



**Re: Complaint by Michael Leidig (ref: 11.11.22)**  
**Date of complaint: 5 June 2022**

**Article complained of: “Dutch girl was not ‘legally euthanised’ and died at home”**  
<https://www.theguardian.com/world/2019/jun/05/noa-pothoven-netherlands-girl-not-legally-euthanised-died-at-home>

**Date of publication: 5 June 2019 (online), 6 June 2019 (print)**

## **Decision**

### **Introduction**

1. Throughout this decision, Michael Leidig will be referred to as “the complainant” and the above-mentioned article as the Article. Guardian News & Media will be referred to as “GNM”, the former Press Complaints Commission Code as “the Code”, the readers’ editor as RE and review panel as “the Panel”.

### **The Article**

2. The Article complained of is an article which appeared online on 5 June 2019 and in print on 6 June 2019 with the headline “Dutch girl was not legally euthanised and died at home”. The Article concerns the death of a Dutch teenager, Noa Pothoven who had been found to have died at home with no evidence of assisted death. This was contrary to widespread international media reports of her being “legally euthanised” in a clinic in the Netherlands. Towards the end of the Article, it was said that “According to multiple sources at British national newspapers, news outlets were alerted to the story by the newswire Central European News (“CEN”)”. The Article then says that the Complainant (who is the owner of CEN) “did not immediately return a request for comment” but included his prior position that he “always contested claims that it provides dubious information”.

### **Complaint to the RE**

3. The Complainant first complained to the RE shortly after publication in June 2019. He said it was inaccurate to suggest he had not responded to a request for comment when, in fact, he said he had never been contacted. In a subsequent email he requested a right to reply.



4. The RE investigated the matter with the journalist. There was evidence that the journalist had used the only contact means available, namely an online form on the CEN website. The reporter was able to provide his search history showing that he had accessed the form. The Complainant said that no message had been received on their side. The RE then suggested that the Complainant submit a letter for publication responding to the Article, although its acceptance would of course be a matter for the Letters Editor.
5. The Complainant did not take up this offer. He indicated that he was unhappy with the handling of his complaint. The RE asked him, on 18 June 2019, to state “in concise terms” what his reply was to the issues in the Article relating to CEN. No reply was ever received to this email.
6. In August 2019, a lawyer acting on behalf of CEN renewed the complaint. The RE responded reiterating what had been said in previous correspondence. No reply was received.

#### **The Complaint to the panel**

7. The Complainant complained to the Panel in October 2022, some 3 years since the last correspondence from the RE. The reason for the delay given by the Complainant is that he was unaware of the possibility of appealing to the Panel. His complaint is in essence the same as before the RE; namely that the Article is inaccurate in saying that he failed to respond to a request for comment. His position is that no request was ever made or received.

#### **Relevant aspects of the Code**

8. The Complaint gives rise to issues under Clause 1 of the Code which provides as follows:

##### *“Accuracy*

- i) *The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.*
- ii) *A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving*



*the Commission, prominence should be agreed with the PCC in advance.”*

- iii) *A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for*

### **Discussion**

9. The Panel note that there is a dispute between the Complainant and GNM as to whether any request for comment was ever made. The Complainant says that its own internal IT investigations suggest that the request didn't occur. On the other hand, the RE investigated this with the relevant journalist at the time and it appears that an attempt was made even if, in fact, it may not have been not received by the Complainant.
10. The Panel notes that there was a delay of over three years in appealing to the Panel. The RE had made repeated requests of the Complainant that he put his position in writing and suggested that he write a letter to the Editor setting out his position. Although the Complainant says he was unaware of the ability to complain to the Panel, it is surprising, particularly as he was at one point represented by lawyers, that no further correspondence occurred at all between August 2019 and his complaint to the Panel in late 2022.
11. Notwithstanding the delay, the Panel has decided to consider the Complaint on its merits. It does not find any inaccuracy in the Article. The Article says that there was no “immediate” response to a request for comment. There is evidence that a request was made. There was, in fact, no response to that request. The use of the word “immediate” suggests to the reader that any response was made on short notice and does not necessarily imply any criticism of the Complainant.
12. In any event, the Article includes the Complainant's previous denial, and he has been offered the opportunity to make further representations in the form of a letter to the Editor (although publication of that letter would be a matter for the Editor to determine). In the circumstances, the Panel does not find any breach of the Code or any inaccuracy requiring correction.

### **Conclusion**

13. For the reasons above, the Panel finds that there has been no breach of the Code and dismisses the appeal.



Dated: 5.5.23

Signed:

John Willis, Chair review panel.

Signed:

Elinor Goodman, panel member.

Signed:

Richard Danbury, panel member