

Mr Richard Davles v Daily Mirror

Clauses noted: 1

Mr Richard Davies complained to the Press Complaints Commission that two articles headlined "I'm a monster" and "Quentin Davies' niece sentenced to 15 years for murder", published in the Daily Mirror on 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 complainant initially contacted the Commission in February 2010. 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 report of the trial was inaccurate and misleading on three issues.

First, the court had not "heard" that police believed that Ms Davies was "inspired by the murder of Meredith Kercher in Italy, just days earlier". 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, Mr Mugnier had not been found with his "throat cut"; Mr Mugnier had suffered only one stab wound to his chest ("thorax"), with another small superficial scratch. The complainant provided a further letter from his daughter's solicitors regarding the location of the wound. Third, Ms Davies had not "smoked cannabis" 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 only consumed prescription medicines.

There was no official transcript of the court proceedings, and the newspaper said that the information reported had been obtained from confidential police and court sources. Whilst it was not willing to disclose the identity of these sources, it offered to publish a correction making clear that the reference to the Kercher case related to information obtained from sources rather than information heard in court. Once it had received the toxicology report, the newspaper also offered to clarify that tests for cannabis made after Ms Davies' arrest were negative.

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: whether Ms Davies had smoked cannabis 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, it was clearly incorrect for the newspaper to have referred to this as having been stated in court ("the court heard"), when its position was, in fact, that the information had been provided by police and prosecution sources. The reporter was not present in court itself, and whilst the newspaper was entitled, to a certain degree, to rely on sources, the nature of the information - most importantly that it had not been verified - should have been made clear to readers. As such, the newspaper was obliged to correct this point. It had offered to do so in an appropriate manner.

In the absence of any official transcript of the court proceedings, the Commission had regard to the reporter's notes provided to it as part of its investigation. 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. The newspaper's offer represented a sufficient form of remedial action under the terms of Clause 1 (ii) of the Code.

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