

Slain American Journalist's Family Expects Judgment Against Syria

(Bloomberg Law) -- The family of an American journalist killed while covering the civil war in Syria expects to prevail in the first war crimes suit filed in U.S. court against President Bashar al-Assad's regime, a lawyer working on the case told Bloomberg Law.

Shearman & Sterling anticipates a default judgment, which would favor the family of Marie Colvin because the Syrian government hasn't made an appearance in the case.

The family will seek to enforce the judgment and try to collect damages but it's a "slow and difficult process" to collect against a non-cooperative government, Henry Weisburg, an attorney with Shearman & Sterling who's working on the case, said.

The suit alleges Colvin's death and that of a photographer apparently by roadside bomb during the siege of Homs in 2012 was a violation of international law.

It says Assad's forces carried it out after she reported they were "shelling a city of cold, starving civilians." Colvin worked for the Times of London. Syria says she was killed by terrorists. Her death was premeditated and part of a conspiracy to hunt down and kill journalists who tried to expose the "atrocities" the Syrian government inflicted on its people, the complaint, filed in the U.S. District Court for the District of Washington, alleges.

It was a "horrible, horrible event" and we expect to get "an important measure of justice out of it," Weisburg said.

Smuggled Documents, Intel

Shearman & Sterling is working with the Center for Justice & Accountability pro bono. It signed on when the center realized it needed help with the suit filed in 2016, according to Weisburg, whose practice includes international litigation.

The firm also has a personal connection. Colvin's sister, Cathleen, is a named plaintiff and used to be an associate at Shearman & Sterling, he said.

Shearman & Sterling has spent a "very substantial" amount of time on the case, Weisburg said in noting seven other firm attorneys are involved.

The firm has developed a minute-by-minute chronology of events leading up to Colvin's death, beginning with the months preceding the attack, he said.

"It's a rare case where there's so much laid out," Weisburg said.

They have declarations from high-level government defectors and more than 200 confidential documents from Syria's military and security agencies.

A former Syrian intelligence officer code-named "Ulysses," for instance, provided an account of how the regime planned the attack that killed Colvin and others, a firm press release said.

And a lot of the documents come from a repository of Syrian government documents that have been smuggled out of the country, Weisburg said.

Those are maintained by the Commission for International Justice and Accountability, a European-based group that collects, analyzes and preserves evidence of international crimes committed during ongoing conflict.

Syria didn't consent to process so it had to be served through the State Department, which passed the documents on to the Czech Republic, which represents U.S. interests in Syria and ultimately served them, Weisburg said.

But we know they're aware of the case because Assad was quoted talking about it quite soon after it was filed, he said.