

# TARGET: JOURNALIST

How the Assad Regime Tracked and Killed Marie Colvin for Reporting on War Crimes in Syria

Photo: AFP/Getty Images



Johnny Dwyer, Ryan Gallagher

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It is a horrifying artifact of our digital era: a jumpy 18-minute-and-49-second cellphone video of a Skype call. Glimpses of an Arabic-language keyboard and laptop screen can be seen as the audio plays through tinny speakers. We hear panicked shouts in Arabic, the crack of

explosions finding their way closer, a woman's voice shouting. A man yells in English: "I'm hit! I need a tourniquet on my leg. I can't move."

The video captures the frantic final moments of journalists [Marie Colvin](#) and [Rémi Ochlik](#). The two were struck by a rocket on the morning of February 22, 2012, in the neighborhood of Baba Amr in Homs, Syria. It was the beginning of that country's civil war, which has now stretched into seven years of devastating violence. In federal court in Washington, D.C., on Monday, the video was submitted as a key piece of evidence in a lawsuit accusing the Syrian government of targeting and murdering Colvin, a U.S. citizen raised on Long Island, as she sought to cover the war.

The Colvin family filed the video and nearly 2,000 pages of documents, including military intelligence memoranda and testimony from Syrian defectors, as part of a federal civil lawsuit against the Syrian government. The documents provide detailed and unprecedented evidence to support the claim that Colvin was deliberately hunted and killed as part of a policy by the Assad regime to eliminate journalists. They also offer an insider account of the death of French journalist Gilles Jacquier, who, according to one regime defector, was assassinated in a government attack staged to look like a rebel assault while Jacquier was reporting in Syria under official approvals. The Syrian government declined to comment on the allegations, according to a spokesperson for the Syrian Mission to the United Nations.

The Center for Justice & Accountability, a San Francisco-based human rights group, built the case following a six-year investigation. Attorneys compiled witness accounts, internal regime documents, and testimony from senior defectors with direct knowledge of the events leading up to the attack that killed 56-year-old Colvin and 28-year-old Ochlik. Many of the exhibits were provided by the Commission for International Justice and Accountability, an investigative group that has collected more than

800,000 regime documents through a network of investigators on the ground in Syria. The documents do not include direct orders to the artillery unit that ultimately struck Colvin and Ochlik, nor do the records directly implicate Syrian President Bashar al-Assad. But the new documents offer an account of the intelligence that revealed Colvin's location and the celebratory response by Syrian military and intelligence officials in Homs after her death.

"It's important to set the historical record straight," said former U.S. Ambassador to Syria Robert Ford, now a senior fellow at the Middle East Institute. "There's already a counternarrative being formed by people who support the government and deny its responsibility for atrocities, deny its responsibility for war crimes."

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,*

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



6 Declaration of Paul Conroy,  
Dated October 24, 2017  
23 pages

*DECLARATION.*

Marie Colvin's death marked an inflection point in the Syrian conflict. Colvin, a celebrated journalist for the Sunday Times of London who had reported on conflicts dating back to the Iran-Iraq War in the mid-1980s, was known for her fearlessness and the black eye patch she wore after losing her left eye while covering the Tamil insurgency in Sri Lanka. In February 2012, she filed a report about Homs, a city of 1.8 million, documenting the government's shelling of civilian areas. After pulling back to a village outside the city, she decided to return to Baba Amr, a neighborhood under constant government bombardment, telling her colleague Paul Conroy "this was today's Sarajevo," and that she refused to "cover Sarajevo from the suburbs."

Her [final reports](#) detailed the brutal human toll of the indiscriminate violence. On February 21, she did a series of live interviews over Skype with [Channel 4](#) and the [BBC](#) in the U.K. and CNN in the U.S. Speaking to Anderson Cooper, she [recounted](#) the death of a small child from a blast injury. "We just watched this little boy, his tummy heaving and heaving as he tried to breathe," she said. "It's a complete and utter lie that they



are only going after terrorists. ... The Syrian army is shelling a city of cold, starving civilians.”

The broadcasts betrayed her location at the Baba Amr Media Center, an activist-run ad-hoc studio, and allowed local intelligence to confirm her position and target her with a rocket attack, according to court filings.



War correspondent Marie Colvin at the Books, Borders, and Bikes festival at Traquair House in Peeblesshire, Scotland, Aug. 20, 2011. Photo: Writer Pictures/AP



An undated photo of French photographer Rémi Ochlik as he was covering the Tunisian revolution.  
Photo: Yoan Valat/AP

At around 10:00 p.m. on the evening of February 21, 2012, a female informant arrived at the Homs Military Academy with information on Colvin's location, according to a former Syrian intelligence officer identified in the court filings as "Ulysses." (The court records heavily redact the details of the planning and execution of the strike but present a clear cause and effect narrative. "The redactions in this case are all for security reasons, to protect witnesses and witness family members," said the Center for Justice & Accountability's Scott Gilmore, the lead attorney and investigator representing the Colvin family.)

The woman belonged to a network of Homs informants run by Khaled el-Fares, described by Ulysses as a "notorious drug trafficker." The military academy was one of several locations from which the regime launched artillery attacks on the city. In an operations room, senior Syrian military commanders reviewed the informant's tip while viewing

an aerial photograph of Homs projected on a screen. They passed on the information to an unnamed official at the Computers and Signal section of Branch 261, a military intelligence unit, who confirmed: “There was a broadcast tonight from the same location.”

Across town, at the Baba Amr Media Center, Colvin, Ochlik, Conroy, and several other journalists including Edith Bouvier, Javier Espinosa, and William Daniels had settled in for the night. Conroy, an experienced conflict photographer, had reported concerns about Colvin’s TV appearances earlier that evening to his editor. “I suspect that Marie’s high profile due to this week’s material in paper and TV interviews compromises our safety,” he wrote.

Unbeknownst to Conroy, he and the other journalists had likely been tracked from the moment their planes landed in Lebanon. Beginning in December 2011, “friendly Lebanese security forces” monitored the arrival of journalists in Beirut, providing their Syrian counterparts with information about those crossing into Syria. This information was distilled into “intelligence reports that journalists from CNN, the BBC, and other foreign media organizations had entered Syria from Lebanon and were in Baba Amr,” according to Ulysses.

The Baba Amr Media Center had eluded Syrian authorities throughout the Siege of Homs. A local activist, Khaled Abu Salah, formed the center with other citizen journalists in the summer of 2011 to report on the regime’s crackdown and connect to foreign journalists. The

**The deputy minister of defense boasted that he could “destroy Baba Amr in 10 minutes” if only he knew where it was.**

media center operated out of several apartments in Homs, eventually occupying two floors of an apartment house on a narrow street. It relied on a portable satellite connection run through Tor and other proxy servers to mask the center's location from the regime.

[TRANSLATION]

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

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



5 Declaration of Ulysses,  
Dated September 28, 2017  
Redacted  
55 pages

**DECLARATION OF “ULYSSES”**

A month before Colvin’s killing, an Arab League observer monitoring the hostilities in Homs mentioned to Deputy Minister of Defense Assef Shawkat that he had visited the center. The minister pressed him on the location, boasting that he could “destroy Baba Amr in 10 minutes” if only he knew where it was.

“He said that the media was his main problem,” Abdelmalek Nouar, an Algerian observer with the Arab League, said in his testimony. “He insisted that foreign media like Al Jazeera, Al Arabiya, and CNN collaborated with terrorists. He even referred to the New York Times and the Washington Post as ‘terrorist newspapers.’”

The next morning, Colvin and Conroy had been scheduled to depart shortly after 5:00 a.m. to report on conditions at a local hospital. But their guide overslept, delaying their departure. The barrage began shortly after 9:30 a.m., with the media center taking accurate rocket fire while a drone buzzed overhead. The journalists and activists scrambled to evacuate, clambering for their shoes, as rockets fell around them. Conroy, who had served in the British Royal Artillery,



could tell that the rounds were not indiscriminate; his testimony indicates that the journalists' position was being "bracketed," with strikes being walked toward their target by a forward observer. Colvin and Ochlik ran for safety in a neighboring building, which was immediately struck by a rocket. The blast sprayed shrapnel across those standing in the entryway, gravely injuring Bouvier, Conroy, and Wael al-Omar, Colvin's translator.

The Syrian officials celebrated news of Colvin's death, according to Ulysses.

"The blind bitch was Israeli," an unnamed official reportedly said.

The commander responsible for the strike, referred to in the documents as Shahadah, replied: "Marie Colvin was a dog and now she's dead."

The regime sent al-Fares, the leader of the informant ring, a new black Hyundai Genesis. It was a gift from Maher al-Assad, President Bashar al-Assad's brother, according to Ulysses.



Protesters wave revolutionary flags during a demonstration in Homs, Syria, on May 11, 2012.  
Photo: AP

Three factors came together to create the conditions for the attack: the regime's intent to target journalists, its access to powerful surveillance capabilities, and an absence of international political will to prevent atrocities in Syria.

Even before the Arab Spring uprisings of 2011, the Assad regime had developed technological capabilities to assert control over the country. In 2009, when just 17 percent of the Syrian population had access to the internet, the government both monitored and censored online activities, according to State Department reporting on human rights. By 2010, the censorship expanded, with the nation's three major internet service providers blocking access to more than 180 websites, including those related to Kurdish opposition groups and the Muslim Brotherhood, as well as Facebook, YouTube, and Skype.

In early 2011, the regime lifted the ban on Facebook and YouTube. But instead of an attempt at reform, reopening the social platforms provided a powerful tool for regime repression and disinformation. Memos obtained from military intelligence units of the General Command of the Syrian Armed Forces detail deliberate efforts to use Facebook to monitor and interfere with protests. One memo orders security forces to “summon anyone who has a role inciting over the Internet and interrogate him/her and take legal action against them.” The same directive, coming from the National Security Bureau, also ordered government operatives to spread pro-Assad Facebook pages (“Dr. Bashar Al Assad is the Symbol of resistance and steadfastness”; “A great nation gives birth to great men: From Hammurabi to Bashar Al Assad”) “with the aim of flooding the website’s pages which call for demonstrations in Syria.”

The security services also used arrests of influential journalists to advance the regime’s message. A State Department cable from April 6, 2011, details the detention of journalist Khaled Ekhteyar, who, “when he was released, his Facebook account was spamming pro-government propaganda.”

The regime’s information war policy “identified three threat levels. Media activists were considered to be the highest level of threat, followed by organizers of demonstrations (as second) and people who attended demonstrations (as third),” said a defector from the Central Crisis Management Cell, a military-security council set up by the regime to confront the uprising, in a declaration to the court. “The CCMC considered media activists and creators of YouTube videos more dangerous than protesters.”

Syrian journalists and activists support that assessment. “Everyone who opposed the government was targeted for arrests and killing, to be honest — whether you were a media activist or not — but it was clear

that the regime saw local journalists as an even bigger threat to itself than those who took up arms,” Aziz Asaad, a Syrian opposition activist who fled in 2015 and now lives in exile in Germany, told The Intercept. “When you were arrested by the regime, it was far better that they regard you as an armed fighter rather than as someone who was working to document and broadcast the crimes that were being committed in the country. It was better, far better, in jail to have been accused of holding a rifle than holding a camera.”

**“It was better, far better, in jail to have been accused of holding a rifle than holding a camera.”**

The regime reserved its harshest treatment for Syrians “who knew how to use the internet and broadcast media,” Aziz Assad said, “because they saw those people as the ones capable of organizing against them and delivering information to the rest of the world about what was happening in Syria. The

regime felt that if it could stop information from getting out, it could do whatever it wanted to crush this revolution.”

Gilmore, of the Center for Justice & Accountability, said the regime’s targeting of Colvin and other Western journalists was concomitant with its focus on information warfare and communications technology. The internet can be used to “spread information and organize social movements, but at the same time it had an incredible potential to be a tool for persecution, a tool for authoritarian governance,” Gilmore said. “That dual edge component of it was really striking in the killing of Marie.”

A case in point was [an official regime media post](#) from February 26, 2012. Dated four days after Colvin and Ochlik were killed, the release refers to them and other Western journalists who were in Baba Amr as spies planted by Western governments. The West “cannot expect Syrians to be sad over or condemn the death of spies who crossed our borders in the dead of night to spread corruption and destruction,” reads the post, which was published by the General Organization of Radio and TV, a state-run broadcaster. The post details Colvin and Ochlik’s work in Libya, accusing Ochlik of painting a rosy picture of the Libyan rebels through his photography, for which he won a [World Press Photo award](#), and says Colvin’s reporting from Libya was full of lies. “Perhaps Marie deserves an award for being the best propagandist in the world,” the post says. The piece also refers to journalists Conroy, Bouvier, Arwa Damon, Ivan Watson, and others as spies.

As dissent was exploding inside Syria, the Assad regime’s technological ability to surveil and stifle any opposition was expanding at a similar rate. Telecommunications inside Syria are highly consolidated and kept close to Assad, making it relatively easy for the regime to monitor internet and satellite use inside the country. A 2016 [Privacy International report](#) on the Syrian state surveillance apparatus notes that from 2007 until 2012, when Colvin and Ochlik were killed, the Assad regime spent millions of dollars to build a “nationwide communications monitoring system” capable of collecting conversations from services like Skype. Part of this surveillance push included the purchase and installation of intercept technologies that could trace satellite communications. According to the report, the Assad regime used equipment that could re-route satellite communications inside the country, and once collected, a “Syrian intelligence analyst could either archive the material for offline analysis at a later point, or follow a target live, as long as he/she was connected to the internet.”



The coupling of online and other forms of surveillance with targeted government attacks escalated in response to the uprising. One memo detailing an intercepted call between two men discussing anti-regime combat operations in the Deir Baalba neighborhood of Homs ends with an order to “circulate to all security agencies and army units through Branch 261 to take the necessary security and military measures.” Another court filing describes an incident in which a Syrian journalist reporting on wounded civilians believes he inadvertently revealed his position. “While standing outside the clinic, I took a call on my mobile phone from a reporter with Al Jazeera. During the call, the area around the field clinic came under fire from multiple rockets: on the spot three were killed and three others were injured,” the reporter said.

Based on information gathered from former Syrian intelligence defectors, Gilmore said some of the regime’s surveillance equipment in Homs had been installed by “a group of East Asians” who had been brought in from Damascus. “There were two types of surveillance systems that were installed in the local intelligence offices in Homs,” Gilmore told The Intercept. “One of them was fixed surveillance that was installed on the rooftop, and then there were a number of vans that had some kind of mobile interception capabilities,” able to intercept “some satellite phones and portable satellite internet uplinks.”

Syrian intelligence units also relied on networks of informants. When an informant told officials that rebel fighters were receiving treatment at al-Berr hospital in Ar-Rastan, Branch 261, the intelligence unit, forwarded it to the Homs Military and Security Chief with a blunt suggestion: “Recommendation: influence them with artillery or aircraft.”

# EXHIBIT C



17B Exhibit C (Vol 2) to  
Expert Report of Ewan Brown,  
Dated March 2, 2018 Redacted  
[242 pages](#)

E 2

## EXHIBITS C-51 to C-100

“Toward the end of 2011, there was an uptick in cameramen and other journalists actually being killed while filming protests” in Syria, said David Kaye, the United Nations rapporteur on the promotion and protection of the right to freedom of opinion and expression. The regime had previously targeted journalists with detention and torture, Kaye said; going after journalists covering protests “coexisted with these other attacks on journalists.”



A Red Cross ambulance follows Lebanese police vehicles carrying two French journalists to a hospital in Beirut, Lebanon, on March 2, 2012, after they were wounded in Syria's Homs province. Photo: Hussein Malla/AP

Colvin was not the only journalist the Assad regime targeted for assassination, according to the documents. On January 11, 2012, about six weeks before Colvin's death, the award-winning French war correspondent Gilles Jacquier and other journalists attended a pro-Assad rally in Homs. During the demonstration, in the New Ikrema neighborhood, the journalists were caught up in an attack. [Reports at the time said](#) a rocket-propelled grenade or mortar round was fired into the crowd. Several Syrians were killed, and so was Jacquier. He was the first foreign journalist to die in the conflict.

The Assad regime claimed that a "terrorist group" was responsible and said the incident showed that opposition forces in the country were "armed and dangerous." But those were lies, according to Ulysses, the

former Syrian intelligence officer. In the court documents, Ulysses alleges that the entire demonstration was staged, and that the Syrian regime had mapped out the route of the march in advance. Members of an Assad-supporting militia known as the shabiha “launched a rocket-propelled grenade at the demonstration from a nearby school called Quteiba,” Ulysses says. In the chaos that followed, Jacquier and the other reporters, accompanied by Syrian government spies, tried to document the attack. When Jacquier was brought to a prearranged location, Ulysses alleges, “regime forces fired a mortar at his position.”

Jacquier, 43, was hurt but not killed by the mortar round. A shabiha member named Wael Salamah – who allegedly helped plan and orchestrate the attack – “loaded Jacquier into a taxi, rather than into an ambulance,” Ulysses says. Salamah’s role was to ensure that Jacquier did not survive.

Jacquier’s partner, the photographer [Caroline Poiron](#), was with him in Homs but was separated from him in the moments prior to the attack. She recalled in [a 2013 interview](#) that she heard an explosion while sheltering inside a building. When she rushed downstairs, she found Jacquier lying injured on the ground floor. There was no damage to the interior of the building, according to Poiron, which led her to believe Jacquier was killed “by either a 22-millimeter gun that is carried by Syrian secret service or by a long knife.” He died in the taxi on the way to the hospital.

Ulysses’s testimony suggests that senior members of the regime helped organize the assassination, including Maher al-Assad, Bashar’s brother, and Syrian army Gen. Ghassan Belal.

“I was very close to where Gilles was when he was killed,” Patrick Vallélian, a Swiss journalist who was among the group in Homs on the day of the attack, told The Intercept. “It was a trap. The regime was behind it. They wanted to kill Gilles.”

Vallélian recalled that Jacquier was separated from the rest of the reporters following an initial explosion; within minutes, the regime had circulated a press release announcing that a French journalist had died. “I was 10 or 20 meters from where Gilles was [when the press release was sent out] and I didn’t know he had been killed at that time,” he says.

**“It was a trap. The regime was behind it. They wanted to kill Gilles.”**

Later, he studied video footage from the scene and noticed that shortly before, during, and after the attack, all traffic through the area had suddenly stopped for a period of five or six minutes, then resumed. “That’s when I knew something was wrong,” Vallélian says. “It was just strange. I know a little about war and this situation was something totally different.”

Vallélian later co-authored a book about the attack called “Attentat Express,” for which he returned to Syria and spoke to sources who had worked for the Assad regime. He says they told him that the regime had several motives for targeting Jacquier. A week before the journalist was killed, French President Nicholas Sarkozy had condemned massacres committed by the regime and called for Assad to step down. “The regime wanted to send a message to France and a message to Sarkozy,” Vallélian says. “They also wanted to make [journalists] scared of being there. They wanted to tell us, ‘Don’t come back because it is too dangerous and we can’t protect you.’ And it worked, because afterwards most of the newspapers were afraid.”





A Turkish journalist holds pictures of Rémi Ochlik and Marie Colvin on Feb. 24, 2012, in Ankara, Turkey. Photo: Adem Altan/AFP/Getty Images

“Colvin v. Syrian Arab Republic” is one of 128 lawsuits and collection actions in U.S. federal courts targeting the Syrian regime for its role in the kidnapping and murder of American citizens. Typically, nations have immunity from lawsuits. But the Foreign Sovereign Immunities Act, a 1976 law, creates several exceptions, including one for designated state sponsors of terror such as Syria, Iran, Sudan, and North Korea. Iran, for example, has been successfully sued for its role in the bombing of the United States Marines Corps barracks in Beirut in 1983 and a suicide bombing in the Gaza Strip, while Sudan incurred a \$2.1 billion judgement for its role in the U.S. Embassy bombings in Kenya and Tanzania. Syria has faced lawsuits charging it with involvement in terrorist attacks in Israel and Italy, and for its support for groups responsible for the deaths of Americans in Syria and Iraq, including ISIS and Abu Musab al-Zarqawi’s Al Qaeda in Iraq.

“Of all the state sponsors of terrorism, the Syrian government presented some of the most vigorous defenses,” said Gilmore. But the regime – which was at one point represented by former U.S. Attorney General Ramsey Clark – stopped defending itself in 2011 when the civil war began.

The emphasis on civil actions against Syria is due, in part, to the lack of criminal accountability for parties in the conflict. The International Criminal Court, which could have jurisdiction over crimes committed during the civil war, cannot act without a referral from the United Nations. The last effort to issue such a referral, in 2014, failed in the Security Council after Russia and China blocked a resolution backed by 60 nations.

A senior U.S. law enforcement official would not confirm or deny the existence of a criminal investigation into the attack other than to say, “We definitely know about Marie Colvin.”

Nerma Jelacic, deputy director of the Commission for International Justice and Accountability, called the civil litigation on behalf of Colvin an “important symbolic step that further allows for very important evidence to be heard and adjudicated by the court.”

“It would be even more symbolic to actually have a defendant sit in the dock and answer those charges,” she said.

That appears unlikely to happen anytime soon. As U.N. Rapporteur David Kaye said: “Impunity for attacks on journalists is practically complete.”

Top photo: A Syrian army soldier holds a national flag featuring President Bashar al-Assad in front of a building left in ruins in Syria’s Homs province on June 5, 2013.



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