

05-IAS-1490

10 Sep 05 - IED went off and afterward, US opened fire, killing his father

CENTCOM 000583

Faraj Village
2200 hrs

CENTCOM 000584

~~how to conduct~~

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

~~School head master - CPT~~



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

24 October 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (9)(q) 05-IA5-1490

1. Claimants name and address: (9)(q), Ad-Duluiyah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 13 August 2005 in Ad-Duluiyah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$13,350 on 10 September 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; claim filed for personal injury.
5. Facts:
 - a. Claimant says his father was shot at by a U.S. patrol.
 - b. There was a death certificate and a damage report included in the submitted claim.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.
 - b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. 1/15th IN has no record of involvement in this incident.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$13,350 is denied.

(9)(q)(8)(q)

CPT, JA
Claims Judge Advocate

CENTCOM 000585

Claims Form

To: United States Foreign Claims Commission

From: Name: _____ (9)(q)

Address: Balad _____ (9)(q)

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Iraq
- 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)

U.S forces in Al Dhiloyia

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 father (9)(q)

Event

My claim arose at: Dhiloyia, Balad, Iraq, near AL Dhiloyia air Port U.S base.
(Town) (City) (Country)

My claim arose on: Aug 13 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.)

At 13/Aug 05 I was in our house and my father
who is (9)(q) man was in our grove in our house
there At morning (9)(q) as I heard that my
Father (9)(q) was killed by the U.S
forces when they started random shooting in the
place, The event was at 10:00 night, location: near
Al Dhiloyia air Port U.S base, The cause: U.S shooting
My father's (9)(q)

(9)(q)

Dhiloyia Court

No.: Without

Date:

Experience Report

Claimant: (9)(q)

according to the decision of a judge in Dhiloyia court which elected me to estimate the damages which happened for claimant's father in Dhiloyia near ALDHILOYIA AIRBORT U.S BASE by the U.S army in the place when they started random shooting on his father and led to killed him. His father was died at 13/aug/2005 and (9)(q)

Therefore and After my reading the file and the statements of witnesses I estimate the damages in the following table:-

S	Details	Total
1	Killed (9)(q) man when he was a sleep in his house.	10000
		10000

Foreign Language

(b)(6)

25/8/2005

Foreign Language

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

Large damages

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.)

Item	Amount
Killed my father at night and he was a step and (9)(9) man we claim for justice by compensate the price	10 000 \$
Total: 10 000 \$	

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: (Indicate amount in U.S. dollars and local currency)

\$ 10 000 local 15 000 000 Iraqi Dinar

Foreign Language signature of Claimant

Subscribed before me this ___ day of ___, 200__.

(Print Name)

(Signature)

Pages 8 through 9 redacted for the following reasons:

Foreign Language

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: _____ (9)(a) _____

Address: Balad / Dhilayia

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Iraq
- 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)

Coalition forces

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.) For me

My claim arose at: Dhilayia Balad Iraq
(Town) (City) (Country)

My claim arose on: Aug 13 05
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.)

At 13 Aug 05 the U.S forces started
random shooting on the place in Dhilayia
and destroyed my house and agriculture
ground completely as shown in the expert report.

Foreign Language

Balad court

No.: Without

Date:

Experience Report

Claimant: (9)(a)

according to the decision of a judge in the court which elected me to estimate the damages which happened for the claimant's house and agriculture land by the U.S army when they started random shooting in his land.

Therefore and After my site visit and reading the file and the statements of witnesses I estimate the damages in the following table:-

S	Details	Qty	U.P \$	Total
1	Destroyed of (9)(a)	whole	1000	1000
2	Destroyed of (9)(a) trees.	300	7.5	2250
3	Damages in the walls.	whole	100	100
Total\$				3350

Foreign Language

(b)(6)

Expert

(b)(6)

8 sep 05

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Foreign Language

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

Large damages

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.)

Item	Amount
As shown	3350

Total: 3350

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: (Indicate amount in U.S. dollars and local currency)

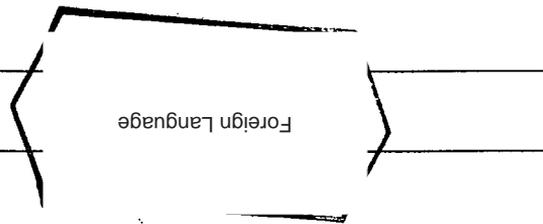
\$ 3350 local 5000000 Iraqi Dinar

(Signature of Claimant)

Subscribed before me this ___ day of ___, 200__.

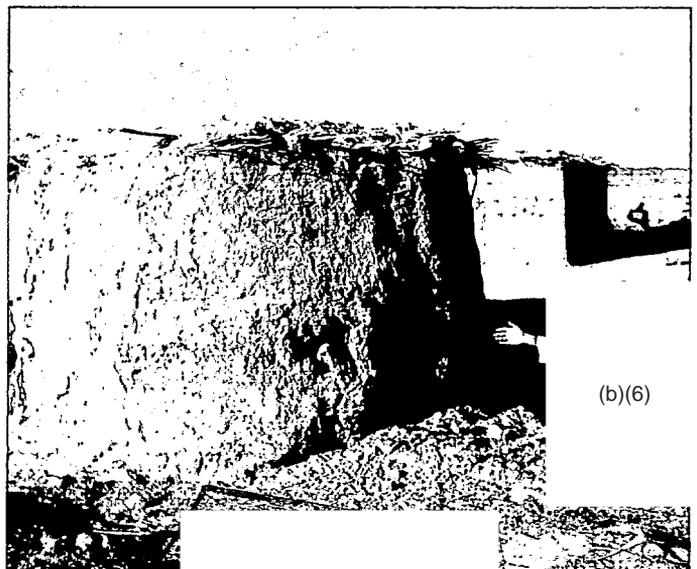
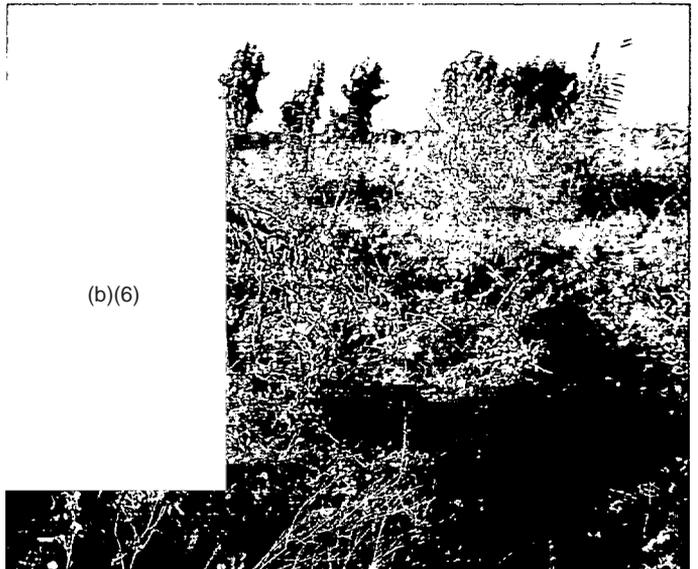
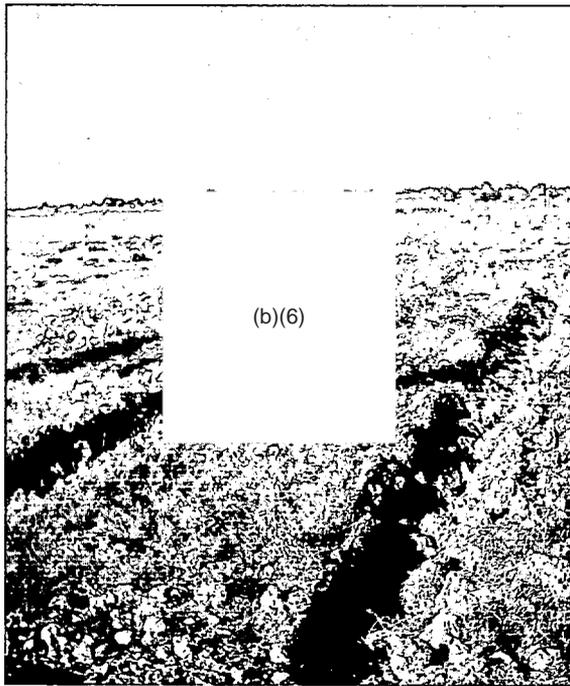
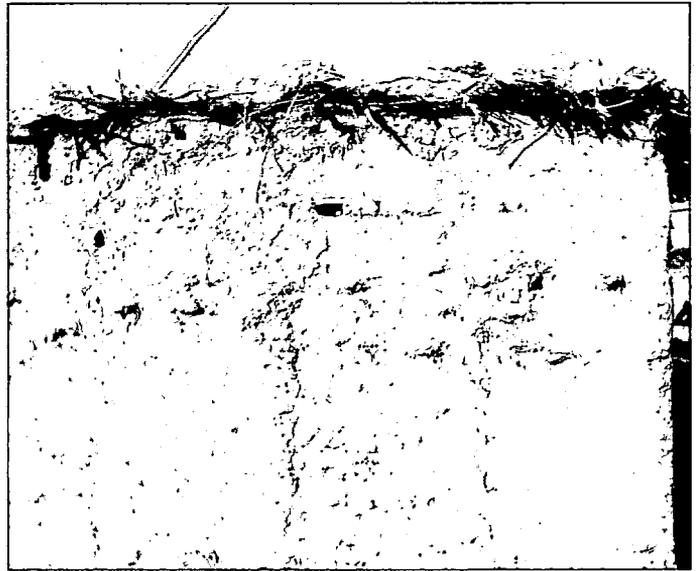
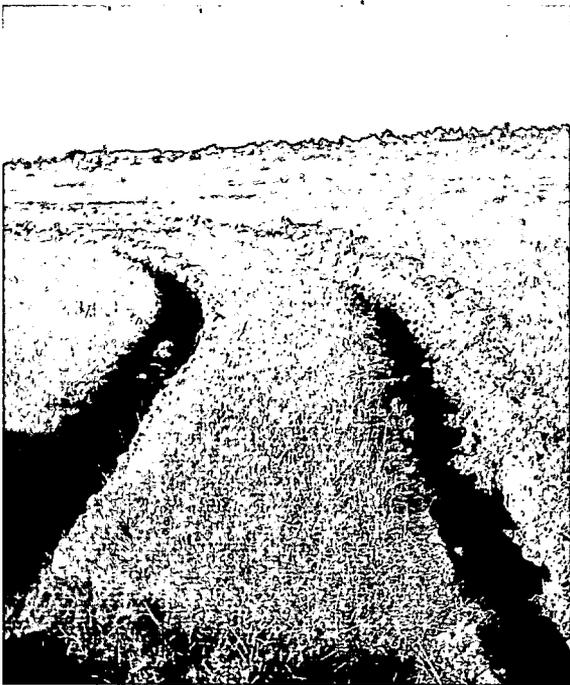
(Print Name)

(Signature)



Pages 13 through 25 redacted for the following reasons:

Foreign Language



Foreign Language

M 000607