

Mr J Gbonda v Evening Standard

Clauses noted: 9

Mr J Gbonda of Kent complained to the Press Complaints Commission that an article headlined "Steaming gang's terror reign" published in the Evening Standard on 15 June 2004 identified him in breach of Clause 9 (Reporting of crime) of the Code of Practice.

The complaint was rejected.

The article concerned the outcome of a court case in which members of a "steaming" gang were convicted of attacking up to 80 passengers on public transport. The complainant, the father of one of those convicted, stated that the article had identified him – by name, profession and country of origin – without his consent in breach of Clause 9 (Reporting of crime) of the Code.

The newspaper said it had been informed by a family member that the complainant's son had taken to the streets after his parents had separated. This information was considered to be genuinely relevant to the story as it partly explained the reasons why the complainant's son had turned to crime. The newspaper added that the complainant was not made the focal point of the article and that the piece did not contain any intrinsically private details. Moreover, it was highly likely that those known by the complainant would have made the connection between father and son in any event. The general public, in contrast, would not have been able to identify the complainant on the basis of the information provided. Nonetheless, the newspaper sought to resolve the matter by sending the complainant a personal letter of apology which regretted that the article had caused him distress.

The complainant strongly challenged the newspaper's contention that the references to his name, profession and country of origin were genuinely relevant to the story. There were several complex reasons why people committed crime and the complainant did not consider that a newspaper was qualified to make such a judgement. The complainant argued that the public did not have the right to know the information contained within the piece and indeed took the view that, through the publication of such details, the newspaper had positively identified him. He accepted the newspaper's apology but wished for it to be published. The newspaper did not consider that this was appropriate.

Adjudication

Clause 9 of the Code states that relatives of those convicted of crime should not generally be identified without their consent, unless they are genuinely relevant to the story. On this occasion, while it appeared that the complainant had been identified in the story about his son, the Commission rejected the complaint on the following grounds.

The Commission has previously made clear when dealing with complaints under this clause that it will have regard to the extent to which the relative of the criminal has been made the focus of the article. This is because one of the chief purposes of this part of the Code is to prevent innocent relatives being subjected to disproportionate publicity – for instance because of their position – in the absence of any public interest. In this case, the complainant was not the focus of the article and the reference to him was minimal and made in passing.

Indeed, the Code makes clear that relatives should not "generally" be identified without their consent, which suggests that there may be particular circumstances in which identification without consent can be considered acceptable. This was one such case. While it accepted that there was no especial need to identify the complainant within the context of the story, the Commission did not consider what was a brief reference to him raised a significant issue under the terms of the Code.

The Commission – while welcoming the newspaper’s private letter to the complainant – concluded that no breach of Clause 9 of the Code had been established.

Relevant rulings

Ryder v News of the World, 1999

Lacey v Eastbourne Herald, 1998

Adjudication issued 2004