

REPORTERS WITHOUT BORDERS

# TWO MURDERS AND A LIE

AN INVESTIGATION BY JEAN-PAUL MARI  
JANVIER 2004



[www.rsf.org](http://www.rsf.org)

# CONTENTS

INTRODUCTION	5
1 CHRONOLOGY OF THE WAR	6
2 THE FACTS	8
3 REACTIONS (WITH COMMENTS)	12
- 8 April: First version of events	
- 9 April: A more official version	
4 ACCOUNTS (WITH COMMENTS)	15
- Capt. Philip Wolford	
- Official reactions after 10 April	
- Sgt. Shawn Gibson	
- Chris Anderson	
- Jules Crittenden	
- Chris Tomlinson	
5 COMMENT ON THE US ARMY INVESTIGATION	20
6 CONCLUSION	21
7 RECOMMENDATION	21
8 APPENDICES	22
- Chain of command and communication from Washington to the Baghdad tank unit	
- The soldiers involved	
1. Gen. Buford Blount III	
2. Col. David Perkins	
3. Lt. Col. Philip DeCamp	
4. Capt. Philip Wolford	
5. Sgt. Shawn Gibson	
- The journalists killed	
1. Taras Protsyuk	
2. José Couso	
- Maps	
- Visit to the tank training centre at Camp Mourmelon (France)	
- Requests for an enquiry	
- Result of the US Army investigation	
- The Geneva Convention	
- Acknowledgements	
9 OTHER JOURNALISTS KILLED	26
- Enquiry into the death of Patrick Bourrat	



## introduction

An explosion shook every floor of Baghdad's Palestine Hotel at 11.59 on the morning of 8 April 2003. US tanks were attacking from the nearby Al-Jumhuriya Bridge, in the city centre. It was Day 21 of the war and Baghdad was falling.

In the hotel corridors, there was panic, shouting and people in pain. In a devastated Room 1503, a cameraman lay face-down on a blood-soaked carpet. One floor down, another journalist was crumpled on a balcony alongside the remains of his camera.

They were given first aid but there was no doctor, no medicine, no surgical equipment and no stretchers. They were moved wrapped in sheets. The first one, *Reuters* cameraman Taras Protsyuk, died on his way to hospital and the second, cameraman José Couso, of the Spanish TV station *Telecinco*, died on the operating table. Samia Nakhoul, of *Reuters*, had shrapnel wounds in her head. *Reuters* photographer Faleh Kheiber was burned on his face and arms. British TV technician Paul Pasquale, also of *Reuters*, was hit too.

## TWO MURDERS AND A LIE

### **Who fired on the hotel, and why?**

The answer to the first question was clear because the whole incident was filmed.

As to why, no clear answer has yet been given.

Just brief statements, lies, deception, arrogance, expressions of regret, condolences and calls for investigation. Efforts to have the initial version accepted while attention turns to new tragedies. Fleeting emotions. Life must go on.

Protsyuk and Couso weren't famous. They didn't work for big US newspapers and you couldn't see them on prime-time TV. We saw the footage they produced without knowing it was theirs. They died. Four months later, a US military investigation was "completed" in a bid to hastily return them to anonymity.

This report is dedicated to them.

Jean-Paul Mari

# 1 CHRONOLOGY OF THE WAR

■ **20 March 2003, 5.30 am:** The US and Britain begin a war against Iraq. The first air strikes hit Baghdad, targeting buildings where the regime's leaders are thought to be. Anti-aircraft defences are little use against Tomahawk missiles and F-117 stealth bombers. **Operation Shock and Awe has begun.**

■ **21 March: Air attacks continue.** Ground forces advance across the desert towards Basra and 320 cruise missiles are fired at Baghdad, targeting government buildings and the presidential complex along the River Tigris.

■ **22 March: Ground forces are now 200 kms south of**

after being hit by gunfire from the US-British Coalition forces. French cameraman Frédéric Nérac and Lebanese interpreter Hussein Osman, both of *ITN*, disappear.

■ **25 March: a huge sandstorm sweeps across the country.** The skies turn red over Baghdad and 180,000 Coalition soldiers are brought to a halt in the desert.

■ **27 March: Half a dozen waves of bombing, the most intense so far, hit Baghdad and its suburbs during the night.** The information ministry and a telecommunications centre are hit. Civilians are now getting killed.

■ **29 March:** A suicide-bomber blows up his car at a roadblock near Najaf, killing four US 3rd Infantry Division (3ID) soldiers. With this entry of civilians into the fighting, US troops become much more aggressive towards Iraqis, who are assumed to be "hostile."

■ **31 March:** US troops open fire on a vehicle that "refused to slow down." Inside are 13 women and children, seven of whom were killed and four wounded. The night-time bombing of Baghdad intensifies.

■ **1 April: The 13th day of the war and the first major battle with the Republican Guard.** About 600 US and British planes make sorties. At Hilla, 80 kms south of Baghdad, 33 civilians are killed, including several children, and more than 300

wounded, apparently by cluster bombs.

■ **2 April: Two-pronged US attack.** The 3ID, whose soldiers will later fire on the Palestine Hotel, crosses the River Euphrates and arrives within shooting range of the capital. In the southeast, Marines begin a push towards Baghdad.



Fighting on 8 April around the Al-Jumhuriya bridge (photo taken from the Palestine Hotel).

**Baghdad.** Some 500 cruise missiles and several hundred laser-guided bombs fall on the city, where electricity fails for the first time.

■ **23 March: US forces are 100 kms from the city.** In the south, near Basra, British *ITN* journalist Terry Lloyd is killed

## Reconstruction of the shooting from the Al-Jumhuriya bridge on 8 April 2003 at 11.59h



■ **3 April: Just before midnight, more than 1,000 US troops begin to take Baghdad's Saddam Hussein International Airport.** The city, which is still being bombed, no longer has electricity.

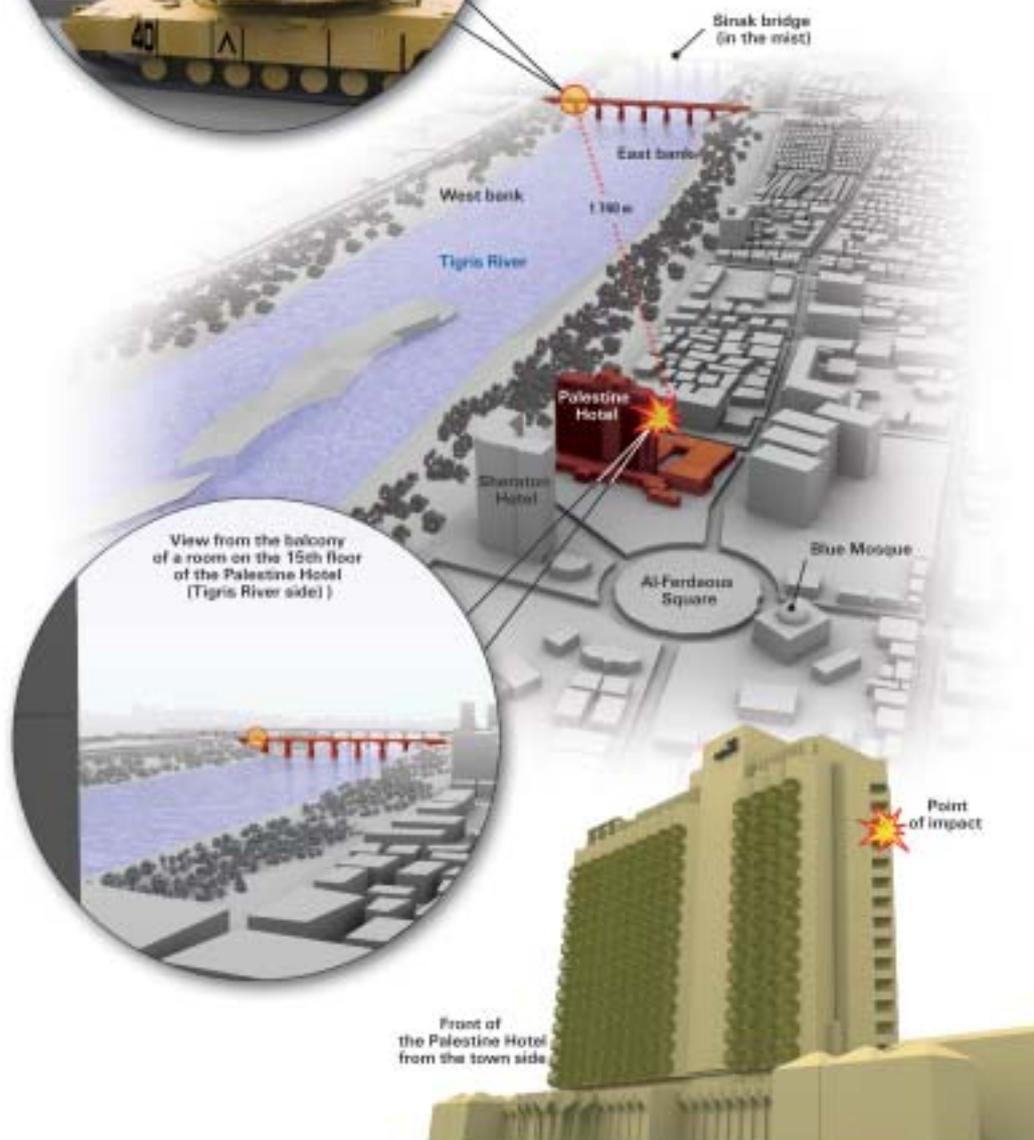
■ **4 April: Baghdad is the target.** The 3ID takes full control of the airport, renames it Baghdad International Airport and turns it into a logistical base before the final attack on the city.

■ **5 April (17th day of fighting): The war enters its final stage.** At dawn, dozens of tanks and armoured vehicles enter central Baghdad along a six-lane highway, meeting fierce resistance from the Republican Guard. Many people are killed. The US toll since the war began is 79 dead and 154 wounded.

■ **6 April: Baghdad starts to be surrounded.** Tanks and armoured vehicles cross the Euphrates at dawn. That evening, the US military says it controls nearly all major roads into the city and that aerial cover is permanent.

■ **7 April: Morning attack on Baghdad.** Several key government buildings fall, including the Republican Palace. The city's hospitals face a flood of wounded people and surgeons work around the clock. US forces say they have isolated the city. A B-1 bomber attacks a presidential bunker in the Al-Mansour neighbourhood where President Saddam Hussein and his two sons are thought to be. The Pentagon announces the regime has lost control of the country.

■ **8 April: Baghdad is under US control.** Fierce fighting takes place inside the presidential complex, involving air strikes and tanks. **From the Al-Jumhuriya bridge, 3ID troops fire at the other side of the river, controlled by not very effective and poorly-organised regime fighters. A US shell hits the Palestine Hotel, where foreign journalists have been**



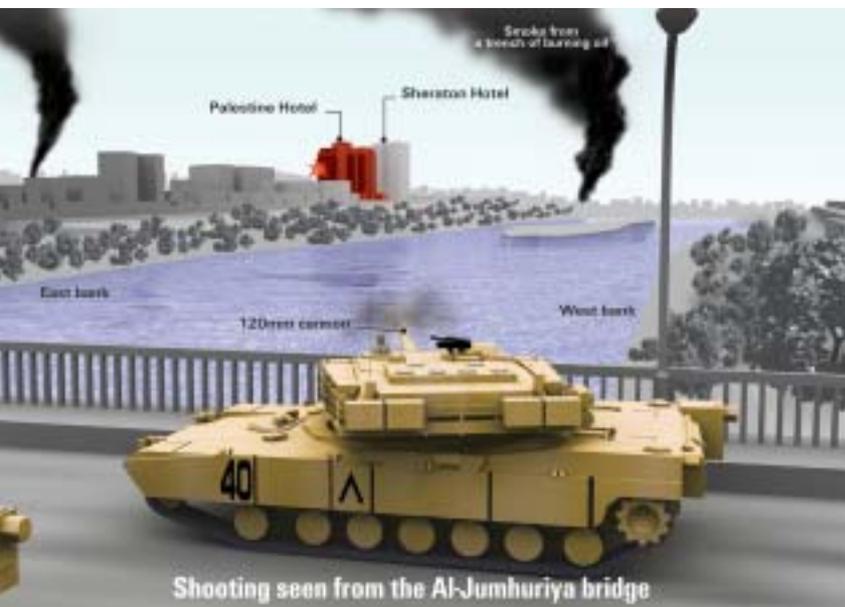
**staying for the past three weeks.** The city's hospitals are overflowing and the population has no electricity and little water.

■ **9 April (22<sup>nd</sup> day of the fighting): The regime falls.** During the night, hundreds of US Marines advance, house to house, through the Shiite neighbourhood of Saddam City before reaching the Palestine Hotel. The few people in the streets cheer the troops, who are trying to clean up the last pockets of resistance. The picture of a crowd pulling down a statue of Saddam with the help of a US tank becomes the symbol of the end of the regime.

# 2 THE FACTS

**8 April (21<sup>st</sup> day of the war), 11.59 am:** American troops, in full offensive mode, are in the centre of Baghdad. The previous night, as every night since the start of the fighting, warplanes bombed the city and at dawn, US tanks drove along the west bank of the Tigris. Fighting is now especially fierce north of the presidential complex, at the planning ministry and near the information ministry and the Mansour Hotel.

**Between 8.30 and 9 that morning,** three US Abrams tanks left the presidential complex and drove to the junction in front of it and then took up positions on the Al-Jumhuriya Bridge, the southernmost of the three bridges crossing the Tigris into the city centre. At the east end of the bridge, on the left, is a telecommunications tower and straight ahead of the bridge is the Youth Building, where there is strong resistance. On the right of the bridge is vegetation and a lot of low buildings. Much further to the right, about two kms away, are two large buildings, the Palestine Hotel and just behind it



the Sheraton. For nearly three hours, the tanks fired many shells at the east bank to destroy gun-positions and cover the riverside Nawas and Rashid streets and the fedayeen there firing back with rocket-launchers.

**Just after 5.30 am, Samia Nakhoul,** the *Reuters* bureau chief in Dubai who has been sent to Baghdad, calls her desk to say the offensive had begun. Around 8, she goes to the agency's office on the 15<sup>th</sup> floor of the Palestine Hotel, in room 1503. **These odd-numbered rooms on the upper floors have a good view over the river to the west bank**

**and are full of journalists who have set up cameras on their balconies,** often shielded by the lattice-work screens that each balcony has.

Nakhoul talks to her editors each day about safety matters. She knows they often attend Pentagon briefings. She goes back down to the hotel lobby and notices the Iraqi official "guides" have gone. The state radio and TV have stopped broadcasting. She goes back up to the 15<sup>th</sup> floor. Planes are bombing the city. *Reuters* has cameras set up on three balconies. Nakhoul is on the middle one and can see the bridge and get a close-up view of it through the camera. The tanks are about two kms away and attacking the Al-Rashid military camp. **She files a bulletin story saying Baghdad is falling, US tanks are entering the city centre and the regime is crumbling.** There is hardly any resistance now. She says she will call back with more and returns to the balcony.

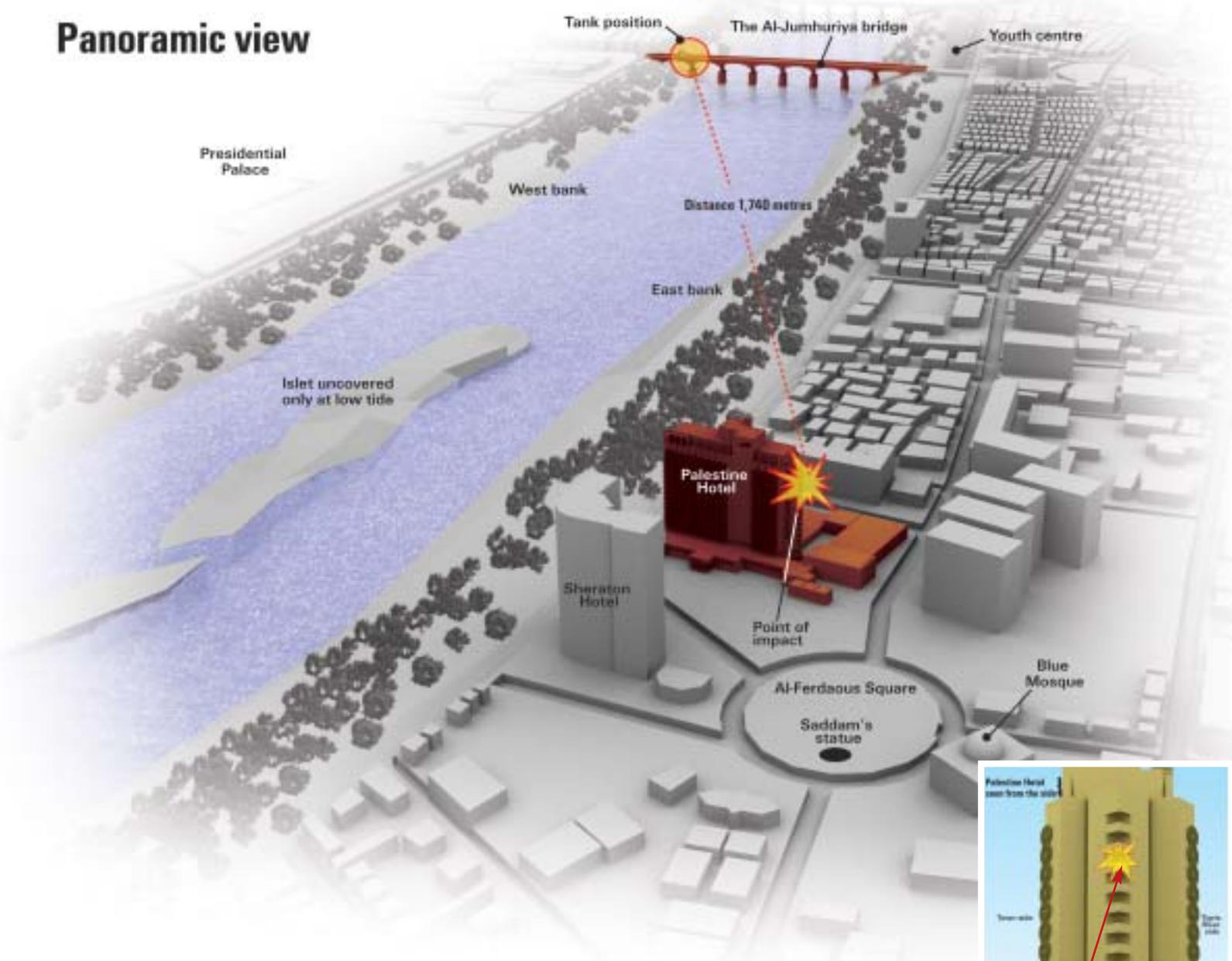
**Her photographer points to the bridge and the tanks there. She suddenly sees an orange flash from one of them. The tank has fired.**

**Associated Press (AP) photographer Jérôme Delay is on the 17<sup>th</sup> floor.** He has his binoculars and a telephoto lens and goes from one balcony to another to try to get a picture of the tanks as they fire. Delay, like most of his colleagues, has been at the hotel for three weeks. He left the Rashid Hotel, on the other side of the river, after persistent reports reaching his office in New York that the Rashid would be a military target. Other journalists heard the same thing and also moved out. The information ministry then closed the Rashid and obliged all journalists to move to the Palestine Hotel, with those unable to get a room there going to the Sheraton, 50 yards away. So the entire foreign press corps is now in one place.

Delay, like the other reporters, has sent the hotel's GPS location to his office, which is in permanent contact with the Pentagon. This procedure and such contacts were frequent, especially among the many staff of the US TV networks. Washington, the Pentagon, the US Central Command (Centcom) in Doha (Kuwait), as well as London, the military hierarchy and anyone following the war or out of professional duty knows the Palestine Hotel has become a media centre, like the Commodore Hotel in Beirut or Sarajevo's Holiday Inn, adorned with satellite dishes and electronics installed by the world's major TV networks, written press and news and photo agencies.

**Delay has had a message from the Pentagon saying "Don't worry we know where you are."** But the day before, a false alarm in an e-mail to the AP gave everyone a fright. It advised everyone to leave the hotel at once and take shelter

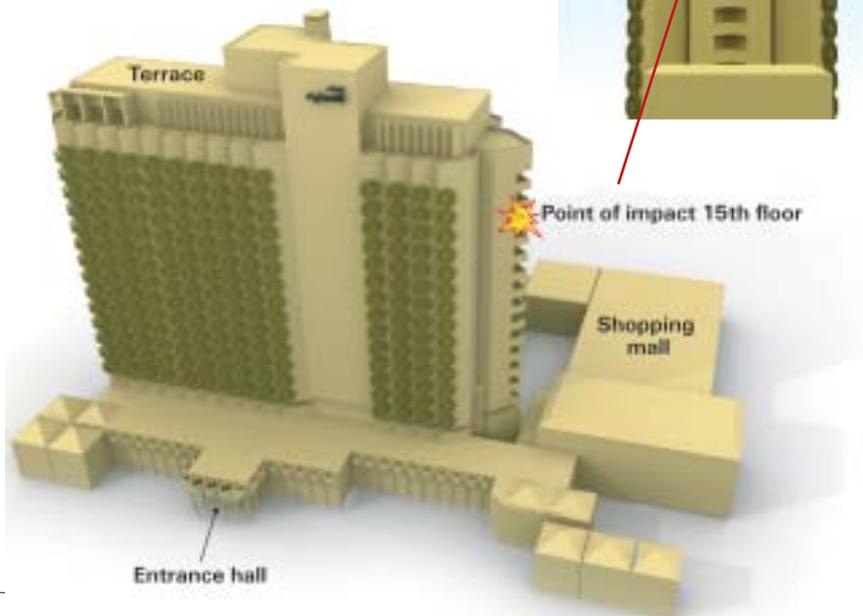
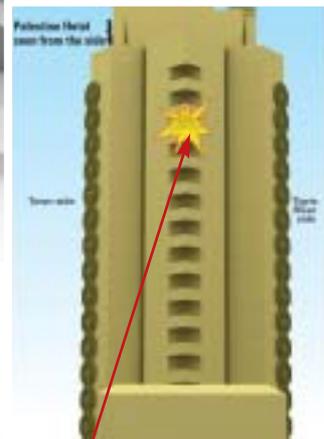
## Panoramic view



because it was going to be bombed. After a check with New York and Doha, a second message came saying they could stay put because no bombing was planned. The next morning, Delay spends three hours on the 17<sup>th</sup> floor. He sees a tank point its gun at the hotel and fire. He feels the floors below shake and runs to the stairwell.

Seamus Conlan, an Irish photographer for *World Picture News*, is on the hotel roof. At 7.30, "short bursts" of gunfire that seem to be from an M-16 rifle are fired towards him from a US position on the other side of the river. A couple of bullets whistle by him and he runs to get out. **As he goes, there are four more.** He has been on the roof since dawn and seen no sign of any Iraqi weapons or fighters. He is the only person on the terrace.

In room 1632, a journalist from the French weekly *Le Nouvel Observateur* has been writing a story since 4





On the left, two Abrams tanks on the Al-Jumhuriya bridge.

Opposite, stills taken from footage of the shelling of the Palestine Hotel taken by French channel *France 3*.

am. to meet a midday deadline. He frequently goes onto the balcony to see how the fighting is going. **Just after 11, he notices the shooting has stopped and things are calm again.**

**Caroline Sinz, of the French TV station *France 3*, has been waiting to do a live telephoned report in room 1408.** Her crew's cameras are set up in room 1405, facing the Al-Jumhuriya Bridge. She has noted down the events of the morning - at around 5, fighting starts; at 9, the first tank arrives at the bridge; 9.30, the tanks are firing continually in fierce fighting; 9.45, firing at the Mansour Hotel and the *Al-Jazeera* offices; the gun-turret of a tank points at the Palestine Hotel, where lots of journalists are on the balconies, but does not fire; 10, Sinz and her cameraman go onto the roof where they find a crew from the French TV station *TF1* who have some binoculars they take turns with; 10, fighting in the south-southeast of the city, with the tanks firing continuously. Planes fly overhead. The set-up cameras film the scene. No sign on the roof of any armed Iraqis or artillery.

Sinz goes back to her room to do her midday live piece. She notices everything is silent now. The last explosion was in the south, in the opposite direction from the bridge. Since then it has been quiet. 11.59: Paris comes on the line and says she will be on the air in one minute. Suddenly there is a huge explosion and everything shakes. Sinz hears people shouting: "They're dead! They're dead!" She drops the phone and runs to *Telecinco* cameraman José Couso's nearby room, on the 14<sup>th</sup> floor. **The balcony is burned, the window broken and a blackened, partly-melted camera is on the ground. Couso, who is lying on a mattress, is taken away.**

**Room 1403 has been struck** and Couso hit while filming from the balcony. He has a serious open leg wound and another on his face. **His leg is amputated at the hospital, where he then dies.** Another Spanish journalist in the room, who escapes because he had gone to the toilet, is in shock.

Delay reaches the corridor to Couso's room and sees journalists carrying him away. They tell him **someone else is hurt, upstairs in room 1503.** He goes there and finds *Reuters* cameraman Taras Protsyuk lying on his back on the balcony, half inside the room.

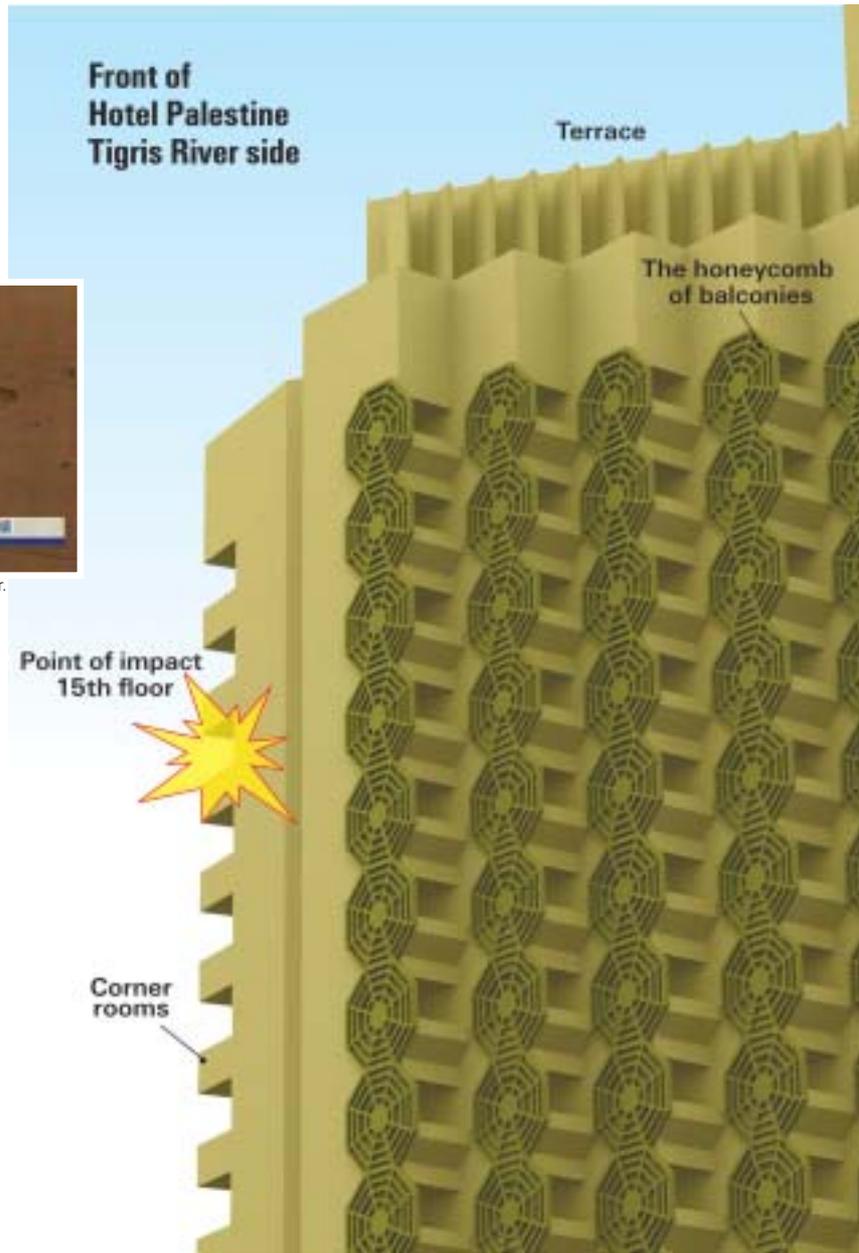
The *Nouvel Observateur* reporter on the 16<sup>th</sup> floor hears a big explosion and runs down to the *Reuters* office on the floor below and helps Delay give first aid to **Protsyuk, who has a very serious stomach wound. He is taken away in a sheet and dies on the way to hospital.**

*Reuters* reporter Nakhoul is on the balcony next to Protsyuk's. Seven *Reuters* people are working in her room. After seeing an orange flash, **she finds herself on the floor with her face burning from shrapnel.** She can't see any more and her face and head are bleeding badly. *Reuters* photographer Saleh Kheiber, who has been on the balcony with her, is burned in the eyes and face. Nakhoul does not know Protsyuk has been hit on the neighbouring balcony. She is taken from one hospital to another amid all the shooting. Shrapnel is eventually removed from her head.

After the wounded have gone, journalists gather in the hotel lobby and corridors to try to figure out who fired and why. Many think it was an Iraqi rocket-propelled grenade (RPG) to intimidate the foreign press watching the fighting from the

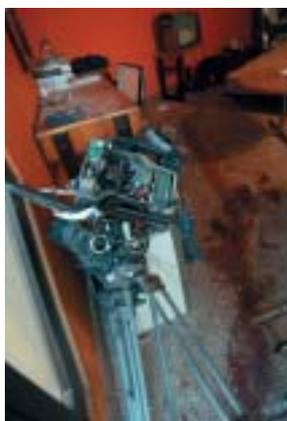


Shell impact on the 15<sup>th</sup> floor.



hotel. The Iraqi information ministry, more concerned with showing the world hospitalised victims and bombing damage and steering journalists to ministry press conferences or guided visits, have never allowed foreign journalists to go to the front line.

Hervé de Ploeg, of *France 3*, says he is sure **it was the Americans who fired**. The orange flash from the cannon of the Abrams tank, its turret directly facing the hotel, and the sound of the shell hitting the hotel immediately afterwards - it has all been filmed.



The two injured cameramen, Taras Protsyuk and José Couso, being evacuated from their wrecked hotel rooms.

# 3 REACTIONS (WITH COMMENTS)

These pictures are immediately relayed around the world. The US Army is obliged to admit its mistake but says the shell was fired in legitimate self-defence. Here is some of what was said:

## ■ 8 APRIL: FIRST VERSION OF EVENTS

### 13:05 (BAGHDAD TIME)

One of the first reactions was from a **Pentagon official**, speaking anonymously barely an hour after the incident, saying “we have reports of Iraqi snipers in the vicinity of the hotel, operating from the hotel, proving that this desperate and dying regime will stop at nothing to cling to power.” (N°1)

### 13:46

In Iraq, 40 minutes later, **Gen. Buford Blount, commander of the 3ID**, which the tank that fired belonged to, said: “**A tank was receiving small arms and RPG fire from the hotel and engaged the target with one round.** After that, there was no more shooting.” This very confident statement backed up the version that a tank came under Iraqi fire from the hotel and by returning fire destroyed the enemy position. But none of the many journalists at the hotel saw or heard any shooting from the building. All of them were very clear about this. (N°2)

### 15:37

**US Col. David Perkins**, commander of the 3ID’s 2<sup>nd</sup> Brigade, said: “**We’ve directed troops not to fire on the hotel even if they receive fire from it.**” This statement, made after the shelling, refers to instructions given after the incident. (N°3)

### 17:09

**Pentagon spokesman Bryan Whitman** expressed “**deep regret**” for “**the loss of any innocent civilian life. We don’t target civilians,**” he said, but Baghdad “**is a dangerous place for journalists**” and the regime was in the habit of “**intentionally putting civilians in danger.**”

He said **the Pentagon knew there were journalists in the hotel** but said US troops had been targeted by rocket fire from the hotel and that their duty was to respond. Four hours after the shooting, the line was still legitimate self-defence, but the Pentagon admitted it knew reporters were in the hotel. (N°4)

Soon afterwards, Centcom chief spokesman Gen. Vincent Brooks said **Coalition forces operating near the hotel had been fired on from the hotel lobby and had responded.** When a journalist noted that the lobby was on the opposite side of the hotel and on the ground floor, Brooks corrected himself and said he “may have misspoken on exactly where the fire came from,” and added: “We potentially take fire from those locations and decisions have to be made at a very low tactical level. **This coalition does not target journalists so anything that has happened would always be considered an accident.**” He stressed that Baghdad “was a very dangerous place.” The mistake by Brooks, which everyone noticed, seemed more like inaccuracy than contradiction and is not significant. (N°5)

### 19:50

Centcom spokeswoman Maj. Rumi Nielson-Green said field commanders had reported heavy enemy fire from the hotel and that Coalition forces had responded. (N°6)

**Gen. Brooks** accused Saddam Hussein of using the hotel for military activities. “We had some awareness of how the hotel might be used and that there are a variety of activities that occur there. **All who are not part of the regime should be aware that it uses places like the Palestine Hotel for other purposes.** We have tried to mitigate the risk wherever we can and in some cases, the risk cannot be driven to zero.” (N°7)

“**We don’t know every place a journalist is operating on the battlefield. We know only those journalists that are operating with us.**” This contradicts what Pentagon spokesman Whitman said earlier. (see N°4)

The excuse of legitimate self-defence was strongly maintained by all US officials.

## The right to fire back

Maj. Gen. Stanley McChrystal, vice-director of operations for the U.S. Joint Chiefs of Staff, said on 8 April that US forces “had the inherent right of self-defence. When they are fired at, they have not only the right to respond, they have the obligation to respond to protect the soldiers with them, and to accomplish the mission at large.” (N°8)



Several US statements stressed that US forces acted in good faith and were not against the media. Pentagon spokesman Whitman said: "Not only are we not trying to silence" journalists, "we're one of the few countries that have not expelled them." (N°9)

Other remarks, less official, revealed up a different military view of journalists in the war. Retired Marine Lt. Gen. Bernard E. Trainor said on 8 April that "there's nothing sacrosanct about a hotel with a bunch of journalists in it." (N°10)

In the US media, various official sources gave their opinions on the incident. Pentagon officials in Washington admitted off-the-record that the tank may have fired in haste after mistaking the journalists' cameras for weapons.

A "senior defence official" was quoted as saying US troops in Baghdad "were not briefed as thoroughly as pilots on what targets to avoid or treat with particular caution" and that the rules of engagement were different on the ground, with soldiers fired on having the right to respond, wherever the shooting came from.

Pentagon officials stressed that independent, "non-embedded" journalists were at great risk if they stayed in Baghdad.

One said: "If we go through town again and we receive hostile fire from that building, I wouldn't want to be in the building."

Others said British troops were trained to pay more attention to civilian casualties than US soldiers were. A US Army general said on 8 April that British forces in the southern city of Basra had illustrated this. "Americans tend to see the fight as a medieval clash of the titans, with the population on the sidelines," he said, "while the British view it as a fight between two sides for the support of the people."

#### • Observations at the end of 8 April

A few hours after the attack on the hotel, the excuse of legitimate self-defence was repeated endlessly by officials and widely broadcast. The error was described as a normal, legitimate and inevitable reaction and a right and a duty of any soldier who came under armed attack. There was no discussion of the fact that a shell, meant to destroy an enemy, had hit only journalists. Or of the claim that the tank's reaction had, according to the Pentagon, ended Iraqi firing. "Legitimate self-defence" dominated media coverage and discouraged any challenging of it. It became the first version of events.

## ■ 9 APRIL: A MORE OFFICIAL VERSION

### 02:54 (BAGHDAD TIME)

Pentagon spokeswoman Victoria Clarke said she regretted the death of the journalists **but noted she had reminded the media several times that war was a “dangerous, dangerous business and you’re not safe when you’re in a war zone.** We are at war. There is fighting going on in Baghdad. **Our forces came under fire. They exercised their inherent right to self-defence,”** she said, adding: “We go out of our way to avoid civilians. We go out of our way to help and protect journalists.” (N°11)

US Vice-President Dick Cheney said the suggestion that US troops had deliberately attacked journalists was “obviously totally false... You’d have to be an idiot to believe that.” He regretted the deaths but said US forces could not guarantee their safety. “The attack on the hotel was simply the act of troops responding to what they perceived to be threats against them,” he said, adding that “we do the very best we can, but it’s still a war zone.” (N°12)

**But British forces dismissed a Pentagon spokesman’s statement** the previous day that the hotel had been a US military target for the two days before the shelling because it was a place where Iraqi officials met and that journalists knew it was a target.

### 19:21

**British foreign secretary Jack Straw** told a press conference in Madrid that it was **very unlikely the hotel had been designated a military target.** He said things could go wrong during a military operation but did not know if this is what had happened and would wait for the results of the enquiry under way. **He promised that Britain, as a military power in Iraq, would**

**do all it could to find out how the the journalists had come to be killed.** (N°13)

**Lt. Col. Philip DeCamp, commander of the 3ID’s 4<sup>th</sup> Battalion, 64<sup>th</sup> Armor Regiment, said he had no idea where “these hotels” were.** “I’m sorry to say it, but I’m the guy who killed the journalists. I’m really sorry, and I feel badly for their families, but I had no choice. My soldiers’ lives were in danger.” (N°14)

**Maj. Kent Rideout, the battalion’s executive officer, said** that when there was direct fire there was no protection and troops had the right to fire back. He said enemy forces were clearly very active on the other side of the river at the time. (N°15)

Unofficial military sources said the soldiers were the target of mortar fire from several places apparently near the hotel and had information that Iraqi “spotters” were using large buildings to watch US troop movements.

### • Observations at the end of 9 April

**The first version of events was repeated and confirmed but also adjusted as contradictions became evident.** The legitimate self-defence line was still maintained but at a higher official level. It was amended by ruling out any “deliberate” action against the journalists and adding the idea of the “danger of war zones” (Pentagon spokeswoman Clarke) and Baghdad as a “war zone” (Vice-President Cheney). The supposed firing from the hotel was now described by Cheney as “perceived threats” by the troops to themselves. DeCamp said he did not know where “these hotels,” including the Palestine, were. Unofficial sources began to speak of mortar fire coming from near the hotel instead of from the building itself. The element was also introduced of a hunt for Iraqi “spotters,” equipped with binoculars and radios to help direct mortar and artillery fire.

## FOR THE RECORD

EXTRACT FROM A PRESS CONFERENCE GIVEN BY WHITE HOUSE SPOKESMAN ARI FLEISHER ON 28 FEBRUARY, SHORTLY BEFORE THE WAR BEGAN.

**“Question:** The Pentagon yesterday delivered a rather strong warning to news organizations, that they should get their journalists out of Baghdad because it would be a very unsafe place once a conflict begins. Some of the news organizations that received that warning said they suspected that at least one of the purposes of delivering it was that the Administration doesn’t want journalists in Baghdad to witness what goes on in the case of a war. Is there anything to that suspicion?

**“Fleisher:** No. I think that if there is war, there is one thing I have to say to the journalists who are going to be in harm’s way, doing their duty for our country and our people - and that is I can only urge you all, individually, as people I know and to your colleagues, to listen to the military. This is not a light matter. And if the military says something, I strongly urge all journalists to heed it. It is in your own interests, and your family’s interests. And I mean that.”

# 4 ACCOUNTS (WITH COMMENTS)

## ■ ACCOUNT OF CAPT. PHILIP WOLFORD, commander of the Alpha 4-64 Armor Company

On the morning of 10 April, after the fighting had ended between the Palestine Hotel, Saadoun Avenue and the Youth Building, a reporter from *Le Nouvel Observateur* went to the Al-Jumhuriya Bridge from where the Abrams tanks had fired on the hotel two days earlier. The 3ID tanks and their commander, Capt. Wolford, were still there. A description and extracts of what was said:

"Two days after the fighting ended, the bridge is still littered with burnt-out vehicles and thousands of spent machinegun cartridges. An unexploded rocket is sticking out of the road, the bridge's railings are broken and the ground is scarred with the impact of ammunition – machinegun bullets, rockets and Russian Kornet anti-tank missiles – fired during the four hours of battle on 8 April.

Wolford, who was calm, open and thoughtful and talked for two hours, said all his tanks took direct hits. He gave a tour of them, showed smashed bulletproof glass on the turret of one, impact marks on another and a cannon burned by an incoming RPG. **He said he was directly behind the tank which fired on the hotel and that he authorised the firing.**

The night before, the tanks had spent eight hours mopping up around the vast presidential complex on the west bank of the river. The next morning, the tank column went out to occupy the intersection that led to the bridge. The tanks went a little further on, to the start of the 300-metre bridge, and immediately met a barrage of fire from the other side of the river.

The whole riverbank was lit up with the red and white flashes of guns being fired, he said. Right opposite was a building from which a lot of rockets and missiles were being fired. On the left, towards the Al-Sinnaq Bridge, were two missile-launchers and on the right, far away but very effective, was another one.

He also mentioned RPG fire able to smash tank tracks but said he especially feared the powerful 106 mm shells deliv-

ered by the Kornet missiles. He had counted between 20 and 30 four-man RPG teams all along the riverbank. Some were trying to get into barges to move beneath the bridge towards the tanks. It was the fiercest resistance they had run into since arriving in the city. Four of his men were wounded.

He decided to pull back and call for artillery support. Intense gunfire was battering all the buildings along the river. When they came back, 23 buses of enemy soldiers were waiting on the bridge. They included black-clad pro-Saddam fedayeen and many foreign Arab volunteers. The tanks destroyed the enemy firing positions one by one. The bridge is about 15 metres above the riverbank, so the shells were not visible until they arrived, making it hard to see whether the enemy fire was coming from the riverbank, the foot of a building or from the lower floors of one.

**Wolford said he strongly suspected an enemy spotter was directing the fire. He was told there was a man with binoculars on the roof of a building, well to the right of the bridge, from the area where the deadliest missiles were coming. This was the Palestine Hotel, whose upper-floor rooms with balconies were all occupied by journalists filming the fighting with large cameras.**

The informant did not see this activity. **The tank unit had been under continuous fire for several hours, from there and elsewhere, said Wolford, and he returned the fire without hesitation, in accordance with the rules.**

A second tank opened fire at the 15<sup>th</sup> floor of the Hotel. Wolford said he found out 20 minutes later that he had hit a hotel full of journalists. Yet all the TV and radio journalists, news agency and newspaper reporters – from Europe, the Americas and Asia – had been working for weeks out of the hotel, which had become as famous as other wartime media headquarters in Beirut and Sarajevo. Embassies, the



Captain Philip Wolford. (D.R.)

Pentagon and other US officials had been told of this and the building had been described and its GPS location given.

**So Woford did not know this? He said he did not.** So who held back the information? Woford's command includes A Company tanks (nicknamed "Assassins"), C Company "Cyclone" tanks, a mechanised "Attack" company, psyops personnel with loudhailers, a 155 mm artillery group and mortarmen. Their badge is an elephant with tusks and their camp is called Hannibal.

**Woford is in constant contact with his battalion commander, Lt. Col. DeCamp, who is in touch with brigade commander Col. Perkins, who in turn reports to 3ID commander Gen. Blount.**

Woford said he could not for a moment imagine how he would not see any piece of information that was passed down from headquarters. The conclusion must be that either **Washington, divisional headquarters or someone along the chain of command did not want to or did not see fit to pass on this information.**

Fortunately the news of the journalists' death reached the bridge, since a plane was set to drop a guided bomb on a building on the other side of the river. The death of the journalists delayed this so as to be sure this time not to hit the "suspicious" Palestine Hotel. The bomb was eventually dropped on a building occupied by Arab fighters 300 metres away from the hotel. It would have killed and wounded dozens of journalists if it had been dropped on the hotel. When asked about all this, Woford lowered his eyes and said: **"I feel bad. My men feel bad."** Later, he said **his training was that when in doubt, return the fire and check afterwards."**

### • Observations at the end of 10 April

The talk with Woford, who was on the spot, authorised the firing of the shell and who spoke personally, shows that:

**1. The shell was not fired to neutralise or silence an Iraqi gun position.** Woford said he was told about a man with binoculars on the roof of a building and it was this man, thought to be a spotter, that the tank intended to "neutralise."

**2. The shape of the bridge and its height in relation to the riverbanks made it very hard to see where any shooting was coming from.** Especially as it was coming from the sides and a long way away. (This applies to the area of the Palestine Hotel. The Al-Sinnaq Bridge was on the left at 11 o'clock position, the Youth Building 400 metres straight ahead, at 12 o'clock, and the Palestine Hotel was at 1.30 o'clock nearly two kms away.

**3. The officer in charge of the fighting did not know, because he did not have the information, that the large building that was the Palestine Hotel was occupied by journalists.** Even less that the hotel was the headquarters of the foreign media. So he treated the building like any

other on the opposite side of the river which were all assumed to be "hostile."

**4. The nature of the hotel was not communicated to him by his immediate superiors** (battalion commander, brigade commander and division headquarters).

**5. When he learned that journalists were there and that two had been killed, military plans were immediately revised** (the delay in the aerial bombing) and US forces took care not to hit the hotel again.

**So the first version of events was not true. The statement, repeated at the highest US government level, that the hotel was fired on in legitimate self-defence against RPG, mortar and other fire coming from it, was a lie.**

**What Woford said invalidates some of the earlier questions but also raises important other ones. The question is no longer "Who fired?" because we now know the answer. Or even "Was there firing from the hotel?" which all the journalists denied and which was anyway not the reason for the tank firing. It is "Why did the tank unit not know that the foreign media was based at the hotel?"**

### Official reactions after 10 April

**21 April: US secretary of state Colin Powell says** in a letter to Spanish foreign minister Ana Palacio **that the use of force was justified. US forces had responded to "hostile fire" that seemed to come from a place later identified as the Palestine Hotel,** he said, and the force used **was proportionate to the threat to US forces.** State Department spokesman Lou Finton says Powell's remarks were "based on our intelligence, which we never comment on."

**1 May:** Powell tells a Madrid press conference that the soldiers acted in legitimate self-defence. The US regretted the incident, he said, but considered it an accident in wartime conditions. **Young American soldiers trying to liberate that part of the city came under enemy fire and their lives were in danger so they responded.** He said the US would "continue to see if we can gather any more" evidence "to see if there was anything done which was improper or inappropriate," adding that he did not think the soldiers had done anything wrong.

### • Comment

On two occasions - a month and then two months after the shooting - speaking or in writing, Powell kept to the original explanation, thus making it into a **lie by the government.**

## ■ ACCOUNT OF Sgt. SHAWN GIBSON, commander of the tank that fired at the hotel.

Just as important as what Wolford said is the evidence of the gunner, **Sgt. Gibson**, who actually fired the shell after identifying the target, asking for Wolford's permission to fire and then firing. Wolford did not look at the target himself. Gibson's account was filmed as he spoke to Pascale Bourgaux, of Belgium's *RTBF* radio and TV. Some extracts:

He said he saw **a person on the balcony with a pair of binoculars, talking and pointing**. He did not aim at him immediately. He called his superiors to say what he had seen and after 10 minutes they gave him permission to fire and he then did. **He said he did not know there were journalists at the hotel and said that if he had known, he would not have fired.** (Wolford spoke of a man with binoculars on the roof, while Gibson said he was on a balcony.)

Gibson said nobody told him the hotel was an international media centre. **He had "never, never" known this and the soldiers had no access to TV or radio while they were in combat.** (Most soldiers and embedded journalists confirmed that during a month of fighting in the desert and especially in the tough last days nearing Baghdad, shut up in their tanks, they had no access to the major media.)

It was wartime, but his superiors would not have hidden that kind of information, he said. Soldiers did not do that and the US government never hid that kind of information. He said he **did not see anyone firing or any cameras, just a man with binoculars.**

He said the soldiers were told there was an artillery spotter there and they were looking for him. He said he scanned the building floor by floor, from left to right, from bottom to top, and saw the man with binoculars high up. He paused and called Wolford, who was in the tank behind to ask for permission to fire.

After the shell was fired, people at the hotel put out white flags. He said he was surprised journalists had not taken more precautions and said they should have put out white flags or sheets before they could be fired at. (Journalists were under strict Iraqi surveillance at the hotel, even during fierce fighting. The white flags some journalists displayed out of their windows after the shell was fired were quickly snatched away by Baath Party security officials who were in the hotel).

Gibson said off-camera he had used a high-explosive shell that went off when it hit the target. (This would explain the sound heard at the time and the extent of the damage done to balconies on several floors.)

He said the distance indicated by his viewfinder between the tank and the balcony was 1,740 metres. His viewing system allowed him to see clearly up to four kms (which was confirmed at Camp Mourmelon – see appendix).

## • Comparison of what Wolford and Gibson said

The difference between the Wolford's "man on the roof" and Gibson's "man on the balcony" seems to be more inaccuracy than contradiction, the difference between a man who saw the figure and a man it was simply reported to. It does not seem significant.

Much more troubling is Gibson's emphatic statement that he did not see any cameras on the balconies. The journalists at the hotel all said they were crowded with photographers and cameramen, especially that morning as the fighting raged on the bridge and the riverbank, as the hotel was the best place in the city to watch it.

Ruling out the unlikely possibility of dishonesty and a major lie, which would have serious consequences for any soldier (How would he not have been surprised by journalists being there? Why would he have concealed their presence from Wolford? Was he sure other tanks had not seen the same things? Why would he have taken responsibility for what seemed a grave error?), other reasons for the mistake might involve the fact that:

1. Nearly all the hotel's balconies had lattice-work screens (see photos), which the journalists often used so they or their cameras would not be seen.
2. The balconies of the rooms targeted (1503 and 1403) did not have such screens.
3. Anyone standing on these balconies, which were at the end of the building, was especially visible against the sky in the background.
4. These were the only balconies fired at.
5. There was a human factor in that the shell was fired after several hours of fierce fighting that began at 8:30 that morning and after fighting at the presidential complex the day before that lasted until late at night. All this after a difficult month in the Iraqi desert.

But these explanations have their limits.

The versions of Gibson and Wolford, each in their different locations, are coherent. **So the key question looms larger: Why did they not know what they were firing at?**

An answer may lie in the information available to the troops entering the city and arriving on the west bank of the Tigris that morning. What were their orders? Journalists were "embedded" in these units.



Sergeant Shawn Gibson.

■ **ACCOUNT OF CHRIS ANDERSON,**  
freelance photographer working for the independent  
photo agency *Seven*.

He was embedded in 3ID's 2nd Brigade, Alpha Company 1-64 (nicknamed "Wildbunch") commanded by Capt. Andy Helms. An armoured company comprises 12 Abrams tanks, two C-113 armoured vehicles and about 50 soldiers, including two medics and a communications unit. The nearest company was the 4-64 ("Cobra"), where Wolford was. Anderson was in a C-113, which is similar to a Bradley.

Late on 6 April, 1-64 was south of Baghdad and the next day was told to go into the city **to take control of the Rashid Hotel** while 4-64 took over the presidential complex. The Rashid was chosen because **the military thought the journalists, the Iraqi information ministry press centre and the minister's press conferences everyone saw on TV were still all located there.**

In fact, the journalists had moved out of the Rashid more than three weeks earlier and gone to the Palestine Hotel and the minister, after using the press centre at the ministry, near the Mansour Hotel, had been speaking to journalists on the terrace at the Palestine, where all the satellite equipment had been set up.

The purpose of seizing the Rashid was to put an end to these press conferences and show that Baghdad had fallen, Anderson said. The Palestine Hotel meant nothing to the

soldiers. They had the latest very detailed satellite-produced maps, with the Tigris, Saddam Hussein's Parade Ground and the Rashid marked. He said 1-64 set out at around four in the morning from 10 km south of the city. The 1-64 took the Parade Ground (near the Rashid) and 4-64 the presidential complex.

Anderson recognised the Palestine Hotel from his tank because for the past year he had studied maps and photos

of the city. The fighting was very fierce and confused because the soldiers were not ready for urban guerrilla type resistance, which they thought was for the 101<sup>st</sup> Division or the Special Forces to deal with. They were scared. He said his tank was parked slightly away from the Jumhuriya Bridge, near an amusement park.

The unit took some harmless mortar fire and Anderson listened to the communications radio. He said Capt. Helms was very concerned about not hitting civilians. Each time he was asked to authorise hitting a target, he would ask whether there were civilians, were they armed and were they firing.



Sgt Shawn Gibson studying his maps.

Then he would give an order to fire or else to hold fire.

There was mortar fire about every quarter of an hour, which seemed to come from near the Palestine Hotel. Twice a group of armed men gathered in front of the hotel, Anderson said. **Helms referred to "the Palestine" during the fighting because he had seen it on the map. But he did not know there were journalists there, said Anderson, who did not know either.**

Suddenly there was an explosion at the top of the hotel. Helms exclaimed angrily and asked what was going on. One lieutenant said he didn't know and another said he would try to find out. Helms wanted to know who had fired at the hotel. It had not come from his company. There was a second explosion. He asked for the brigade to be called but there was no reply because it had just been hit by an Iraqi missile. Helms then learned that Wolford's 4-64 had linked up on his right flank and when asked, it confirmed one of its tanks had fired at the hotel. Helms was furious and criticised a member of 4-64 for not consulting him before firing.

Where, at this moment, was 3ID commander Gen. Blount? Anderson said he thought he was outside the city and said he had seen him two days earlier at the airport.

• **Comments**

1. **Three weeks after journalists had moved across the river to the Palestine Hotel, the tank entering the city thought they were still at the Rashid.**
2. **They were ordered to take the Rashid, so as to put an end to the information minister's press conferences and show the world that Baghdad had fallen.**
3. **So for the soldiers, the Palestine was a building like any other that they paid no special attention to.**

■ **ACCOUNT OF JULES CRITTENDEN,**  
a *Boston Herald* reporter, encountered two days after the  
shooting, who was embedded in the 4-64 tank unit.

Visibility was poor that morning, with a lot of dust in the air, he said. Wolford had told his men the day before that everything on the east bank of the river was considered hostile and enemy territory. **"Everything north is a free-fire zone," he had said.** "There's no such thing as a no-fire zone in urban warfare." Crittenden said he had not seen the words "no-fire zone" on any of the soldiers' maps.

• **Comment**

**In the absence of definite information, the Palestine Hotel was assumed to be a hostile building.**

■ **ACCOUNT OF CHRIS TOMLINSON,**  
*an Associated Press (AP) reporter embedded in the*  
**"Attack" infantry company, part of 4-64.**

What he said is especially valuable because he spent seven years in US military intelligence before becoming a journalist.

He said there were four companies in 4-64 – Wolford's A Company ("Assassins"), C Company ("Cyclone"), the infantry company "Attack" and an engineering company known as "Beast."

He said "Attack" was south of the city, where the airport had fallen, on 6 April, parked in a field and then attacked by Saddam's fedayeen (who wounded four US soldiers) before getting orders in the evening to enter Baghdad the next morning around 4 am. 4-64 was told to take control of two palaces, while 1-64 took the Convention Centre and the Rashid Hotel. On the banks of the Tigris, near the Republican Palace, was a Republican Guard training camp. Wolford began the attack and at 4 am on 8 April, he entered the palace.

The initial plan was for 1-64 to take two bridges and for Wolford to stop at the presidential complex to avoid getting hit by "friendly fire," Tomlinson said. "But this was not possible because of an Iraqi attack from the north. Iraqis with RPGs arrived at the bridge. 1-64 could not move and Wolford, who was under attack, could not stay where he was. Ahead of him were RPGs and 82 mm mortars.

Tomlinson said **four Bradleys in his company took direct RPG hits. The Abrams crews were very scared of artillery and, faced with both this and RPGs, were very jumpy.** They were trying to take out all the sources of firing, even the RPG positions. Battalion commander DeCamp decided to send the Cyclone company to the Al-Sinnaq Bridge and the Killers company to Al-Jumhuriya Bridge.

Wolford counter-attacked on Al-Jumhuriya Bridge at around 8 am. He called for and was given mortar support and then aerial sweeps by an A-10 and British planes to flush out the area.

**An Iraqi prisoner had a radio, he said, and the interpreter listened in and heard a spotter directing fire from the roof of a large building. Everyone started looking for him.**

In his tank, Gibson saw a man with binoculars on the balcony of the Palestine Hotel. He was given permission to fire.

Afterwards, brigade commander Perkins got a call from Gen. Blount, saying one of the tanks had fired on the hotel, which was full of journalists. Perkins asked him where and what was the Palestine Hotel and said he thought the journalists were at the Rashid.

Perkins came and asked Tomlinson to describe the

Palestine to him, but did not say a tank had fired at it. He just said he needed an air strike and wanted to be sure not to hit the hotel. The journalist called Doha to get a description and its GPS location and said journalists there should put white sheets out at their windows. He was told the hotel could no longer be contacted. In the end, a journalist in Amman who knew the hotel gave a description of it and this was passed on to Perkins.

Tomlinson learned the hotel had been hit when he heard DeCamp ask Wolford on the radio why he had fired on the hotel and talked about wounded people there. It was 2 pm. Later he heard there were two dead.

**DeCamp and Perkins later confirmed to Tomlinson they were never told journalists were in the Palestine** before it was shot at by the tank.

Tomlinson said his editors told him the Pentagon had asked journalists to move out of the Palestine and had assured the AP that the chain of command had been told the hotel was full of journalists.

Each unit has a "fire support officer" whose job is to call in artillery fire and air raids. He has a map with all important places marked, including strategic buildings, hospitals, mosques and targets to avoid. Places not to be bombed are called Non Firing Areas (NFA).

**Tomlinson looked at these maps to see if what Perkins and DeCamp had said was true. It was. Mosques and hospitals were marked to be spared except in extreme cases of self-defence. But the Palestine was not marked. The only other NFA was the Republican Palace** (where US Administrator Paul Bremer is now based). Perkins, DeCamp and Wolford just had a two-year-old satellite-photo map of the city.

## • Comments

1. Tomlinson confirmed that the tank fired at an "Iraqi spotter" and not a gun position.
2. He throws light on an intended air strike that would avoid the Palestine and that was not mentioned until after the firing to justify a request for a description of the hotel after it had already been hit.
3. Nobody in the field command - Wolford or his superiors DeCamp and Perkins - knew about a Palestine Hotel, full of journalists.
4. Apparently 3ID headquarters did know and its commander, Gen. Blount, called to say a mistake had been made.
5. The hotel was not marked anywhere as being a NFA that was not to be attacked.



Le lieutenant-colonel  
Philip DeCamp. (D.R.)

# 5

## COMMENTS ON THE US ARMY INVESTIGATION

• [On 14 October 2003, Reporters Without Borders formally asked the Pentagon, under the Freedom Of Information Act, to supply it with the results of investigations into three incidents which have still not been satisfactorily explained. These were the 8 April bombing of the Baghdad offices of the TV station *Al-Jazeera*, the attack the same day on the Palestine Hotel and the death of *Reuters* cameraman Mazen Dana in Baghdad on 17 August. The press freedom organisation has still not received a reply.]

• On 12 August, the US Army released the report of its enquiry into the Palestine Hotel shelling (see appendix for full text). Extracts:

"The eighth of April was a day of very intense fighting for A Company, 4-64 Armor. Their immediate mission was to secure an intersection and deny the enemy the use of the Jamurohora Bridge. (...) Enemy transmissions were being monitored. [They] indicated that A Company was being

observed by an enemy spotter who was located across the Tigris River and was directing enemy forces and fires in their direction. (...)

"A Company personnel observed what they believed to be an enemy hunter/killer team on the balcony of a room on the upper floors of a large tan colored building. (...) One 120mm tank round was fired at the suspected enemy observer position. Immediately following that (...) coordinated enemy fire directed at A Company ceased."

In other words:

Troops were under fire, directed by a "spotter" described as an "enemy hunter/killer team." The tank opened fire, in what was considered a legitimate and proportionate response, and the supposed firing stopped. There was no error. Baghdad was a dangerous place. Some journalists chose to stay there despite repeated warnings. End of investigation.

# 6

## CONCLUSION

The Reporters Without Borders enquiry shows there was lying, as well as three levels of responsibility.

Supposed legitimate self-defence in response to shooting from the hotel - the excuse offered right from the beginning and re-stated and maintained at the highest level of the US government - was pushed in an effort to dominate the media and political discourse. This first version of events became the official version and was a lie by the authorities.

Despite the evidence, it took four months for the US Army to come up with its report, in which "direct firing" was replaced by an "enemy hunter/killer team" to justify legitimate self-defence. The new explanation is also a lie, by omission.

By focusing debate on technical military problems, the US government ignores the key to the tragedy - that the soldiers in the field were never told that a large number of journalists were in the Palestine Hotel. If they had known, they would

never have fired. When they did know, they gave and received instructions and took precautions to ensure the hotel was not fired on again.

**The firing of a tank shell at the hotel was not therefore a deliberate attack on journalists or the media.**

The Reporters Without Borders investigation shows that responsibility for the death of the two journalists and the wounding of three others is as follows:

- **At the lower level, Capt. Philip Wolford, who gave permission for the shell to be fired, and Sgt. Shawn Gibson, who asked for that permission and who fired the shell, are not responsible** for the death of the journalists. Whatever the technical issues, or the US tank unit tradition of "shoot first, check after" or the temperament of the officers or the orders that were given, Wolford and Gibson reacted as soldiers in a battle situation but without the means of knowing what they had done.

**At the same level, the immediate hierarchy – Battalion commander Lt. Col. Philip DeCamp and Brigade commander Col. David Perkins – also appear not to blame.** Their remarks and reactions and the accounts of embedded journalists indicate that they too had not been properly informed by their own superiors.

**- At a higher level, the headquarters of Gen. Buford Blount, commander of the 3rd Infantry Division (3ID), bears a heavy responsibility for not providing the necessary information that would have prevented the death of the journalists.** The Division's command had access to information from the Pentagon, from the Doha base and from the press and TV.

It is inconceivable that the massive presence of journalists at the Palestine Hotel for three weeks prior to the shelling, which was known by any TV viewer and by the Pentagon itself, could have passed unnoticed. This presence was never mentioned to the troops on the ground or marked on the maps used by artillery support soldiers. The question is whether this information was withheld deliberately, because of misunderstanding or by criminal negligence.

**- At the top level, the US government must bear some of the responsibility.** Not just because it is the government and has supreme authority over its army in the field, but also and especially because **its top leaders have regularly made statements about the status of war reporters in Iraq that have undermined all media security considerations and set the scene for the tragedy that occurred.**

An example was the response of White House spokesman Ari Fleisher at a 28 February press briefing. The Pentagon had just strongly advised the media to pull their journalists out of Baghdad before the fighting began. Asked whether this odd warning was a veiled threat to "non-embedded" reporters, the president's spokesman said: "If the military

says something, I strongly urge all journalists to heed it. It is in your own interests, and your family's interests. And I mean that."

This line was taken by other US government and military officials. The Army's 12 August report said Baghdad was "a high intensity combat area and some journalists had elected to remain there despite repeated warnings of the extreme danger of doing so."

After the shelling, Pentagon spokesman Gen. Vincent Brooks said: "We don't know every place a journalist is operating on the battlefield. We know only those journalists that are operating with us."

This amounted to creating two kinds of journalists - those who were "embedded" and so able to report on the fighting while under the protection of US forces and those who were advised to leave the war zone or face being ignored, with all the risks involved since the US Army was washing its hands of all responsibility.

This discrimination is contrary to the journalistic practice and tradition of a democratic country and indicates an intention to undermine efforts to provide the diverse media coverage that is needed of all sides in a war.

So it is hardly surprising that the position of the Palestine Hotel was not marked as a "Non Firing Zone" on the soldiers' maps. Not surprising either, but in this case criminal, that information about the presence of so many journalists at the hotel was not communicated by the military hierarchy to the tank units that arrived on the Al-Jumhuriya Bridge on the morning of 8 April and fired hundreds of rounds at the other side of the River Tigris.

It was one of these shells that killed journalists Taras Protsyuk and José Couso and wounded three others.

---

# 7

## RECOMMANDATION

Since the so-called "completed" US Army report on the killing of two journalists at the Palestine Hotel is not in fact complete, Reporters Without Borders demands the reopening of the enquiry to answer the real questions raised by their deaths.

# 8 APPENDICES

## THE SOLDIERS INVOLVED

**GEN. BUFORD BLOUNT III,  
commander of the 3rd Infantry Division (3ID)**

"Buff" Blount, 54, has commanded the 3ID since October 2001 and is described by an Army colleague as "a solid, though sometimes perhaps pedestrian guy. However, he will do well because he is a good soldier and leader." Another colleague called him "dignified, no ego, no bull, a master soldier."



He has had two tours of duty in Saudi Arabia, most recently as programme manager for the modernisation of the Saudi National Guard, the Saudi royal family's elite troops. "There's nothing about the Middle East and Arab culture he doesn't know," said one Army source who predicted he would soon be promoted to lieutenant-general and given a senior job in Iraq's post-war reconstruction.

Blount is a Texan, like his three superiors, Gen. Tommy Franks, Gen. Richard Myers and President George W. Bush. He is the top military officer in the Savannah (Georgia) region and his command

includes Fort Stewart and Hunter Army Airfield.

He graduated in 1971 from the University of Southern Mississippi, the Hattiesburg college that did not integrate its student body until 1965, three years before Blount enrolled there and three years after the University of Mississippi was forced to admit its first black student. He comes from a politically-connected family. His father, Buford Blount II, is a former Air Force colonel who was once deputy commander of Keesler Air Force Base and now mayor of Bassfield, Mississippi.

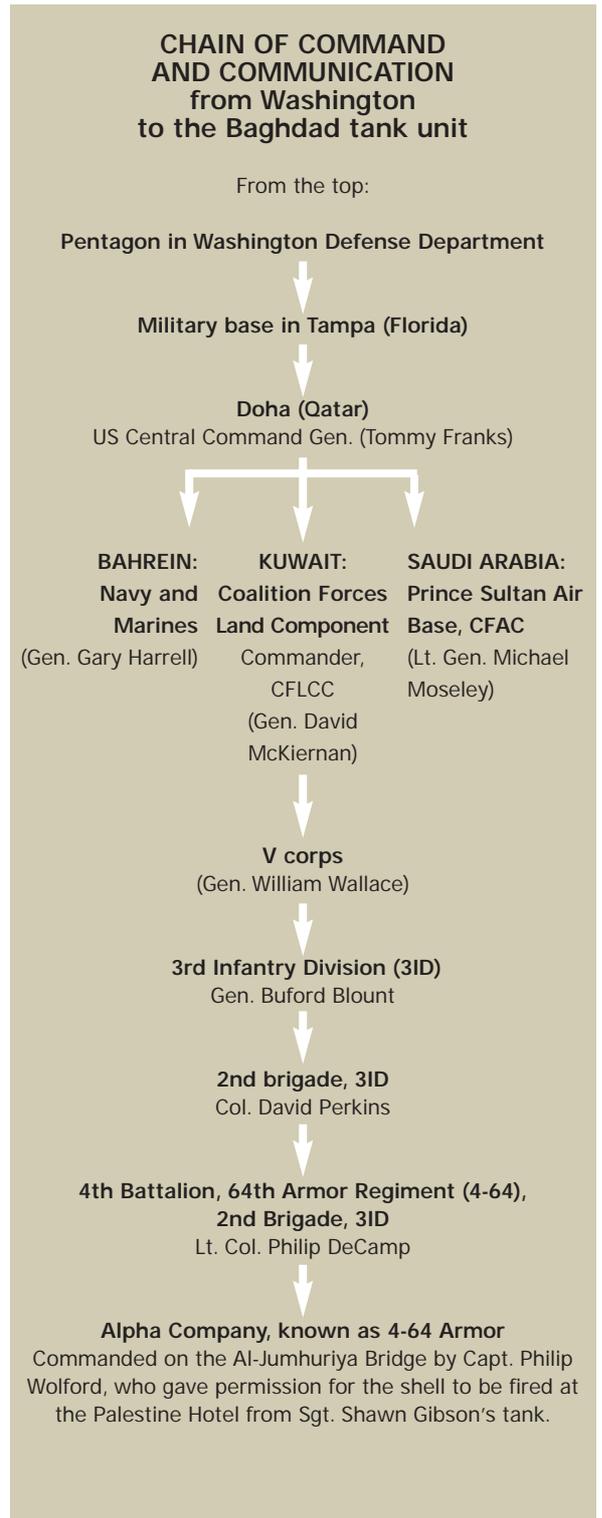
**COL. DAVID PERKINS,  
commander of the 3ID's 2nd Brigade**

His mother Louise says he always dreamed of becoming a general. "I'm proud of him for the simple fact that this is what he wanted. And because he has worked for it, he has sacrificed for it and he is committed."



Perkins has a younger brother, Richard, who is a Marines lieutenant-colonel. They have always been rivals. David, 45, is a West Point graduate, while Richard, 43, graduated from Annapolis. Their father served in the army in World War Two but says he never pushed his sons to go into the military.

David, who is married with two children and was made a colonel in 2001, led 70 tanks, 60 armoured troop transport vehicles and hundreds of technical support vehicles across the desert to Baghdad and entered the city on 5 April.



His mother said of his role in the Palestine Hotel attack that he had “nothing but the greatest respect for all of the men under him, and if they were firing on his men, he would give the command to fire. That’s his duty.”



**LT. COL. PHILIP DECAMP,  
commander of the 4<sup>th</sup> Battalion, 64<sup>th</sup> Armor  
Regiment of the 3ID.**

Decamp, 41, has been in the army since he was 23. His family has been in the military since the time of his grandfather, who was a general.

Born in Fort Benning (Georgia), he has lived at West Point, in New Orleans, Washington and Vilseck (Germany) and has moved to a new base every two years. He was a tank commander in the first Gulf War. He is a devoted soldier and sees military missions as sacred and more important than human concerns. He likes military regulations and drinks no alcohol. He is very pleased his third child is a boy, who he has named Alexander-Philip, after both his father and Alexander the Great.



**CAPT. PHILIP WOLFORD,  
commander of the A 4-64 Armor Company,  
4<sup>th</sup> Battalion, 2<sup>nd</sup> Brigade of the 3ID.**

Based at Fort Stewart (Georgia), he joined the army in 1995 after attending school in Marysville (Ohio), where he was a member of the Reserve Officer Training Corps. He ordered the tank on the bridge to fire at the hotel. Known as a bold and “pushy” soldier, he is married with three children.



**SGT. SHAWN GIBSON,  
commander of the Abrams tank that fired  
at the hotel.**

Aged 38, he has spent 18 years (nearly half his life) in the army and fought in the first Gulf War. He has five children and is very religious.

## THE JOURNALISTS KILLED

### TARAS PROTSYUK

The *Reuters* cameraman was hit in the stomach by shrapnel and died on his way to an Iraqi hospital.

Aged 35, he lived in Poland with his wife Lidia and their eight-year-old son Denis. He was born in Ivano Frankovsk (Ukraine), the son of a petroleum engineer, and studied aeronautical engineering at university with the aim of joining the Soviet space programme. In his last year at university, in 1990, the Soviet Union collapsed and he decided to become a freelance cameraman. In 1993, he joined Reuters and covered wars in Bosnia, Macedonia, Chechnya, Afghanistan and Kosovo.



When he worked at the *Reuters* bureau in Warsaw, “he wanted to become a Polish citizen and was waiting for his passport,” said one of his former colleagues. “He was always cheerful and in Iraq, was one of the most experienced and savvy people around. He always kept his camera in his room and at night he filmed the bombing. We talked a lot about the Polish journalists who went missing near Najaf and he phoned the wife of one of them to comfort her.”

*Reuters* editor-in-chief Geert Linnebank said the agency was very upset by his death because he had done a very professional job covering some of the biggest wars of the past decade.

### JOSÉ COUSO

The 37-year-old Spanish cameraman was hit by shrapnel in his right leg and face and died in hospital while being operated on.

Born in the Galician city of Ferrol, he moved to Madrid in the early 1990s to work for Spanish TV agencies and then for the TV station *Telecinco*, for which he covered the wars in the Balkans, events in Middle East, the Spanish-Moroccan dispute over Perefil island, and the sinking of the tanker *Prestige*, off Galicia. He was in the Palestine Hotel with *Telecinco* editor Jon Sistiaga. He was married with two children, aged 6 and 3.

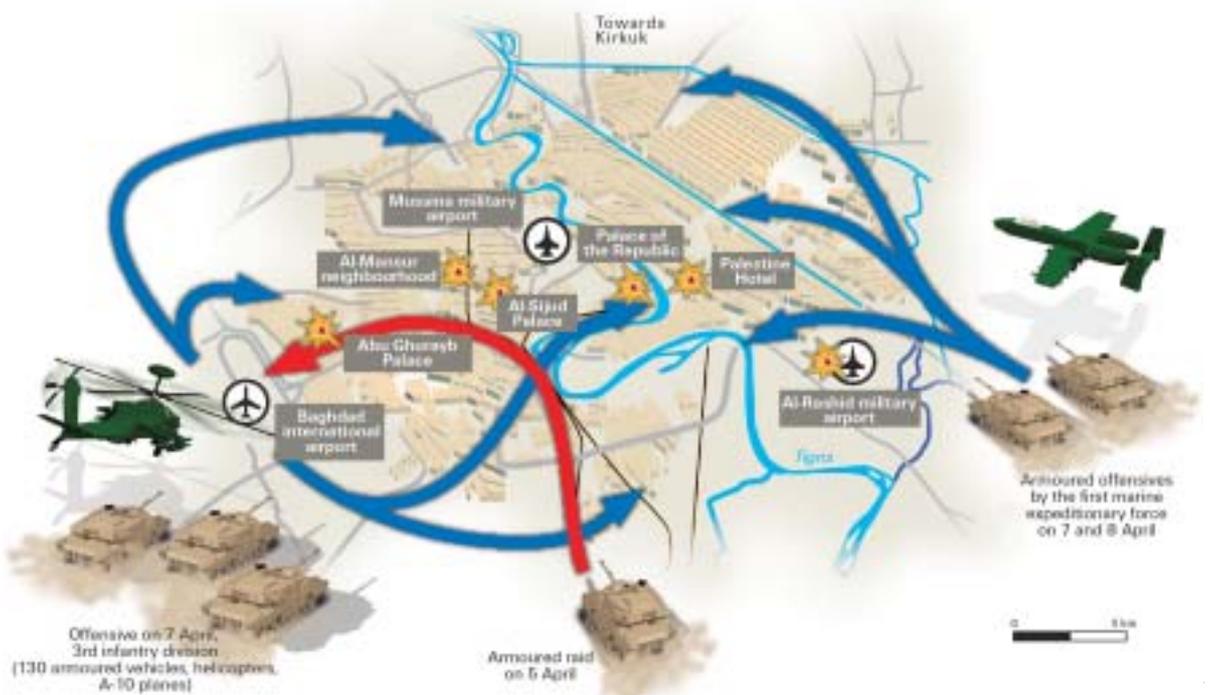


Spain is one of the firmest US allies in Iraq and defence minister Federico Trillo asked the Spanish general based in Kuwait to get an explanation of the incident from US officials.



Satellite view of Baghdad on 7 October 2002

## Offensives against the capital



# VISIT TO THE TANK TRAINING CENTRE AT CAMP MOURMELON (FRANCE)

The camp is a base for Leclerc battle tanks, which are state-of-the-art like the US Abrams tanks. We were allowed to try out all the positions of command and firing, observe targets and buildings in different conditions of light, at a similar distance to that between the Abrams tank on the bridge and the Hotel Palestine, both while stationary and on the move.

## Data gathered:

The Abrams tank, at 70 tonnes, is heavier and consumes 56 gallons (225 litres) of petrol an hour. The Leclerc (55 tonnes) has a 1,500 HP engine and can accelerate from 0 to 30 km/hour in five seconds. There are four generations of Abrams tanks (M1, M1-A1, M1-A2, M1-A2 SEP). The one on the bridge in Baghdad was an M1-A1 with a 120 mm gun and a radio system.

### • VISION

The Abrams and the Leclerc have very similar identification and targeting systems. Both are available to the gunner – an optical system in daylight and thermal imaging at night. When visibility is reduced when facing the sun or by smoke or thick fog, thermal imaging overcomes this. Other possible problems are large obstacles in front of it or the need for quick action. The tank has an episcopo at turret level, giving the commander has a 360-degree view of the immediate surroundings.

### • FIRING

The main weapon is a 120 mm cannon, with an ideal range of 2,500 metres and, atop the vehicle, a heavy machinegun - 12.7 for the Abrams and 7.62 for the Leclerc.

Three kinds of shells: 1. Armour-piercing (anti-tank), travelling at 1,700 metres/sec. 2. Hollow. 3. "High-explosive" shells that travel at 1,000-1,100 metres/sec., for destroying troop-carrying vehicles or for use in towns. Smoke grenade launchers are fitted to the turret and can fire up to 60 metres in all directions.

### • TARGETING

The commander's line of sight (LOS) allows him to use the cannon himself or to point it immediately at another target identified by the gunner.

### • VULNERABILITY

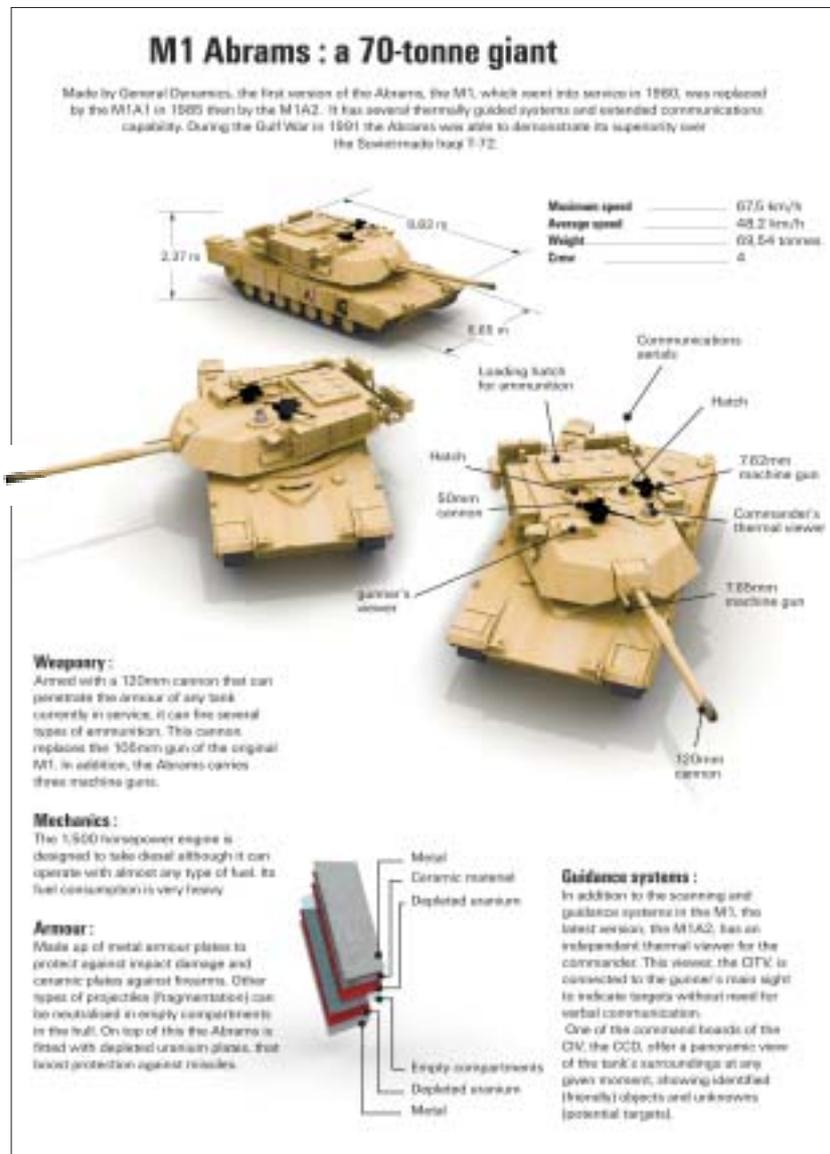
The Abrams and the Leclerc are virtually invulnerable on the battlefield. Their weak points are their tracks, their rear and the gunner's turret. Their biggest enemies are anti-tank planes and helicopters, which the Iraqis do not have. But mortar fire and anti-tank missiles are still a problem. Rocket-propelled grenades and rocket-launchers must be fired no further away than 100 metres and must hit the tank's tracks to be effective.

### • SIGHTING, IDENTIFYING, KILLING

At 1,500, 1,700 metres and 2,000 metres, vision is good for an inexperienced soldier, and thus for an experienced one too. A human figure can be clearly seen at an open window or on a balcony, including whether the person has a camera or binoculars. Sighting and destruction of an enemy position or vehicle is possible up to four kms away. Even going at 60-70 km/hour, the tank is stabilised by a gyro-controlled turret from which firing is possible going down a two-degree slope or up a nine-degree one.

### • SIMULATION

Test-firing at the camp's simulation centre confirmed the great precision and easy targeting possible with these modern combat tanks.



## INVESTIGATOR'S CONCLUSION:

The "target" was observed in daylight, 1,740 metres away, for many minutes, from the gun turret of a stationary Abrams tank. In such conditions, it is quite unlikely that an experienced professional such as Sgt. Shawn Gibson, who had already served in the first Gulf War and was familiar with the tank's technology, would make a firing error, be confused or mistake a target.

## A GUIDE IN BATTLE

Military officers of all NATO countries who use tanks in wartime have a similar combat handbook known in the US Army as "Fragmentary Orders," which contains combat plans, the units involved, support available, departure points and targets. It gives as much detail as possible about enemy and friendly forces, elements that are neutral or those to be spared (civilians, NGOs, medical personnel). If troops advance rapidly, the Fragmentary Orders are revised and updated carefully. A special "fire support officer" guides artillery fire and has maps that show "non firing" areas or zones (NFA or NFZ), which are excluded as targets.

## REQUESTS FOR AN ENQUIRY

**Soon after the shelling of the hotel, the victims' families filed official complaints and various organisations called for an enquiry, with some taking steps to improve the protection of journalists in war zones. These initiatives included:**

- 8 April 2003: The European Union said it would contact the US authorities about protecting journalists.
- 8 April: The Committee to Protect Journalists (CPJ) wrote to US defense secretary Donald Rumsfeld asking for a thorough and immediate enquiry into the attacks on the hotel and the *Al-Jazeera* offices.
- 9 April: The UN Correspondents Association (ACANU) in Geneva called for an independent enquiry in a letter to UN secretary-general Kofi Annan.
- 9 April: Reporters Without Borders called for an "impartial, objective and independent" enquiry by the International Humanitarian Fact-Finding Commission into the firing on the hotel. It had already (1 April) urged the Commission to investigate the bombing of Iraqi state TV offices by Coalition forces.

The Commission was set up in 1991 under the First Additional Protocol of the Geneva Conventions to investigate serious violations of international humanitarian law, but it cannot act unless asked to by parties to a conflict or by countries that recognise its jurisdiction. The parties complained of must then agree to an investigation. These conditions have never been met, so the Commission has never made any investigations.

Its president, 65-year-old New Zealand Court of Appeal judge Sir Kenneth Keith, notes that the governments that set up the Commission are not very keen to see it in operation and he admits it has achieved nothing.

The Commission's work is so secret that even the post office seems not to know where it is, since letters that Reporters Without Borders sent to each of its 15 members in Berne in early July were returned marked "addressee unknown." But the Commission's secretariat confirmed the address was right and asked that the letters be sent again, adding a name to the address. The Commission puts out a report on its activities every five years. The 2001 report is only three pages long.

Reporters Without Borders called on Sir Kenneth on 9 and 23 April and again on 1 July to exercise his "right of initiative" so the Commission could investigate Geneva Convention violations against journalists and media covering the Iraq war. It called on him to publicly ask the United States to formally ask the Commission to investigate, in accordance with procedure.

The press freedom organisation got only one reply from Sir Kenneth, on 22 April, in which he noted he was powerless to act, saying that despite appeals by several international organisations, the countries involved in the war had shown no interest in using the Commission's services.

Of the countries involved in the Iraq war, only Britain and Australia have recognised its jurisdiction, so an enquiry could be made into these two countries' activities. It remains for the United States and Iraq to give special agreement in principle to such an investigation.

- 10 April: Ukrainian foreign minister Anatoly Zlenko said he had asked the United States and Britain to make a "thorough enquiry" into Protsyuk's death.

- 10 April: The Inter-American Press Association (IAPA) called for an immediate enquiry into the deaths of Protsyuk and Couso.

- 10 April: The socialist opposition in Spain tabled a motion in parliament urging prime minister José Maria Aznar's government to investigate the deaths "thoroughly and credibly."

- 11 April: The US military's Central Command in Iraq promised to investigate the deaths. The US ambassador to Ukraine, Carlos Pascual, said an enquiry should be made into what he called a "tragic accident."

- 11 April: Couso's two brothers, Javier and David, filed a complaint against the Spanish government, signing it in front of the Supreme Court, like other group complaints filed by hundreds of people, with the support of the Free Lawyers Association (ALA). They demanded "justice for the murder" of their brother.

- 27 May: David Couso filed a complaint in Spain for "war crimes" and "murder" against the three US soldiers involved in Couso's death. The case was accepted on 21 October by Spain's highest criminal court. Couso's widow and one of his sisters formally joined the case later, as did Reporters Without Borders on 13 November.

- 25 April: Richard Sambrook, head of news at the *BBC*, said "responsibility lies with certainly the Pentagon and the chain of command, which knew where the international press was based."

- 8 October: The CPJ in New York said the US military's "failure to provide an honest and open accounting of what occurred keeps alive questions about whether US forces are taking the necessary steps to avoid endangering journalists." So far, it said, the military had provided "only summary explanations or no explanation at all" for the deaths of journalists in Iraq.

## RESULT OF THE US ARMY INVESTIGATION

**The US Army announced this on 12 August:**

MACDILL AFB, Tampa: The investigation of the incident at the Palestine Hotel, Baghdad, Iraq on April 8th, 2003 is complete. The investigation was directed by the Land Component Commander, U.S. Central Command, and concludes that a tank from A Company, 4-64 Armor properly fired upon a suspected enemy hunter/killer team in a proportionate and justifiably measured response. The action was fully in accordance with the Rules of Engagement.

The following summary provides background and details of the event.

By 7 April: Coalition forces had begun to encircle Baghdad and had initiated thrusts into the city. On 8 April: Coalition forces were pushing into Baghdad and being met with fierce enemy resistance. The enemy was operating throughout the civilian areas of the city, firing a spectrum of weapons at Coalition forces from the roofs and windows of surrounding buildings. The enemy was fighting without any regard to civilians or civilian structures. Coalition forces continued to fight their way toward the Tigris River, just across from the Palestine Hotel, an area of significant enemy contact.

The eighth of April was a day of very intense fighting for A Company, 4-64 Armor. Their immediate mission was to secure an intersection and deny the enemy the use of the Jamurohara Bridge. On A Company's first attempt to secure the intersection they were met with heavy enemy direct and indirect fire from Rocket Propelled Grenades (RPGs), mortars and small arms originating from prepared defensive positions (bunkers) and from within and atop surrounding buildings. As they approached the intersection, they suffered two Wounded in Action (WIA). The intersection was defended by almost a battalion of Iraqi Republican Guards. Fire was so intense that A Company pulled back and requested Close Air Support (CAS) and additional fire support. An A-10 aircraft dropped a Joint Direct Attack Munition (JDAM) and strafed the enemy. A Company reattacked. The enemy continued to resist with much of their fire coming from the opposite bank of the Tigris River.

Spot reports were continually arriving at A Company concerning increasing enemy movements and activities along the opposite side of the Tigris River. Additional reports disclosed the discovery of potent Anti-Tank missiles. At this point, A Company had been in heavy fighting for several hours. The Company Commander was then advised by his Task Force Headquarters that an enemy radio had been recovered and that enemy transmissions were being monitored. Those transmissions indicated that A Company was being observed by an enemy spotter who was located across the Tigris River and was directing enemy forces and fires in their direction. While still under heavy mortar, RPG, and missile fire, the A Company Commander directed his people to scan the surrounding buildings to try to find the enemy observer. A Company personnel observed what they believed to be an enemy hunter/killer team on the balcony of a room on the upper floors of a large tan colored building. They also witnessed flashes of light, consistent with enemy fire, coming from the same general location as the building.

One 120mm tank round was fired at the suspected enemy observer position. Immediately following that, monitored transmissions indicated that the enemy observer was taking fire and coordinated enemy fire directed at A Company ceased. It was only some time after the incident that A Company became aware of the fact that the building they fired on was the Palestine Hotel and that journalists at the hotel had been killed or injured as a result. However, intelligence reports also indicated that the enemy used portions of the hotel as a base of operations and that heavy enemy activity was occurring in those areas in and immediately around the hotel.

**Conclusions:** A Company was under heavy enemy attack. The company had positive intelligence that they were under direct observation from an enemy hunter/killer team. The activities on the balcony of the Palestine Hotel were consistent with that of an enemy combatant. They fired a single round in self-defense in full accordance with the Rules of Engagement. The enemy had repeatedly chosen to conduct its combat activities from throughout the civilian areas of Baghdad.

These actions included utilizing the Palestine Hotel and the areas immediately around it as a platform for military operations. Baghdad was a high intensity combat area and some journalists had elected to remain there despite repeated warnings of the extreme danger of doing so. The journalists' death at the Palestine Hotel was a tragedy and the United States has the deepest sympathies for the families of those who were killed.

## THE GENEVA CONVENTION

**Extracts from Additional Protocol I (1977) of the 1949 Geneva Conventions concerning the protection of victims of international armed conflict:**

### CHAPTER III - JOURNALISTS

Article 79 - Measures of protection for journalists

1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.
2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 A (4) of the Third Convention.
3. They may obtain an identity card similar to the model in Annex II of this Protocol. This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist.

---

## ACKNOWLEDGEMENTS

**Our thanks to everyone who contributed to this investigation and agreed to talk to us at length, including:**

Soldiers: Sgt. Shawn Gibson and Capt. Philip Wolford in Iraq.  
Civilians: Chris Anderson in Paris, John Moore, Jérôme Delay in Iraq and Paris, Samia Nakhoul, Caroline Sinz in Iraq and Paris, Christian de Carné in Paris, Frédéric Lafargue, Patricia Allémonière, Adrien Jaulmes, Jean-Paul Martin, Hervé de Ploeg in Iraq and Paris, Chris Tomlinson in Washington, Richard Grayson in New York, Pascale Bourgaux in Iraq and Brussels, Tom Davis in Washington and Jules Crittenden in the United States.

We regret the lack of cooperation from Fox News and its failure to respond to our requests for information about the death of the two journalists.

We thank DICOD, the tank crew and the authorities at Mourlelon Camp for their valuable help.

We would like to thank the news agencies: *AFP*, *AP* and *Reuters* for their cooperation, as well as the TV channels *France 3*, *TF1* and *RTBF*.

# 9 OTHER JOURNALISTS KILLED

**T**he deaths of other journalists killed by US forces during and after the war in Iraq have not been seriously investigated.

22 March: Terry Lloyd, veteran war reporter with the British TV station ITN (ITV News), was killed when his convoy crossed into Iraq from Kuwait and was caught in shooting between Iraqi forces and US Marines. US firing probably killed him. The Pentagon has never produced the results of an enquiry into the incident or fully cooperated with British Army efforts to find out what happened to French cameraman Frédéric Nérac and Lebanese interpreter Hussein Osman, both in the convoy, who disappeared at the same time.

8 April: US forces bombed the offices in Baghdad of the Arab TV stations *Al-Jazeera* and Abu Dhabi TV. *Al-Jazeera* special correspondent Tarek Ayoub was killed but no officials appear to have investigated his death.

17 August: *Reuters* cameraman Mazen Dana, 41, was killed by a US soldier while filming (with permission) a prison guarded by the Americans in a Baghdad suburb. A month later, the Pentagon said his death was "regrettable" but that troops had "acted within the rules of engagement."

## ENQUIRY INTO THE DEATH OF PATRICK BOURRAT

Patrick Bourrat, an experienced war reporter and special correspondent of the French TV station *TF1*, died on 22 December 2002 during US manoeuvres in Kuwait, the day after being hit by an Abrams tank as he warned his cameraman to get out of the vehicle's way, according to the French embassy. He was the first journalist to die because of the impending Iraqi war.

A US military spokesman, Maj. Denton Knapp, said: "We did everything we could to keep him safe" but he "made a mistake and it was a tragic one." The message was that it was Bourrat's own fault that he died.

The facts seem more complicated. We have not been able to see the full medical record but evidence we have suggests there were irregularities in his treatment that included serious medical errors. He may not have simply died as a result of the tank accident.

This report is dedicated to Bourrat.

## THE FACTS

The *TF1* crew - Bourrat, cameraman Bernard Guerni and sound-man/technician Elie Bonnet - went with other journalists on 19 December to Camp Doha, in Kuwait, to arrange coverage of the first major US Army manoeuvres. Most of the French crew were quite tired after flying from Paris and not having much sleep over two days. But the middle-aged Bourrat, a slim fitness fanatic who neither smoked nor drank, was in good condition.

The journalists were briefed about the manoeuvres and the safety rules and were given luminous stickers to make their

vehicles more visible. Then they were assigned to various tank units and the next day returned to film the manoeuvres.

**On 21 December, they gathered at 7 am and were driven in Humvees to a live-ammunition manoeuvre in the Kuwaiti desert, eight kms from the border with Iraq.**

They were to film a minesweeping exercise along an imaginary border involving breaking through a line of defence indicated by plastic markers.

Before the journalists arrived, the soldiers had set off a blast that was supposed to clear away obstacles. Around 9 am, the crew filmed the minefield and then moved when the Abrams tanks approached. Bourrat and Bonnet stood to one side, near a Humvee, behind some barbed-wire. Cameraman Guerni moved forward on one side, outside the plastic safety markers, to film the tank as it passed.

Bourrat suddenly thought Guerni was going to be too close to the tank and ran round the barbed-wire towards him. After then he disappeared from view.

(In Moscow a few years earlier, Bourrat had seen another cameraman and friend, Yvan Skopan, shot dead and was himself wounded in the arm. The incident haunted him and ever since he had been very concerned about his crew's safety.

**The tank** threw up a huge cloud of dust and sand as it charged across the desert at top speed. It was heard to brake suddenly and when the dust settled, the crew saw **Bourrat had been thrown two or three metres back and was tangled in the barbed wire.** He called out to Guerni: "I can't breathe, I can't breathe!" He was suffocating and tearing at his collar. He also said his back hurt.

- **9:30 am** (hitherto referred to as "**T zero**"): Soldiers came to help at once, cutting away the barbed-wire, and medics arrived with drips and an oxygen-mask. After 10 minutes, a helicopter landed and took Bourrat to the Kuwaiti military hospital in Kuwait City whose second floor had been reserved for US casualties (since the war had not begun, it was nearly empty). Bourrat did not speak in the helicopter but was conscious and gripped Bonnet's hand. An ambulance met the helicopter and rushed him to the hospital.

- **10:00 (T+0.30)** - **Arrival at the emergency room.** He was attended by eight or nine nurses and doctors including a Dr Catras. "My ribs and back hurt," he said and they gave him morphine.

- **10:30 (T+1)** - **An x-ray showed four broken ribs and a collapsed lung.** He was given the necessary treatment and when he went to his hospital room, his pulse was normal. Dr Catras said Bourrat had been "very lucky indeed." The journalist dozed off, then woke up and said he was in a lot of pain and was "very thirsty," usually a sign of internal bleeding.

**The doctors had so far done no abdominal ultrasound or MRI scan (which was available). There was no reason**

**not to do one in the case of someone thrown several metres by a 70-tonne tank** going at top speed (50-60 km/hour). But the doctor in charge did not seem concerned and was congratulated by the French ambassador who came to see Bourrat and found the journalist "very tired but quite conscious, since he smiled and shook my hand to thank me." Bourrat said all afternoon that he still felt very bad.

- **17:00 (T+7.30)** - **A nurse** noticed blood and clots in his urine and alerted the doctor, who returned worried and asked for an MRI scan to be made. Bourrat was shaking a lot and longer speaking except to say he felt cold.

- **18:30 (T+9)** - **The doctor was shocked at the scan, which showed a burst spleen and a half cut through kidney.** The doctor told Bourrat he would live if his spleen was removed. The journalist asked to be flown to the Val de Grâce hospital in Paris. But he was not fit to be moved and time was running out. He was getting more and more tired, though was still conscious.

- **19:00 (T+9.30)** - **Bourrat was taken to the operating theatre.**

- **20:00 (T+10.30)** - **Surgeon Kevin Pehn began the operation** and said it would take just over an hour. "You can live without your spleen, he'll be OK tomorrow," he told the *TF1* crew, who left the hospital reassured and went back to their hotel. The next Guerni and Bonnet heard was a dawn phone call from Paris telling them Bourrat had died. Meanwhile:

- **22:00 (T+12.30)** - **The operation went well** and Bourrat was returned to his bed.



- **Midnight (T+14.30)** - **Monitoring equipment gave an alert.** His heart had stopped. Doctors gave him a heart massage and used a defibrillator but could not revive him.

- **02:30 (T+17.00) 22 December** - **Bourrat is declared dead.**

A note from the French embassy in Kuwait repeated the **version of the medical team** and said he died of internal bleeding aggravated by kidney failure. It said his spleen,

burst when the tank hit him, had been removed. One kidney was heavily bruised but they had functioned normally until about an hour and a half after the operation, acute failure had occurred causing a sudden fall in blood pressure that neither large blood transfusions or heart massage (with a defibrillator) could correct.

## COMMENTS

1. The first-aid and transfer to hospital was done extremely quickly.

2. **However, at the hospital, simple tests that would have showed the gravity of his injuries were not done until much later** (nine hours), even though he had arrived straight from a serious accident.

**He was not operated on until more than 10 hours after the accident.** During all that time, he had internal bleeding because of his burst spleen and a large bruise was preventing one or both his kidneys from working. **Doctors do not seem to have taken into account the force with which he had been hit or the possible extent of other injuries** apart from those to his rib-cage, or the fact that a few hours later he was very thirsty, which is a sign of internal bleeding. When he got to the operating theatre, he was exhausted and had lost a great deal of blood.

After the operation, the cardiac arrest surprised the medical team and all attempts to resuscitate him failed.

**His death was put down to internal bleeding and kidney failure, both of which could have been detected and treated as soon as he arrived at the hospital.**

3. **All these facts have since been presented for an opinion to a very reliable medical authority**, a professor of gastroenterology, who said that (although only a look at the complete medical records could confirm it) **“there must’ve been a mistake at some point because there was a contradiction between the gravity of the accident and the failure to consider the seriousness of internal injuries that were discovered and treated too late.”**

## CONCLUSION

1. Bourrat’s death cannot just be blamed on his accident with the tank.

2. The case cannot be closed by saying dismissively that the journalist made a tragic mistake.

3. There is a strong likelihood of serious medical error.

## RECOMMENDATION

We call for a thorough medical investigation into Patrick Bourrat’s death in Kuwait on 22 December 2002. If the medical team is found to be responsible, the US Army should recognise this.

(In December 2002, French President Jacques Chirac asked the French ambassador in Kuwait to “gather all the information about the accident.” The Paris prosecutor’s office has asked French detectives to start an enquiry into the circumstances of Bourrat’s death).

### PATRICK BOURRAT



He started as a freelance with *TF1* in 1979 and had stayed with the station ever since. Born in Tunis on 20 September 1952, he studied law at Bordeaux University and also graduated from the Political Studies Institute (Sciences Po) in Paris. He worked in the foreign department of *TF1* from 1980 and opened the station’s Jerusalem bureau in 1982 during the civil war in Lebanon. In 1987, he presented *TF1*’s late-night newscast for a while and then returned to the field. He was named a senior correspondent in 1988, reported a year later on the collapse of the Berlin Wall and then went to Czechoslovakia to cover the “Velvet Revolution” there. In December 1989, he was in Romania for the fall of President Nicolae Ceaucescu. He was appointed permanent correspondent in Moscow in 1992.

He worked on the French news-magazine *LMI* in August 1995 and in early 1998 presented the TV programme “Les Français sont comme ça.” Since late 2002, he had been part of the station’s major stories department.



[www.rsf.org](http://www.rsf.org)

A report by Jean-Paul Mari

With valuable help from Séverine Cazes-Tschann,  
Marie Devers (research and documentation)  
and Mehdi Benyazzar (graphics).

Artwork Nuit de Chine

