



April 8: International Day of Protest Against Impunity in the Killing of Journalists and Media Staff

We demand new and independent investigation into the Palestine Hotel incident and call for an investigation into the *Al-Jazeera* attack, which has never been explained at all. Below are the details of the 14 deaths in Iraq involving US forces that require further investigation.

2003: Seven cases

Telecinco: José Couso
Reuters: Taras Protsiuk

On 8 April, José Couso, a cameraman for the Spanish television channel *Telecinco* and Taras Protsiuk, a Ukrainian cameraman for *Reuters*, died after a US tank fired on the Palestine Hotel in Baghdad, which is used as a base by the foreign media. The attack wounded three other journalists.

On 12 August 2003, U.S. Central Command (Centcom) issued a news release summarizing the results of its investigation into the incident. The report concluded that the tank unit that opened fire on the hotel did so "in a proportionate and justifiably measured response". It called the shelling "fully in accordance with the Rules of Engagement.

In November 2004, the Pentagon issued its final report on the April 2003 firing by American troops on Baghdad's Palestine Hotel and concluded that "no fault or negligence" could be attributed to the US army for an action that killed two journalists.

The IFJ is criticizing the investigation report for focusing entirely on the behaviour of the Alpha 4-64 Armor Company, whose tank fired on the hotel, and for not dealing with why the higher military command who did not pass on to the unit information it had about the occupants of the hotel.

The IFJ claims that full responsibility for the incident falls on the failure of senior officers to tell the troops the hotel contained journalists.

The report, consisting of a initial investigation dated 11 April 2003 and a revised version the following month, was provided by the Coalition Forces Land Component Command more than a year after a legal request for it.

The attack could have been avoided if the A 4-64 troops (attached to the 4th battalion of the 3rd Infantry Division's 2nd Brigade), installed at one end of the Al-Jumhuriya Bridge, had been told by the Pentagon and the army command that the hotel, on the opposite side of the Tigris river, was full of journalists.

The shelling of the hotel was "not a deliberate attack" on journalists and the media but that the US military should investigate further to establish where the break in communications occurred.

The US army's second (more detailed) report in May supplied proof of this breakdown with its account of what happened among the A 4-64 troops.

It revealed that the army knew since 11 April that the soldiers had tried to neutralise one or two people with binoculars who they had taken for enemy "forward observers" and that the order to fire was given with "no knowledge that the building was a hotel or that the journalists had been moved into it."

This was confirmed again by the sworn testimony of a soldier on 26 May that "at no time was there any discussion" of no-fire areas or protected sites on the other side of the river. But the lieutenant-general in charge of the May investigation (whose name has been censored in the text along with those of two other officers) made no separate enquiry into this aspect, which was not mentioned at all in the final conclusions.

After the report's endorsement by a military lawyer on 5 June that year, the US army said the shelling was aimed at "what was believed to be an enemy firing platform and observation point" and that the soldiers "understood the rules of engagement specifically as it applied to the right to self-defense." It was "clearly a proportionate and justifiable measured response" and there was "no violation of the Uniformed Code of Military Justice and no disciplinary or administrative action required."

The lieutenant-general said "the unit showed magnificent courage and restraint as they executed combat operations" at the bridge and he expressed his "deepest sympathy for the families of those who were killed." However, "responsibility for the incident rests with an enemy that chose to fight in a city, needlessly exposing the civilian population, including journalists, to the hazards of war."

The report "highly recommend[ed] that non-embedded media personnel routinely inform the proper military and civilian authorities of their locations during combat operations."

Nonetheless, many of the journalists in the hotel had done exactly that during the fighting. Several journalists had informed their employers, some of them in the United States, of the hotel's GPS location.

In two years, a thorough and independent investigation has never been carried out.

Aljazeera: Tareq Ayyoub

On 8 April, Tareq Ayyoub, a business correspondent for the Arab network Al-Jazeera was killed when the network's office on the bank of the Tigris River in Baghdad was struck by a coalition bomb. He later died. Ayyoub was married with one baby girl.

The pan-Arab TV station Al-Jazeera had consistently told the Pentagon of the composition and location of its crews, but its Baghdad offices were nonetheless bombed, killing the reporter. According to Al-Jazeera spokesman, Jihad Ali-Ballout, no investigation has been carried out by the US forces into the attack in the last two years.

ITN: Terry Lloyd, Fred Nérac, Hussein Osman

ITV news correspondent Terry Lloyd and his team working for Britain's ITN network were caught in the crossfire of fighting between US coalition forces and Iraqi military south of Basra on 22 March. It had been thought that he died later of wounds received in that attack. However, six months after the incident new evidence revealed that a civilian minibus taking the wounded reporter to hospital was fired upon by an American helicopter gunship.

Two other members of the team, cameraman Fred Nérac and translator Hussein Osman also went missing in the attack, with Hussein's body finally being identified in September last year and Nérac still missing, presumed dead. A fourth member of the team, cameraman Daniel Demoustier, who was injured in the incident, was able to get back to US and British lines.

The case of Terry Lloyd case has angered ITN management who have demanded an explanation from the Pentagon over why US forces fired on a civilian Iraqi minibus taking Lloyd to hospital. In their own internal investigation they also believe a US helicopter shot at the back of the retreating minibus. A US bullet hit Lloyd in the head while in the minibus. He had earlier been struck in the stomach by an Iraqi bullet after an exchange of fire when the ITN team came between US and Iraqi troops. The findings of the ITN inquiry have been handed over to US and British military investigators with a demand for a "comprehensive explanation of the course of events and reasons the minibus came under US fire."

The IFJ is requesting that the final report of the British Military Police investigation be which has not yet been supplied to the French authorities or to the family of Fred Nérac, be made immediately available.

Additional: On 23 September 2004, a funeral service was held for Lebanese interpreter Hussein Osman, who went missing along with French cameraman Fred Nérac in southern Iraq on the second day of the invasion by coalition forces on 22 March 2003. Held in Baalbeck in eastern Lebanon, Osman's birthplace, the service was attended by a representative of Lebanese President Emile Lahoud, who presented the family with an honorary award. DNA tests carried out by British military police finally established in June last year that Osman was also killed in this incident. But Nérac's fate has still not been established.

Reuters: Mazen Dana

On 17 August, **Mazen Dana**, a Palestinian-born cameraman working for *Reuters* was struck in the chest while filming near Abu Ghraib Prison outside Baghdad. Dana had been reporting near the prison after a mortar attack had killed six Iraqis there the previous night. Eyewitnesses quoted by international media said that several journalists had been near the prison at the time of the incident and that a soldier in the tank fired on Dana as he filmed it approaching him from about 30 meters.

US officials have said that the troops mistook Dana's camera for a rocket propelled grenade launcher. The *Reuters* team identified themselves to the US soldiers guarding the perimeter of the prison. They were refused permission to enter or film inside the prison, but were told they could film the overview of the prison from a nearby bridge. Dana was shot in broad daylight and was traveling with a group of journalists in clearly marked vehicles.

A previous U.S. Army report by the 3rd Armored Cavalry Regiment based in Fort Carson, Colorado, into the August 17, 2003, fatal shooting of Mazen Dana recommended that U.S. troops improve communication between the military and the media, and within the military itself regarding the presence of media on the battlefield. It also urged a review of the Army's rules of engagement in order to avoid harming journalists in areas of combat.

Additional: Dana was an award winning journalist who had worked for 14 years with *Reuters* in Hebron, surviving bullet wounds and beatings inflicted by Israeli authorities who sought to block his reporting of attacks on Palestinians. He was married with four children.

2004: Six cases

Al-Arabiya: Ali-Abdel Aziz, Ali Al Khatib and freelancer Mazen Al-Tomeizi

Cameraman Ali Abdel Aziz and reporter Ali Al-Khatib of the United Arab Emirates-based news channel Al-Arabiya were shot dead near a US military checkpoint in Baghdad. The two journalists, along with a technician and a driver, were covering the aftermath of a rocket attack against the Burj al- Hayat Hotel.

The crew arrived at the scene in two vehicles and parked about 110 to 165 yards (100 to 150 meters) away from a checkpoint near the hotel. Technician Mohamed Abdel Hafez said that he, **Ali-Abdel Aziz**, and **Ali Al-Khatib** approached the soldiers on foot and spoke with them for a few minutes but were told they could not proceed. As the three men prepared to depart, the electricity in the area went out and a car

driven by an elderly man approached US troops, crashing into a small metal barrier near a military vehicle at the checkpoint. Abdel Hafez said that as the crew pulled away from the scene, one of their vehicles was struck by gunfire from the direction of the soldiers. Abdel Hafez said he witnessed two or three US soldiers firing but was not sure at whom they were firing. He said there had been no other gunfire in the area at the time.

The US military initially said it was unlikely its bullets had killed them. On 29 March 2004, a US military official said an investigation into the deaths showed troops were responsible, but had acted "within the rules of engagement".

US soldiers were aiming at a different car, a white Volvo that had driven through the checkpoint at high speed, the investigation said. Al-Arabiya's grey Kia car was 50m to 150m down the road, trying to turn when it was accidentally hit, the military said.

"The investigation concluded that no soldiers fired intentionally at the Kia," the US military said in a statement.

"Only one soldier saw the Kia leave the scene and was unaware that the Kia had been struck by gunfire or that its occupants had been killed or injured. We regret the accidental shooting of the al-Arabiya employees."

The driver of the Volvo was also killed in the incident. A senior military official claimed troops fired at the Volvo in self-defence. He said it was driving at high speed, and rammed a US Humvee hard enough to push it back 4m. He said eight soldiers, worried about car bombs, had fired up to 10 bullets each at that car. Its driver was killed. Several bullets accidentally struck the Arabiya car.

"The soldiers were acting within the rules of engagement," he said. "At this point this is seen as an accident. At this point the soldiers were working within the rules of engagement." He said the investigation was finished.

Television journalist, **Mazen Al-Tomeizi** was killed when a US helicopter fired on a group of Iraqis around an abandoned armored vehicle in one of Baghdad's main streets. Al-Tomeizi, a freelance television reporter working for Saudi news channel Al-Ekhbariya and Arab satellite channel Al-Arabiya, died when he was struck by an American missile as he was reporting live from Baghdad on clashes between US forces and insurgents.

At the time, he was the fourth Palestinian journalist to be killed in Iraq. The helicopter fired as people gathered round a military vehicle set ablaze in a car bomb attack. The US military said two helicopters opened fire after coming under attack from the crowd. However, television footage of the incident showed no evidence of shooting from the ground.

Military spokesman Lt. Col. Steven Boylan told The Associated Press that a U.S. helicopter fired on the disabled Bradley vehicle to prevent looters from stripping it. But Reuters quoted a statement from the military that presented a different account. "As the helicopters flew over the burning Bradley they received small-arms fire from the insurgents in vicinity of the vehicle," the statement said. "Clearly within the rules of engagement, the helicopters returned fire, destroying some anti-Iraqi forces in the vicinity of the Bradley."

Al-Iraqiya: Assad Kadhim, Hussein Saleh

Correspondent **Assad Kadhim** and driver **Hussein Saleh** were killed when United States soldiers opened fire without warning on their media vehicle in Samara, North of Baghdad. Both men were employed by Al-Iraqiya Television, a station funded by the Pentagon and broadcasting from US coalition headquarters and which had been criticised by some Iraqis as a source of American propaganda. While the US has acknowledged that soldiers killed the two men, they say they failed to heed warning shots. Cameraman Jassem Kamel, who was wounded in the shooting, said troops opened fire immediately on their vehicle

without warning. Kamel, who was wounded in the back, said he and Kadhim had just finished interviewing Iraqi police and members of the Iraqi Civil Defence Corps at a checkpoint.

They got back into their car and drove off. After about 500 metres they were fired upon by US troops and Kurdish gunmen. He said Kadhim and Saleh's bodies were "riddled with bullets." He jumped from the vehicle and was taken to the military base, where one soldier "punched me in the face," he said. Brigadier General Mark Kimmitt, US deputy chief of operations, said coalition forces opened fire at the car after warning shots were fired at least three separate times. However, he admitted that these initial reports may not be correct.

Reuters: **Dhia Najim**

Dhia Najim, aged 47, freelance cameraman for Reuters news agency died on assignment in the Iraqi city of Ramadi while filming heavy clashes in a gun battle between marines and insurgents. The cameraman was at first half-hidden by a wall and then moved into the open when he was hit by a single bullet in the back of the neck that killed him instantly. There was no immediate explanation available as to why he was shot although US officials said he was caught in crossfire. However, colleagues and family made strong allegations that a US sniper shot him.

"Video shot from an upper floor of a building nearby shows Najim, at first half-hidden by a wall, move into the open," Reuters reported. "As soon as he emerges, a powerful gunshot cracks out and he falls to the ground, his arms outstretched. Civilians are seen gathering calmly at the scene immediately afterwards to look at his lifeless body." A November 2 statement from the 1st Marine Division of the I Marine Expeditionary Force said that U.S. forces "engaged several insurgents in a brief small arms firefight that killed an individual who was carrying a video camera."

The statement went on to say, "Inspection of videotape in [Najim's] camera revealed footage of previous attacks on Multi-National Force military vehicles that included the insurgent use of RPGs (rocket-propelled grenades), an IED (roadside bomb) and small arms fire." The statement also said that the insurgents who fought U.S. forces "fled the scene with their wounded but left the body of the dead man along the side of the road."

On November 3, 2004, *The New York Times* reported that the Marine Corps had opened an investigation. "We did kill him," an unnamed military official told *The Times*. "He was out with the bad guys. He was there with them, they attacked, and we fired back and hit him."

Reuters rejected the military's implication that Najim was working as part of an insurgent group. The agency reported that video footage showed no signs of fighting in the vicinity and noted that Najim had "filmed heavy clashes between Marines and insurgents earlier in the day but that fighting had subsided."

Also on November 3, 2004, the U.S. State Department spokesman Adam Ereli expressed concern over Najim's death and the deaths of several other media workers recently killed in Iraq. He affirmed that the United States is dedicated to "providing an environment in which the free press can do its work."

On November 4, 2004, the 1st Marine Expeditionary Force issued a statement acknowledging that Najim was killed in a firefight involving Marines. The statement went on to say, "Inspection of videotape in [Najim's] camera revealed footage of previous attacks on Multi-National Force military vehicles that included the insurgent use of RPGs (rocket-propelled grenades), an IED (roadside bomb) and small arms fire." The statement also said that the insurgents who fought with U.S. forces "fled the scene with their wounded but left the body of the dead man along the side of the road."

In order to demonstrate its commitment to those stated goals, the IFJ believes that U.S. officials should conduct a thorough, immediate, and public investigation into Dhia Najim's death.

2005: One case

Al-Ittihad Al-Isalmi: Dler Karam Ali

On February 9, **Dler Karam Ali**, a Kurdish journalist working for the Al-Ittihad Al-Isalmi and Al-Ofoq Al-Islami newspapers and also a member of the IFJ-affiliated Kurdistan Syndicate of Journalists was shot and injured by US forces on the road between Baghdad and Darbandikhan in Northern Iraq. He died 3 days later in hospital. He was passing through a US military checkpoint on his way to cover the elections when US soldiers on duty asked the car to stop, the driver refused and the soldiers started shooting at the car killing Karam Ali. According to the IFJ affiliate in Kurdistan, the Kurdistan Journalists' Syndicate (KJS), no investigation has been carried out as yet by the US military into the attack.