

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

CATHLEEN COLVIN, individually and as  
parent and next friend of minors C.A.C.  
and L.A.C., heirs-at-law and beneficiaries  
of the estate of MARIE COLVIN, and  
JUSTINE ARAYA-COLVIN, heir-at-law and  
beneficiary of the estate of MARIE COLVIN,

*Plaintiffs,*

v.

SYRIAN ARAB REPUBLIC,

*Defendant.*

Civil No. 1:16-cv-01423 (ABJ)

**DECLARATION OF JAVIER ANTONIO ESPINOSA ROBLES**

I, Javier Antonio Espinosa Robles, declare as follows:

1. I am over 18 years of age and have personal knowledge of the facts set forth in this Declaration. If called as a witness, I would testify competently to such facts under oath.

2. I am a Spanish citizen, currently residing in Bangkok, Thailand, where I work as bureau chief for *El Mundo*, one of Spain's largest daily newspapers.

3. I have been a professional journalist since 1989 and have been covering armed conflicts all over the world since 1990. I first traveled to Syria in the early 2000s, to cover the funeral of former President Hafez Al-Assad. I made numerous trips to Syria in subsequent years, including as described below. Much of my reporting covered opposition communities in northern and western Syria. I was based locally, in Beirut, Lebanon, from 2007 until 2013, when I was captured by ISIS in Syria and held hostage for six months.

4. I have no formal weapons training, but have become familiar with weaponry and combat environments over the course of my career as a war correspondent.

#### **First Trip to Syria to Cover the Civil War**

5. I first traveled to Syria to cover the current conflict in December of 2011. I went into northern Syria with a group of rebels, entering through a mountainous region on the border with Turkey called Jabal al-Zawiya. This was one of the first rebel-held zones.

6. I had applied to obtain an entry visa for the trip, but received no response for a long time. Assuming my application would be denied, I entered Syria without a visa. Ironically, the Syrian government approved my visa request after I was already in Jabal al-Zawiya.

7. These were the early days of the conflict, so the rebels I met were little more than army defectors who returned to their home villages and joined with like-minded neighbors into loose militias. They had just started to call themselves the Free Syrian Army (“FSA”). They had not yet organized into brigades or developed a clear chain of command. They had little firepower – only small arms and sometimes just knives. The heaviest weapons I saw were rocket-propelled grenades (“RPGs”), and these were very few in number. I stayed with the rebels for a few days, and filed my story while still inside Syria.

8. I believe my visa was later revoked, however, because the Syrian government claimed that I was later reporting from inside Syria without a visa. From discussions with other reporters, I had the impression that once I filed a story from the rebels’ perspective, I would be blacklisted by the Assad regime. So I did not apply for a visa on subsequent trips to Syria.

#### **Second Trip to Syria: Voyage to Homs**

9. I went back to Syria to cover the civil war in February 2012, traveling with a French photographer named Rémi Ochlik. We planned to enter the city of Homs, where the

government was laying siege to rebel-held areas. We slipped into Syria directly from Lebanon, aided by FSA-aligned smugglers. The opposition activists were much more organized this time. They had a network of border monitors, smugglers, drivers, and safe houses to get people and supplies across the border from Lebanon.

10. Our guides brought us through a series of villages and safe houses on the outskirts of Homs. At one of these safe houses, we met up with two French journalists: the reporter Edith Bouvier and photographer William Daniels.

11. I went to Syria carrying two satellite devices: a BGAN terminal, which connected to a laptop for voice and broadband communications, and an Inmarsat satellite phone. Both were functioning until we arrived at the town of Al-Buwaida. Then both stopped working for the duration of my trip. I suspected that satellite signals were being jammed.

12. After going from safe house to safe house, we were led down a tunnel. The trip through the tunnel was long, hot, and exhausting. Finally, we emerged at the other end in Jobar, a village near the city of Homs.

13. Some activists picked us up in a car and drove us toward the Baba Amr neighborhood. They took us to a makeshift media center in Baba Amr run by local activists ("Media Center" or "Center"). We drove for several minutes through a part of Homs where the streets were fairly wide and open. Then we reached the warren-like, narrow streets of Baba Amr. Along the route to the Media Center, I did not see any rebel checkpoints or installations. But I remember hearing gunshots in the distance as we went through the city.

14. When we arrived at the Media Center on the night of February 21, it was very late—11 pm or midnight. The Center was in a regular apartment building, flanked on two sides by others like it. It was run by 7 or 8 local activists. Many of them were already asleep when we

arrived. But I got to know them during my stay over the next few days. One was called Abu Hanin. He was fluent in English and seemed to be in charge. The oldest was in his 30s. He was called al-Jedd, which means “grandfather.” All of the local activists appeared to be civilians – I did not see any of them ever carry weapons. Other than the driver who first brought us from the tunnel, I never saw any FSA fighters at or near the Media Center. Throughout my trip to Homs, I also never saw any firefights or active fighting units of the FSA in the vicinity of the Center.

15. Marie Colvin and Paul Conroy were already at the Media Center when we arrived. They were traveling with a Syrian translator named Wael al-Omar. Before going to bed I chatted with Marie briefly. She told me that the shelling in Baba Amr was the worst she had ever seen.

16. Then I set up my bed in the main room where most of the activists were and went to sleep.

#### **The Attack on the Baba Amr Media Center: February 22, 2012**

17. I was awoken the next morning, on February 22, 2012, by the sound of a shell landing to one side of the Center. I think it was about 100 meters away. Then a second shell hit, even closer to the Center. People started getting up and shouting; some were running around grabbing their gear. A few seconds later, a third shell hit the building.

18. Abu Hanin shouted for us to evacuate because we were under attack. A group of us ran out of the main room of the house into the front room near the stairs to the street. But I realized that I was running barefoot, so I ran back into the main room where I had slept to get my boots. I was inside when another shell landed, right in front of the entryway. I did not see it happen, but I understand that this was the shell that killed Marie and Rémi. The blast hit the front door of the building and tore up the front room, as well as the doors to the main room of the

Center. Edith and Paul were behind those doors and were badly injured by the shrapnel. William Daniels was behind a wall and did not get hit. I was not injured because I was also behind a wall.

19. After the shell landed, I ran through the entryway and out across the street. In the shock of the attack, I did not even notice Marie and Rémi's bodies lying on the ground. From across the street, I took a photo of the front of the Media Center, which was later published in *El Mundo* on February 23, 2012. This photo accurately depicts what I personally saw on the morning of the attack on February 22, 2012. A true and correct copy of the photo as it appeared in the newspaper is attached as **Exhibit A**. The shells were now falling onto the street, where the survivors had run out from the Media Center. They were falling closer to the building on the other side of the street, where I was sheltering.

20. I don't know what type of shells hit us. But I did hear the sound of the shells exiting the artillery as they were fired, and a whistling as they came in. In a lull between several hits, I could also hear the unmistakable sound of a drone, circling overhead. The buzz of a drone sounds nothing like a regular airplane. I had heard drones before when I covered the war in Gaza. The drone above Baba Amr sounded just like those in Gaza.

21. Eventually, the shelling started rolling across the rest of the Baba Amr neighborhood, like a wave.

#### **After the Attack**

22. The activists that survived the attack rushed to evacuate the wounded by car: Paul Conroy, Edith Bouvier, and Wael, Marie's translator. I stayed inside of the building across the street from the Media Center until they returned to pick me up. The media activist Abu Hanin told me while I was waiting that Marie and Rémi were dead. We went to a makeshift field clinic

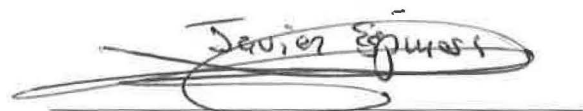
where Paul, Edith, and Wael had been taken for treatment. I continued working, taking notes and preparing a story about the attack.

23. For the next several days, I stayed in Baba Amr, trying to figure out a way to escape. The activists moved Edith, Paul, William, Wael, and me to a safe house in Baba Amr that was tucked away between other buildings and offered some shelter from the artillery fire.

24. Eventually, on or around February 27, 2012, the FSA and the media activists organized an evacuation of a convoy of civilians—mostly women, children, and wounded—through the same tunnel I had used to enter Homs. They were escorted by a few FSA fighters armed with machine guns. Paul Conroy, Edith Bouvier, William Daniels, Wael al-Omar, and I joined this convoy and attempted to escape Baba Amr. At the other end of the tunnel, Syrian soldiers attacked as the convoy began to emerge. When the Syrian government forces attacked the convoy, I abandoned my backpack on the ground and ran, leaving behind my passport, computer, and other documents. I ran and managed to escape. I ran on foot until I met a group of FSA rebels and they took me to a safe house. The next day, I eventually escaped back to Lebanon. On March 2, 2012, I was interviewed by the BBC. The Syrian government claimed that I had been killed in Homs, a claim I was able to refute on camera.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my recollection.

Dated: August 17th 2017

A handwritten signature in black ink, appearing to read "Javier Espinosa", with a large, sweeping horizontal stroke underneath.

Javier Antonio Espinosa Robles

# **Exhibit A**

