**CENTCOM 002409** 

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**CENTCOM 002411** 



#### DEPARTMENT OF THE ARMY

Headquarters, 3<sup>rd</sup> Brigade Combat Team

3rd Infantry Division

FOB Warhorse, Iraq

REPLY TO ATTENTION OF:

AFZP-VI-JA

09 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of

(b)(6)

06-IA5-084a

1. Claimants name and address:

(b)(6)

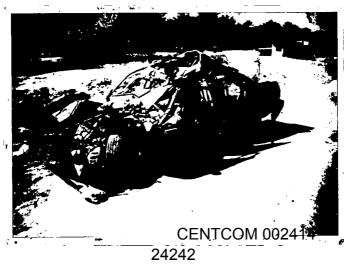
Iraq

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 24 March 2005 in Baqubah, Iraq
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000.00 on 29 October 2005.
- 4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; filed for damage to personal property.
- 5. Facts: U.S. forces tank hit claimant sivehicle causing damages and killing driver.
- 6. Opinion: In order to form a basis for a claim under the ECA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activity of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Based on the facts and investigations, the claimant's vehicle was hit by U.Stank.
- 7. Recommended Action: This claim is payable under the ReA for the above mentioned reasons. Consequently this claim is approved for \$6,000.00.

(b)(3),(b)(6)

Claims Judge Advocate

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# Al-Khaliss investigation court 26 / 4 / 2005

The evidence of the civil claimant the wife of the victim ( (b)(6) , born in (b)(6) , born in (b)(6) , her work is a (b)(6) , she lives at (b)(6) , he evidences as the following:-

The victim (b)(6) s my husband . in date 24 / 3 / 2005 he went to Baqubah and a crashing incident happened between his car Opel and the US military vehicle and this resulted to death of my husband at Al-Aswad village on the general street . I did not watch the incident by my eyes . so I demand the complaint and compensation. His parents are dead and he has (b)(6) children . and this is my evidence .

the civil claimant (b)(6)

Her agent the lawyer

(b)(6)

the iudge (b)(6) 9 / 5 / 2005

### In the name of God

Diyala Health Office Forensic Medicine

NO. (b)(6)

Date 24/3/2005

# **Anatomy Report Questionnaire**

# To / Al-Khaliss Police Department

I am the undersigned Dr. (b)(6) , I made the medical anatomy on the corpse of the civilian (b)(6) responding to the request of the police message NO. (b)(6) lated in 24 / 3 in Baqubah Hospital in date 19 / 4 / 2005 at 11:00 A.M and the result was:-

## The external damages :-

Bruises and hits in the head and face and chest. Wounds in the face and head and the right shoulder. Breaks in the skull bones. Bleading in the brain.

# **Conclusion:**

the cause of death of the deceased (b)(6) is the breaks and tears and bleeding because of the intese hit time of death: 3-6 hours.

Doctor

(b)(6)

### In the name of God , more merciful , more gracious

Republic of Iraq Ministry of Justice The Notary Office in Al-Khaliss General NO. / 1550 Record / Date 8 / 5 / 2005

# **General Proxy**

(b)(6)I am the undersigned Appointed the lawyer as an agent ( General Proxy ) to be authorized according to it to do all the oral and actual and private actions to or on my right in all the general and private trials, the associations and the corporations and he has the right to rise sues or conceal them and to give up the rights related to it and has the right to put the reserved seizure or remove it and has the right to admit and make peace and to elect the experts or refuse them and to send the oath or refuse it and accept it and has the right to approach all the legal appeals and execute the information in the executive offices and has the right to demand to imprison the civilians and put the executive seizure and remove it and to object the executive decisions and appeal them and has the right to approach all the official offices and institutions and to drive the warnings by the notaries and has the right to appoint the other as an agent in part or all that I appointed as agent and he has the right to hand the compensations.

Signature of client:

Full Name: (b)(6)

Permanent address: (b)(6)
ID card NO.: (b)(6)

I approve that the signature the mentioned in this proxy is for (b)(6)

Known above and I read upon him its contents and he admitted and undersigned it in front of me in date 8 / 5 / 2005

The Notary:

Full Name: (b)(6)

Signature and seal:

# **Death Certificate**

**NO.**: 0)(6), (b)(2)Hig

**Organizing date 24/3/2005** 

Name of the dead:

(b)(6)

Sex: Male

Nationality: Iraqi

Religion: Muslim

Marital Status: Married

**Profession**: employee

Name of mother:

(b)(6)

Name of father:

(b)(6)

Police station: Al-Khaliss police station

Place of death: Diyala - Khaliss

Date of death: 24 / 3 / 2005

Date of birth: (b)(6)

Place of birth: (b)(6)

Cause of Death: breaks in the skull bones and bleeding because of large wounds

Doctor

(b)(6)

Foreign Language Text, (b)(6)

### In the name of God

Al-Khalis police station NO. / (b)(6)
Date 11/5/2005

# To / the constitutional lawyer office in Baqubah

# Subject / case transferring

Executing to the decision of Al-Khaliss investigation judge, we send to von the special investigating papers of the victim (  $^{(b)(6)}$  . we hope that you will receive them with respects .

Colonel

(b)(6)

The station officer

Attaches :Investigation papers

Al-Khaliss police station 9 / 5 / 2005

# Sir, Al-Khaliss investigation judge

Your decision in date 5 / 5 / 2005.

- 1. we enclose the statement of the mechanical man on the car No./  $^{(b)(6)}$  Diyala Opel Omeca .. hoping to read it .
- 2. since the investigation has been ended, we wish to issue your proper decision for transferring the case to the constitutional lawyer office.

the investigation officer

# the officer

- 1. as we have no right to make the complaint against the coalition forces, so i decisded to close the investigation according to the memorandum of the coalition forces No. / 3 department 2.
- 2. give a copy of the investigative papers to the complainant and understand him to go to CMOC.
- 3. record the decision.

(b)(6) 9 / 5 / 2005

#### In the name of God

Al-Khaliss police station 5 / 5 / 2005

# The statement minutes

We made the statement for the car NO./  $^{(b)(6)}$  Diyala – Opel – Omeca – Model  $^{(b)(6)}$  according to the message of Al-Khaliss police station No./ 2468 in 5 / 5 / 2005, and appeared the following:-

The controls: destroyed because of the accident

## The damages :-

- 1. destroy the surface of the car and the front Tikams (frames).
- 2. destroy the windscreen and the rear glass.
- 3. destroy the glasses of the rear and front doors.
- 4. destroy the front doors and curvatures in the rear doors.
- 5. damages in the front left and right Chassis of the car.
- 6. destroy the front bumper and the radiaror.
- 7. destroy the dashboard and the stern of the car.
- 8. destroy the cover of the engine and the front clay protector.
- 9. destroy the cover of the trunk.

So, all the damages are evaluated according to the person who will repair it and according to the official bills.

Mechanical policeman

T.T.

(b)(6)

(b)(6)

# Al-Khaliss investigation court 5 / 5 / 2005

The evidence of the witness  $^{(b)(6)}$  , born in  $^{(b)(6)}$  , his work is a  $^{(b)(6)}$  in  $^{(b)(6)}$  village , he evidences as the following :-

(b)(6)I do not know the victim . In date 24 / 3 / 2005 at 8:00 A.M. I was standing on the side of the street in front of Al-Aswad village indented to go to Al-Khaliss city and during that I watched a group of the vehicles which belong to the coalition forces stopped on the right side of the general street and the other side of the street was open to pass the cars and i watched the car Opel and it was heading to Baqubah direction coming from Al-Khaliss city and during that two US Civil Cars (Bahbahan) came and one of them passes the car Opel and the latter satyed behind the Opel where the car Opel became between the US cars and the driver of the civil car Opel tried to be away from these cars so he devialted to the platform of the street but the US big vehicle collided his car and the Opel entered under the US vehicle and the driver died whose name is knew his name later and when i tried to help the person, the coalition forces prevented me. and this is my evidence.

The witness

(b)(6)

the judge
(b)(6)
9 / 5 / 2005