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Marie Colvin: fighting her killer from beyond the grave

Last week court papers revealed how the Syrian regime tracked and 'assassinated' Marie Colvin in 2012 to silence her frontline reports for this newspaper. Her family tell Tony Allen-Mills of their pursuit of justice



Cathleen Colvin with sister Marie the year before she was killed PHOTOS COURTESY OF THE COLVIN FAMILY

When Cathleen Colvin heard six years ago that the sister she regarded as “my best friend, my idol” had been killed in a rocket attack in Syria, her first reaction was: “I thought I would drown in grief.”

The death of Marie Colvin, the fearless Sunday Times journalist who had died in the besieged city of Homs in February 2012, not only ended the extraordinary career of one of the world’s most accomplished war correspondents; it also devastated her American family.

“I still struggle to cope with that hollow, bereft feeling,” Cathleen, known as Cat, declared to the US federal court.

That court is now considering the family’s claim that Colvin, a US citizen, had been “tracked down and targeted” and ultimately “assassinated” by the Syrian government of President Bashar al-Assad to silence her frontline reporting.

“I still have the impulse to call her,” Marie’s sister added. “I still cry at night when it is quiet and every time I talk about her murder. Marie was everything to me and my life is completely different without her.”

The case against Assad is described in hundreds of pages of eyewitness accounts and expert testimony that were released by the Washington court last week. The documents include evidence from former Syrian government officials who later fled the country and describe in chilling detail what the Colvin family claims was a “deliberate, malicious” act of extrajudicial killing.

The case has been filed on behalf of Cat and her three children (Marie’s two nephews and a niece) by the Centre for Justice and Accountability (CJA), a San Francisco-based legal charity that specialises in the exposure and prosecution of war criminals.

“The main motivating factor for me in this case was to get the evidence out in the hope that it will one day lead to a criminal trial,” said Cat, who credits the CJA’s staff attorney, Scott Gilmore, with an “incredible effort” to collect evidence, interview defectors and refugees and compile a compelling case against Assad.

Going to court was “the one tool I feel I can use to get some kind of justice for Marie”, Cat told me last week.



The killing of Marie Colvin

Yet reconstructing the chain of events and laying blame at Assad’s door form only part of the civil case formally described in court papers as Cathleen Colvin et al v Syrian Arab Republic. The Colvin lawyers somehow had to attach a monetary value to Marie’s life — a task they acknowledged as a “gross unreality”.

Should the court rule against Assad — who has ignored the proceedings and submitted no defence — the door will be open to a substantial award of both compensatory and punitive damages that might eventually lead to the seizure of Syrian government assets around the world.

How much should Assad pay if he is blamed for Marie's death? What emerges most dramatically from the acres of dry legal submissions now being studied by Judge Amy Berman Jackson is a personality not easily quantifiable in dollars and cents.

The evidence describes “a legend among war correspondents”, a “brilliant, mischievous, fiercely independent and passionate” reporter who had won countless awards and lost her sight in one eye after a grenade attack in Sri Lanka in 2001, but defiantly returned to work sporting a piratical eye patch.

The papers also portray a complex, frequently vulnerable human being, inspirational but haunted, indomitable yet prone to “dark periods: moments when she struggled to believe her work mattered”. John Witherow, then editor of The Sunday Times, described his colleague and friend as “a whirl of black curls, a force of nature”. How do you attach an economic value to that?

Yet the court required specific answers, so the CJA turned to Dr Maria Tsennykh, a forensic accountant specialising in estimates of future earnings and what American lawyers describe as “the economic value of life lost”.

The answer she came up with was stunningly precise. Based on the income, pensions and other benefits that the 56-year-old Marie might reasonably have expected to earn in the remaining decade or more of her working life, the “economic damage” caused by her death was estimated by Tsennykh to be \$2,382,476.

That figure is the starting point. In previous cases involving extrajudicial killings, close relatives of the victims have also been awarded up to \$5m each as compensation for their suffering and loss. Punitive damages against the Syrian regime might reach as high as \$300m.

Cat Colvin is the first to acknowledge that few victims of the Syrian civil war have the resources to conduct an investigation on the scale of Marie's or to mount a claim in a US federal court. “I look at how my family suffered and multiply that by thousands,” she said.

“In the US it's easy for us at a distance to reduce the war to numbers of refugees or numbers killed, but it's very personal for me when I see the destroyed cities and the thousands that have been tortured or killed. The way I look at it is: every dollar I get out of Assad is one less dollar for chemical weapons and barrel bombs.”

It was at the height of the Syrian government's relentless bombardment of Baba Amr, a rebel-held neighbourhood in the city of Homs, that Marie arrived with a British photographer, Paul Conroy, in mid-February 2012. “At that point Homs was sealed and surrounded by Syrian forces,” Conroy recalled in a statement to the court. The pair were smuggled into Baba Amr via an underground storm drain nearly two miles long and only about 4ft high. They had to stoop uncomfortably while

walking, but eventually reached the Baba Amr media centre, a building being used by “local citizen journalists and activists”.

As a former gunner with the Royal Artillery, Conroy had been exposed to shelling in several conflicts and acted as a forward observer, monitoring artillery targets. Yet the intensity of the missile and mortar fire he witnessed in Baba Amr the next day was “shocking and unprecedented”, he said. He accompanied Marie to a makeshift field hospital where she interviewed doctors and victims of the shelling: “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.”

In the evening, reports that the regime was planning a final assault on Baba Amr persuaded them to evacuate back through the tunnel. Marie’s report on that visit, published on February 19, turned out to be her last for The Sunday Times.

When the rumoured assault failed to materialise, Marie determined to return to Baba Amr. She told Conroy it was “today’s Sarajevo” (the Bosnian capital ravaged by the Balkans War in the early 1990s) and that she had refused to “cover Sarajevo from the suburbs”.

Warned by her interpreter, Wael Fayez al-Omar, that the regime was “certain to take over the neighbourhood”, Marie replied: “I am not worth more than the children dying there.”

She and Conroy made their way back through the tunnel, but at the media centre found the bombardment had “reached a new level of intensity”. Conroy added: “The assault was merciless.” The situation was “too dire” to go out.

That evening, trapped in the media centre, Marie made a number of satellite calls to television networks. She told ITV News: “The Syrians are not allowing civilians to leave . . . anyone who gets on the street is hit by a shell. If they are not hit by a shell, they are hit by snipers. There are snipers all around on the high buildings.

“I think the sickening thing is the complete merciless nature. They are hitting the civilian buildings absolutely mercilessly and without caring and the scale of it is just shocking.”

Conroy had become increasingly worried by a situation he described as “one of survival”. Unknown to Marie, he had expressed his concerns to Sean Ryan, then foreign editor of The Sunday Times. “I suspect that Marie’s high profile due to this week’s material [published in the newspaper] and TV interviews also compromises our safety,” Conroy wrote in an email.

Ryan, who had earlier “reluctantly signed off” on Marie’s request that she give television interviews, replied that they should leave at the first opportunity. Marie agreed but it was already too late.

According to a former Syrian intelligence agent who defected and is now in hiding in Europe, government officials in Homs had become aware that foreign journalists were broadcasting reports from Baba Amr and had sent out drones to locate them. Major-General Rafiq Shahadah, head of the Homs military security committee, “was growing furious that the intelligence and military forces had been unable to pinpoint and hit the locations of these broadcasts”, said the defector, codenamed Ulysses.



Marie Colvin with her niece Justine, left, and another relative who both delighted in trying on her eye patch

It was late in the evening of February 21 when a female informer provided the media centre's address and confirmed that foreign journalists were staying there. That night Colvin and Conroy had been joined by four European journalists, among them Rémi Ochlik, a French photographer. The identity of the woman who gave away their location remains undisclosed. Perhaps she was trying to curry favour with a menacing regime; perhaps she was on Assad's payroll. Either way, Marie's fate was sealed.

The documents claim that Syrian officials, among them the president's brother Maher al-Assad, approved a plan to destroy the media centre and kill the journalists inside as part of the regime's "long-standing and escalating campaign to violently silence media workers, including foreign journalists, as enemies of the state".

The plaintiffs conclude: "The regime's attack on the media centre was thus neither accidental nor indiscriminate."

Conroy says in his statement that the shelling started early the following morning, but initially appeared to be distant. Marie was annoyed because her hopes of an early visit to the field hospital looked as if they would be foiled. She joked that the noise from the barrage would wake up both the government's snipers and her potential rivals — the newly arrived French reporters.

Moments later Conroy recognised “the long wailing sound” of an incoming rocket, which exploded nearby “and shook the building”. Then followed a pattern of approaching artillery fire he describes as “bracketing”. A series of explosions closed in on the media centre.

When the building took a direct hit to the rear, Conroy screamed to the others: “Don’t go out.” But Marie and Ochlik were scrambling through the door when another rocket struck the front of the building.

“A huge explosion engulfed us,” said Conroy, whose leg was seriously injured in the blast. Marie and Ochlik were killed instantly.

When reports arrived at the government headquarters that the media centre had been shelled and journalists were killed, the Ulysses statement claims that “Shahadah hosted a celebration at his office”. Electronic surveillance later confirmed that Colvin and Ochlik were the victims. Ulysses quotes Shahadah as crowing: “Marie Colvin was a dog and now she’s dead.”

The agent whose informer had provided the media centre address was later rewarded by the president’s brother with a new car — a black Hyundai Genesis.

There was one victim of the attack whose voice has not been heard until now. Justine Araya-Colvin is Cat’s 19-year-old daughter, Marie’s niece. Her declaration to the court provides a stunning reminder of the collateral damage inflicted by tragedy, the small, often unnoticed losses that victims endure for lifetimes. “When I was little, I thought that Aunt Marie was a superhero,” said Justine, who is studying to become a doctor at Stanford University in California.

“She was this engaging, dynamic person who would swoop in for visits, armed with stories and belly laughs and extravagant presents.”

Marie had married three times but never had children of her own and, according to her sister, “always claimed she wasn’t interested in kids until they could hold conversations”. She made an exception for Justine. “She adored my daughter from birth,” said Cat.

Justine returned her love: “She was the kind of person I wanted to be. She was invincible. Aunt Marie was the world’s best storyteller. She would transfix me and my brothers at bedtime, telling us stories of danger and daring and adventure.”

When Marie acquired her black eye patch, “Mom got eye patches for us kids as well to keep up with Aunt Marie’s trendsetting fashion. It was only after she died that I understood how devastating it was for her to lose vision in her eye.”

The eye patch became Marie’s “trademark”, added Cat, “but the trauma of the attack haunted her. She was terrified that she could lose her other eye or become disabled in another attack.”

Marie was “driven in her work, especially by the belief that if only she could better describe the horrors of war . . . the world would stand up, take notice, and do something to protect them”.

Yet Cat reveals that her sister also struggled with post-traumatic stress disorder “which got worse over time. I was one of the few people she leant on when that happened.”

Nor were many of Marie's colleagues aware that she had begun to plan for a life away from the front lines. Visiting Marie's London flat after her death, Cat found a laminated sheet marked "Career Plan" hanging on the wall of her home office.

She was planning to "collaborate with a publicist and literary agent, launch a website or blog, increase her social media presence . . . and actively seek speaking engagements to build her name, increase her earnings and expand the scope of her career. I know she would have done it all and more if she had not been murdered."



Marie Colvin reported from Syria for this newspaper and for television. Witherow noted in his statement that Marie had "never discussed retiring with me" and he could not imagine "that Marie would have retired to a quiet life, hanging up her boots".

He added that as long as he remained her editor, "I would have been willing and keen to ensure she worked for as long as she could, even until her seventies if she wished". Cat agreed that "at age 56, she wasn't slowing down at all. She was, however, thinking seriously about where else she wanted her career to go once the physical demands of life as a war correspondent became too much."

Whatever Marie's future might have been, it was taken away from her in the cruellest and most violent of ways. In the hundreds of pages of evidence and testimony accumulated by the CJA, it is perhaps the youngest of the witnesses to Marie's inspirational life who best captures the numbing permanence of her loss. "I still catch myself wanting to call Aunt Marie sometimes," said Justine.

“I want her to know who I am. I want her to know about Stanford and my plans to become a doctor and to travel several months every year to countries with limited access to medical care and help those who can’t help themselves. I think Aunt Marie would have liked that.”

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