

U-1R8-130

CENTCOM 002754

(b)(6)

2/07/18

[B]

○ SIMMAN
EALL

TF Band of Brothers
Foreign Claims Cover Sheet

File #: 6-IR8-133

Name: _____

(b)(6)

POA/ATT: _____

(b)(6)

Date Received: 17/Jan/2006 **Date of Incident:** 29/Aug/2005

Claim Amount: \$10,000 **Location:** Duluyia (Al Hrdaneyq)

Next Apt: 29 Jan 06 **Contact Info:** _____

Translation: _____

Further Investigation:

Contact S-2 **Check Sigacts**

*checked sigacts 24 Aug 1 Sep
see inside*

Approved **Denied** BUD

AIF entanglement

***Goodwill Payment recommended:** _____

~~Approved~~ **Denied:** _____

MVA **RAID** **LOST** **NEG FIRE** **REAL**

OTHER: Wrongful death

CENTCOM 002755

TF Band of Brothers Claims Chronology Sheet

Claimant's Name: _____ File Number: _____

Date	Action Taken (Checked Sig Acts/ Phoned/Visited/etc.)	Initials
1/20	SIGACTS investigation completed:	
	-IA Btn received SAF. AIF	
	hiding in reeds near canal.	
	2 AIF KIA	



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

60-1R8-133
24 Jan 06

AFZB-JA-C

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

- a. There is not enough evidence to prove your claim.
- b. The evidence shows that United States Forces did not cause the damage.
- (c) The evidence shows that the damage was caused during combat.
- d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
- e. The evidence shows that your claim was fraudulent.
- f. Other: _____

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

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

CPT, FCC
Foreign Claims Commissioner

CENTCOM 002757



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

20 January 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6), 06-IR8-133

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 27 August, 2005 in Ad Duloyia, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$10,000 on 17 Jan. 2006.
4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.
5. **Facts:** Claimant alleges that her husband and son were killed by CF when they were herding water buffalo. The two decedants were allegedly migrant workers setting up temporary housing along the river bank. A SIGACTS investigation revealed that an IA battalion received small arms fire from AIF hiding in the reeds along the canal. TF 1-15 responded to the attack and killed 2 AIF.
6. **Opinion:** "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the CF activity in question constitutes combat activity which precludes compensation. Additionally, it is against public policy to pay for claims for the deaths of AIF.
7. **Recommendation:** The claim is denied

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

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

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

CPT, JA
Claims Judge Advocate

CENTCOM 002758

U-IRF-133
24 Jan 02

الموضوع / انكار قضية

- ب- ان الشكوى التي قدمتها قد تم رفضها للاسباب التالية :
- A. - لم توجد ادلة كافية لتثبت صحة القضية .
- B. - الادلة تبين ان قوات التحالف لم تتسبب بالحادث .
- C. (C) الادلة تبين ان الاضرار قد حصلت اثناء مصادمات .
- D- الادلة تبين ان الحادث قد حصل نتيجة اهمالك او الخطيء الذي تسببت فيه .
- E- الادلة بينت ان الشكوى التي قدمتها هي محاولة احتيالي .
- F - اخرى
- ج- اذا كان هذا هو الوقت الاول بان قضيتك ينظر بها في هذا المكتب , تستطيع ان تقدم استئناف وهذا المكتب يجب ان ياخذه خلال (30) يوما من استلام هذه المذکر للاستئناف كذلك يجب ان يجلب المشتكي المزيد من المستمسكات لاثبات صحة القضية اذا ارسلت الاستئناف فيما بعد او لم تنظيف مستمسكات اخرى سوف ترفض القضية للمرة الثانية .
- دلمزيد من المعلومات الكبتن جوزيف بيركان 5533362 .

Foreign Language Text

New
Evidence
for appeal

CENTCOM 002759

An issue of mayor and witnesses

My name is (b)(6). I was living with my family in a countryside cottage. (b)(6)

(b)(6) This place contains thick reed. At the time my husband and his son were leading the buffaloes inside the reed searching their food, they had faced fire shots from a gun. They all had been killed, the two men and the buffaloes. I had not received any compensation for the loss of my husband and my son. I also caught by material and spiritual catch for the loss of them. I am from a poor family and there is no one who can help me. I ask you your help in paying a compensation for me to all these damages. I hope your sympathy that could help me. I agree that one of your soldier presented his sympathy and apology at the minute of this event. The translator who was with your soldiers told me their apology. They also told me that I must come to your camp and ask for the compensation. They also told me that was not their aim. They also repeated their apology and said that they had not intended to make these damages to me. And after two days three hammers came to the place of the event. One of the soldier faced me and repeated his apology again. He also told me that we did not know that you are bringing up buffaloes in this place. He also added that no one of us knows that you are in this cottage since

(b)(6)

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file not legible, Nonresponsive

did not take care in our housing. For all this first of all I thank very much all those men who had presented me their apology and sorry for the event which was not intended. Secondly I ask you to help me in compensation my loss.

(b)(6)

The mayor

The witness

The witness

(b)(6)

(b)(6)

(b)(6)

CENTCOM 002762

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Nonresponsive

An issue of the witness

(b)(6)

My name is (b)(6) My birth date is (b)(6) I live in the area of (b)(6) On 27/8/2005, I heard a sound of fire shots. I tried to arrive the house of (b)(6) because the sound of these shots were near him. The soldiers there prevented my arrival to the place of the event. I remained standing there until all the hammers withdrew the place. After that the sound of shouting and crying was going on. Then I with all my family went to the place of event to see what had happened. When we arrived there we saw two men were killed and two buffaloes also killed. We knew that the coalition troops shot the fire arbitrary towards the drainage canal. This canal was full in the thick reed. As a result the shots caught these two men with their buffaloes (b)(6)

(b)(6)

(b)(6) For this reason it was impossible for anyone to see nor the men neither the buffaloes. I here agree and say that the coalition troops could not see nor the men neither the buffaloes when they shot. They may only saw a motion inside the reed. This is my witness

The witness

(b)(6)

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An Issue of the witness

(b)(6)

My name is ((b)(6)) . My birth date is (b)(6) I live in the area of (b)(6) . On 27/8/2005, I heard a thick sound of fire shots near the house of ((b)(6)) . After a short moment I saw the hammers of the coalition troops stood near the house of ((b)(6)) . There were also some soldiers standing near that house. After they withdrew the place with their cars and left the area I went with my mother there. There were a loud shouting and crying was going on when we arrived there we found that the two men and their two buffaloes were killed. A blanket was put on each one of the men. The distance between the two men and their buffaloes was no more than fifty meters. Then I with my mother accompanied the woman (b)(6) to our house because she is from Basrah. Then we told her relatives in the event and also we told the police-station in the details of the event .

This is my witness

The witness

(b)(6)

CENTCOM 002766

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DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

20 January 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of: (b)(6) 06-IR8-133

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 27 August, 2005 in Ad Duloyia, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$10,000 on 17 Jan. 2006.
4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.
5. **Facts:** Claimant alleges that her husband and son were killed by CF when they were herding water buffalo. The two decedants were allegedly migrant workers setting up temporary housing along the river bank. A SIGACTS investigation revealed that an IA battalton received small arms fire from AIF hiding in the reeds along the canal. TF 1-15 responded to the attack and killed 2 AIF.
6. **Opinion:** "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the CF activity in question constitutes combat activity which precludes compensation. Additionally, it is against public policy to pay for claims for the deaths of AIF.
7. **Recommendation:** The claim is denied (b)(3)(b)(6)

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

Claims Judge Advocate

CENTCOM 002768

TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: (b)(6) _____

POA/ATT: (b)(6) _____

Power of Attorney provided and interpreter approved: _____

Decedents: _____ (b)(6) _____

Hometown: _____ Iraqi Resident: _____

My claim arose at: Ad ~~Alayyah~~ Dulyyrah
(Town) (City) (Country)

My claim arose on: Aug 27 2005
Month Day Year

Proof of Ownership: NA

VIN Match: _____

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): 2 Death Cert (Husband & Son)

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: TIKrit Hospital (Bullets in liver - Husband - Son)

Interpreter Approved: Yes

Witness Statement (Consistent?): No witness

Interpreter Approved: _____

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.)

Wrongful Death

CF Raided ^{hut} home (b)(6) these family members were water buffalo herders and were working for herding goat when CF begin firing in their direction, perhaps thinking it was an ambush site as the hut was hidden in the ~~the~~ field cave and blended. CF apologized and left notes of apology

Basically migrant workers, setting up temporary housing (huts) along river bank.

Evidence: Death Certificates / Diagram / Medical Reports

CENTCOM 002769

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

<u>Item</u>	<u>Amount</u>
2 - Wrongful deaths	

Total: \$10,000

I was insured to the following extent against the damage or injuries I have sustained:

NA

The name and address of my insurer (if any) is:

(Name) (Address)

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 10000 local

(b)(6)

Subscribed before me this 12 day of January, 2006

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

CENTCOM 002770

Claims Form

To: United States Air Force Foreign Claims Commission.

From: Name: (b)(6) -----

Address:- (b)(6) -----

I am

a. Acitizen and national of: Iraq -----

b.A permanent restional of: Al-Hardaman -----

c. Employed by: -----

d. Check one () An insurer () Not an insurer

e. Check one () A subrogee () Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization ,Military Department, Address, Telephone Number)

US Army -----

The property damaged is owned by :(If the claim is made as an agent , parent , or guardian , attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries)-----

My claim arose at: Al-Hardaman Salah Dain Iraq
(Town) (City) (Country)

My claim arose on: Aug 27 2005
Month Day Year

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based.

(Use back of this sheet if necessary.)

In 27 Aug the American forced vacid our house

which (b)(6) on during that

they kill two person from my family when they

went out as shown in the medic report and

statement of witness and legal exam report.

Foreign Language Text

Describe nature and extent of property damage or personal injury sustained as a reuse of the above incident .

----- big damage -----

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury :(Attach bills and receipts, if applicable)

<u>Item</u>	<u>Amount</u>
as shown in the report	100,000 \$
expert report	
	Total: 100,000 \$

I was insured to the following extent against the damage or injuries I have sustained .

The name and address of my insurer (if any) is:

(Name) (Address)

I claim as damages: (I indicate amount in U.S. dollars and local currency)

\$ 100,000 local -----

(b)(6)

(Signature of Claimant)

Subscribed before me this 23 day of oct , 2005

(b)(6)

(print Name)

(b)(6)

(Signature)

Foreign Language Text

Foreign Language Text

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Foreign Language Text
Foreign Language Text, (b)(6)
foreign language text
foreign language text, (b)(6)

***Al- Dulueayi Investigation
Court***

SUB/ Damage report

Claimant :- (b)(6)

According to the decision taken by the court to evaluate the damage happened to the claimant as a result of field in killing her husband 29/8/2005 during the raid ,This cause big damage to the claimant . After seeing the police report and the statement of witness and pictures and medic report , I evaluate the damage as shown in the following table.

Only one / 15/10/05

<i>No</i>	<i>Details</i>	<i>Qua</i>	<i>Price\$</i>
<i>1</i>	<i>Killing the husband .</i>	<i>All</i>	<i>5000</i>
<i>2</i>	<i>Sychological damage happened to the family .</i>	<i>All</i>	<i>5000</i>

Total price 10,000\$

Legal expert

(b)(6)

25/10/2005

Foreign Language Text

CENTCOM 002781

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foreign language text, (b)(6)

claims
statements
in the police
station

Foreign Language Text

Foreign Language Text

CENTCOM 002783

Claimants
statements
to the Judge

Foreign Language Text

Foreign Language Text, (b)(6)

Police Reports
to the Judge

Foreign Language Text

Foreign Language Text, (b)(6)

ridge reports

Foreign Language Text, (b)(6)

CENTCOM 002786

Police Report
to the Judge

Foreign Language Text

Foreign Language Text, (b)(6)

police reports

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 002788

Police Report

Foreign Language Text

Foreign Language Text, (b)(6)

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CENTCOM 002791

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Foreign Language Text

CENTCOM 002793

Name	(b)(6)	
.....	(b)(6)	الاسم.
Date	التاريخ
.....	6 Mar 06	
Claim No	رقم المعاملة
.....	6-IE8-323	
Reason	السبب
.....	14 Mar 06	
Appointment with	(b)(3),(b)(6)	
.....		
Signature	(b)(3), (b)(6)	

24744