

08-I57-T014

(b)(6)

Filed: UNK

Claimed: \$10,000

07/0257
not killed him
\$ 10,000

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

CENTCOM 010816

08-I57-T014-00001

CLAIMS CHRONOLOGY SHEET

CLAIMANT'S NAME:

(b)(6)

FILE NUMBER: 08-I57-T014

AMOUNT CLAIMED: \$10,000

DATE OF INCIDENT: 21 Dec 06

DATE CLAIM FILED:

LOCATION OF INCIDENT: Al-doraa, Baghdad, Iraq

DATE	STATUS OF CASE	INITIALS
26 Nov 07	logged into database	
29 Nov 07	Claim denied	(b)(3)(b)(6)
1 Dec 07	Denial paperwork	
5 Jan 08	Closed in database	



REPLY TO
ATTENTION OF:

HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-C

Claim of

(b)(6)

08-I57-T014

ACTION

1. Facts: Claimant is the wife of an Iraqi who was shot and killed by U.S. forces on 21 December 2006 during an escalation of force incident. The amount claimed in damages is \$10,000.00.
2. Authority: The Foreign Claims Act (FCA), 10 U.S.C. § 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. This claim was timely and properly filed, and jurisdiction under the FCA is proper.
3. Opinion: The FCA permits compensation for noncombat activities and damages caused by the negligent and wrongful acts of U.S. forces. A review of the Significant Activities for 21 December 2006 showed an incident report describing claimant's husband's death. The undersigned believes the death of Claimant's husband was the result of proper conduct by US forces acting IAW proper escalation of force procedures.
4. Action: Therefore, IAW AR 27-20, para. 10-3a the claim is denied.

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

Captain, JA
FCC I57

UNCLASSIFIED//FOR OFFICIAL USE ONLY

CENTCOM 010818

08-I57-T014-00003

Claims Form
طلب تظلم

To: United States Army Foreign Claims Commission

الى: مفوضية التظلم لجيش الولايات المتحدة

From; Name:- (b)(6)

من: الأسم : صابرين شاكرا محسن

Address:-Bahgdad- (b)(6)

العنوان: بغداد- الدورة محلة/856 زقاق /53 دار 39/

Phone no: (b)(6)

I am: Iraqi

أنا : عراقي

a. A national citizen of :-

أ. أحمل جنسية:العراقية

b. A permanent resident of:_____

ب. عنواني الدائم:_____

c. Employed by: .house keeper

ت: أعمل لدي: ربة بيت

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

ث: ضع علامة علي أحدهم () أحمل تأمين (X) لا أحمل تأمين

e. Check one ()A subrogate (X) Not a Subrogate

ج: ضع علامة علي أحدهم () دانن "عليه دين" () ليس دانن "ليس عليه دين" (X)

CENTCOM 010819

08-I57-T014-00004

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

(*) USAR patrol in AL-Dijil area , at Dec.21st.06

Foreign Language Text

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.)

الممتلكات المتضررة مملوكة من: (إذا كان عذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء أخطار المستمسكات التي تخولكم وتوكلكم للتقدم بهذا التظلم ، أو أي دليل من ممثلين رسميين. إملأ التظلم بالأسفل للأفراد المتقدمين بالشكوي للإصابة أو الأضرار التي أصابتهم.)

My claim arose at (b)(6) Baghdad Iraq
(Town) (City) (Country)

Foreign Language Text

تظلمى قدم فى:

My claim arose on: Dec 21
Month Day



تظلمى قدم فى

Foreign Language Text

CENTCOM 010820
08-I57-T014-00005

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.)

“USAR” Patrol, on Decmper.21th. 2006, when the husband drive his car the convoy army shooting bullets and causes death. And the US AR did not give the permission to the “IP” to proceed toward the dead body.

Foreign Language Text

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

Death case.

Foreign Language Text

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>
compensation for death case	10,000\$

Total:- 10.000 US \$

CENTCOM 010821
08-I57-T014-00006

Foreign Language Text

تكاليفه
\$10,000

Foreign Language Text



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

Foreign Language Text

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

N/A

(Name)

(Address)

Foreign Language Text

N/A

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

\$ 10,000

USD

Local 12,300,000 دينار عراقي

Foreign Language Text

Foreign Language Text

10,000 \$

I (have/ have not) previously filed a claim relating to the incident described above.

Foreign Language Text

I (have/ have not) previously filed a claim relating to the incident described above.

Foreign Language Text

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

Foreign Language Text

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

Foreign Language Text, (b)(6)

(b)(6)

Foreign Language Text, (b)(6)

(b)(6)

(Signature of Claimant)

Foreign Language Text

Subscribed to me this _____ day of _____, 200 .

(b)(6)



(Signature of Witness)

(Printed Name)

_____ الموافق _____ من عام _____

(b)(6)

(توقيع الشاهد)

Foreign Language Text

(اسم الشاهد بالحامل)

CENTCOM 010823

08-I57-T014-00008

Republic of Iraq
Ministry of Health

(b)(6)

Death certificate

Foreign Language Text

Foreign Language Text

Dec/22/2006

Foreign Language Text, (b)(6)

Foreign Language Text

Victim's name
(b)(6)

Foreign Language Text, (b)(6)

Language Text

victim's name

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Republic of Iraq
Ministry of Health

angi

SHOOTING
fire in the
head by
U.S. forces

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

n Language Text

Dec/22/2006 Death Certificate

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

OM 010825

08-I57-T014-00010

Republic of Iraq
Ministry of Health

victim's name

date of incident

(b)(6), Foreign Language Text

Language Text

Death Certificate

Language Text

Language

(b)(6), Foreign Language Text

same copy of Death certificate

Language

Dec 22 / 2006

Al Dijeaal Police station
Dec / 22 / 2006

Reseipt voucher

I'm (b)(6) [victim's brother) , I received the car No. (b)(6)
Type KIA , dark green color which belongs to the victim (b)(6)
my brother , in addition to the money 6000 ID with cell (b)(6)
phone , plus 5 identities belongs to him +
3 calculators and ration food card , for that , I signed bellow . (b)(6)

Page 13 redacted for the following reason:

(b)(6), Foreign Language Text

Al Digeal Police Station
Dec / 21 / 2006

Seizure Minutes

We have been seized the car No. (b)(6) KIA , dark green color belongs to the victim (b)(6) who has been shot by U.S forces in addition , we have been seized some money 76000 ID with a cell phone, 5 identities belongs to him (b)(6) with 3 calculators and a ration food card belong to him too .
During car seizing we noticed the following damages :
1. Fire shooting in the front windshield .
2. simple damages in the front of the car .
3. I didn't notice any other damage .

Page 15 redacted for the following reason:

(b)(6), Foreign Language Text

Al Dijea Police Station
Dec / 21 / 2006

investigating Process

We informed by our checkpoints that an accident occurred in the high way which links between Baghdad and Tikrit , and we moved soon to the location , we noticed that the incident is a shooting, killed the victim (b)(6) caused by U.S forces when he was driving his car type KIA , No. (b)(6) / Diyala , Dark green color , for that the investigating process has been started .

CENTCOM 010831
08-I57-T014-00016

Foreign Language Text, (b)(6)

CENTCOM 010832

08-157-T014-00017

Al Dijeaal Police Station
Dec / 21 / 2006

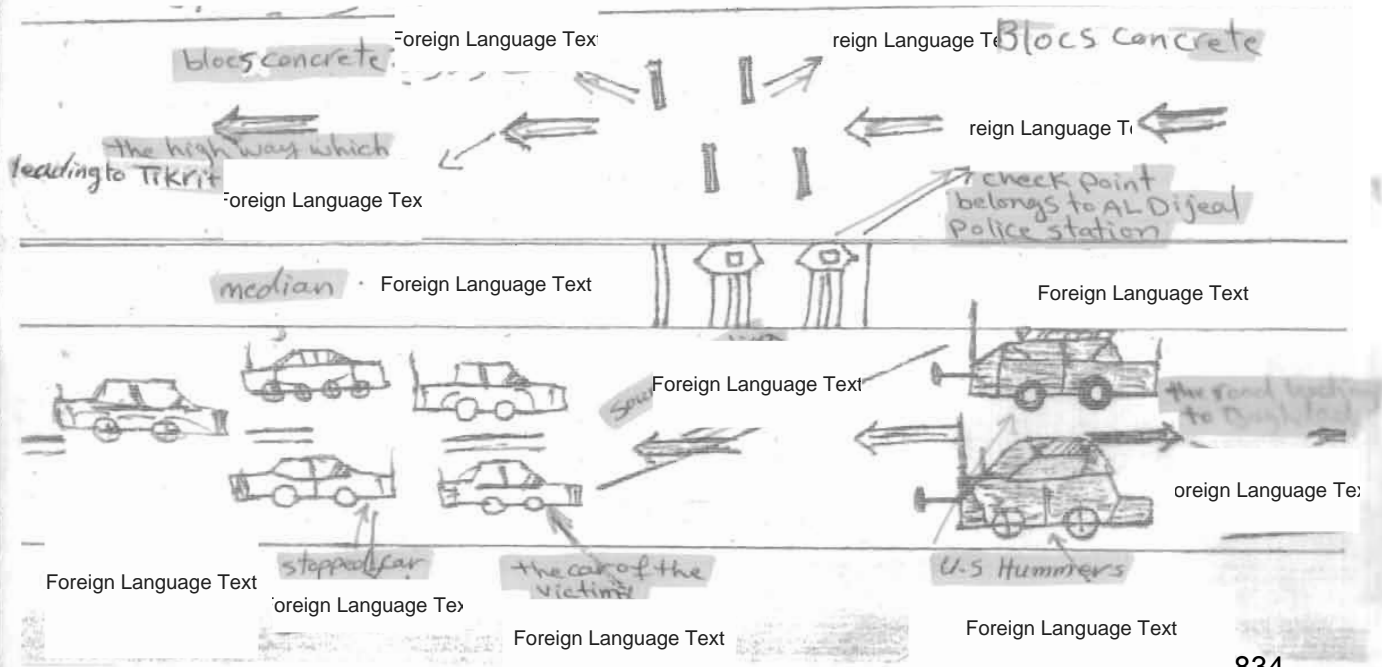
Minutes of Examination and Sketch of the incident place

Based on the informing awarded to us concerning the exposure which happened in the high way , for that we moved to the incident location to do the examination of the incident place and I noticed that the incident is a shooting occurred to the victim b)(6) caused by the U.S forces when he was driving his car , for that the examination has been done and we noticed the following :

- The place of incident is far from the police station about))(2)Hic b)(6;
- The place of incident is a shooting occurred to the victim b)(6) caused by the U.S forces
- I noticed that the victim's car was pierced in the front windshield because of the bullet which placed in the victim's head .
- I noticed that the car was covered with blood , and I didn' see anything else .

CENTCOM 010833
08-157-T014-00018

Foreign Language Text, (b)(6)



Al Dijea Police Station
Dec / 21 / 2006

Disclosure of the body

Based on the informing awarded to us by our check points that there was a dead body in Al Dijea General Hospital , soon we have been moved there , and it has been noticed that the victim has been shot by U.S forces and during the disclosure of the body we noticed the following :

- The victim Called (b)(6)
- He is (b)(6) years old .
- I have seen the victim wearing (b)(6)
- I have seen the victim bleeding because of the shooting in the left side of his head .
- I have seen the victim covered with blood because of the shooting by U.S forces bullet .
- I have seen that the victim was wearing (b)(6)
- And nothing else has been noted .

Page 21 redacted for the following reason:

(b)(6), Foreign Language Text

AL Dijeah Police station
Dec / 22 / 2006

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

The same claimant's statement
told by victim's brother

CENTCOM 010837

08-157-T014-00022

AI Sathiya Police station
Dec / 26 / 2006

Mr. Investigating Judge of AI Digeal – Esq

Your Decision dated on Dec / 21 / 2006

We attached the investigation papers with the death certificate belongs to
the victim b(6) kindly request your
acknowledgement

We also attached the investigating papers with the legal receipt voucher
which we showed through it that all the things that we found with the
victim has been returned back to his family , kindly request your
acknowledgment and issue the appropriate decision with appreciation

Page 24 redacted for the following reason:

Foreign Language Text, (b)(6)

Al Dijial Investigating Court
Feb / 13 / 2007

The claimant of personal rights statement
(victim's wife), born in

(b)(6)

(b)(6)

lives in Baghdad

(b)(6)

(b)(6)

On Dec / 21 / 2006 , when my husband (the victim) Mr. (b)(6) left the house in the morning going to Beaji District , in (b)(6) caran el Dein province ,by his car type KIA , and during his coming back to Baghdad near Al Dijial district in the high way ,the U.S forces shot him in his head by one bullet , and as a result he died immediately .

Note : my father in law is dead and my mother in law is still a live and I have (b)(6) child by my husband and I'm requesting complaint and take the legal procedures against the U.S forces also I'm asking to be compensated and this is my statement .

Foreign Language Text, (b)(6)

CENTCOM 010841

08-157-T014-00026

Langua

AL Dijeal police station

Feb/13/2007

Foreign Language Text

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Foreign Language Text

The claimant of personal rights
statement

Foreign Language Text, (b)(6)

The same claimant's statement

CENTCOM 010842

08-157-T014-00027

Al DijeaI Police station
Feb / 13 / 2007

Mr. Investigating Judge of Al DijeaI – Esq

Your Decision dated on Dec / 21 / 2006
We put before your honor the claimant of personal rights (b)(6)
kindly request to validate her statement and issue the
appropriate decision with appreciation .

0

Foreign Language Text, (b)(6)

Al Dijea Police station
Feb / 15 / 2007

Mr. Investigating Judge— Esq

Your decision about documented the claimant of personal rights
statement the mother of the victim (b)(6)
Kindly request your acknowledgment with appreciation .

CENTCOM 010845
08-157-T014-00030

Foreign Language Text, (b)(6)

Sign Language 1

AL - Karada Investigating court
Mar / 8 / 2007

Foreign Language Text

(b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

The same statement
told by the victim's
mother

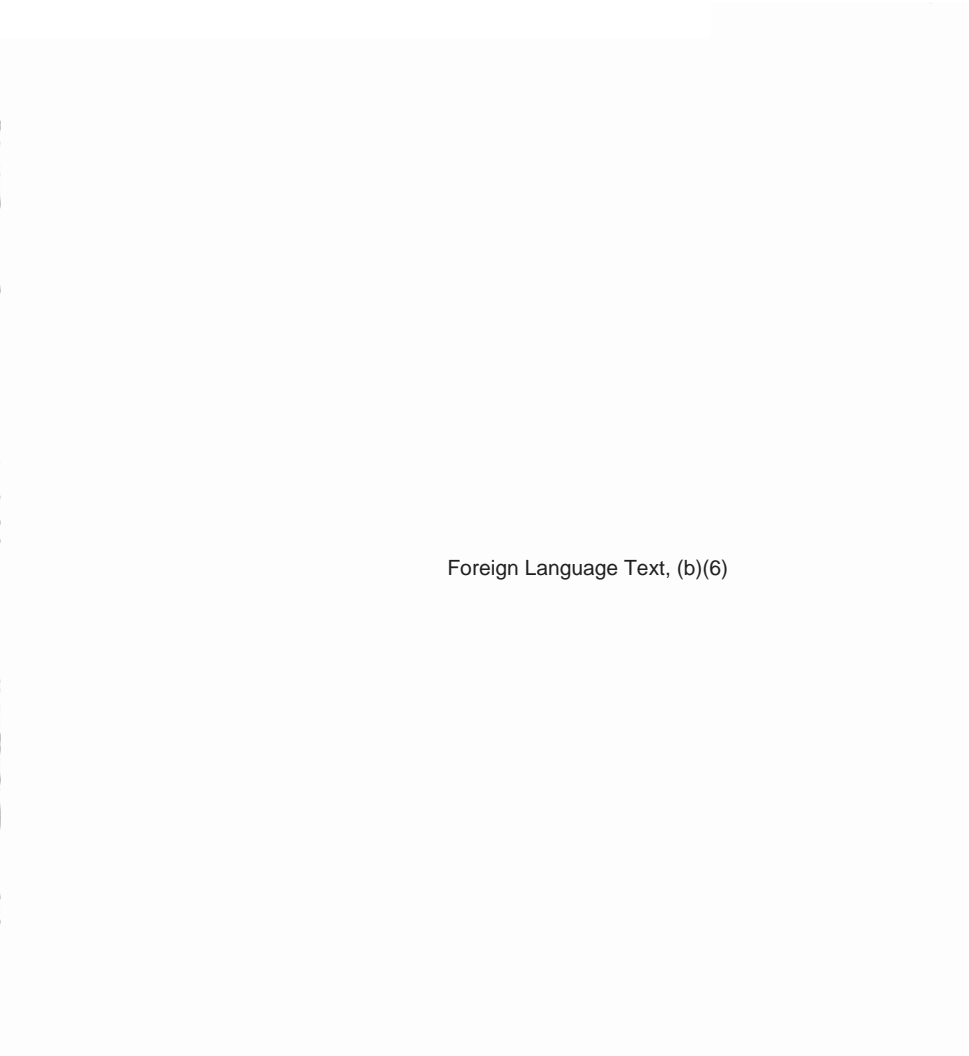
CENTCOM 010847

08-157-T014-00032

AL Dijea/ Police station
Apr/12/2007

Foreign Language Text

Mr. Investigating Judge of AL Dijea - Esq
Your decision dated on Feb/15/2007



Foreign Language Text, (b)(6)

The same copy of the previous page

Al DijeaI Police station

Apr / 15 / 2007

Mr. Investigating Judge of Al DijeaI – Esq

Your Decision dated on Feb / 15 / 2007

1. We attached with the investigating papers, the statement of the claimant of personal rights Ms. ^{b)(6)} the mother of the victim ^{b)(6)}, the statement of the claimant of personal right was noted by Al Karada Investigating Court based on Al DijeaI Investigating Court .

We would like to inform your honor that the investigating procedures has been completed , kindly request your acknowledgment and issue the appropriate decision with appreciation .

Page 35 redacted for the following reason:

(b)(6), Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

claimant's ID

(b)(6)

CENTCOM 010851

08-I57-T014-00036

(b)(6), Foreign Language Text

Language *members of family 3*

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Language *Ration food card* guage
angu

CENTCOM 010852

08-I57-T014-00037

27919

Page 38 redacted for the following
reason:

(b)(6), Foreign Language Text



HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FCC I57

CLAIM OF: (b)(6)
CLAIM NUMBER: 08-I57-T014

Dear Sir or Ma'am:

This notice constitutes final administrative action on your claim against the United States.

Foreign Clims Commission (FCC) I60 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The Federal Tort Claims Act, Title 28, United States Code, Section 2680(k), as implemented by AR 27-20, Ch. 4, is not applicable as it excludes claims arising in foreign countries. The Military Claims Act, Title 10, United States Code, Section 2733, as implemented by AR 27-20, Ch. 3, is not applicable because you are not a United States national.

FCC I57 found that your husband's death was caused by combat activity. The US forces involved acted appropriately to the circumstances they faced. Therefore, in accordance with AR 27-20, paragraph 10-3a, we cannot compensate you for your loss.

If you are dissatisfied by this action, AR 27-20 provides that you may request that the decision be reconsidered. Any such request must be forwarded to this office for FCC consideration. There is no prescribed format for such a request. However, it should describe the legal and/or factual basis for relief. Any request for reconsideration must be made, in writing, within 30 days of receipt of this letter.

The FCC's action on reconsideration is final and conclusive by law.

Sincerely,

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

Captain, US Army
Foreign Claims Commission I57

claimant's sister ID

Foreign Language Text, (b)(6) (6), Foreign Language T

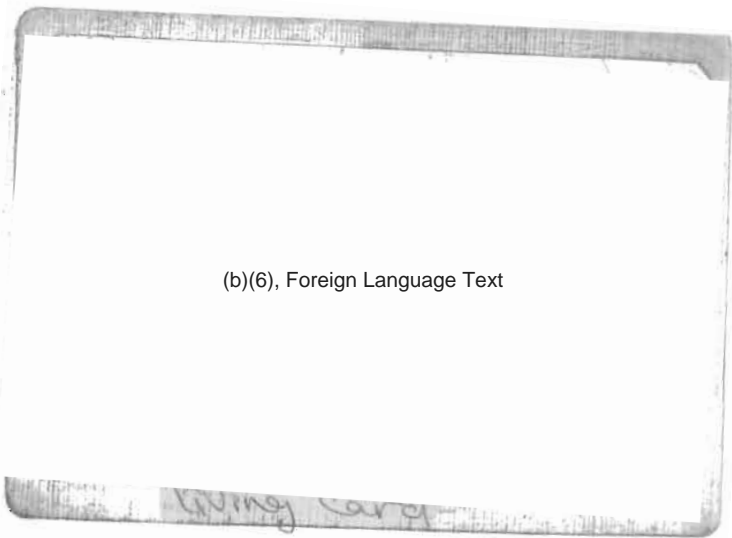
Foreign Language Text, (b)(6)

CENTCOM 010855
08-157-T014-00040

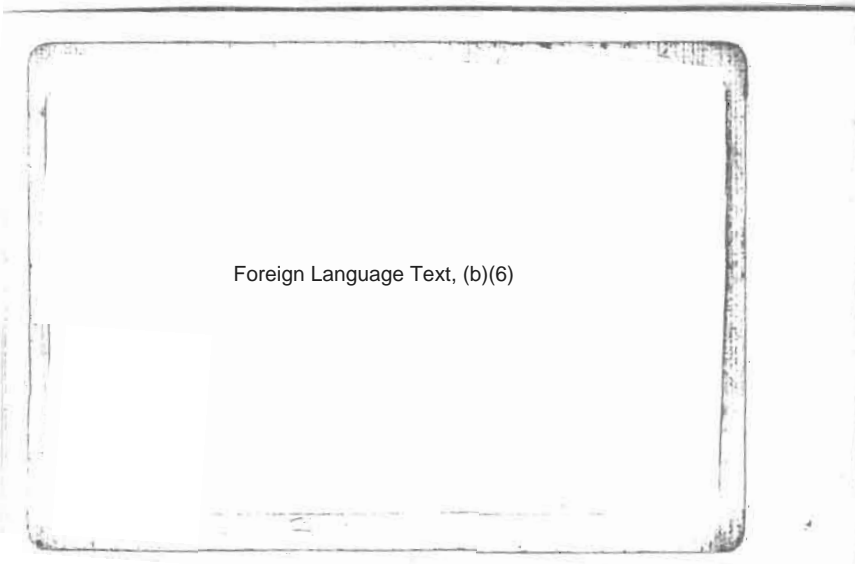
Foreign Language Text, (b)(6)

claimant's ID

Foreign Language Text, (b)(6)



(b)(6), Foreign Language Text



Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

victim's ID

(b)(6), Foreign Language Text

CENTCOM 010858

08-157-T014-00043