

PRESS RELEASE

Nick Ut files detailed court submissions exposing falsehoods at the heart of *The Stringer*

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Pulitzer Prize-winning photojournalist Nick Ut has filed detailed legal submissions before the Criminal Court of Tarascon in France in ongoing criminal defamation proceedings against the producers and distributors of the documentary *The Stringer*, including THE VII FOUNDATION and Netflix entities involved in the film's international distribution.

The proceedings concern serious allegations made in the documentary claiming that Nick Ut did not take the iconic 1972 photograph known worldwide as *The Napalm Girl* and that another individual, Nguyen Thanh Nghe, was the true author of the image.

According to the court filings, the documentary does not merely raise historical questions or present competing interpretations.

Instead, the film repeatedly presents as fact that Nick Ut knowingly lied for decades about taking one of the most important photographs in modern history, falsely claimed credit for the image, misrepresented his role in rescuing Kim Phuc after the napalm attack, and benefited from an allegedly fraudulent attribution orchestrated within the Associated Press.

The legal submissions maintain that these accusations are false, defamatory, and unsupported by credible evidence.

The filings now before the French court include extensive witness declarations and evidence directly contradicting the narrative advanced in the documentary.

- The testimony of David Burnett;
- The testimony of Fox Butterfield;
- The testimony of Tu Pease;
- The testimony of Peter Arnett;
- The testimony of Phuoc Than Phan;
- The testimony of Arlette Salazar ;
- Statements by Mr Richard Pyle;
- Statements by Mr Hal Buell;
- The letter from Mr Arthur Lord;
- Evidence corroborating the presence and position of Mr Nick Ut at the time the photograph was taken;
- Report of Iman Sadeghi re the lack of scientific validity of the Index reconstruction ;
- Extracts from Horst Faas' book « *50 ans de photojournalisme* ».

Among the most significant declarations is that of Phan Thi Kim Phuc herself, the child depicted in the photograph known worldwide as *The Napalm Girl*.

In her sworn statement, Kim Phuc states that she refused to participate in the film because she believed its accusations against Nick Ut were false. She explains that throughout the years, eyewitnesses present that day, including members of her own family, journalists, photographers, and cameramen, consistently confirmed to her that Nick Ut took the photograph and brought her to the hospital after the napalm attack.

Kim Phuc further recalls that her uncle repeatedly told her that Nick Ut was the person who ran toward her to take the photograph and later agreed to transport her and other injured children to the hospital when others refused to do so. She also states that Nick Ut has remained closely connected to her family for decades and that she considers him the man who saved her life.

The filings also include declarations from members of Kim Phuc's extended family directly contradicting claims presented in the documentary.

Among them is the sworn declaration of Phan Thanh Phuoc, Kim Phuc's younger brother, who appears in the famous photograph running alongside his sister.

In his statement, Phuoc recalls witnessing his severely burned sister being transported to the hospital by a man wearing a military uniform and carrying several cameras. He states that after recently being shown a photograph of Nick Ut standing next to Kim Phuc shortly after the attack, he recognized him as the same man who was in the vehicle that took his sister to the hospital.

The filings also include a declaration from Ho Thi Hien, one of Kim Phuc's cousins who appeared in *The Stringer*, that states that she never saw who transported Kim Phuc to the hospital and was not in a position to identify any specific person at the scene. She further states that she did not see Ho Van Bach near Kim Phuc during the events of June 8, 1972, contrary to suggestions advanced in the film.

Another important declaration comes from Tu Pease, secretary for the Associated Press bureau in Saigon from 1968 to 1975, who recalls the day of June 8th, 1972,

In her testimony, Tu Pease states that she was present at the AP office on June 8, 1972, when Nick Ut returned from Trang Bang with photographs of the napalm attack. She recalls Nick Ut describing how he had photographed severely burned children and transported Kim Phuc to the local hospital before returning to the AP office to develop his film.

Tu Pease further states that she personally witnessed discussions inside the AP newsroom regarding Nick Ut's photographs and heard Horst Faas congratulate Nick Ut for taking the famous picture. She states that she never heard Horst Faas or anyone else suggest that credit for the photograph should be transferred from a « stringer » to Nick Ut.

Her declaration also directly challenges one of the central premises of *The Stringer*.

She explains that she was the only person at Associated Press responsible for paying freelance contributors or « stringers » for photographs purchased by AP, adding that she paid « the amount Horst Faas agreed to pay ».

She states that no payment was ever made to Nguyen Thanh Nghe, or to anyone else, for the *Napalm Girl* photograph on June 8th 1972.

Tu Pease additionally states, contrary to the claim in the film, that throughout her years working at the AP bureau in Saigon, she never heard any Vietnamese staff member question Nick Ut's authorship of the photograph and that no rumor disputing his authorship existed prior to the recent controversy generated by the film.

Another important declaration comes from Arlette Salazar, the widow of Nick Ut's older brother, Associated Press photographer My Thanh Huynh, who was killed during the Vietnam War.

In her statement, Arlette Salazar confirms that after her husband's death she entrusted Nick Ut with her late husband's photographic equipment, including Pentax cameras which Nick Ut regularly carried and used while working as an Associated Press photographer in Vietnam before June 8, 1972. She further explains that Nick Ut treated these cameras as deeply personal objects connected to his late brother and carried at least one of them daily while working in dangerous combat conditions.

According to the court submissions, these declarations form part of a much broader body of independent evidence confirming Nick Ut's authorship of the photograph and exposing the weakness of the documentary's accusations.

The filings argue that the documentary relies overwhelmingly on the 50-year delayed and unsupported claims of only four self-interested individuals (Carl Robinson, his wife, Nghe and his brother in law), while disregarding substantial contradictory evidence from numerous independent eyewitnesses and contemporaneous Associated Press personnel.

The submissions specifically challenge the credibility and motivations of Carl Robinson, whose accusations against Nick Ut emerged decades after the events in question.

According to the filings, Carl Robinson opposed publication of the photograph in 1972 and harbored longstanding resentment concerning the impact of the image and the broader consequences of the Vietnam War. The submissions further state that Carl Robinson's wife and family were Vietnamese and that the family suffered significant consequences after the fall of Saigon. The filings argue that Carl Robinson later directed bitterness and hostility toward Nick Ut.

The court submissions maintain that Carl Robinson's delayed accusations, personal grievances, and contradictions render him an unreliable witness whose claims are unsupported by independent corroboration.

The filings likewise challenge the credibility of Nguyen Thanh Nghe's claims, noting that he waited more than fifty years before asserting authorship of one of the most famous photographs in modern history.

According to the submissions, Nghe never filed any contemporaneous report claiming authorship, never publicly asserted ownership of the image for decades, never sold any other photographs to the Associated Press or any other western media, and was never identified at the time by Associated Press personnel or independent witnesses as the photographer of *The Napalm Girl*. In fact, he has no portfolio of other Vietnam war images, no negatives and no other corroboration that he ever took a single picture during the Vietnam war.

The submissions further argue that the title of the documentary itself is misleading. According to the court filings, Nguyen Thanh Nghe was not an Associated Press « *stringer* », never worked as one, and never sold photographs to the Associated Press or any other western media.

The submissions state that apart from Nghe himself and his brother-in-law Carl Robinson, no witness supports the allegation that Nghe took the photograph.

By contrast, the filings rely on substantial independent evidence, including sworn witness declarations contradicting the film's claims, testimony from Associated Press personnel and eyewitnesses present in Vietnam, historical Associated Press materials and interviews conducted long before any controversy existed, writings and recorded statements from deceased witnesses consistently crediting Nick Ut as the photographer, and expert analysis challenging the reliability of the documentary's purported forensic and scene-reconstruction methods.

The submissions specifically contest the conclusions advanced by investigators featured in the documentary, arguing that their reconstruction methodology is speculative, selective, and inconsistent with accepted scientific standards.

The filings further argue that much of the contradictory evidence ignored by the filmmakers was publicly available or could have been uncovered through minimal journalistic investigation.

« *The film does not simply question history* », the submissions state. « *It accuses Nick Ut of knowingly building his entire career on a lie* ».

Nick Ut maintains that he took the photograph on June 8th 1972, and that *The Stringer* presents a distorted and deeply misleading account that ignores overwhelming evidence confirming his authorship.

Under French defamation law, the burden rests on the defendants to prove the truth of the accusations they chose to publish. The court filings argue that *The Stringer* cannot meet that burden.

According to the submissions, the documentary makes extraordinarily serious accusations against Nick Ut while disregarding substantial contradictory evidence, including independent eyewitness testimony, contemporaneous Associated Press records, and sworn declarations from witnesses with direct knowledge of the events.

The legal action was filed in France because *The Stringer* was deliberately distributed to the French public through Netflix France, promoted in France, screened at French events, and produced in part through THE VII FOUNDATION's French operations in Arles.

Nick Ut's legal team further notes that the documentary's international promotion and recent Emmy nominations have amplified the reputational harm caused by the accusations.

James Hornstein
Attorney at Law
Tel. : +1 310.322.7487
jimh@jimhlaw.com

Martin Pradel
Attorney at Law
Tel. +33 1 88 40 06 76
martin.pradel@talma.legal