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Caution is the key when reporting terrorist incidents

The reporting of terrorist incidents in the press is a tricky business. The imperative that as much information as possible is put into the public domain – and quickly- is far greater than usual. But mistakes can be disastrous. Judges have recognised that an allegation against a person of involvement in terrorist activity is “one of the gravest imaginable”, and reports of vast sums paid out in settlement to people wrongly implicated – even to a minor extent – in such acts are legion.

One case that did reach a judge illustrates the dangers well. On 20 July 2005, an Albanian newspaper published in London an article which stated that a Mr Veliu was involved with the 7 July bombings and a close friend of the terrorist Mohammed Sidique Khan. This was completely untrue; there was no basis for the story whatsoever. The judge awarded Veliu £180,000 in damages (which was then reduced to take into account an apology). When one considers that the newspaper in this case was published only in Albanian and had a circulation of just a few thousand, the potential liability for any sizeable publication in English enormous.

This was clearly a completely irresponsible piece of journalism, which claimed it was based on a (non-existent) story from an English national newspaper. On the other hand, it will be difficult for any person or organisation to convince a court that it was, in the circumstances, in the public interest for it to have, without an investigation, mistakenly implicated someone in terrorist activity – which is effectively what it would have to do to avoid liability.

How can journalists avoid such pitfalls? There are some specific problems. Most of those implicated in terrorist activity have non-anglicised names, many of which are likely to have unfamiliar spellings. It is vital that spelling is accurate and consistent: even the change of a single letter in a name could have disastrous consequences, as it could implicate a completely different person (a similar error can easily occur in the use of non-contemporaneous photographs).

More generally, the law is the same for all stories; publications may be subject to a qualified privilege or should be confined to things that the publisher is prepared to prove. Because it is unlikely that the publisher will be able to rely on a public interest defence, to be privileged the article would need be an un-editorialised, fair and accurate report of a police press conference, and should include any denial by the individual in question.

Obviously, there are many stories which would not be privileged, and in these cases the gravity of the allegations must be justified. This does not mean simply using the word “allegedly” where the journalist does not know; the fact that a person is merely “alleged” to be implicated in terrorism is itself an extremely serious allegation. Moreover, the use of the word “alleged” does not of itself guarantee that the article does not mean, in the legal sense, that the individual is guilty. For this reason, if the police subsequently exonerate the suspect, a newspaper that has published a sensationalist story might well be liable – notwithstanding that the individual was once a suspect.

Caution is the key. This really is one area in which, despite the public interest in quick and full information, the importance of accurate information is paramount.

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