

05-19B-872

After
Jan 2005

(b)(6)

**CLAIM FOR DAMAGE .OR
INJURY DEATH**

INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s)

person From approve M3C

1. AMER	SITE OF THE ACCIDENT AT THE MARKET OF HAWEJA KIRKUK	2-.Name of claimants & Address: (b)(6) KIRKUK			872
3. Gender FEMALE	4. DATE OF BIRTH (b)(6)	5. MARITAL STATUS MARRIED	6. DATE & DAY OF ACCIDENT 13-02-2005	7. TIME 1.P.M.	

The claim
According to witness's statements, while the victim was heading to the graveyard to visit his uncles' grave, a firefight happened between the C.F. and the anti-C.F., & stray bullets killed the victim in his head and chest. Although the victim was disabling he was deaf & dumb.

NOTE:
THIS CASE IS RELATED TO CASE # (822), IT'S THE SAME INCIDENT
THE VICTIM WAS A (b)(6)
THE VICTIMS' NAME ((b)(6))& (b)(6) YEARS OLD.

PROPERTY DAMAGE

WRONGFULLY KILLING IN THE HEAD&CHEST

INJURY

WITNESSES

NAME	ADDRESS
(b)(6)	THE BOTH WITNESS HAVE A SHOPS WHERE THE INCIDENT HAPPENED

Amount of claim (IN Dollars)

12A PROPERTY	12b PERSONAL INJURY	12c WRONGFUL DEATH	12A
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I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a. SIGNATURE OF CLAIMANT (b)(6)	13b. Phone number of signatory 711535 (b)(6)	14c. Date of claim 2/20/2005
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CIVIL PENALTY FOR CLAIM	G FRAUDULENT	CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING
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GENCOM 000086



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND JUDGE ADVOCATE
116th BRIGADE COMBAT TEAM, 42nd INFANTRY DIVISION
KIRKUK, IRAQ, APO AE 09368

24 April 2005

Foreign Claims Commission

(b)(6)

FY05-I9B-872

MAY 16 2005

Hawija, Iraq

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

Mrs. (b)(6) ,

I have considered your claim under the Foreign Claims Act, Title 10 United States Code Section 2734 as implemented by Army Regulation 27-20, Chapter 10.

Your claim is denied. The Foreign Claims Act does not authorize payment of claims related to combat activities, nor of claims where US negligence cannot be established. Your claim states that your son was shot and killed by Coalition Forces in the Hawija Market. The U.S. cannot pay your claim because there is no record that Coalition Forces were involved in a firefight on that date. I am sorry for your loss, and I wish you well in a Free Iraq.

Army Regulation 27-20 provides you the right to appeal this action. Deliver your appeal and any additional evidence to the Government Building FCC office within thirty (30) days of receipt of this notice.

Sincerely

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

CPT, U.S. Army
Foreign Claims Commissioner

CENTCOM 000087

People Killed in Hawijah by mistake on
11/1/2004

- ①
- ②
- ③
- ④
- ⑤
- ⑥
- ⑦

(b)(6)

EL Neolaa Dist

(b)(6)

EL Yarmouk Dist

(b)(6)

(b)(6)

He is a reporter from EL Hawijah paper

(b)(6)

Killed at his house

(b)(6)

Killed on his way home

(b)(6)

Killed at his relative house

(b)(6)

Killed while driving with his young son

foreign language text

x

This is a list includes
victims name which is
among

foreign language text

(b)(6)

who killed by mistake
on (11-11-2004)

statement.

We witnessed that the
victim (b)(7)(c) was
killed by the C.F.
wrongfully and oppressively
on 13-02-05 in the
market of Hawaja, although
he was deaf and dumb.

and he was not armed.
Undersigned by two
witnesses) -

12

12

(b)(7)(c)

Pages 7 through 8 redacted for the following reasons:

foreign language text

statement.

We witnessed that the
victim (b)(6) was
killed by the C.F.
wrongfully and oppressively
on 13-02-05 in the
market of Itawera, although
he was deaf and dumb.
and he was not armed.

Undersigned by two
witnesses) -

12

(b)(6)

2

Pages 10 through 14 redacted for the following reasons:

foreign language text

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

Here is what I could find on the claims you sent me.

Claim 896- Like you said. I do not have any information on this claim. It is too early of a date for our records.

872 - Killed on same date
Claim 899- There are several accounts of Iraqi police engaging unknown personnel with no report of wounded or killed persons on either side on 10 & 11 Nov 04. On 11 Nov 04 at:
1253:

Nomad 6 reported they engage a AIF mortar tm, 1 KIA(gunner) 1 WIA (ammo bearer) in a white flatbed truck	Confirmed
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1945:

Sierra 2 reports 1 individual engaged there position with AK at the OP and they returned fire with the M24 (b)(2)High 1 AIF KIA. OP unharmed. Shot took from (b)(2)High	Confirmed KIA, ING is taking care of body, position not compromised
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Well that is all I could find. Have a great day.

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