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New Reports Implicate Soldiers in Death of Journalists

By Ian Urbina, [Asia Times](#)

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On April 8, two journalists were killed in Baghdad. By this date, only weeks into the conflict, the death toll for journalists in Iraq was an alarming 10, more than double the total killed in the entirety of the first Gulf War in 1991. But what was especially worrisome about the deaths of Ukraine-born Reuters cameraman, Taras Protsyuk, and Spanish photographer Jose Couso, was that neither man was near the front lines.

Both were in their hotels. Alongside roughly 100 other journalists from virtually every major international news outlet in the country at the time, Protsyuk and Couso were recouping in an officially recognized safe zone – the Palestine Hotel. But an American tank on the opposite bank of the Tigris River, roughly three-quarters of a mile away, fired directly at the hotel anyway.

The U.S. military stated that the incident was a regrettable though unavoidable mistake. However, with the recent release of an investigation by the New York-based Committee to Protect Journalists there is new evidence that the incident was in fact entirely avoidable, and a Spanish judge is being asked to file formal extradition charges against the three US military officers responsible.

The defendants are Lieutenant Colonel Philip DeCamp, commander of the Fourth Battalion 64th Armored Regiment of the Third Infantry Division; Captain Philip Wolford, company commander of the tank unit that fired on the hotel; and Sergeant Shawn Gibson, the officer who asked Wolford for permission to fire and received it.

The Pentagon has claimed that the tank fire was a purely defensive move. Specifically, military spokeswoman Victoria Clarke wrote the committee a week after the event, stating "coalition forces were fired upon and acted in self defense by returning fire". At the time of the incident, U.S. forces were attempting to find and kill an Iraqi "spotter" who was believed to be watching American troop movements and relaying the information back to snipers scattered throughout the city.

But interviews with more than a dozen eyewitnesses at the hotel tell a

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different story. The unanimous rendition given to the investigators was that no shots of any sort were fired from the hotel. Some of the most damning evidence came in the investigation from Associated Press reporter Chris Tomlinson, who was embedded with the Fourth Battalion. Tomlinson was waiting in Baghdad at a military facility and therefore had access to a military radio. He followed the entire incident closely, listening to the full conversations between company members, as well as between a commander and his superiors.

While listening to events unfold, Tomlinson, who served with the army for seven years, was approached by Colonel David Perkins, the commander of the Second Brigade of the Third Infantry. Perkins, too, was following events on the military radio, and he expressed concern that U.S. tank personnel might decide to fire on the Palestine Hotel. Perkins decided to ask Tomlinson to help more clearly identify the hotel so as to prevent it from being hit.

Tomlinson agreed to help and called the AP office in Doha, Qatar, to find out what the hotel looked like. Soon after, Tomlinson tried to relay the message to the journalists in the hotel, asking them to hang sheets out the windows. Unfortunately, it was too late. At this very moment, the tank commander, having seen someone with binoculars at the hotel, and assuming that this person was the Iraqi spotter, asked and received permission to fire on the Palestine Hotel.

Immediately after the hotel was hit one of the commanding officers, Lieutenant Colonel Philip, started screaming over the radio. "Who just shot the Palestinian [sic] Hotel? Did you just fucking shoot the Palestinian Hotel?" Shortly afterward, Perkins reiterated the policy that no one was to shoot the hotel under any circumstances.

One thing that the recent investigation makes quite clear is that it would be difficult to mistake the Palestine Hotel. It was known to all. On the other side of the world, anyone who watched even five minutes of war coverage knew that virtually the entire international press corps was headquartered at this location. The video and reporting feeds coming from the rooftops and balconies at this spot were constant.

On the facade of the building facing the tank, the name of the hotel was written in huge letters. The 14-story building is by far the tallest on the skyline. There is only one other building nearly as tall, and it, too, was a militarily off-limits hotel. With the naked eye, and no help from distance-vision technology that are standard in most U.S. tanks, the Palestine Hotel is apparent.

Investigators drove this point home by commissioning a photographer to take pictures, included in the recent report, from where the tank fired. The hotel could not be clearer in these photographs.

After the incident, the Spanish government called the deaths a tragic error but also stated that it accepted the official U.S. explanation. Despite opposition from more than 90 percent of the Spanish population, the country's Prime Minister, Jose Aznar, staunchly backed the U.S.-led

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invasion of Iraq. Since then Aznar has continued to dismiss the incident at the Palestine Hotel.

However, the Spanish judiciary may have something else to say about the matter now that evidence seems clearly to indicate avoidable error. In the coming weeks, Spanish investigative magistrate Guillermo Ruiz de Polanco will decide whether there are sufficient grounds for a trial.

Under the Geneva Convention, firing on media facilities is unequivocally illegal. In a court of law, be it international jurisprudence or otherwise, neither accident nor the perception of nearby threat stands as just cause or sufficient excuse for such action.

Of course, American soldiers do not operate under these concerns. They are exempt from such battlefield limitations. But for the rest of the world, for which violations of UN resolutions and breaches of international law can have dire consequences, pursuing this case is important. If nothing else, honest disclosure of wrongdoing and proper procedure in accordance with law are owed to the family of the deceased. Washington would likely agree if the tank had been Iraqi, and the victims had been American journalists.

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