

**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 PAUL CONROY**

I, Paul Conroy, declare and state 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 British citizen and currently reside in England. By profession, I am a freelance photojournalist and filmmaker covering high-risk conflict areas.
3. Prior to my career as a journalist, I served in the British Army from around 1981 until 1986. I was a gunner and forward observer with the Royal Artillery's 5th Heavy Regiment. Part of my duties involved target acquisition and calling in artillery strikes. As a result, I became very familiar with detecting different types of weaponry and patterns of artillery fire by sight and sound.
4. I have spent the last twenty years reporting from conflict zones. My work has taken me across the globe, from Kosovo to Iraq to Libya to the Congo to Syria. In 2011, I was

hired by the *Sunday Times* to cover the siege of Misrata in Libya with Marie Colvin. I had previously met Marie, but we had never worked together until then.

5. In February 2012, Marie Colvin and I went on assignment for the *Sunday Times* newspaper to report on the Assad regime's military crackdown in the Baba Amr neighbourhood in Homs, Syria. We made two separate trips into Homs that month. On our second trip, the makeshift Media Center we were staying in was bombed by Assad regime forces. Marie was killed and I was seriously injured. I have had over 20 surgeries and continue to have severe health problems to this day as a result of the bombing.

#### **First Trip to Homs with Marie Colvin**

6. Marie and I made our way into Syria for the first time on or around February 13, 2012. We started our journey in Beirut, Lebanon and crossed the border into Syria with the help of local fixers and members of the Free Syrian Army ("FSA") via a smuggler's route.

7. I believe that attempts to acquire visas had previously been made by the *Sunday Times* or by Marie through an embassy contact, but I was not involved in the process and do not know details. I actually did not pay much attention because I thought any attempt to obtain visas would have been pointless, the impression I had gleaned in war correspondent circles was that the Assad regime was blocking access to opposition areas. Marie and I also did not feel safe entering Syria as part of an official press tour.

8. I knew that this could be a dangerous assignment. While in Beirut, Marie and I had received direct video feeds from Baba Amr and could see the merciless bombardment of the area by government forces. There were also indications that the regime was targeting foreign journalists. On a previous trip I had made into Syria with journalist Miles Amore, one of our fixers on that trip told me that Lebanese intelligence had intercepted Syrian army radio traffic

reflecting orders to kill any Western journalists found in Homs. Marie and I had also heard rumours that regime officials had led Gilles Jacquier, a French journalist who had recently been killed by mortar fire in Syria, into a staged ambush. Though Marie and I discussed the risks, it was the nature of what we did as war reporters to be as cautious as possible, but to move forward in order to expose the truth about what was happening inside Syria.

9. We started out on the smugglers route that I had used before. Fixers got us to the border, where we were met by FSA members wearing keffiyehs and carrying light arms. These FSA members, like all FSA members that I came across in Syria, did not have access to heavy artillery and were clearly outmatched by Syrian forces. We crossed the border at dusk and soon arrived at Al-Qusayr, where we spent the night.

10. The next day, Marie and I interviewed members of an FSA brigade in Al-Qusayr before continuing on to Al-Buwaidah where we met our translator, Wael al-Omar. We stayed in Al-Buwaidah for two nights before making our way into Homs after dark. We had to wait in Al-Buwaidah until the FSA determined it was safe to move. At that point, Homs was sealed and surrounded by Syrian forces. We were told that access was always difficult and during actual artillery assaults, near impossible.

11. We were driven to the entrance of an underground water tunnel, which was really just a storm drain with very little light and oxygen. We were told the tunnel was also being used to take in food supplies, medical equipment and anything else that was needed in Homs. The journey through the tunnel was gruelling because it was only about 4 feet high and I could not stand up straight. We were told that the tunnel was about three kilometres long. I do not recall how long it took us to get to the opposite exit but we finally emerged on the other side.

12. I could hear the sound of rockets and mortar fire as we made our way through the tunnel, but more so once we got out. We were met by local residents who unloaded medicine and other supplies that had been brought through the tunnel with us. A truck picked us up and took us on the final leg of our journey into Baba Amr.

13. We eventually reached the Baba Amr Media Center, an improvised office located on the ground floor of a three-storey residential building. It served as a news center where local citizen journalists and activists could gather, collect information and report on events in Baba Amr via social media and major news networks. It was full of local Syrians wrapped in blankets on the floor hunched over their laptops.

14. We woke up the next morning at around 6:30 or 7:00 am to intense shelling. Missiles and mortar fire swept through the entire neighbourhood systematically and indiscriminately all day and into the night. It was clear that Syrian forces were using surveillance drones to direct their artillery fire. The high-pitched buzzing sound that drones make was a constant presence in Baba Amr. As a war journalist, I had been exposed to shelling in different conflict zones, but never at this intensity, especially in a residential area. The constant barrage was shocking and unprecedented.

15. That morning, one of the activists named Abu Hanin briefed us on the situation in Baba Amr and brought us across the street to meet a family whose home had been destroyed by shelling a few days earlier. During a brief lull later in the day, Abu Hanin took us to a temporary field hospital set up on the ground floor of a residential house. According to Abu Hanin, the hospital had been a primary target of the regime. The doctor who ran the clinic, Dr. Mohamed al-Mohamed, also informed us that two other buildings the clinic had previously operated out of had been shelled and destroyed. We stayed at the clinic for a few hours. I took photos and

Marie spoke with patients and staff. Attached as **Exhibit A-1** is a true and correct copy of a photo that I took during this visit to the field clinic. It shows a patient who, according to the doctors, died on the gurney in the photo from shrapnel injuries to the neck and face caused by heavy shelling. We referred to the man on the top right-hand side of the photo as Dr. Ali; the man holding the patient by the shoulders and the arms to the left of Dr. Ali is Dr. Mohamed al-Mohamed. Attached as **Exhibit A-2** is a true and correct copy of another photo that I shot at the clinic. It shows a young man who had been shot in the shoulder. I was told by doctors that the bullet that hit him clipped his heart. He died shortly after this photo was taken. The woman dressed in black was his mother. The wounded were being brought to the hospital at an alarming rate. At one point, it all became too much for me, but Marie encouraged me, reminding me that showing this to the world would make a difference.

16. Attached as **Exhibit B** is a CD-ROM containing a true and correct copy of video footage that I took during my first trip into Baba Amr. The video accurately depicts Marie and I reporting from inside Baba Amr during artillery and machine gun attacks, inspecting damaged residential areas near to the Media Center, and visiting the field hospital.

17. After leaving the hospital, Abu Hanin brought us to an underground cellar that was being used by locals to hide from the shelling. The majority of those staying at the cellar were women and children. Locals referred to it as the “Widows’ Basement.” There, I took some photos and Marie collected the material for what would become her last written report. Attached as **Exhibits C-1** and **C-2** are true and correct copies of two photos that I took during the visit to the Widows’ Basement. **Exhibit C-1** shows Marie interviewing locals at the entrance to the Basement; I took this photo from the top of the stairs that led down to the underground cellar. **Exhibit C-2** shows the face of an elderly woman seeking shelter in the Basement; I understood

her to be the oldest person there. During our visit, there was a clear sense of panic amongst everyone because the shelling was getting heavier by the day and the Basement did not afford adequate protection as it was a carpentry workshop that had been turned into a makeshift shelter; it was not a reinforced bunker equipped to withstand attack.

18. That evening, both Abu Hanin and Marie heard from separate sources that the Assad regime was planning a final assault on Baba Amr so we decided to evacuate. We escaped under heavy fire through the underground tunnel making our way back to Al-Buwaidah. We learned the next day that the rumored invasion never occurred.

#### **Second Trip to Homs with Marie Colvin**

19. For the next few days, we stayed in Al-Buwaida to figure out our next steps. Marie also got her story out to the *Sunday Times* for publication on February 19, 2012. We considered heading to Hama, but when it proved impossible, we decided to go back to Baba Amr. Marie really wanted to go back to the Media Center. She said that “this was today’s Sarajevo,” and that she refused to “cover Sarajevo from the suburbs.” On February 20, Marie, Wael and I made our way back to Baba Amr arriving at the Media Center late in the evening. We set ourselves up in the same backroom that we had used on our first trip.

20. The next day, the regime’s shelling started at around 6:30 or 7:00 am (as it did every day) and continued relentlessly into the evening. Because of my experience in the British army, I could discern the sound of 40mm mortars, rockets, and 152mm Howitzer fire. Throughout the course of the day, I could also hear drones circling the sky. It was clear that the bombardment had reached a new level of intensity. The assault was merciless—the entire neighbourhood was under siege. Marie and I looked at each other that morning with disbelief and agreed that we could not work under the circumstances. The conditions were too dire. We

both described the situation as one of survival. Marie and I did not leave the Media Center that day because of the danger, but local activists came by to feed us information, photos and video footage. One Syrian activist brought us video footage from the field hospital of a child dying from shrapnel wounds.

21. Marie and I decided that we needed to report what was happening in Baba Amr as soon as possible. Conditions were so severe that we could not wait until Friday, filing day for the *Sunday Times*, to submit our story for publication on the following Sunday. Marie got in touch with Sean Ryan, our editor at the *Sunday Times* by email, about going live that night on all the major news networks. Sean was worried that reporting live would incentivize the regime to strike at our positions, but he reluctantly signed off. That evening, Marie gave live interviews via satellite to the BBC, Channel 4 UK and the Anderson Cooper 360 news program on CNN. They aired video footage that I had shot, as well as the footage we received from an activist that day of the dying child at the field clinic. Later that evening, three French journalists—Edith Bouvier, Rémi Ochlik, and William Daniels— arrived at the Media Center with the Spanish journalist Javier Espinosa.

#### **February 22, 2012: The Shelling of the Baba Amr Media Center**

22. On the morning of February 22, Marie and I were planning to make one final trip to the field hospital at around 5:00 am before we expected the shelling to start. But when our alarms went off at 5:00 am, Abu Hanin—who was going to take us there—was still asleep. We decided not to wake him and went back to sleep. We woke up again to the usual barrage of shelling that would start early every morning like clockwork. While loud, the blasts sounded far off. Marie and I gathered our things to move into the main room because it was safer. With her

biting wit, Marie expressed her frustration about the lost opportunity: “The snipers will be awake now—and so will the French!”

23. Just as we got to the main room, I heard the long, wailing sound of a rocket cut through the air, then an explosion a few meters away from the front of the Media Center that shook the building. A few seconds later, what almost seemed instantaneous with the first hit, a second shell fell roughly the same distance away from the rear of the building. I could tell these were not mortars because they shrieked while incoming, and came in low, like Katyusha rockets. Then a short time later, another shell landed in front of our building, but this time hit closer to us. Then almost instantaneously, another shell fell to the rear of the building at the same distance. The pattern of artillery fire was very different from the indiscriminate, systematic waves of shelling usually employed daily by the Syrian forces.

24. Because of my experience in the British army, I immediately knew that the army was launching salvos of rockets at our location using a technique called “bracketing.” I had used this technique dozens of times in the Royal Artillery. Bracketing is a military tactic used by artillery units to ensure that shells hit their intended target. An artillery gun fires shells at its target, then an observer (or drone) spots where the rocket or shell lands. This information is then relayed back to the artillery gunner who makes adjustments and fires again. In this manner, artillery batteries can “walk” rounds onto a target. I heard drones circling overhead that morning and suspect that the army was using them to adjust their fire.

25. About thirty or forty seconds later, we took a direct hit in the rear of the building. Everything shook. I ran to the backroom to get my camera and saw that an entire wall had collapsed. I frantically pulled my camera bag from the rubble and ran back to the main room. Seconds later, we were hit again. One of the activists was shouting at us to get out of the

building, but I realized that the safest place was the main room so I started shouting, “don’t go out!” It was absolute chaos and confusion. Rubble was falling from the ceiling. I was not prepared for another strike, but we were hit again for a third time. The room filled up with plaster dust, smoke, and the acrid smell of explosives. It was really difficult to see. By this point, Marie and I had been separated. The last I saw her, she was standing close to the foyer by the front entrance but I soon lost track of her whereabouts.

26. Another shell then hit the front of the building and a huge explosion engulfed us. I was still in the main room but felt the full force of the blast. I felt unbearable pressure on my thigh and knew I was badly injured and bleeding out of my leg. I screamed out, “I’m hit!” I knew I had to stop the flow of blood. I reached down to touch the entry wound, but my hand passed right through my leg to the other side. I quickly tied a makeshift tourniquet around my leg.

27. I got up and took several steps towards the entrance of the building before my leg gave way and I collapsed over some rubble. I landed on the ground next to Marie. Her head was buried in concrete and her feet were buried in rubble. I put my hand on her chest but there was no movement. She was “mulched” as war correspondents put it. Very torn up. I knew she was dead. I saw Rémi Ochlik’s body as well. He was a mess, obviously dead. After the rocket struck the front of the building, much of the walls and front structure were destroyed.

28. As I lay there, we were still targets of attack and received incoming fire. I continued to hear the sound of drones buzzing around overhead. Shells continued to land but it was clear that the artillery fire had been redirected from the building and out into the street where survivors of the initial bombardment were visible.

29. Abu Hanin eventually grabbed me and dragged me back into the building. After a while, he and another activist took me by car to the field clinic. Edith Bouvier and my translator, Wael, came with us because they had also been seriously injured.

30. From my observations, the Media Center could not possibly have been a legitimate military target because I never saw any of the activists at the Media Center bearing arms. I never observed any military activity taking place at the Media Center nor did I observe any participation by the media activists in FSA military operations or planning. I also never saw FSA fighters engage in any military activity within the vicinity of the Media Center. The adjacent buildings were all residential.

#### **After the Attack**

31. The doctors at the field clinic treated my leg and I received a blood transfusion. After a few hours, Edith Bouvier, William Daniels, Javier Espinosa, Wael and I were taken to a safe house across the road about 50 metres from the field clinic. I was severely injured and immobile. We were there for a few days trying to figure out an escape plan.

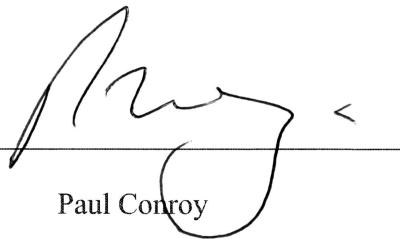
32. On the evening of February 26, an FSA rebel came by and announced that they were organizing a convoy and evacuating the wounded from Baba Amr via the underground tunnel Marie and I had used to enter the area. The five of us joined this convoy. I was at the head and made it safely to Al-Buwaida. I later learned that a group of evacuees including Edith and William had been forced to turn back and were still in Baba Amr. At the time, it was believed that Wael had been captured and Javier shot. I later learned that both Wael and Javier had in fact escaped.

33. I eventually made my way across the border to Beirut, Lebanon where an ad hoc evacuation center had been set up to coordinate our release from Syria. I stayed at the residence

of British Ambassador Tom Fletcher for part of the time. Though I desperately needed an operation on my leg, Ambassador Fletcher told me it was not safe to go to a hospital because intercepted radio communications indicated that the Assad regime was still actively looking for me in Beirut. I later learned from Edith Bouvier that FSA sources in Homs had warned her that a “dead or alive” bounty had been put on our heads. Eventually, a British military attaché escorted me onto a medical jet back to the United Kingdom.

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.

Executed on 24/10, 2017.



Paul Conroy

# **Exhibit A**

# **Exhibit A-1**



# **Exhibit A-2**



# **Exhibit B**

Exhibit filed physically with the Court,  
as reflected in the Notice of Filing dated March 22, 2018.

# **Exhibit C**

# **Exhibit C-1**



# **Exhibit C-2**

