negative.

The newspaper added that the terms "neck", "throat", "chest" and "thorax" had been used interchangeably in numerous reports of the incident, including that reported by France's national news agency AFP. It said that Ms Davies had made reference to pressing Mr Mugnier's throat as she called the emergency services. Whether the wound was at the base of the neck or a few inches below changed nothing significant about the report of a fatal stabbing.

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 exact location of the wound suffered by Mr Mugnier; whether Ms Davies could be said to be "high on drugs" at the time of the attack; and whether she had "smoked cannabis" on the evening in question.

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. Moreover, the reference to "drugs" in the headline did not necessarily mean "illegal drugs"; indeed, the phrase "high on drugs" had been explained in the article, which made the position in regard to prescription medicines clear to readers. 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 so 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 discrepancy highlighted by the complainant relating to the question of precisely where the wound which killed Mr Mugnier had been inflicted (the thorax as opposed to the throat). 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 this point required separate correction or clarification. The terms of this adjudication allowed it to be aired publicly.

Adjudication issued 21/04/2011