

Louise Lovely



The Lord Leveson Enquiry
Royal Courts of Justice
Strand
London
WC2A 2LL

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Dear Sirs,

Select Committee of Phone Hacking

You have asked if general members of the public feel they have been adversely affected by reporting in the press and I am writing as I am concerned about how the reporting of cases in the media can adversely affect criminal proceedings and how I believe the Police relationship with the press enables them to influence the British justice system.

I am writing because of the voracity of the press in high profile cases and their tendency to demonise defendants and veer further and further from the truth. Public support is behind the innocent victims of media abuses of power but maybe not so much behind a person who is suspected of a crime and in these cases it is open season for the media to say whatever they like. Not just News International but all our papers seem to think that they are entitled to be judge and jury before a defendant has even been charged. Surely this undermines the British justice system and the rule of law.

I have had first hand experience of this as my daughter, Ruby Thomas, who is now serving a custodial sentence, was convicted of manslaughter for the death of Ian Baynham in 2009 under the joint enterprise law which the papers reported as being a homophobic attack. This was one of a number of very high profile cases where the media decide these people are guilty and proceed to misinform the public about the true facts of the case.

On 13 October 2009 the Standard (attached) followed by all other papers reported that Ian Baynham had been kicked to death by two girls. In fact Ian Baynham was not kicked or beaten to death he was punched once by my daughter's co-defendant, fell back and hit his head on the pavement and tragically died as a result of those injuries. The prosecution forensic pathologist said in court that Ruby 'did not cause or contribute to Ian Baynham's death' as there were no other injuries on Ian Baynham to substantiate the media's claims. She was found guilty as a secondary party under the joint enterprise law as law which relies heavily on eye witness statements. The next day the papers reported that she had been found guilty of kicking Ian Baynham to death.

The police knew that Mr Baynham had not been kicked to death because of his injuries and his friend's statement on the night of 25 September 2005, so why did they release the story that he had been kicked to death?

I believe that Ian Baynham's family must have also had their grief exacerbated by the horrific media coverage. I believe the media should be sensitive to a victim's family but also report the truth, as they hear the truth in the court.

The media coverage was one sided, none of the press reported how Mr Baynham had returned to confront Ruby and had kicked and punched her to the ground causing her co-defendant to step in to stop him. There are too numerous inaccuracies and lies to mention here my point is that I believe in the freedom of speech but not the freedom to lie.

The papers demonised and kept up a sustained campaign against my daughter before during and after both trials which can only be described as a witch-hunt, focusing on her rather than the other co-defendants. During both trials all papers cherry picked evidence, including reporting what was said by a prosecution witness who was eventually thrown out for lying who had 89 previous offences including several of perjury. The law as it is allows a paper to print anything that is said in court even if it is proven to be lies, they can edit it and leave out anything they wish. How is this reporting the news, telling the truth and freedom of speech?

The press knocked on all my neighbours' doors, went around my daughter's school and even went to my dad's house asking to speak to my mother who had died some 7 years previously.

During this same period we were stalked, threatened and have received hate mail from members of the public due to the press' portrayal of the case. The press incited hatred in the public rather than reporting a balanced view of the trial. We were shouted at and chased down the road by the press, I was in fact injured on the hand by a camera. When I complained to the police about the press' harassment they said there was nothing they could do about it. I have seen 10-15 members of the press running down the road after one girl shouting 'baby killer' – this is the type of behaviour, not all, of the majority of the press. It seems that the press can do whatever they like and there is nothing you can do about it.

When I wanted to complain about the reporting of this case I realised that the people at the Press Complaints Commission were in fact the same people that were running the papers perpetuating this witch hunt, mainly Paul Dacre.

This kind of reporting is not in the interests of justice it is to sell newspapers. Inaccurate reporting affects the justice system in many ways:

- ✧ Inaccurate reporting of the facts which are read before eye witness statements are taken, as happened in my daughter's case, could affect that witness' memory.

- ✧ Juries reading inaccurate versions of events in the press may let this affect their judgement, even unknowingly, and they could feel under pressure to find a defendant guilty.
- ✧ A Judge could feel pressurised to give a severe sentence so as not to be seen to be soft on a defendant because of media reaction.
- ✧ Owners of newspaper groups can be very powerful and where a policy decision is made in grey areas of common law e.g. the joint enterprise law, a judge could be swayed by a perceived public opinion as displayed in the media.

Jurors have been jailed and trials stopped at great expense to the taxpayer because of media coverage and yet the PCC have done nothing.

I believe everyone should face the consequences of their behaviour and my daughter is but no one should have trial by media which is not a fair trial and undermines the integrity of the British justice system. Recently there have been cases where people have been held out as guilty by the press only to find out later on that they are not. These people had to seek recourse through the courts and may receive compensation but the press do not seem deterred by having to make the odd payment and I think they should also face the consequences of their behaviour by facing a criminal charge, losing their press badge or facing hefty fines from a **truly** independent press complaints commission.

Even the Attorney-General, Dominic Grieve QC has commented on what he calls “frenzied interest” in high profile cases – calling for anonymity between arrest and charge. I believe this behaviour of the press should be seriously scrutinised and any collaboration of the Police penalised.

At the moment the press has too much power and does not take responsibility for abuses of that power. The press complaints commission should be a truly independent body, none of its members should be from the media or connected in any way. There should be strict rules against lying and distorting the truth, the freedom of speech should be about informing people of the facts not lying. If a police officer is found to be passing information to the press which is in fact not true or inaccurate they should face the consequences of their behaviour too as it is a serious matter to pervert the course of justice. Maybe the Police can have an independent press office who collect the facts of the case in order to give an accurate and honest press release rather than individual officers releasing (or selling) information which influences eye witnesses, jurors and the justice system.

Yours sincerely,

Louise Lovely