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S E C R E T ROME 001593

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BAGHDAD PLEASE PASS TO BG VANGJEL;

JUSTICE FOR ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

EO 12958 DECL: 05/08/2015

TAGS PREL, MOPS, KJUS, IT, IZ, IRAQI FREEDOM

SUBJECT: IRAQ/ITALY: BERLUSCONI IN PARLIAMENT ON CALIPARI-

STRESSES GOOD RELATIONS AND COOPERATION WITH US, COMMITMENT TO IRAQ; ALSO MENTIONS WITHDRAWAL PLANS

REF: ROME 1506

Classified By: DCM Emil Skodon, reasons 1.4 b and d.

¶1. (S) Summary and Recommendation: On May 5-6, PM Berlusconi spoke to both houses of Parliament about the joint investigation and separate reports of the March 4 shooting of Italian Intelligence officer Nicola Calipari by US forces near Baghdad. While Berlusconi defended the Italian report and took issue with some of the US report's findings (see synopsis of his remarks at para 3), he reaffirmed the points of most importance to us: the incident was unintentional; US-Italy relations and our alliance remain strong; and Italy remains committed to its involvement in Iraq. We continue to recommend letting the US report speak for us rather than prolonging public debate. While the issue appears to be losing steam here, we still must deal with the MLAT requests and the possibility of a continuing investigation by Italian prosecutors. End summary and recommendation

¶2. (U) On May 5, PM Berlusconi briefed the Chamber of Deputies and the Senate on the Italian and US reports that concluded the work of the joint investigation in to the March 4 shooting of Italian Intelligence officer Nicola Calipari by US forces near Baghdad. Berlusconi, in televised session, was flanked by FM Fini and other cabinet ministers. A debate followed. A synopsis of his remarks, as reported in the Chamber of Deputies transcript follows (his report to the Senate was nearly identical).

¶3. (U) Begin synopsis of transcript:

The impossibility of reaching shared conclusions....certainly mean that the joint investigation...was not able to bring its task to full completion. Nonetheless, it is also true that the US decision to open a joint investigation with Italy is unprecedented and came in response to a request by the Italian government. Investigations were objectively conditioned by the lack of preservation of the scene of the incident. This notwithstanding, the work of the joint investigation team was carried out in a climate of strong mutual cooperation and the Italian members of the team had full access to -- and were enabled to acquire -- all the information available.

Discrepancies between the Italian and American reports turned out to be irreducible and I will certainly not be the one to minimize the size of the disagreement. Discrepancies in the two texts touch on aspects that are far from being marginal. The US considered reliable testimony and data that do not coincide with what we collected and which we found were reliable. In particular, the declarations by the two Italian survivors are in contrast with those by the US military. Given that the impartiality and good faith of the US investigators cannot be under discussion, and I think we all agree on this, we cannot but respect their conclusions, noting that they do not coincide with ours. This is even the opinion of the Americans on our results and also, their report converges with ours on this -- it recognizes that not everything worked as it should have in preparing/locating and managing that blocking position.

Both sides, however, recognize that the incident was unintentional and both sides recognize the need to take concrete operational measures to avoid similar occurrences in the future. Still, one thing is to conclude like the Americans did, because of disciplinary measures, and another is to underscore, as we did -- and I quote -- on the basis of acquired evidence that there was a lack of intention . The absence of criminal intent -- the intention -- does not rule out the guilt/responsibility that is ascribable to negligence, imprudence or even simply inexperience. And this, you will agree, is not a small difference. The Italian report concluded that the blocking positions was irregular. It was set up with no written or specific instructions and was located where it had little visibility and could not protect the security of the military manning it nor that of drivers of vehicles approaching it. Accusations and criticism of the Government for how it managed the Calipari case and for the conclusion of the joint investigation are paradoxical. If we believe one vision of the facts is credible rather than another, it evidently cannot be friendship to make one change one's mind. This is elementary and holds true for both the US and Italy.

The friendship between Italy and the US is not under discussion. The alliance and the friendship with the United states have solid foundations, foundations that we are committed to consolidating every day against the threat of totalitarianism and terrorism. Our friendship has overcome even more difficult tests. To this day, Italy recognizes itself in the Le Monde headline after the 9/11 tragedy that read, "We are all Americans."

Our commitment to do what is possible to ascertain the truth and possible responsibilities remains unchanged. It is a commitment we intend to honor, first and foremost for the respect we owe to the memory of Nicola Calipari. The Italian judiciary can count on the firm support of the Government. I want to free the ground from any misunderstanding: there is no connection between the investigation into the circumstances of the death of Calipari and the continuation of the Italian commitment toward reconstruction in Iraq...We do not intend to establish any kind of link between the assessment of the event in which our official lost his life and Italy's role in Iraq. Italy is in Iraq in compliance with a UN Security Council Resolution.

End synopsis of transcript.

¶4. (U) In response to press questions after the debate, Berlusconi said:

The Center-Left opposition's attitude was "responsible," because they did not place under discussion the alliance nor the friendship with the US. The opposition continues to ask for our withdrawal from Iraq, which is in the plans, in agreement with the Iraq government and the allies. In the past, we have made announcements to this effect and we hold to this prospect. There is no reason today to say, "everybody home." It would sound irresponsible and incomprehensible. On the progressive withdrawal of troops from Iraq we already announced our position some time ago. We already discussed it with our main allies. We will continue to talk with them. A progressive reduction of our presence will certainly occur. I had even given an indication of when. Everything will be in agreement with the Iraqi government and with our allies. I even spoke about it directly and personally with Bush and Blair. Therefore, we continue in this direction. An international conference on Iraq will soon take place. Italian efforts for the reconstruction of Iraq are not isolated and even NATO and the EU are now involved.

¶5. (S) COMMENT: Berlusconi's remarks, while reassuring on Iraq and on US-Italy relations, also reflect a position he and his government staked out on the Calipari case from the beginning: a commitment to fix responsibility. Although this commitment was not actually included in the joint investigation's terms of reference, Berlusconi evidently felt an obligation to adhere to it. We believe this was at the heart of US-Italian disagreements over the joint investigation conclusions and set the tone of both the Italian report and Berlusconi's remarks to Parliament. In particular, the determination to avoid any criticism of Calipari's own role led the Italian government and investigators to ignore a question that seemed obvious to the US investigation: out of the 30 cars that came to the blocking position, why was this the only car fired upon that night? As in Reftel, we continue to urge Washington to discourage USG spokespeople from point-by-point refutation of the Italian report or Berlusconi's remarks. As much as possible, we should allow our report to speak for itself on our view of the incident. This will hasten the fading of the case from the political radar screen.

¶6. (U) Baghdad minimize considered.

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