



CENTCOM



DEPARTMENT OF THE ARMY HEADQUARTERS, 3rd BRIGADE COMBAT TEAM OPERATION IRAQI FREEDOM, COB SPEICHER TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ		3 A	April 2006
CP3AAS60610203-22 MEMORANDUM FOR RECORD			
SUBJECT: Commander's Emergency Response Number 06-IR8-408)	Program payment to	(b)(6)	(Claim
 On 13 February 2006, Iraqi Army Lieutenant (b)(6) was shot and killed by a U.S. Forces p helicopter showed a spotlight on him. He held th they meant no harm. The deceased bent over to t as he bent down. He later died after he was trans 	e fish up in the air and sho urn his boat motor off, but	outed in English to the U.S. Forces	"Fish! Fish!" to show
2. I certify that CERP funds are available to pay condolence payment.	(b)(6)	in the amount of	\$2,500.00. This is a
3 The request to pay $(b)(6)$	n the emount of \$2 500.00	from CEDD 1	1 1 11

3. The request to pay (b)(6) n the amount of \$2,500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

(b)(6)

CPT, EN Project Purchasing Officer

PAYMENT REPORT

TO: DFAS, DSSN: <u>8589</u>	Date:	
A. Payment Data:		
(1) Submitting Agency/Offi	ce: United States Army Claims Service	
(2) Office Code:IR8		
(3) Agency/Office Mailing	Address:	
(4) Date Claim Filed: 12 M	Mar 06	
(5) Claim Number(s): 6-II	R8-408	
(6) Amount Claimed: 1500	00	
(7) Fund Cite:	(b)(2)High	_
(8) Payee(s): (b)(6)		
(9) Address: Tikrit, Iraq		
(10) SSN:		
(11) Payment Amount <u>: 350</u>	0	
(12) Type Payment: PF	· ······	
(13) For EFT Payments: AB	A Routing Number:	· · · · · · · · · · · · · · · · · · ·
(15) For EFT Payment: Name (16) For EFT Payment: Accord ACCEPTANCE BY CLAIMAN I, the claimant, do hereby accept the within assigns, and agree that said acceptance con demands, rights, and causes of action of will unknown, foreseen and unforeseen bodily jo other acts or omissions, and the consequen my heirs, executors, administrators, or ass employee(s) of the Government whose acts indemnify and hold harmless the United St	bunt Name and Number: e and Address of financial institution: unt is (checking) (savings) (Circle appropria NT (Note: This form should not be signed by the claiman the claimant is attached.) n-stated award, compromise, or settlement as final and con stitutes a complete release by me, my heirs, executors, adr hatsoever kind and nature, arising now or in the future fror and personal injuries (including wrongful death), damages ces therefore resulting, and to result, from the same subject igns, and each of them, now have or may hereafter acquire s or omissions gave rise to the claim by reason of the sar- tates, its agents, servants and employees from any and al is or omissions that gave rise to the claim(s) by reason of	te account). Int if another release is signed by aclusive on my heirs, executors, administrators or ninistrators or assigns of any and all claims, n, and by reason of any and all known and to property, breaches of contract or law, and any t matter that gave rise to the claim for which I or against the United States and against the
		(b)(6)
Date:		aimant)
C. AGENCY CERTIFYING OF	FFICER:	
Pursuant to authority veste		ct and proper for payment.
4/2/	(b)(6)	
1/3/06		CPT/FCC
(Ďate)	(Signature Aumorized Certifying Outcer)	Title

Date Payment Recorded in Claim Record:

A separate payment report must be completed for each claimant

Privacy Act Statement

The information is required in accordance with 31 U.S.C. 1304. The data you furnish will be used to certify your claim for payment. Failure to provide this information may result in your claim not being processed for payment.

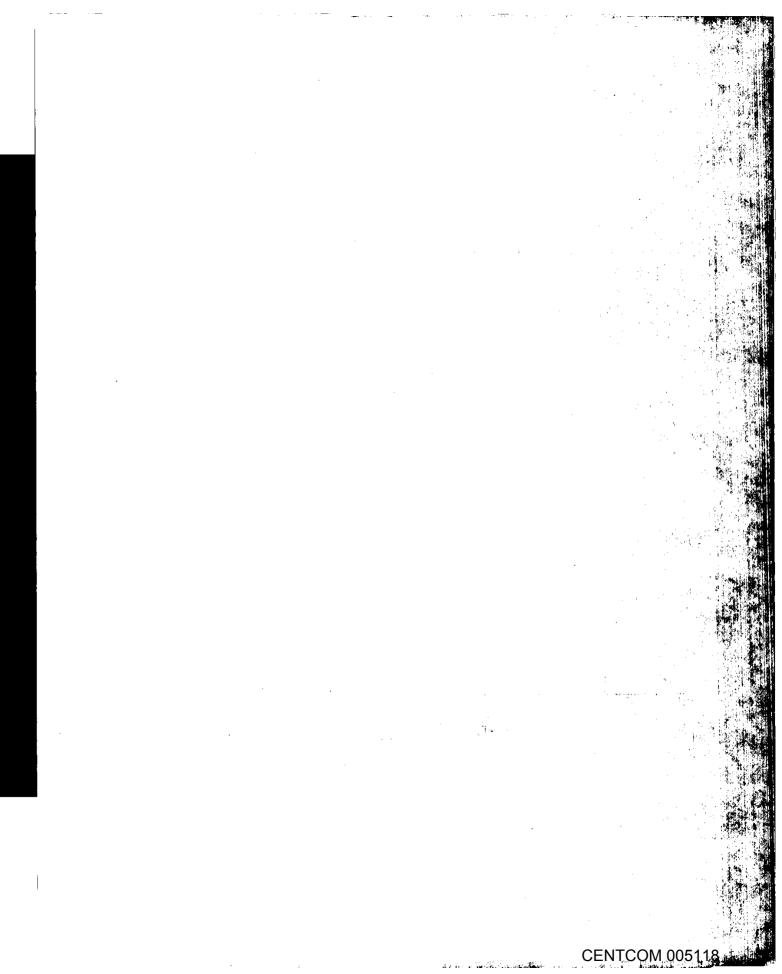
ļ.

file number 6-1R8-408	For use of this form, see AR 2720: the proponent agency is the Office of The Judge Advocate General.	DATE
DATE OF INCIDENT 13 Feb 06	place of incident Tikrit, Iraq	
I hereby agree to accept the sum of	have against the United States,	
	SIGN (b)(6)	
(b)(6) PRESENT ADDRESS OF CLAIMANT (Number and street or rural rouse, city, to Tikrit, Iraq	оwп о	
DA FORM 1666, 1 JUL 74 PREVIOUS EDITION OF THIS FORM WILL BE USED UNTIL EXHAUSTED		GREEMENT USAPPC V1.0

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For use of this form, see AR 2	SMALL CLAIMS CER 27-20; the proponent agency i	s the Off	ATE ice of the Judge Advocate General.	SUBMIT IN	TRIPLIC	ATE
RGANIZATION OF INVESTIGATOR			FILE NUMBER	DATE		
IF Band of Brothers, 101 ABN DIV (AASLT)			6-IR8-408			
AME OF CLAIMANT (b)(6)			ADDRESS (Include ZIP Code) Tikrit, Iraq			
	SECTION 1 - ACT		AKEN BY INVESTIGATOR			
·····	I have investigated the	incident d	lescribed in the claim as follows:			
ITEM	YES	NO	ITEM	<u> </u>	YES	NO
PROPERTY DAMAGE EXAMINED		×	DOCUMENTARY EVIDENCE EXAMINED		×	
SCENE OF INCIDENT VISITED		×	CLAIMANT INTERVIEWED	μα _μ ο	×	
			INTERVIEWED			
NAMÉ	METHOD OF INTER (Personal, telephone, correspondence)	/IEW	NAME		F INTERV celephone, pondence)	
OMMENTS OF INVESTIGATOR:			<u> </u>			
constitutes of \$ 3,500	s fair compensation for t 0.00 under Chapter 3[he dam	claim and that the amount claimed o age incurred by claimant. I recomn], 5], 6], 7], 10], 12]	nend payment		
constitutes of \$ 3,500	s fair compensation for t 0.00 under Chapter 3[he dam	age incurred by claimant. I recomn , 5 , 6 , 7 , 10 , 12	nend payment		
constitutes of \$ 3,500	s fair compensation for t 0.00 under Chapter 3	he dam	age incurred by claimant. I recomm	nend payment		
constitutes of \$ 3,500 (b)(3),(b)(6) After due Chapter reasonably	s fair compensation for t 0.00 under Chapter 3 OF INVESTIGATOR CPT, FCC SECTION II	he dam	age incurred by claimant. I recomn , 5 , 6 , 7 , 10 , 12	is cognizable t	under) is	

Pages 9 through 10 redacted for the following reasons: Foreign Language, (b)(6)



Revised October 1987 Department of the Treasu 1 TFM 4-2000 1034-121	ry	PUBLIC VOUCHER SERVICES OTHE	FOR PURCHASES				UULTEN NU.
	BUREAU, OR EST hers, 101 ABI	TABLISHMENT AND LOCATION N DIV (AASLT)	DATE VOUCHER PREPA	ARED Apr 06		s	CHEDULE NO.
			CONTRACT NUMBER A	-		D	aid by SSN:0)(2)Hig
			REQUISITION NUMBER	AND DATE		10	b)(3),(b)(6) MAJ 01st FMC .PO AE 09393
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	_					P/	AYEE'S ACCOUNT NUMBER
SHIPPED FROM		то		w	EIGHT	G	OVERNMENT B/L NUMBER
NUMBER AND DATE	DATE OF DELIVERY	ARTICLES OR SER		QUAN-		PRICE	AMOUNT
OF ORDER	OR SERVICE	schedule, and other information of Property Loss		ΤΙΤΥ	COST	PER	(1) 3,500.00
							2.502.00
(Use continuation sheet PAYMENT:	(s) If necessary))T use the space be NGE RATE			TOTAL	3,500.00
		- \$ 3,500.00	=\$1.00	DIFFER	ENCES		-
				Amount	verified; c		
FINAL PROGRESS	TITLE			-!	e or initials		
ADVANCE	y vested in m		ayment.				
4/2/2		(b)(3),(b)(6)			CP	I/FCC	
1 <u> 3 06</u> (Date)		(Authorized Certifying Officer)				Title)	AL
	······	ACCOUNT (b)(2)High	NG CLASSIFICATION				
	7	ON ACCOUNT OF U.S. TREASU	RY CHECK N			ON (Nan	ne of bank)
G CASH \$ 3,500.00		DATE	PAYEE 3	(b)(6)			
¹ When stated in foreig	n currency, insert na	ame of currency. o approve are combined in one person, one	signature only is necessary:	; otherwise th	PER	· · · · · · · · · · · · · · · · ·	
approving officer will	sign in the space pre-	ovided, over his official title. le of a company or corporation, the name of t he signs, must appear. For example: "John D	the person writing the compa	inv or corporat	10 TITIC	••••	
"Treasurer," as the c	ase may be.	DDIV(AC	ACT STATEMENT		 		NSN 7540-00-900-223
1	The information requ	ested on this form is required under the provisi	ons of 31 U.S.C. 82b and 82	c, for the purp	ose of disbu	sing Federa	al money. LIEADA VA D



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

18 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

(b)(6)

1. Identifying Data:

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 13 February 2006 in Tikrit, Iraq.

06-IR8-408

3. Amount of claim and date it was filed: Claimant filed a claim for \$15,000 on 13 March. 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: The Claimant, and Iraqi Army Lieutenant, alleges that CF shot and killed his cousin, (b)(6) while he was fishing on the Tigris river in the early morning hours of 13 February 2006. The deceased was allegedly in his fishing boat when a CF helicopter shown a spotlight on them. They held up the fish in the air and shouted in English "Fish! Fish!" to show that they meant no harm. A patrol of HUMVEEs arrived on the scene. The deceased bent over to turn the motor off of the boat, but CF shot him in the head as he bent down. CF transported the deceased to LSA Anaconda where he later died. CF did not secure the boat and it drifted away up the river, along with a cellular phone and a fishnet inside. A SIGACTS investigation confirmed the events as alleged by the claimant.

6. **Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful."

(1) Here, there is sufficient evidence of negligence attributable to CF with regard to the failure to secure the boat to the shoreline after the incident. As a result, the boat drifted away and was not recovered. The claimant has presente receipts for the boat, cell phone, engine a fishing net retrival mechanism totaling \$5,600, however, the actual value of these items is less.

(2) With regard to the killing of that portion of the claim is not compensable under the FCA. "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 deceased was shot because he was reaching for the motor, but it appeared to the soldiers on the scene that he was reaching for a weapon. The alleged damage resulted from actions taken in self defense. This constitutes combat activity and as such is not compensable.

7. Recommendation: The claim is approved in the amount of \$3 500

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

Cr1, JA Claims Judge Advocate

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TF Band of Brothers Claims Intake Form To: United State From: Name:_____ (b)(6) POA/AT Power of Automicy provided and interpreter app Decedents: Uraqi Resident: Hometown: 0530 DZ My claim arose at:_ (City) (Country) (Town) TiKri My claim arose on:_ Year Month Dav Proof of Ownership:_ □ VIN Match: Interpreter Approved: Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations). On joinal Scath T= 500 Z Interpreter Approved: Medical Report/Legal Expert Opinion: //// □ Interpreter Approved: she MAN SAW CF veria helispfe Witness Statement (Consistent?) Area □ 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.) the D docerid 15 Esherman ignis Jehicle Car river aimo Stawin 04 Όn Ŧ 10 64 him (b)(6) deceased Sens HNACONDA helicostar Evidence:

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.)

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Item WRM enzine 00 500 Ho None COs in Total: 2

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(b)(6)

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(Signature of Claimant)

Subscribed before me this <u>L</u> day of <u>Month</u> 2006.

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

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



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

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AFZB-JA-C

MEMORANDUM FOR RECORD

SUBJECT: Waiver of Notification

1. I, the Claimant, hereby agree that if I fail to provide any requested evidence to the CMOC Claims Office within sixty (60) days of the date below or to request a written extension of the sixty (60) day period, such inaction shall constitute an affirmative act of abandonment of my claim, and my claim shall be administratively closed in accordance with the provisions of DA PAM 27-162, paragraph 13-3(f).

2. I further agree that if I wait longer than sixty (60) days from the date below to return to the CMOC to receive notification of the final disposition of my claim or to request a written extension of the sixty (60) days period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance above.

1. انا المشتكي هذا اوافق على اني اذا فشلت في اثبات طلبي بالالمة الكافية الى دائرة الشكاوي (السيماك) خلال مدة (60) ستون يوما من تاريخ اليوم او طلب التمديد (الأستناف) خلال فترة ستون (60) يوما ,هذا سوف يسبب عدم تكوين تكيد لمتوينت يوما من تاريخ اليوم او طلب التمديد (الأستناف) خلال فترة ستون (60) من الفقرة 13-3 (ف).

2 و أما كذلك اوافق على انى اذا انتظرت اكثر من (60)ستون يوما من التاريخ المحدد من دائرة (السيماك) لأستلام النتيجة للقرار النهائي لقضيتي او لطلب التمديد خلال الفترة المحددة وهى (60) ستون يوما ,هذا سوف يتسبب برفض قضيتي . و القضية سوف تغلق اداريا وفقا للقانون.

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Claimant Signature:_____

Sworn before ______, on ____ day of _____200____.

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(b)(6)	332ND AFTI	LJ "T"raz ". T				
	352 Af 11	ri Trans Balae			SUMMARY	
	Foreign Language		-	(1)(2)		
PATIENT NAME:			AGE:	(b)(6)	DATE OF ADMISSION:	13FEB06
332 ND AFTH ID / #:	(b)(6)		SEX:	MALE	DATE OF DISCHARGE:	17 Feb 06
	s to enter LSA Anacond patient and escort throu			H for an appo	pintment on	
HPI / MECHANIS	M & PATTERN OF INJ	URY:			· · · · · · · · · · · · · · · · · · ·	
20s Iraqi AE fre	om Ramadi s/p GSW	R par-occ.	no oth	er wounds,	VSS, sedated/p	aralyzed with
ETT, given rF7,	taken to OR by NRS	for post fo	ossa an	d par Cranie	ectomy.	
HOSPITAL / OPE	ERATIVE COURSE:					
	X - NEUROSURGERY:	IRAQI GS	W TO R	OCCIPUT A	AND SUBOCCIPI	ITAL REGION.
PROCEDURE: 1 PLACEMENT OF) RIGHT HEMICRANI ICP MONITOR. 2) SI	ECTOMY, C UBOCCIPIT	CCIPIT	AL LOBECT	OMY, DURAPLA	STY, OF POSTERIOR
FOSSA SUBDUI	RAL HEMATOMA, DEC	COMPRESSI	ION OF	FORAMEN	MAGNUM. BAKK	EN/SCHLIFKA.
ACTIVE MEDICA	L ISSUES:					
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<u> </u>	L ISSUES: NETRATING BRAIN INJ	URY				
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RESOLVING PER PERTINENT LAE	ETRATING BRAIN INJ	ofile, D/C Home	STAE	BLE		
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RESOLVING PER PERTINENT LAE	ETRATING BRAIN INJ & X-RAY RESULTS tate RTD, Indicate if on Pro Lovenox 30mg SC Bit Haldol 5mg IV BiD Ceftriaxone 2g IV q12	ofile, D/C Home	e, Med EV	3LE /AC to which C	Sivilian or Military Ho	
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RESOLVING PER PERTINENT LAE	ETRATING BRAIN INJ & X-RAY RESULTS tate RTD, Indicate if on Pro Lovenox 30mg SC Bit Haldol 5mg IV BiD Ceftriaxone 2g IV q12	ofile, D/C Home	e, Med EV	3LE /AC to which C	Sivilian or Military Ho	
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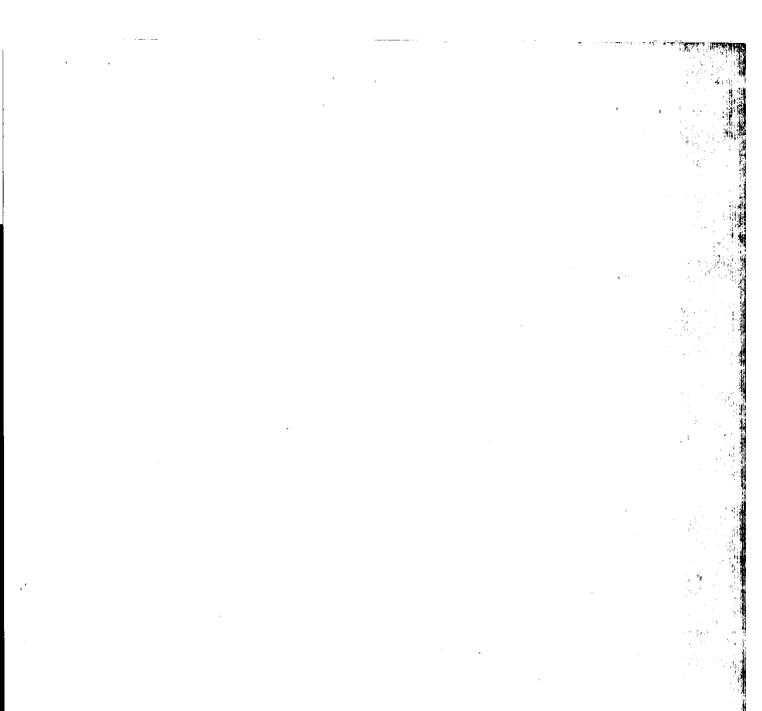
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Pre follow-up / pre- admission studies			•	
Outpatient:	DATE	TIME:	LOCATION:	
Admission:	DATE:	TIME: 1	ADMISSION DX:	
Check in with PAD			INTENDED	
for Pre-Admission			PROCEDURE:	
TRANSFER INFO	•			
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	Tidal Volume Rate	12	ACCOMPANYING	
	FiOz	50	PATIENT:	
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Foreign Language, (b)(6)

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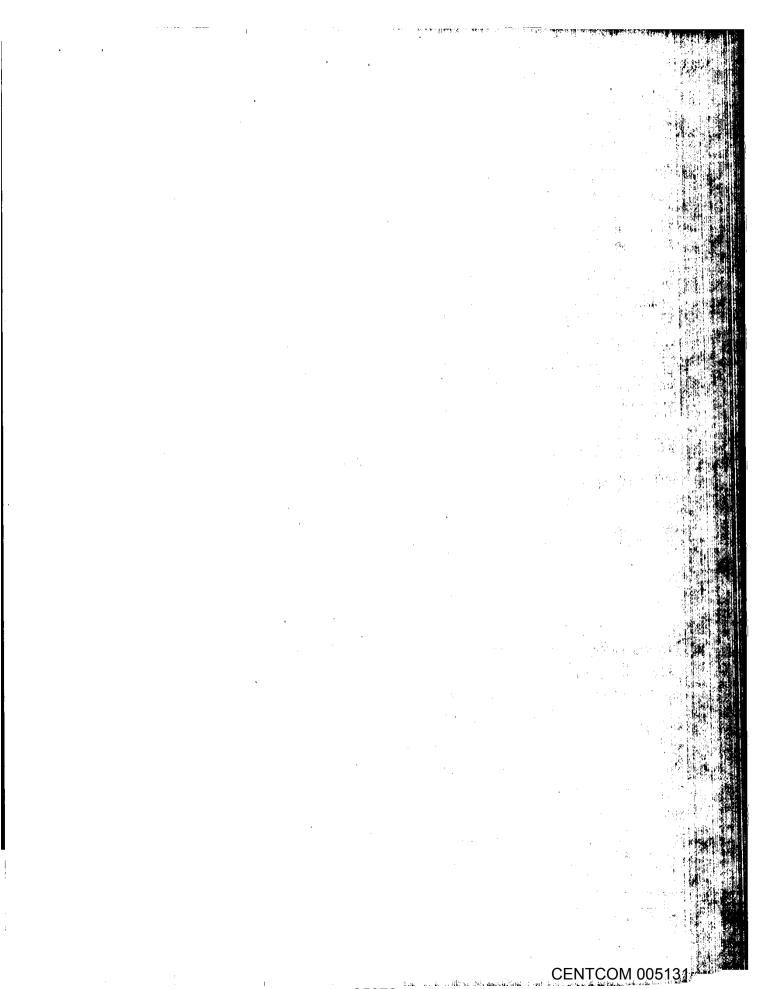


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Plan/Recommendations: Neurosurgen Dept. 1) s discharg summany 2)
Hospital Location: <u>Subspace</u> (Hospital
Hospital Directions:

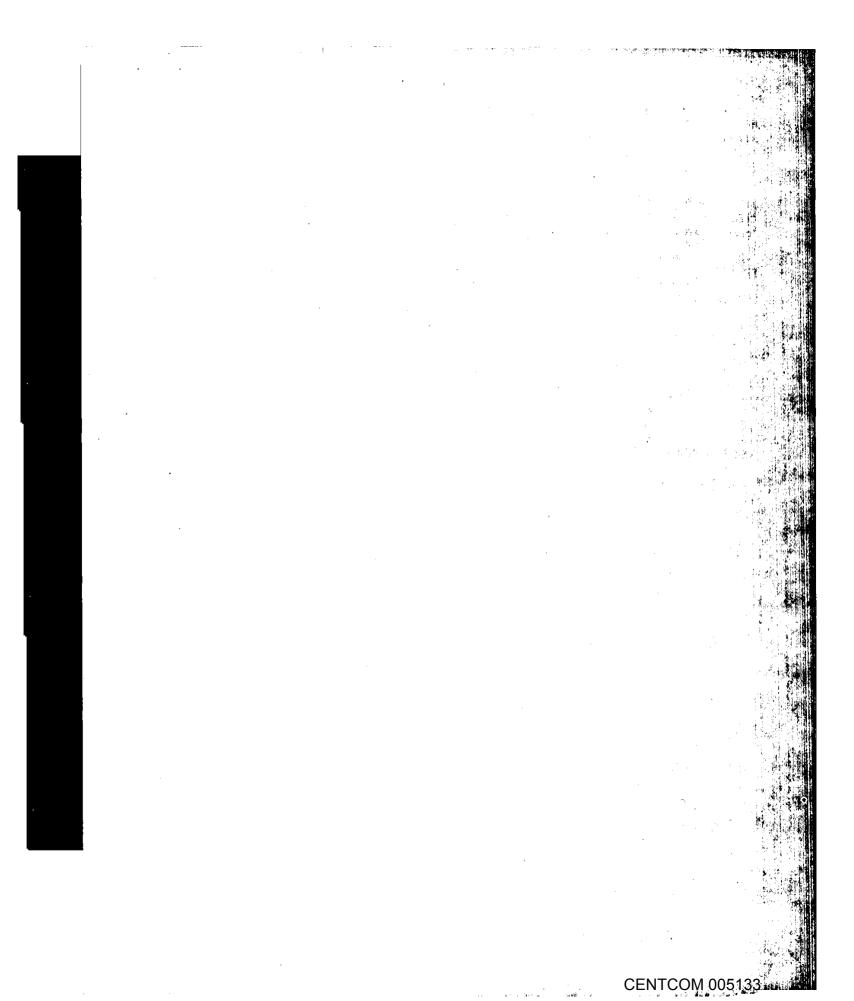
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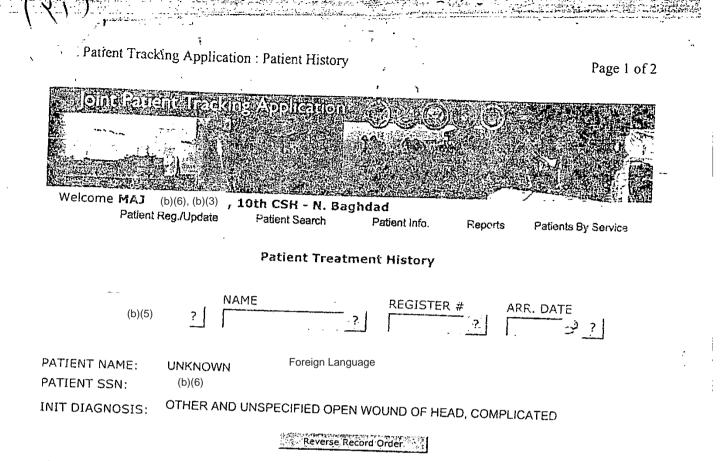
Foreign Language

On behalf of the 10th Combat Support Hospital, special thanks for assistance in the transfer of Iraqi patients to host nation facility for further care. We highly appreciate your support and further management of this case. Page 23 redacted for the following reason: Already Reviewed and Redacted for Release



Page 25 redacted for the following reason: Already Reviewed and Redacted for Release





AUTHOR	D	ATE	NOTES			
	2/ 5:	13/2006 19:37 PM	PROCEDURE HX - NEUROSURGE PROCEDURE: 1) RIGHT HEMICR PLACEMENT OF ICP MONITOR) CUDO COM	R OCCIPUT AND SUBOCCIPITAL REGION. ITAL LOBECTOMY, DURAPLASTY, ANIECTOMY, EVACUATION OF POSTERIOR F FORAMEN MAGNUM. BAKKEN/SCHLIFKA.	FACII 332 El BALAC
	9:4	13/2006 16:32 PM			HOIGHNEN MAGNUM. BAKKEN/SCHLIFKA.	332 EI
		4/2006 27:59	ICU day 2 s/p GSW head with ma (but significant) supportive care.	Crive hand to	Massive resuscitation. Continue routine	BALAC 332 EI
(b)(3),(b)(6)	7:4	5/2006 3:58 PM	pressure. Has new RIT infiltration	n CXR - afeb. Increa	due to GGW. No neurological function ires levophed drip to maintain blood ased urine output today. PLAN: Continue egarding ? care tomorrow. Check Na and	BALAC 332 EF BALAC
	2/10 11:3 AM	5/2006 35:20	ICU Progress Note Day 4 Station	• • • •		332 Er
	2/16 5:49	/2006 :46 PM	PROCEDURE HX - PROCEDURE HX SUBOCCIPITAL REGION. PROCEDU LOBECTOMY, DURAPLASTY, PLACE EVACUATION OF POSTERIOR FOSS MAGNUM, BAKKEN/SCHIEKA, DRA	- NEUROSURGERY: JRE: 1) RIGHT HEMI MENT OF ICP MONI SA SUBDURAL HEMA DCEDURE (16 Feb 06	IRAQI GSW TO R OCCIPUT AND CRANIECTOMY, OCCIPITAL TOR. 2) SUBOCCIPITAL CRANIECTOMY, TOMA, DECOMPRESSION OF FORAMEN 5 Trauma Surg): Dx5/p GSW Head	BALAC 332 Eł BALAC
STATUS			LOCATION	DATE		<u> </u>
PATIENT		PENDING	S INP-332 EMDG	2/13/2006	FACILITY	
PATIENT		ICU-2-3		2/13/2006	332 EMDG-BALAD (b)(3),(b) 332 EMDG-BALAD)(6)

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Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005135

Pages 29 through 31 redacted for the following reasons: Foreign Language, (b)(6) Foreign Language, (b)(6), Illegible Text

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Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005139

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Foreign Language Text

Foreign Language Text, (b)(6)

Page 35 redacted for the following reason: Foreign Language, (b)(6), Illegible Text Foreign Language Text, (b)(6)

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