

aiming to stop the story?

BY NIK GOWING¹

There is a growing fear in our business that some governments - especially the most militarily sophisticated like the US and Israel - are sanctioning the active targeting of journalists in war zones in order to shut down what we are there to do - to bear witness and report what they are doing.

The fear is that an apparent culture of impunity by at least two nations is already actively encouraging others to believe they can get away with targeting and eliminating journalists, or at least turn a convenient blind eye to the issue. More than ever, we are inconvenient eyes and ears who monitor and report what some in power and command would much prefer we did not.

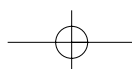
There is evidence that media activity in the midst of real-time war fighting is now regarded by commanders as having 'military significance' which justifies a firm military response to remove or at least neutralise it. From the media's perspective, the core guiding principles of reporting must remain accuracy, impartiality, objectivity and balance in a time of armed conflict. Yet if some worst case fears are shown to be justified, then on the political and military side some senior officials seem to view our 24 hour/7 day-a-week presence as a real-time military threat that on some occasions justifies our removal by the application of deadly force. Despite expressions of sympathy, the fact that journalists and technicians are killed or injured appears to be of barely marginal concern.

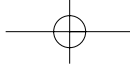
The suspicions suggest a disturbing trend to be challenged and reversed. At the extreme it is the sanctioning of murder in violation of sovereign, humanitarian and international laws. Article 79 of the Additional Protocol to the Geneva Conventions states specifically that "journalists engaged in dangerous professional missions in areas of armed conflict shall be considered civilians".

The unresolved tangle of conflicting risks, responsibilities and expectations in a moment of high military tension was tragically highlighted yet again by the killing of Reuter TV cameraman Mazen Dana in a Baghdad suburb on 17 August 2003.

The first US military explanation was that a US tank crew outside the Abu Ghraib prison had mistaken Dana's camera for a shoulder-fire rocket propelled grenade launcher aiming at them. The camera video showed the

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tank heading towards Dana. Yet journalist colleagues at the scene, and Reuter Chief Executive Tom Glocer confirmed that Dana had asked US troops in the vicinity for their agreement to work and film². Dana's soundman said they had spoken to US soldiers. "They saw us, and they knew about our identities and mission"³. In Baghdad, Stephan Breitner of France 2 said: "They knew we were journalists"⁴. The US Central Command, CENTCOM, responded by saying that "last night we had a terrible tragedy" and that "no one feels worse than the soldier who fired"⁵. It was a tragic echo of frequent Pentagon warnings in the months before the Iraq conflict. The message given to various senior news executives was that if a member of the US military had to make a judgement between the possibility of a camera or a shoulder rocket launcher aimed at them then it would be understood officially if the worst was feared. The soldier would have the right to target the suspect and fire.

Even in the high emotions and intensity of war fighting or operations short of war, such tragedies highlight the continued absence of procedures, working practices and a level of mutual awareness. The overwhelming impression is of some at the highest levels in some military structures who will not confront the need to inculcate their officers and troops with the new realities of real time media reporting as part of basic doctrine.

While many incidents still have to be adequately investigated and explained, the US-led operations in Iraq and Afghanistan, and the three-year Israeli counter-terror struggle in Gaza or the West Bank, have provided growing evidence of this apparent tendency. After Mazen Dana's death in Baghdad, *Reporters Sans Frontieres* had to repeat once again: "It is disappointing to see that a country which is a big democracy, which respects freedom of the press and which is waging a war in the name of those values is not able to do proper investigations"⁶. This is not helped by what organisations like Al Jazeera believe is a blatant failure by the US both to record accurately what media outlets say and to understand important differences in reporting cultures. "Al Jazeera is constantly accused [by the US government] of making outrageous and irresponsible statements we never made at all" is a typical complaint⁷

² Interview BBC Radio 4 *Today* 19 August 2003

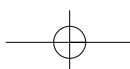
³ *BBC Online* 18 August 2003 at 12:57:33

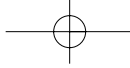
⁴ *Times* report p.14 19 August 2003

⁵ *ibid*

⁶ Severine Cazes of *Reporters Sans Frontieres* quoted on *BBC Online* 18 August 2003 at 12:57:33

⁷ See ongoing tensions between US Deputy Defense Secretary Paul Wolfowitz and Al Jazeera over reporting incidents in Iraq under US occupation. 'Wolfowitz sparks fury from Al-Jazeera' by Dominic Timms. *Media Guardian* 30 July 2003.





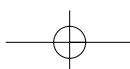
Official stonewalling at the highest levels and a reluctance to engage publicly in investigating a growing number of unexplained incidents compounds the suspicions. It suggests one of three ominous trends, or some combination.

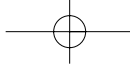
- Either by default or a failure actively to investigate and discipline military personnel, a culture of eliminating the presence of journalists - if necessary using deadly armed force - is being actively tolerated and perhaps even encouraged.
- Commanders at the highest level, backed by their political masters, do not stop their forces targeting journalists when operational security appears to be threatened. By default or more, they may even encourage it, thereby creating a culture of both assumed impunity and immunity from legal recourse.
- The presence outside military control of cameras in particular - with their capacity for live or near-instantaneous real time transmission from the heart of a combat zone - is considered a military threat. If necessary it will be eliminated with impunity by military means and without the threat of legal action under the Geneva Conventions, the International Criminal Court, or Laws of Armed Conflict.

At the time of writing⁸ several media organisations, whether large corporations or tiny independents, remain engaged in frustrating, time-consuming efforts to explain the injuries, deaths, and some believe the targeted killing, of their staff or colleagues by military action. Each is trying to prise from the US and Israeli military in particular even a grudging acknowledgement that there is a case to answer, that there are events to be clarified, and that they have a duty to investigate. Almost all of those media organisations - including those with the greatest legal and financial muscle - have so far failed to achieve anything even close to the clarity needed to secure closure on the circumstances and facts surrounding an incident.

On the official side, the pattern is of no active goodwill. Instead there is routine obfuscation and intolerance which extends even to a refusal to exercise the basic courtesy of returning phone calls and responding to enquiries. In some cases there has even been a rejection of the principle that *prima facie* an investigation is needed. Whether by design or not, this suggests at best a culture of military indifference and inefficiency

⁸ Early October 2003





to the business of explaining the deaths of media personnel. At worst it suggests a policy of endorsing and covering up firstly the targeting, then either the maiming or killing of media personnel who under international law have the rights of un-armed non combatants.

The issue is often complicated by the perception of events at the time. This tends to distort full details that may finally emerge in any later investigation - that is if one takes place. As the secretary-general of Reporters San Frontiers, Robert Menard warned after the US bombing of the Iraqi TV headquarters on 26 March 2003: the United States "should not give the impression of routinely targeting media that oppose it".

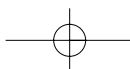
Overall, the emerging picture is of some military commanders who believe they have the political support to get away with targeting media operations as a legitimate part of war fighting or peace enforcement. The fact is, however, that such a policy of impunity violates international law. As I heard a senior Defence Ministry official warn fast-track military officers during a recent staff college seminar: "We did not sign up to the new International Criminal Court [ICC] for you to go round shooting journalists. It is a war crime. Don't do it". Yet some do, and all appear to have got away with it, thereby creating a precedent which others assume provides cover for them and their actions. In this respect it should be noted that the US has declined to be a signatory to the ICC.

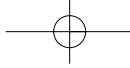
So what is the growing weight of evidence that some believe they have that right and can get away with it - whether an infantry officer or reservist on the ground; a pilot and weapon master in a circling warplane; a force commander, target officer and political adviser in headquarters; or even a minister and officials at the highest levels of government?

In any analysis, it is vital to separate the on-the-ground, worst-case assumptions that inevitably proliferate immediately after an incident, from the hard reality of facts, some of which don't fit conveniently the those immediate worst-case deductions made at the time. The failure, and often the refusal of the military to respond swiftly or even at all only serves to deepen further those suspicions. The greater the vacuum of information, the greater the likelihood that ominous scenarios will develop. Swift, unambiguous, pro-active official responses would often go a long way to control those emotive first suspicions.

But an apparent reluctance to engage in a timely way usually suggests an official determination to cover up either a dreadful error or an active decision to kill a journalist or media worker. This in turn fuels the

⁹ November 2002





immediate perception that the military actively ‘took out’ a journalist or news organisation in order to ‘shut them down’. In the understandable emotional turmoil of suspicion, the fact that there may have been more of a military cock-up than a conspiracy tends to be marginalised.

A prime example both of these contradictions and the rush to instant assumptions is the single American tank shell which hit the Palestine Hotel in Baghdad on 8 April 2003, fatally injuring two TV cameramen and wounding three other Reuter staff.

The immediate assumption among the scores of journalists on the ground was that a US Abrams tank on a river bridge one kilometre away had knowingly fired on the fifteenth floor balcony to stop cameras filming the military operation. After all, the initial military claims were that firing was seen coming from the hotel. They said that the tank captain’s targeting had been justified to remove a perceived threat from a possible Iraqi spotter or a rocket-propelled grenade launcher.

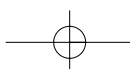
US CENTCOM’s first press statement was based on information passed up the military command chain from the field. It swiftly reported that “coalition forces received significant enemy fire from the Palestine Hotel”.¹⁰ Several hours later, Brigadier General Vince Brooks told the CENTCOM briefing in Qatar: “coalition forces operating near the hotel took fire from the lobby of the hotel and returned fire”.

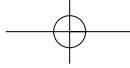
At the time, however, journalists in the area said there was no evidence of hostile firing from the hotel against US targets. Quickly they supported this belief by questioning colleagues and examining their own real-time video footage of the minutes before the tank fired. At a time of understandably intense emotion and anger, many readily accused the US Army of knowingly targeting TV camera operators to shut them down in a moment of acute tension during the fighting to secure central Baghdad. After all: none had witnessed the “significant enemy fire” claimed by CENTCOM.

Weeks of subsequent analysis and questioning of eye witnesses by the Committee to Protect Journalists produced a more measured verdict. The CPJ concluded that the attack “while not deliberate was avoidable”.¹¹ The Abrams tank crew had probably mistakenly deduced that a journalist using binoculars on a hotel balcony was an Iraqi target spotter. In the heat of military operations, the information known to the higher US command levels that the Palestine Hotel was full of journalists and must not be tar-

¹⁰ Also confirmed by this author in subsequent interview with US military personnel.

¹¹ ‘Permission to Fire’: CPJ investigation of the shelling of the Palestine Hotel in Baghdad by Joel Campagna and Rhonda Roumani. Posted on CPJ website May 27, 2003.





geted was not cascaded down to lower units like the tank crew. In other words the incident was indeed probably closer to cock-up than conspiracy.

The analysis in the subsequent CENTCOM report made public four months after the incident converged in many respects with the CPJ findings¹². CENTCOM concluded that the tank from 'A' company had "properly" fired at the hotel during a period of "very intense" military engagements, when US forces were urgently trying to locate enemy spotters. A short time before the incident they had been involved in a battle with parts of an Iraqi Republican Guard division. The tank crew had known nothing about the hotel being the international media's headquarters. They saw what they believed to be an "enemy hunter/killer team" on the balcony of a "tan colored building" and witnessed flashes of light "consistent with enemy fire coming from the same general location as the building".

Most significantly, however, the official report did not confirm the original CENTCOM claim on 8 April of "significant enemy fire" coming from the hotel and its lobby. It said that any firing had been "in the same general location as the building". In other words the analysis of journalists in the hotel at the time had largely been right, and the detail of the immediate explanations from CENTCOM HQ in Qatar had been wrong.

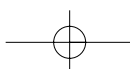
Rather than implicitly blaming journalists for being in the Palestine hotel and ignoring Pentagon warnings¹³, the challenge surely is to create new procedures and levels of situational awareness of media operations throughout the military chain of command. CENTCOM makes a point of confirming that the tank crew's action in firing a round at the hotel balcony was "fully in accordance with Rules of Engagement". Therefore, as in some other forces in the world, RoE's must be modified as a matter of principle to embrace the new realities of real time reporting. In no way does ensuring full awareness of a media presence preclude or prevent the business of war fighting.

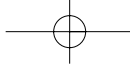
When questioned on the Palestine Hotel incident a month later, the US Secretary State Colin Powell, himself a distinguished army officer and four-star general who chaired the US Joint Chiefs of Staff during the 1991 Gulf War, said: "We regret that it happened . . . but we believe truly it was an accident of war. . . We will continue to see if there was anything done which was improper or inappropriate"¹⁴. The confirmation of an "accident of war" carried significantly different resonance to the immediate mili-

¹² 'Palestine Hotel Investigation Concludes'. Release from US CENTCOM 03-08-29 on 12 August 2003.

¹³ *ibid* see final paragraph

¹⁴ 'Deaths were accident'. Colin Powell quoted in *The Guardian*, 2 May 2003.





tary justification of the tank's action by insisting it had "returned fire". A further complication later confirmed privately to this author was that CENTCOM's immediate military rush to judgement on 8 April had been flawed as much because of the political pressure to get any firm information into the public domain. Speed had taken precedence over accuracy, and the US version of events suffered. This was a sharp lesson in what this author identified as the hazards in what he christened The Tyranny of Real Time.¹⁵

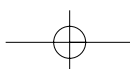
Yet in the absence of any further clarification from the US Department of Defense, a certain fog of suspicion and doubt remains. In his words of regret Powell also repeated that "young American soldiers who were trying to liberate Baghdad ... came under fire...their lives were at risk as they tried to engage the enemy, as best as we understand what happened...there was no fault, we believe, on the part of our soldiers".

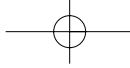
Or was there fault? In Spain the family of the TeleCinco cameraman Jose Couso believe their son was killed by US military action that constituted a war crime. They filed a law suit to this effect in the national court in Madrid which named three US soldiers and demanded their extradition to face war crimes charges. But Spain's Attorney-General rejected the application on the grounds that the alleged war crime had been committed by a non-Spanish party outside Spanish territory.

This experience contributes to the level of fears about a new level of hostility, political indifference and possibly even active cover-up relating to the new challenges of real time media reporting during high intensity military operations. In addition there remain searching questions about possible undeclared and unlawful targeting policies which have yet to be answered satisfactorily. Indeed, even after the official CENTCOM report on the Palestine Hotel incident, there remains a fear of active official resistance to accepting the legal status and right of unarmed media personnel to be present in a war zone without fear of being targeted. Why, for example, do the US military not feel it necessary as part of their routine dissemination of intelligence through the command structure to ensure that units at all levels know of a major media presence, as in the Palestine Hotel?

After all, such information was known. There is also the proven military capacity to discriminate targeting to avoid damage or injury at

¹⁵ "Real-Time Television Coverage of Armed Conflicts and Diplomatic Crises: Does it Pressure or Distort Foreign Policy Decisions?" by Nik Gowing. Joan Shorenstein Barone Center, John F.Kennedy School of Government. Cambridge, MA: Harvard University. 1994. Republished in "Terrorism, War and the Press" Ed Nancy Palmer. Hollis NH: Hollis Publishing 2003.





known media locations. This principle was highlighted publicly after the war by the UK force commander Air Marshal Brian Burridge. During a military analysis of the Iraq war operation he confirmed publicly¹⁶ how coalition targeters in Qatar had successfully chosen a specific guided-bomb to destroy an Iraqi telecommunications dish located where foreign journalists were monitored working within the Information Ministry in Baghdad. The Iraqi target had been destroyed. No journalists or their colleagues had been injured or killed.

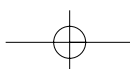
Overall the concern must be the new pattern and doctrine of accepted behaviour by the US military in particular since the terrorist attacks of 11 September 2001. It reflects what many security analysts view as the massive overall change in culture and attitude to international law, especially by the US and the George W.Bush administration.

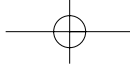
The predominant US-led mindset post 9-11 is of assertive, robust policies and doctrine that must guarantee national survival for a country at war by all necessary means. This includes war fighting at the high intensity end of the spectrum. Sharply set against this is the new technological capacity of news organisations to report, question and challenge from any location in real time, much of it instantaneously. Together these pressures have created a new sharp line of confrontation and reduced military tolerance.

In a time of war, with its extremes of military tension and emotion, this capacity to create a new reporting transparency virtually anywhere has become a direct threat to a government's right to do what it believes it must do in the national interest: defeat the 'enemy' in its own way and on its own terms unhindered by outside pressures. In this, operational security is paramount, a fundamental principle that by and large is accepted by all news organisations. But the presence of a camera or reporter bearing witness in real time with often politically inconvenient information about dreadful events at a critical moment, can frequently be seen as a direct threat that must be removed swiftly before it reveals even more. This is the heart of the tensions that have yet to be explored satisfactorily, let alone resolved.

Indeed, to certain parts of government, the military and security services, the argument for the neutralising of any media presence and reporting is compelling and uncontestable. Hence the regular, matter-of-fact Pentagon warnings before and during the Iraq War that locations like Baghdad would be a "particularly dangerous place" from which all

¹⁶ Illustrated presentation to Royal United Services Institute, London 15 July 2003





media should be withdrawn. “It is not a safe place: you should not be there,” was a familiar warning¹⁷.

Yet to issue such warnings is surely something of a conscious salving action by a government designed to frighten the media into leaving the theatre of battle. Warnings cannot, and should not, negate any military force’s more fundamental duties under international humanitarian law and the Geneva Conventions to respect the rights of unarmed non-combatants who chose to remain. This includes unarmed media workers. As the CPJ reminded the Pentagon in a letter dated 6 March 2003, the warnings to independent, non-embedded reporters “do not absolve US forces of their responsibility to avoid endangering media operating in known locations”.

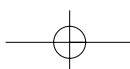
Arguably one of the most vivid examples of why there is justified fear that military targeters operate in a new environment of impunity remains the US bombing of the Al Jazeera TV bureau in Kabul early in the morning of 12 November 2001. A US warplane dropped two 500lb bombs destroying both the villa and the TV equipment inside, including the satellite uplink transmitter. This was shortly after the correspondent and his team had been advised by their head office in Qatar to leave because the Northern Alliance were about to enter the Afghan capital.

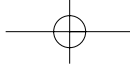
At the time Al Jazeera’s head office assumed, and had no reason to doubt, that the Pentagon knew the precise GPS locator coordinates of their bureau. Several weeks earlier the TV station believed they had passed them to an appropriate DoD office through an intermediary in Washington. My own enquiries suggest that the Al Jazeera details never reached those in the target cells at CENTCOM in Florida who should have been told. Al Jazeera’s belief that targeters knew the precise GPS coordinates of their office was therefore probably a worthy but forlorn hope.¹⁸

Of more concern, however, is the official justification for the bombing of the TV bureau. US Assistant Secretary for Defense Victoria Clarke wrote to Al Jazeera on 6 December 2001 that the building had been targeted because it had “military significance”. She also told them it been a “known Al Qaeda facility”, but that to the Pentagon “there were no indications this or any nearby facility was used by Al Jazeera”. By implication she rejected accusations that the US had targeted Al Jazeera’s Kabul operation because under the Taliban it had been the conduit for press communications from Osama bin Laden, the Al Qaeda leader, after 9-11.

¹⁷ This typical warning was from Victoria Clarke, US Assistant Secretary for Defense on 8 April 2003

¹⁸ For more analysis of the incident see ‘Don’t get in our way’ by Nik Gowing. *The Guardian*, 8 April 2002





The Pentagon failed to explain one remarkable contradiction: if its intelligence was so precise and detailed that it could confirm activity by a “known Al Qaeda facility”, why had it failed to recognise, at least for the public statement, that the walled villa compound had been Al Jazeera’s TV bureau for a total of 20 months? This inconsistency and failure to even know that the building had been Al Jazeera’s bureau for almost two years beggars belief. Ms Clarke’s statement that “there were no indication this or any nearby facility was used by Al Jazeera” is simply not credible. If they had information good enough to believe that Al Qaeda were operating inside the building (a US claim strenuously denied by Al Jazeera) then why did the same intelligence not confirm at least the basic identity and function of the building as a TV office over a long period?

The Pentagon’s language after the Kabul bombing and in relation to subsequent incidents during the 2003 Iraq war raise a fundamental question for any media operation inside a war zone: does a journalist and camera operator’s presence now constitute “military significance” and therefore a possible military threat or danger which military commanders can remove with impunity?

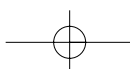
The growing impression now appears to be a deeply worrying ‘yes’. This was confirmed explicitly to this author in an alarmingly frank meeting at the Pentagon with Rear Admiral Craig Quigley, who at the time was Assistant Defense Secretary for Public Affairs¹⁹. The bluntness of the warning has since been repeated in different forms to senior executives of major news organisations. Before the Iraq War in 2003, Richard Sambrook, Director of BBC News warned his staff: “We have been told that if you are in an unrecognised vehicle it will be shoot first and ask questions later.”

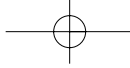
Such an uncompromising, defiant message of impunity has been further confirmed by the hostile attitude to media organisations - both large and small - by the Israeli Defence Forces (IDF) after the apparent targeting of journalists and camera operators in the West Bank and Gaza. The exponential growth in attacks on media personnel by IDF forces has been painstakingly documented by organisations like the CPJ and Reporters Sans Frontieres (RSF). Since the start of Intifada-2 in September 2000 at least forty journalists have been shot by Israeli forces - five fatally - while just two have been injured by Palestinian gunfire²⁰.

In April 2002, eighteen months into the second intifada, RSF condemned the IDF for a “massive, deliberate and conscious violation of

¹⁹ 6 February 2002 and reported in detail in Gowing 8 April 2002 op.cit

²⁰ ‘Eyeless in Gaza’ *Journalist*. August 2003 p22





press freedom and an unprecedented low in the history of Israel”²¹. By the end of those first 18 months, RSF says it had counted 56 cases of journalists wounded by gunfire, with the “great majorityfound by RSF to be shooting by Israeli forces”. The RSF’s findings coincided with two more incidents. An Egyptian cameraman was fired on in his car, even though ‘TV’ was clearly marked on the side. Then came the fatal shooting by a tank crew in Ramallah of the Italian photo journalist Raffaele Ciriello, apparently when he moved to take a small video camera out of his pocket.²² At the time the International Press Institute described the shooting as “part of a concerted strategy by the Israeli army to control reports on the recent surge of hostilities in the region”.

Detailing the scale of alleged IDF hostility and physical attacks on media personnel, RSF concluded: “These have not been blunders, but a deliberate policy of hiding from the world the truth of the Israeli army’s violence and abuses”. Of most concern: “some journalists were clearly identifiable as such and were standing some distance away from clashes when they were hit. Only rarely have these incidents been seriously investigated and very few of those responsible punished”.

Such warnings and criticisms have led to no reversal in Israel’s apparent policy of indifference not just to media operations, but also to the activities of humanitarian workers and peace activists in sensitive military areas. Indeed, the apparent culture of impunity that began before the start of Intifada 2 has deepened, judging by the escalating number of attacks in 2002/3. This includes a steadily intensifying rate of deaths by shooting with no subsequent detailed investigations, or at least anything made public.

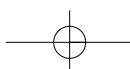
In November 2002, an Israeli army sniper shot dead the UN worker Ian Hook inside a UN compound in Jenin. Months later there was no IDF explanation of what Hook’s colleagues called “cold blooded murder”²³. There remain similar grave questions in at least three other cases. Firstly after the peace activist Rachel Corrie sustained fatal injuries when she was knocked to the ground and crushed by a military bulldozer in Gaza.²⁴ Two weeks later a US colleague Brian Avery was shot and seriously injured. Then there were the massive brain injuries sustained by the young pho-

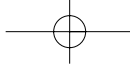
²¹ ‘Israeli Practices Against Journalists in Palestine’. Reporters San Frontiers 24 April 2002.

²² 13 March 2002

²³ ‘Why was an unarmed Britain shot in the back?’ by Chris McGreal. *The Guardian* 7 March 2003; also ‘Israel’s responsibility: Briton’s death must be fully explained’. Editorial in *The Guardian* 8 May 2003.

²⁴ 16 March 2003





tographer and peace activist Tom Hurndall after he was shot in the head during a protest in Gaza.²⁵ Diplomatic efforts by the British government to get explanations and examine guilt for the Hook and Hurndall incidents reportedly produced no substantive progress from the Israeli authorities.

The trend was even noted with alarm in the Knesset, In May 2003 the chair of the law committee Michael Eitan, himself a former military officer and cabinet minister, enraged the IDF when he went so far as to accuse them publicly of “gross violation of human rights in the field despite army regulations”. He even challenged military commanders present in the chamber and asked whether they knew of these abuses²⁶.

But to all intents and purposes, the apparent Israeli trend of impunity and indifference to the issue has not been halted or reversed. Rather the evidence ominously suggests the opposite.

In May 2000, the BBC’s driver in South Lebanon, Abed Takkoush, was killed instantly when his taxi was targeted by an Israeli tank from Israel’s northern border. By chance, the incident was video taped by three TV cameras positioned in the area to cover the Israeli withdrawal from Lebanon. The video evidence meant there could be no doubt about the events, timings and circumstances surrounding the incident. Takkoush was seen on video dropping off BBC Middle East Correspondent Jeremy Bowen and his cameraman to film at a garage just inside Lebanon within sight of Israel’s border. Takkoush drove his taxi up a short incline onto a hillock. An Israeli tank on the border was filmed manoeuvring, positioning itself, taking aim, then firing at Takkoush’s car even though he was unarmed and could have presented no conceivable military threat.

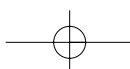
Subsequent BBC efforts over many months to extract from the Israeli authorities an acceptance of responsibility, an apology and adequate compensation were tortuous. Even now, more than three years later, the BBC has not achieved a satisfactory outcome that reflects the seriousness of the incident. Three years on, Mark Damazer, Deputy Director BBC News, indicated that the Israeli official attitude was still less than the level of active, sympathetic cooperation desirable for such an important issue of principle²⁷.

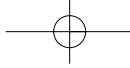
This confirms the disturbing impression and evidence of Israeli attitudes on this issue. Instead of addressing it, the killing and targeting seem to have intensified. At the same time appeals by news organisations have apparently been ignored. In the eighteen months following RSF’s

²⁵ 11 April 2003

²⁶ Knesset Law Committee 26 May 2003, quoted in *The Guardian* 27 May.

²⁷ Addressing the inauguration of INSI in Brussels, 2 May 2003





report in April 2002, all the signals suggest that the IDF has little interest in gathering evidence to discipline soldiers who assume the laws of war don't apply to them. Indeed the impression is that the IDF policy is to support them by not engaging in any disciplinary or investigation process, leaving the undeclared message that they have every right to target unarmed journalists and camera operators.

A detailed study by the Jaffee Center at Tel Aviv University into the April 2002 Israeli operation against Palestinian terror operations based in Jenin confirmed major continuing inadequacies in the IDF's attitude to the media.²⁸ It concluded that "no operational or tactical doctrine was developed [by the IDF] to deal with the strategic threat"²⁹ from the media being in an operational zone. Papers submitted to a contributing conference reported a "low-level of media awareness among soldiers and commanders" and "training programmes should consider promoting media awareness as a matter of urgency"³⁰. Others urged, for example, that "media awareness should be an integral part of urban operations, rather than an afterthought"³¹. They described an IDF culture that reflects a "long history of IDF intransigence in giving its side of the story to the foreign press" with a media policy that is "deliberately obstructive"³².

As I write this chapter, intense independent investigations continue into the apparent unprovoked murders by IDF soldiers of the APTN cameraman Nazeem Darwazeh on 19 April 2003 and the award-winning cameraman James Miller, a freelance working on a documentary for Home Box Office, in Gaza on 2 May.

Eye witnesses said Darwazeh was wearing a yellow jacket marked 'Press' as he stood with colleagues, including a Reuters cameraman, during clashes in Nablus between Israeli troops and Palestinians. Darwazeh was reportedly "shot in the head by an Israeli soldier" who targeted a group of journalists then "carefully took aim at them and fired a single shot".³³

²⁸ 'The Battle for Jenin: a Case Study in Israel's Communications Strategy' Ed: Hirsh Goodman and Jonathan Cummings. Memorandum No 63, Jaffee Center for Strategic Studies. January 2003

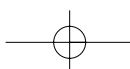
²⁹ *ibid* p.12

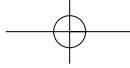
³⁰ 'Jenin: The Diplomatic Cost' by Gideon Meir, Deputy Director General for Press and Public Affairs, Israeli Foreign Ministry. Contribution to Jaffee Center Study conference July 2002. p30

³¹ 'A Critical Analysis from a Reservist's Perspective' by Eylon Javetz, Communications Strategist. Contribution to Jaffee Center Study conference July 2002. p22

³² 'Coverage of Jenin on France-2 TV' by Charles Enderlin, Bureau Chief, France-2 TV. Contribution to Jaffee Center Study conference July 2002. p25

³³ 'Israeli Army accused of targeting TV man killed in West Bank' by Justin Huggler and Severin Carrell. *The Independent*. 20 April 2003





The IDF's shooting of James Miller had many similar aspects. Along with reporter Saira Shah and a small team from Frostbite Films Miller had been filming in Gaza for 16 days. On the day of his death he and his four colleagues had worked in clear view of Israeli forces and observation towers in a residential area a few hundred metres from the Egyptian border. Photographs and video from the day's work confirm they were all wearing the full recommended body armour and helmets. The white letters 'TV' were large and clear on the rear of their flak jackets.

As night fell IDF soldiers could have been in no doubt that Miller's team had not left the area. Not only were they still there, they had been joined by an APTN cameraman. Together they had all taken shelter on the veranda of a house where they stayed for three hours within sight of two armoured personnel carriers (APCs) a hundred metres away. After dark and late in the evening the team made the decision to get out. Local residents told them that any departure route would involve crossing a line where Israeli troops regularly targeted Palestinians. So they decided to approach the IDF APCs with a white flag raised and declare their intention to leave.³⁴ The APTN cameraman was filming the group as they moved forward from the house.³⁵

The report of an *in situ* investigation made by security experts retained by Frostbite Films forty-eight hours after Miller's death confirms that "every few paces they stopped and shouted repeatedly 'Hello'"³⁶. As the APTN video tape confirms, an APC crew then began shooting and the second of seven shots hit Miller. He died almost immediately from a 5.56mm bullet in his neck. The investigation report concludes that the "APTN video emphatically proves the firing was systematic and deliberate and was not in response to any reasonable threat".

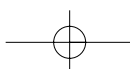
Initially, the IDF tried to claim that James Miller must have been shot by a Palestinian weapon and died in cross fire. This was swiftly disproved by a post mortem that confirmed the Israeli bullet and weapon-type used, as well as where the bullet must have come from. In addition, the APTN contemporaneous video contains no evidence of any firing that might justify Israeli troops returning fire.

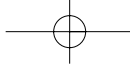
The view of the ex-military investigator was that: "at no time could the team have posed either a direct or even a perceived threat by their

³⁴ 'This was to be our last dangerous assignment. And then the shot rang out' by Saira Shah. *Evening Standard*, 11 August 2003

³⁵ Video available at www.justice4jamesmiller.com

³⁶ 'Investigation into the circumstances of the death of James Miller on 2 May 2003 in Rafah, Gaza'. dated 12 May 2003





actions. Therefore the action by the soldiers opening fire was totally unjustified. The discipline and professionalism of the IDF soldiers in this instance should be seriously called into question". He said there are also fundamental questions about the IDF's Rules of Engagement and the discipline within the chain of command.

The investigation concluded that James Miller's team were "consciously and deliberately targeted by the IDF soldiers. What should be determined is whether this action is a deliberate policy by the IDF, or whether this is a result of ill-discipline and malicious intent by the junior soldiers. If it is the former, the question needs to be asked as to how far this extends up the chain of command, and to what level senior officers are giving tacit approval of this by their inaction. If it is the latter, what measures are being taken to identify the perpetrators and prevent such future blatant acts of criminal behaviour?"

With the support of the British government, Frostbite Films, James Miller's family and a growing group of supporters began actively seeking a criminal investigation by the Israeli authorities.³⁷ Six weeks after the event the IDF eventually confiscated the fifteen weapons being used by its units in the Rafah area at the relevant times on 2 May. A ballistics expert worked to match parts of a bullet taken from James Miller's flak jacket in the hope of narrowing down the identity of the weapon used and to which IDF soldier it was assigned on the night. But after a lapse of at least eight weeks, identifying who in the constant rotation of IDF troops might have fired the fatal shot became no more than a forlorn hope.

Expectations of securing a just explanation and resolution on who shot Miller and why were not high. After meetings in Israel in July, including at the Military Advocate General's office, Saira Shah was not optimistic. She reported that "the soldiers have given radically different accounts - claiming that they did not even hear, let alone fire, the shot that killed James. They did, apparently, hear our cries for help!"³⁸ Any IDF investigation would never be made public. Overall any hopes of a balanced investigation "began to run into the sand".³⁹

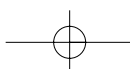
Meanwhile, there continue to be other nagging incidents where fears remain of military targeting designed to shut down media operations.

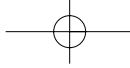
Why, for example, were Al Jazeera's operation and satellite uplink at the Sheraton hotel in Basra in southern Iraq hit by four rockets or

³⁷ Interview with James Miller's mother Eileen on 'Today' BBC Radio 4, 14 July 2003

³⁸ E-mail from Saira Shah to Nik Gowing 16 July 2003

³⁹ *op cit* Sair Shah in The Standard





shells⁴⁰ which they later described as a “direct missile hit”⁴¹? The doubts continue⁴² because the building was unoccupied and the TV channel can still see no reason for the US-led military operation to hit a structure containing no military or security targets. In a statement after this attack Al Jazeera said it had “officially advised the Pentagon in Washington of all relevant details pertaining to its reporters covering the war in Iraq”. As in Kabul in November 2001, there was again the question: had Al Jazeera been targeted by US forces because of the often politically uncomfortable TV images it was broadcasting from inside Iraqi-controlled Basra during the allied advance? The standard US cut-and-paste response from CENTCOM was that “coalition forces only target legitimate military targets and go to great lengths to minimise casualties and damage to civilian facilities”. The question recurs: had US targeters defined the Al Jazeera Basra operation as having “military significance” without publicly explaining why?

There is also the US air attack involving Al Jazeera’s office in Baghdad on 8 April 2003, several hours before the fatal tank shelling of the Palestine Hotel and the day before major hostilities ended in the Iraqi capital. During the pre-dawn attack by an A-10 ground attack aircraft, Al Jazeera’s correspondent Tariq Ayyoub was killed by shrapnel as he stood on the bureau’s roof preparing to broadcast live.

In the absence of a clear explanation from US CENTCOM, the overwhelming impression remains that the bureaus of both Al Jazeera and Abu Dhabi TV not far away were targeted by the US during the critical hours before US ground forces finally secured the city centre. Had this been a repeat of the bombing of Al Jazeera’s Kabul bureau just before US-backed Northern Alliance forces entered the Afghan capital? Again there were ominous similarities which suggested that Al Jazeera’s Baghdad bureau might also have been deemed to be of what the Pentagon vaguely labels “military significance”.

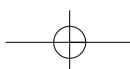
A combination of suspicions and coincidence once again catalysed a series of inevitable assumptions. Had US warplanes been ordered to target Al Jazeera to shut it down and punish the channel for its reporting from the Iraqi side, including the transmission of some grotesque video of dead US soldiers? It was an easy assumption to sign up to. But why?

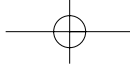
On 24 February Al Jazeera had written to US assistant Secretary of Defense Victoria Clarke at the Pentagon confirming the precise nature

⁴⁰ Reuters 2 April 2003

⁴¹ Al Jazeera press release on 8 April 2003

⁴² Based on interview with Ibrahim Hilal, Al Jazeera Editor-in-Chief on 9 May 2003





and GPS locator coordinates of its bureau next to the Tigris river at House #39 on Street #30 in Al-Karkh. In addition, less than 24 hours before the A-10 attack, senior Al Jazeera executives had met US-officers at the As-Saliyah CENTCOM headquarters in Qatar. Editor-in-Chief Ibrahim Hilal says they received assurances that the location of their bureau was known and the building was safe from attack⁴³. “How could the A-10 not know it was Al Jazeera? [It was even] written in big letters on the roof?”

It eventually became clear that what was initially assumed to be a clear case of malicious US targeting was in reality probably more complex. The Al Jazeera bureau was located next door to a villa used by Mohammed Saeed Al-Sahaf, Iraq’s information minister who towards the end of the war became known as ‘Comical Ali’. Located between the buildings was an electrical generator which the US forces wanted immobilised in order to crank up the pressure on Al-Sahaf and the regime. Al Jazeera conceded later⁴⁴ it was probably this equipment which the US had targeted and not the Al Jazeera bureau. However, without a full and frank exchange of details with CENTCOM, along with battle damage assessment, it was hard to be sure. Tariq Ayyoub was killed by shrapnel from the weaponry that hit the generator. It penetrated a small space under his body armour because misguidedly he was one of the very few Al Jazeera staff to believe the US military assurances made to his executives in Qatar the previous day that the bureau was safe from US attack.

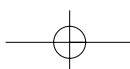
Similarly, ITN’s investigation into the death of veteran correspondent Terry Lloyd and the unresolved disappearance of his two colleagues, the cameraman Fred Nerac and translator Hussein Osman on 22 March in southern Iraq, suggests that tragic bad luck can often be the ultimate explanation, however sinister the assumptions in the immediate aftermath. ITN rejected later “exclusive” reporting and claims of new evidence from eyewitnesses as unreliable.⁴⁵

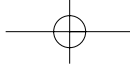
Terry and his three colleagues, including cameraman Daniel Demoustier who survived, were not embedded with US or British forces. By choice they were operating unilaterally outside of military control. That Saturday morning they were travelling in two 4x4 vehicles on a main highway between Al Zubayr and Basra around which US and British armoured forces were trying to secure territory. The four ITN crew agreed they would drive past coalition checkpoints and see how far they could get through no-man’s land in a north-easterly direction towards Basra,

⁴³ *ibid*

⁴⁴ *ibid*

⁴⁵ *Daily Mirror* 10 and 11 September 2003





which they believed was under coalition control. Having left the relative safety of coalition lines, a short distance down the highway as they approached a bridge they encountered Iraqi paramilitary forces.⁴⁶

In one vehicle, Terry and Daniel did a swift about turn and headed back at speed towards British and US forces who straddled the road. Fred and Hussein did not make a turn, and ITN believe that at this point they fell into Iraqi hands. Two Iraqi vehicles – at least one a so-called ‘technical’ with a heavy machine-gun mounted on its rear platform – followed Terry and Daniel for a couple of kilometres. They overtook them with the Iraqis on board signalling them to pull over or stop, although the precise meaning still remains unclear.

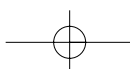
At that point there was heavy gunfire, including from among four US Marine tanks on one side of the road from a distance of several hundred metres. The Iraqi technical returned fire. The vehicle carrying Terry Lloyd was hit then crashed further down the road. Demoustier describes how with the windows and doors damaged Lloyd had suddenly disappeared. One of the Iraqi trucks was hit too.

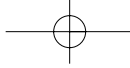
The immediate suspicion was that the four tanks of Red Platoon of Delta Company, 1st Tank Battalion, 1st US Marine Division had opened fire on the ITN vehicles knowing, but perhaps without caring, that they were carrying a TV crew. But after weeks of analysis, ITN executives accepted that US security concerns at the time were understandable. Coalition forces feared they were about to be attacked by what seemed to be an Iraqi paramilitary column speeding towards them led by a ‘technical’. How could the US tank crews have known that two of the vehicles in the apparent Iraqi column were an ITN TV crew caught up in the drama rather than part of a very real Iraqi security threat? On the other side, the Iraqis may have believed that with their Kuwaiti number plates, the ITN vehicles were part of a coalition undercover operation into Basra. “I understand why the US troops and Iraqis opened fire”, said Stewart Purvis, ITN Chief Executive. “This was not crossfire as we normally know it. Both were aiming at the vehicles believing it was something it was not”.⁴⁷

When tracked down in Iraq by ITN staff, individual US soldiers like Captain Greg Poland, commander of Red Platoon, expressed deep personal regret at what happened. They appeared genuinely “cut up” by what took place as a result of their tank firing. Privately they explained that they had seen the letters ‘TV’ on the vehicle sides, although whether

⁴⁶ For greater published detail of the incident soon after the event see ‘As ITN reporter Terry Lloyd is laid to rest, the Americans finally admit they fired on his car’. *The Times* 26 April 2003 p3

⁴⁷ Interview 22 July 2003





before or after the incident remains unclear. They also described how they feared that because of the reported Iraqi use of ambulances to transport paramilitary fighters into coalition lines they might be trying the same ruse using a TV news vehicle.

Of greatest overall concern, however, is the official US military attitude to enquiries and requests for an investigation.

In this case, as with others, the clear impression left by both the Pentagon and CENTCOM was that at the highest levels the generals, under political instructions, wanted no part in handling enquiries. They were unhelpful and indifferent. In contrast, the eventual investigation by the British Royal Military Police earned praise from ITN, although it provided no definitive explanation of the incident.⁴⁸

As ITN made all efforts to track what had happened to Fred Nerac and Hussein Osman, General Tommy Franks, commander of CENTCOM even signed a letter to Nerac's widow Fabienne saying that there was no need for a US investigation as US forces were not involved. This was viewed by those involved as crass stupidity, incompetence and insensitivity. But once again it highlighted a US military mindset against engaging in a timely and positive process to establish the facts and trail of events after such incidents or tragedies. Only a personal challenge in public by Mme Nerac to US Secretary of State Colin Powell at a Brussels news conference began to produce first signs of some US official movement on the issue. And for months there remained the gnawing, unanswered question for many in business of taking risks to report war: where were Fred Nerac and Hussein Osman, and what was their fate?

And overall, why did ITN have to campaign "long, hard and loudly"⁴⁹ for the military forces involved to even accept the obligation for them to investigate?

⁴⁸ 'Still Seeking Answers' by Mark Wood, New ITN Chief Executive. Broadcast 26 September 2003 p. 14

⁴⁹ *ibid*

