

Subject: Re: LA Times question on Blackwater shooting

Pete: for what it's worth, I think your approach is correct. Give Miller what we can and then dump the rest on Blackwater. We can't win this one. A draw is the best we can expect.

My best to all of you. Stay safe. Bob

Mitchell, Peter J (Baghdad) wrote:

- > Jim;
- > I've spent the better part of the day coordinating a response to the
- > reporter's questions, and I wanted to provide some background to you.
- >
- > o As per Chief of Mission protocol, all incidents involving
- > the use of deadly force by State Department personnel and
- > contracted detailees are investigated by the U.S. Embassy
- > Regional Security Office. The investigation is
- > administrative in nature. The results of this particular
- > investigation concluded that no criminal act was committed.
- > However, the investigation did conclude that not all the
- > procedures in place for the use of deadly force were
- > properly followed. The individual was subsequently relieved
- > of his position with the Embassy and released back to
- > Blackwater.
- > o The reporter wants to have a backgrounder with someone who
- > can explain what legal mechanisms are in place to hold
- > private security contractors accountable in the event of
- > wrongful death or criminal acts, but we should deny the
- > backgrounder. Because as for the legal jurisdiction under
- > which a PSD operates, this is where things get hazy. There
- > is no Uniformed Code of Military Justice for PSD's. Private
- > security contractors fall under C.P.A. General Rule 17,
- > which grants private security contractors immunity from
- > prosecution in Iraqi courts. In wrongful deaths where deadly
- > force was authorized, if the PSD is found negligent, the
- > only recourse is dismissal. In cases where there was clear
- > criminal intent, a criminal case could hypothetically be
- > pursued in U.S. federal court, but this has yet to happen
- > out here. Because of all the aforementioned, we shouldn't go
- > down this road.
- > o The other long pole in this tent is compensation to victim's
- > families in the case of wrongful death. Unlike DoD, the
- > Department of State currently doesn't have a system to
- > compensate the families of victims of wrongful death. I
- > imagine this would have to occur on a case-by-case basis.
- > In similar cases, Blackwater has compensated victims'
- > families. But I can't confirm that occurred in this case.
- > In short, I have no reason to believe the family of the
- > victim has been compensated.
- >
- > The reporter wants two things: he wants confirmation that an
- > investigation was conducted and the results of that investigation.
- > Yes, an investigation was conducted, and we have results. Second, he
- > wants a backgrounder to have it explained to him what legal mechanisms
- > are in place under which a private security contractor operates. I
- > recommend we deny the backgrounder, provided we produce a statement.
- > His deadline is Thursday. I also recommend we wait until Thursday
- > before we send a statement.
- >
- > I recommend the following statement:
- > "As with every instance where State Department personnel and

- > contracted employees working for the Embassy have applied deadly force
- > in the line of duty, this May 12 incident was thoroughly investigated
- > by the U.S. Embassy Regional Security Office. The investigation
- > concluded that no criminal act occurred. However, the investigation
- > did conclude that the individual in question did not properly follow
- > all the procedures in place for the use of deadly force. He was
- > subsequently removed from his position with the Embassy."

- >
- > I think everything else should be off the record. I won't mention his
- > name, I won't go near compensation, I won't go near legal mechanisms.
- > I'll defer as much as applicable (off the record) to Blackwater.

- >
- > Mark: once I get initial buy-off on the way to proceed, I'll send out
- > the statement to everyone tomorrow for a hard scrub.

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- > -- Pete
- > Peter J. Mitchell
- > Acting Spokesman
- > U.S. Embassy
- > Baghdad, Iraq

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> -----Original Message-----

- > From: Miller, T Christian [mailto:T.Christian.Miller@latimes.com]
- > Sent: Tuesday, August 08, 2005 12:09 PM
- > To: Mitchell, Peter J (Baghdad)
- > Subject: LA Times question on Blackwater shooting

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- > Pete:

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- > As we discussed, I'm doing a story on private contractor shootings in
- > Iraq. I'm focusing on a case involving Bob Callahan, the former US PAO
- > in Iraq. Callahan's PSD team was involved in a shooting on May 12,
- > 2005, at about 2 p.m. The Blackwater escort fired rounds at a civilian
- > vehicle upon leaving the NPR/CBS compound in the Masbah neighborhood,
- > also referred to as the Arasat neighborhood. One person was killed and
- > two injured.

- >
- > Bob informed me that he believed that State's Diplomatic Security
- > Services had launched an inquiry of the incident. I would like to
- > confirm this, and determine whether there have been any results of
- > that investigation.

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- > More broadly, I am also seeking to know what systems are in place to
- > deal with PSD members suspected in a shooting, and whether any U.S.
- > agencies investigate such incidents. There was a recent incident in
- > Erbil mentioned in the Wardens' report in which a PSD wounded a KDP
- > diplomat, resulting in some sort of disagreement between U.S. and

> Iraqi investigators. A briefing on the topic would be helpful.

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> This is a weekend story, so my deadline is Thursday of this week.

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> All best,

>

> T. Miller

> LA Times

