

Ms Martine Petetin v The Times

Clauses noted: 5

Ms Martine Petetin of London complained to the Press Complaints Commission that an article published in The Times on 5 January 2006, headlined "Mystery of leading lawyer's suicide leap from hotel" was intrusive at a time of grief in breach of Clause 5 (Intrusion into grief and shock) of the Code.

The complaint was not upheld.

The article followed the publication by two newspapers, on the previous day, of photographs of the suicide of Katherine Ward, who had jumped from the fourth storey of a hotel in central London. It discussed the circumstances surrounding the tragic event, and included two photographs of Ms Ward: one standing on the ledge and one during her fall.

The complainant was a friend of Ms Ward, who considered that the newspaper had demonstrated an extreme lack of sensitivity and intruded into the grief of those that knew her by publishing the photographs. The images themselves would be likely to cause grief and distress to Ms Ward's many friends, who were already grieving at the news of her death.

The newspaper regretted that its coverage had been the cause of distress. However, the tragic death had taken place in a very public place, in the middle of the day in central London, and witnessed by members of the public. The decision had been taken to publish the article and photographs only after she had been identified, by which time her relatives had been informed and her professional and personal details had emerged.

Once that decision had been made, the newspaper used a dignified portrait of Ms Ward on the front page. The photographs under complaint were placed on an inside page in black and white, in the context of the legitimate story about her death that did not glamorise or trivialise the circumstances. The newspaper did not publish pictures of her body. There was a considerable public interest in the publication of the story, which involved the shocking suicide of a highly-regarded and successful professional. The newspaper also decided to commission a follow-up cover story for the following day's times2 section, which offered an empathetic treatment of the issue of suicide, and provided details for specialist services that might help those in need. It also published two letters critical of its approach.

The complaint denied that there was any public interest justification for publication. Without the photographs, the complainant argued, there would have probably been no coverage at all. She hoped that her complaint would enable the press to re-assess the way in which they dealt with death.

Adjudication

The newspaper had republished photographs that had already appeared in the Sun and the Evening Standard. The Commission has already found that the publication of those photographs did not breach the Code of Practice. It followed in this case that the Commission did not consider that there was a breach of the Code.

In its rulings on the other cases, the Commission made clear that its task was not to judge whether publication had exceeded any bounds of tastefulness. Matters of taste and decency fall outside the terms of the Code of Practice. This is because the Code of Practice is in part a set of rights for individuals directly affected by journalistic practice – normally the subject of an article or approach by a journalist – rather than a device for members of the public generally to register objections about matters of editorial judgement to which they take exception. The Commission considers that

editors are best placed to decide what their readers will find acceptable in terms of taste and decency – something that will vary between different sorts of publication, and something that is therefore unsuited to being subject to national, industry-wide rules.

Of course, the complainant and others who knew Katherine Ward clearly had more than a general interest in the matter. However, the Commission wished to acknowledge the suggestion that the publication of the image was likely to offend and upset readers more widely. Individual members of the Commission shared this view and regretted that publication had caused offence to members of the public, as well as additional distress to Ms Ward's friends.

As with the complaints against the other newspapers, the Commission started from the position that the simple fact of publishing photographs of what was a public incident did not, in itself, constitute a failure to be sensitive. The Commission considered that it should be slow to restrict the right of newspapers to report newsworthy events that take place in public. This includes the right to publish photographs. This tragic case concerned an unusual death, which had taken place in public. As such, it was a newsworthy event.

This did not mean, though, that the newspaper was free to publish the information in an insensitive manner, such as by making light of the incident or including unnecessarily explicit details. Had the newspaper done so, there would have been a breach of the Code. The fact was, however, that – in common with the other newspapers – it had not sought to trivialise or sensationalise the death of Ms Ward, and had not presented the photographs in a gratuitously graphic manner. The complainant had herself acknowledged that – other than the photographs – she considered the article to be fair and sensitive.

While sympathising with the complainant – who had understandably felt considerable distress at the publication of the images – the Commission did not uphold her complaint for the reasons set out above.

There had been no allegation that the piece in The Times broke the news of the death to Ms Ward's friends, as publication occurred the day after publication in other newspapers, and after Ms Ward had been positively identified. The Commission has dealt with complaints to this effect about the Sun and Evening Standard in its other rulings. There was no breach of the Code on this point in relation to The Times for the same reasons.

Relevant rulings

Curnow v Edinburgh Evening News, 1997

Napuk & Gibson v FHM, 1999

Adjudication issued 2006