

Britain: Court finds ITN journalist Terry Lloyd murdered by US forces

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An Oxfordshire coroner's court ruled Friday, October 13 that the Independent Television News (ITN) journalist Terry Lloyd was unlawfully killed by US forces in southern Iraq in March 2003.

At the end of a six-day inquest, Assistant Deputy Coroner Andrew Walker told the court, "Having carefully taken into account all the evidence I am satisfied so that I am sure that had this killing taken place under English law it would have constituted an unlawful homicide.... I shall write to the attorney general [Britain's highest judge] and the Director of Public Prosecutions with a view to considering the appropriate steps to bring the persons involved in the incident to justice."

Walker stressed, "I have no doubt that Mr. Lloyd was killed by a tracer bullet fired from an American gun."

Lloyd, along with his Lebanese interpreter Hussein Osman, French cameraman Fred Nerac and Belgian cameraman Daniel Demoustier, was amongst the first non-"embedded" journalists to enter southern Iraq. Previously, the only Western media reports were heavily vetted stories filed by journalists attached to US and British units.

As the court repeatedly heard throughout the week, Lloyd was not a risk-taker but was very professional in his approach to his work. At the time of his death, he had worked for ITN for 20 years and was one of their most experienced journalists, having covered conflicts around the world.

On March 22, 2003, Lloyd's team traveled to Basra to interview civilians on how they felt about the war. The crew was caught up in a firefight between US and Iraqi forces near the Shatt Al Basra Bridge. Lloyd and Osman were killed and Nerac is still missing, presumed dead.

Demoustier, who survived the incident, told the inquest that the team had been driving towards the bridge in "civilian traffic when they saw Iraqi troops coming towards them and turned round." He said the second convoy vehicle, which Lloyd and Osman were in, was stopped by an Iraqi military vehicle. He then saw an Iraqi military vehicle halt beside him and the soldiers inside then give him a "thumbs-up sign."

Demoustier explained: "At that same time gunfire started. It came from a distance. Immediately I ducked down under the steering wheel. Then hell broke loose completely. The machine gun's fire was directly targeting my car. I was absolutely sure I was going to die, I was a hundred percent sure. I stuck my head to the right and I saw my passenger door was open and Terry was not in the car."

Demoustier told the court that he looked up and saw the car roof was on fire—petrol cans the team had been carrying with them had ignited. Demoustier then hurled himself out just before the car exploded. He described how he lay in the sand and mud for up to 30 minutes before attempting to stand.

He looked behind him to search for his colleagues and saw the second ITN vehicle parked up with the doors open. Their vehicles, which were clearly marked as "Press," were hit by US tanks:

"Most of the bullets were definitely coming from the American tanks."

Lloyd suffered a serious but non-fatal wound and was transferred to a makeshift ambulance. But that vehicle was then fired upon by US forces, and he was killed.

During the inquest, video footage of the incident was shown in public for the first time. It was taken by a cameraman attached to the tank unit that is alleged to have fired on Lloyd's convoy, and it was given to the Royal Military Police by American authorities some months later.

Major Kay Roberts of the Royal Military Police said she was told by the American authorities that the footage they handed over was "everything that they had." However, an expert had told her that "at the start of the recording the time frame jumps by about 15 minutes." The video then begins with footage of the team's burnt-out vehicles.

Roberts informed the court that Iraqi soldiers picked up Nerac and Osman as they drove towards Basra and transferred to them to an Iraqi pickup truck. "Soon after picking up the two men the vehicle sustained incoming fire and exploded. Neither of the two witnesses had any recollection of events following the explosion and being blown away from the vehicle."

The footage shows the burning vehicle that Demoustier and Lloyd were traveling in and the second car marked ITN. Shouts of "That's media personnel, that's media down there" are heard.

The second clip shows Iraqis driving past in a pickup truck and the US soldiers shouting, "Check the vehicles, check the vehicles. You've got to stop those vehicles and check them for weapons."

This shows that the US soldiers did not have enough information because they hadn't checked for weapons but still shot at the vehicles rather than above them.

Ballistics expert Dr. Thomas Warlow said that Lloyd was first hit by an Iraqi bullet fired from the pickup truck, which he could have survived with medical treatment. He was then hit in the head by an American bullet as he was taken for medical treatment in the

civilian minibus, which killed him outright.

Warlow said that “if the vehicle was perceived as a threat, it would have been fired on before it did a U-turn. This would have resulted in damage to the front of the vehicle. I have no doubt it was the fact that the vehicle stopped to pick up survivors that prompted the Americans to fire on that vehicle.”

From the onset, Lloyd’s colleagues at ITN had to conduct their own investigations to establish the truth surrounding his death. Former ITN chief executive Stewart Purvis told the court that so little information was given about the incident that ITN had to send two of its own journalists into Basra to make inquiries. ITN had made “numerous requests” to then Defence Secretary Jack Straw about what had happened, but only limited information was given: “I came to the conclusion that the British military knew more about what happened at the top level than they were disclosing to us.”

Purvis explained that the US military did not recognise journalists who were not embedded with their troops and therefore took no responsibility for “unilaterals” (independent journalists). This was, “To such an extent that in a sense they wouldn’t recognise their existence.”

Purvis told the court that he had told the military about their news teams’ travel plans, but was not given any information about troop movements. “They were not prepared to enter into a dialogue so I’m not sure what more could have been done. We couldn’t force the military to tell us troop movements to pass on to our war correspondents.”

Angela Frier, managing director of ITN International, spoke of her efforts to find out what happened and the struggle to find the bodies of her dead colleagues. After Demoustier had told her what happened, she sought help from the Red Cross in identifying and bringing Lloyd’s body to Kuwait in the days that followed the killing, as well as searching hospitals in Basra for signs of Osman or Nerac. But the situation in Basra was by then chaotic. “On that day 25 people had been killed and 70 people brought into the main hospital in Basra,” she said.

She asked the British Army to sweep the road where Lloyd’s team was attacked for bodies, but they said it was under US military control. The next day, it passed into UK control as the US forces moved north, but the British Army refused to conduct a search despite daily appeals until it received “a formal request from London”—which did not come.

Johnathan Munro, the head of ITN news-gathering, said that British forces could not only be unhelpful but sometimes “obstructive.” This concern was shared by colleagues in other networks, and their views were made known to the Ministry of Defence.

The deputy coroner said that evidence from US soldiers was not taken because US authorities had refused to allow the soldiers who had given witness statements to be named or to attend the inquest. Walker said it would be inappropriate to accept the soldiers’ evidence without submitting it to cross-examination.

Nevertheless, there are grave doubts as to the accuracy of their accounts. Anthony Hudson, representing the Lloyd family, explained that it was possible they had not come because they would put themselves at risk of prosecution for a war crime under

the Geneva Conventions.

Daniel Friedman, representing ITN, told the coroner that the US army had not taken evidence from the soldiers until April 19, four weeks after Lloyd’s death. He also told the court that on the same day, the US army had written to the wife of Nerac to deny that US forces had been involved.

Evidence presented to the coroners’ court indicated that anyone seeking to report independently on the Iraq war could have met the same fate as Lloyd. British military representatives bluntly expressed the opinion that if journalists did not embed themselves, then the army would not take responsibility for what happened. As Purvis stated, “In my experience the British and American military do not want unilateral teams operating, full stop.”

Following the verdict, both the heads of the ITN and BBC news-gathering stressed the right of the media to report conflicts unilaterally.

Throughout the last three years, Lloyd’s family and the National Union of Journalists made repeated requests for the reopening of the inquest. The family never even received a letter to explain why it was being delayed.

Lloyd’s widow Lyn said in a statement, “This was a very serious war crime. How else can firing on a vehicle in these circumstances be interpreted? This was not a friendly fire incident or a crossfire incident, it was a despicable, deliberate, vengeful act, particularly as it came many minutes after the initial exchange.

“US forces appear to have allowed their soldiers to behave like trigger-happy cowboys in an area where civilians were moving around.”

Lloyd’s daughter Chelsey said, “The killing of my father would seem to amount to murder, which is deeply shocking.”

The possibility of bringing anyone to trial for the killing of Lloyd is viewed as unlikely. But even the prosecution of the soldiers involved would leave the guilty unpunished. The killing of Terry Lloyd and the targeting of other journalists such as the personnel of Al Jazeera was a deliberate policy, for which the US Army top brass and the Bush administration must be held to account.



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