

Mr Lavdrim Terziu v The Sunday Times

Clauses noted: 1, 12

Mr Lavdrim Terziu of London complained to the Press Complaints Commission that an article headlined "The land that time forgot" published in The Sunday Times Magazine on 23rd July was inaccurate in breach of Clause 1 (Accuracy) and prejudicial and pejorative in breach of Clause 12 (Discrimination) of the Code.

The complaint was not upheld.

The article was a personal account of a visit by the writer AA Gill to Albania. The complainant, who is the chief editor of the Albanian Mail, said that the Albanian community in the UK had been shocked to find their dignity and national feelings under attack in the article.

The complainant considered that the article was inaccurate and offensive. The journalist had inaccurately contended that Albania was the hub of the European sex trade, and that Albanian emigrants acted illegally. Moreover, he had made a number of unfounded and inaccurate claims without citing his sources: that Albanians ran most of the illegal arms trade in Europe, and had taken over crime in Milan; that all of the cars on the roads of Tirana were stolen from Germany or Italy; and that the biggest single industry in Albania was money-laundering. The journalist had wrongly suggested that Albanians were proficient at organised crime.

The complainant considered that the discriminatory comments made in the article had been outrageous, and had constituted a callous attack on all Albanians: their history, culture, language, and the way they looked and dressed. The Albanian flag had been ridiculed, and the values of the country and its people had been defamed. Most importantly, the journalist had pejoratively claimed that Albanians had "surprisingly fair skin".

In response, the newspaper explained that the article had been commissioned as a result of Albania's desire to be a prominent new tourist destination and to join the EU. The article was a part of series of acerbic and witty portraits by the writer, examining different countries' stereotypes and caricatures, their reputation, peoples, traditions, and infrastructure.

In regard to the specific claims of inaccuracy, the newspaper argued that the article had referred to undisputed incidents in Albania's history in detail. It said that an estimated 800,000 Albanians were working illegally, mainly in Western Europe, and that Europol in its latest report had specifically referred to the problem of mass migration and illegal trafficking of Albanians into EU countries. A number of sources, including Europol and Save the Children, had referred to Albania in the context of the European sex trade. The Italian public prosecutor had stated that Albanians controlled most organised crime in Italy. The newspaper also indicated that examples of car theft and money laundering had been well established by Europol, the EU and the World Bank among others, and international experts and law enforcement agencies cited three reasons – relating to language, family ties and a code of silence – for the success of Albanian criminals. The reference to Albanians having surprisingly fair skin was a reflection on the fact that the population was significantly Muslim and Eastern Mediterranean in ethnicity. It was a fair and accurate description of ethnicity and was not racist.

The newspaper indicated that it had received a number of complaints about the feature. In its response to those complaints, the newspaper had apologised to people who felt that the article was attempting to discredit a nation, and made clear that a representative sample had been published in the following edition of the newspaper, including an official response from the Albanian ambassador to London.

Adjudication

The Commission first dealt with the complaint under Clause 1. The Code of Practice allows journalists the freedom to write robust and provocative pieces with which many people may disagree. However, it also requires comment to be distinguished from fact.

In this case, the complainant objected to a number of statements about Albania, many of which constituted the journalist's own view of the country which were formed during a visit there. He was entitled to take a negative view of the place and to share it with the newspaper's readers, who would have been aware from the manner in which it was presented that the article represented his own subjective position rather than an indisputable statement of fact.

Other statements were challenged on the basis of their accuracy, but the Commission was satisfied that the newspaper had demonstrated that the journalist had sufficient grounds on which to base his observations and conclusions about the country. He had clearly upset the complainant with the strident and challenging nature of the article, but given that it was clearly presented as a partisan view of Albania – and given that the newspaper had been able to point to the evidence on which the analysis was based – the tone of the article was not a matter for the Commission. That said, the Commission noted that the newspaper had subsequently published a variety of contrary views from readers, which, considering the strength of feeling that the article had aroused, seemed to be a sensible approach.

With regard to the complaint under Clause 12, the Commission emphasised that this clause relates to individuals, and is not applicable to groups of people. The journalist's references to Albanians in general – for instance, to their 'surprisingly fair skin' – were not matters that raised a breach of this clause.

Adjudication issued 22/09/2006