

OS #AS-626

27-20b FOREIGN CLAIMS  
Paid (Accidental/Negligent/Fires)

CLAIM NUMBER: 05-IA5-\_\_\_\_\_

| DATE         | REMARKS   | INITIALS     |
|--------------|---|--------------|
| 15 Apr       | <p>Claimants daughter was shot when family was driving between Al-Masura and Al-Adhem. Daughter was (b)(6) from shot and later died. Check SCAETS</p>   | (b)(3)(b)(6) |
| 21 Apr       | <p>There is no report on computer involving a wrongful death. (b)(6) However, since there was only one road used and it was reported to come from a white vehicle, it either came from (b)(6) (b)(6) questions. They do not report (b)(6) Recommend approval for \$6,000-</p> | (b)(3)(b)(6) |
| 24 Apr       | <p>Approve for \$6,000</p>  |              |
| (b)(3)(b)(6) | <p>- PFC (b)(3)(b)(6) - SSG (b)(3)(b)(6) (b)(3)(b)(6) CPT (b)(3)(b)(6)</p>  |              |





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

REPLY TO  
ATTENTION OF:

AETV-BGR-JA

27 April 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 05-IA5-626

1. Claimants name and address: (b)(6) Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 7 January 2005 in (b)(6) Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000 on 14 April 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 claimant's daughter's death.
5. Facts:
  - a. Claimant's daughter was shot while they were traveling by United States forces. She was paralyzed as a result of her injuries and later died.
  - b. There were medical documents, pictures and diagrams of the area 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.

CENTCOM 000901

AETV-BGR-JA

SUBJECT: Claim of

(9)(q)

05-IA5-626

- b. There is sufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces.
7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$6,000.00 is approved.

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

CPT, JA  
Claims Judge Advocate

CLAIMS FORM

To: United States Army Foreign Claim

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

Address:

I am

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

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

CF

The property damaged is owned by:

My claim arose at: Dali Abbas Iraq (Town) (City) (Country)

My claim arose on: Jan 7 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.)

Claimant's daughter was shot by US forces and then died on 25 March. (b)(6)

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.)

Table with 2 columns: Item, Amount. Row 1: Death

Total: 6,000

I claim as damages: (Indicate amount in U.S. dollars and local currency) \$ 6,000 local

(b)(6)

(Signature of Claimant)

Subscribed before me this 13/3 day of April, 2005.

(Pri) (b)(3),(b)(6) (Signature)

**Al-Khaliss investigation court**  
**28 / 2 / 2005**

the evidence of the injured complainant (b)(6) , her  
work is a (b)(6) , she lives at (b)(6) area , she evidenced as  
the following :-

In the date of the incident I was out of my house with the wives of my  
brothers whose names are (b)(6) and (b)(6)  
(b)(6) by the car of my brother (b)(6) in order to attend the  
funeral of one of my relatives at (b)(6) village and through driving  
on the soil way between Al-Mansuria area and Al-Adhem area the US  
vehicle opened fire towards our car and I injured with a round after  
the round voilated the windscreen of the car and hit me and the car is  
Pick UP – Toyota – Model (b)(6) where I injured in my back and then I  
was transported to the hospital and (b)(6) because of the  
incident . and now I demand the complaint and compensation against  
the coalition forces . and this is my evidence .

**the injured complainant**

(b)(6)

**The judge**

(b)(6)

**28 / 2 / 2005**

CENTCOM 000904

**In the name of God**

**Al-Sad Al-Adheem police station**

**NO. / 1528**

**Date 19 / 3 / 2005**

**To / the**

(b)(6)

**in Baqubah**

**Subject / case transferring**

we send to you the special investigating papers of the injured complainant (b)(6) ) . we hope that you will receive them and complete the investigation according to the Judge of Al-Khaliss investigation ... with respects .

**Colonel**

(b)(6)

**Al-Khaliss police commander**

**18 / 3 / 2005**

CENTCOM 000905

**Al-Khaliss investigation court**  
**9 / 2 / 2005**

the evidence of the complainant (b)(6)  
born in (b)(6) , his work is a (b)(6) , he lives at (b)(6)  
area , he evidenced as the following :-

on the morning of 10 / 1 / 2005 I was riding in the car ( Pick UP – NO.  
(b)(6) ) whom my son (b)(6) was driving and inside the car was  
my wife (b)(6) and my daughter (b)(6) in  
order to go to Daly Abbass area for  
(b)(6) and when we arrived near Shaikh Abdullah Grave and  
before we arrived to Daly Abbass area the US vehicle opened fire  
towards us and injured me and my wife and my daughter (b)(6)  
(b)(6) and the car damaged largely without any reason  
and now I demand the complaint and compensation against the  
coalition forces . and this is my evidence .

**the injured complainant**

(b)(6)

**The judge**

(b)(6)

CENTCOM 000906

**Al-Khaliss investigation court**  
**14 / 2 / 2005**

**the evidence of the complainant (b)(6)**  
**(b)(6) , born in (b)(6) , his work is (b)(6) he lives at (b)(6)**  
**(b)(6) he evidenced as the following :-**

**on the morning of the incident that I do not remember exactly I was going to Daly Abbass area by the car of my father which is Pick UP – white color – NO. (b)(6) - Saladin – Model (b)(6) and was with me my mother (b)(6) and my father (b)(6) and my sister (b)(6) and during our driving in the soil road which links Daly Abbass area with Al-Adhem area and when we arrived to Al-Shaikh Abdullah Grave we watched three cars Bahbahan – Wite color belong to the coalition forces and they opened fire towards us which injured my sister (b)(6) in her neck who was sitting behind me and the car damaged largely . now I demand the complaint and compensation against the coalition forces . and this is my evidence .**

**the complainant**  
**(b)(6)**

**The judge**  
**(b)(6)**  
**14 / 2 / 2005**

**CENTCOM 000907**

Al-Khaliss investigation court  
13 / 2 / 2005

the evidence of the witness (b)(6)  
born in (b)(6) , her work is (b)(6) , she lives at (b)(6)  
(b)(6) , she evidenced as the following :-

on the morning of 7 / 1 / 2005 we were going to Daly Abbass area by  
the car of my uncle (b)(6) which is Pick UP – white color – NO.  
(b)(6) - Saladin – Model (b)(6) and were with us (b)(6)  
and (b)(6) and the injured (b)(6) and during driving  
in the soil road which links Al-Sad Al-Adheem with Daly Abbass area  
and when we arrived near Al-Shaikh Abdullah Grave the US cars  
Bahbahan – white color came and opened fire towards us and injured  
the civilian (b)(6) in her neck and the car damaged . and  
this is my evidence.

the witness  
(b)(6)

The judge  
(b)(6)  
13 / 2 / 2005

CENTCOM 000908

**Al-Khaliss investigation court**  
**13 / 2 / 2005**

the evidence of the witness (b)(6)  
born in (b)(6) , her work is (b)(6) , she lives at (b)(6)  
(b)(6) , she evidenced as the following :-

on the morning of 7 / 1 / 2005 we were going to Daly Abbass area by  
the car of my uncle (b)(6) which is Pick UP – white color – NO.  
(b)(6) - Saladin – Model (b)(6) and were with us (b)(6)  
and (b)(6) and the injured (b)(6) and  
during driving in the soil road which links Al-Sad Al-Adheem with  
Daly Abbass area and when we arrived near Al-Shaikh Abdullah  
Grave the US cars Bahbahan – white color came and opened fire  
towards us and injured the civilian (b)(6) in her neck and  
the car damaged . and this is my evidence .

the witness  
(b)(6)

**The judge**  
(b)(6)  
**13 / 2 / 2005**

CENTCOM 000909

Al-Sad Al-Adheem police station

6 / 2 / 2005

**The statement and the charter for the incident location**

1. the incident location is 15 KM far from our station .
2. the incident location is a dust road heading to Al-HAMIL village .
3. there is nothing benefit from it in the investigation .

**the charter**

**LT.**

(b)(6)

**Investigation officer**

CENTCOM 000910

In the name of God

Ministry of Health  
Diyala Health Office  
General Hospital of Baqubah

Advisory Clinic  
Police cases  
NO. (b)(5)  
Date 17 / 1 / 2005

To / Al-Sad Al-Adheem police station

Subject / Medical Report

Your message NO. (b)(5) in 16 / 1 / 2005 , below the medical report for the injured person (b)(6)

Dr.

(b)(6)

The report

She was admitted our hospital in date 11 / 1 / 2005 transferred from Al-Kadmia Teaching Hospital since she was shot by a round exited from the back caused

(b)(6)

(b)(6)

her healthy situation is not stable and she is still in the hospital .

Doctor

(b)(6)

CENTCOM 000911

**Al-Khaliss police station  
12 / 1 / 2005**

**Statement Minutes**

**I made the statement for the car NO. (b)(6) – Saladin – Toyota – Pick UP – Model (b)(6) according to the message of Al-Sad Al-Adheem police station NO. 42 in 10 / 1 / 2005 and it appeared the following :-**

**The controllers are good**

**The damages :-**

- 1. there is entry of bullets in the windscreen of the car NO. 2 .**
- 2. destroy the rear glass , and all these damages are evaluated according to the person . who will maintain it and according to the official bills . for that the minutes closed .**

**Mechanical policeman**

(b)(6)

**12 / 1 / 2005**

**1LT.**

(b)(6)

**Mechanical Officer  
12 / 1 / 2005**

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Foreign Language, (b)(6)

CENTCOM 000914

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CENTCOM 000920

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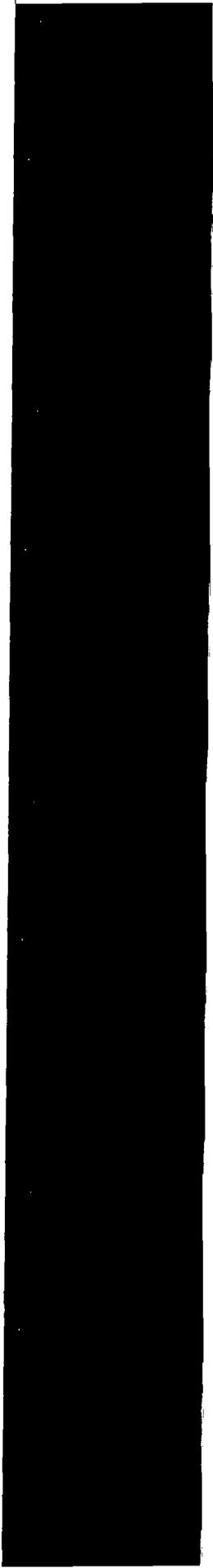
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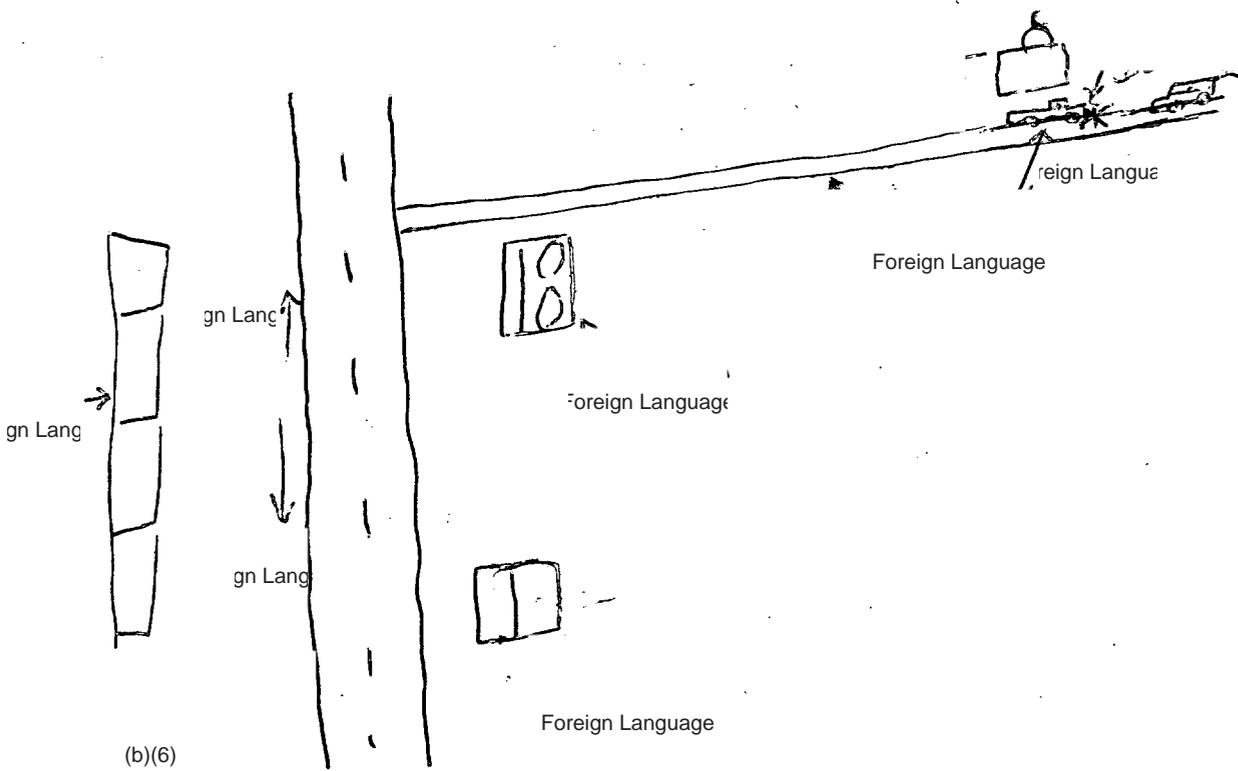
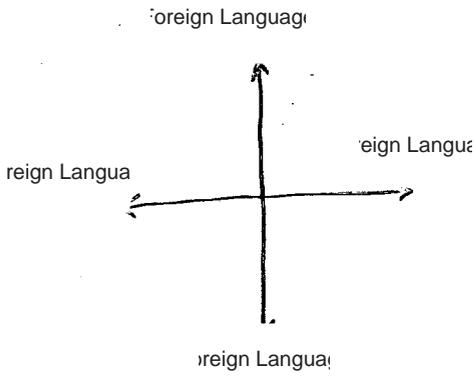
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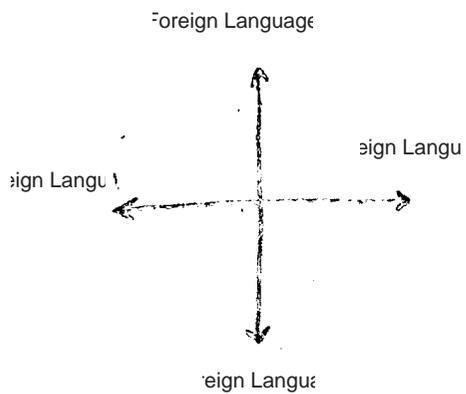


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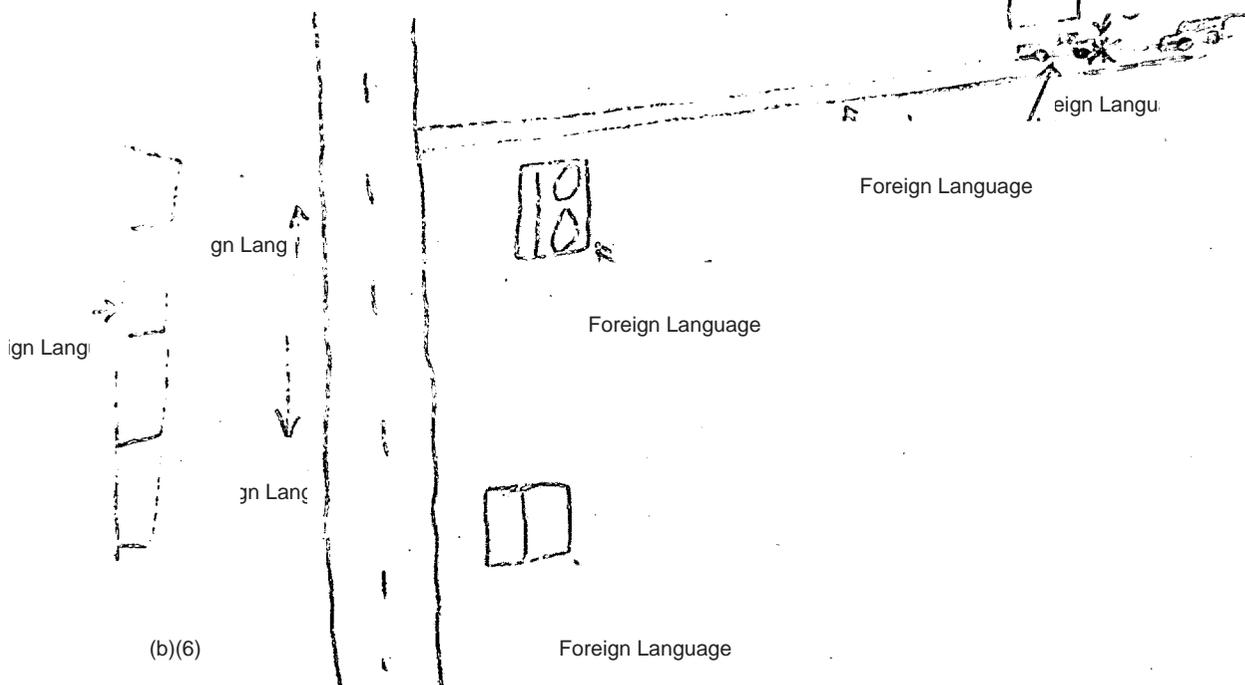
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Foreign Language



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Foreign Language



(b)(6)

Foreign Language

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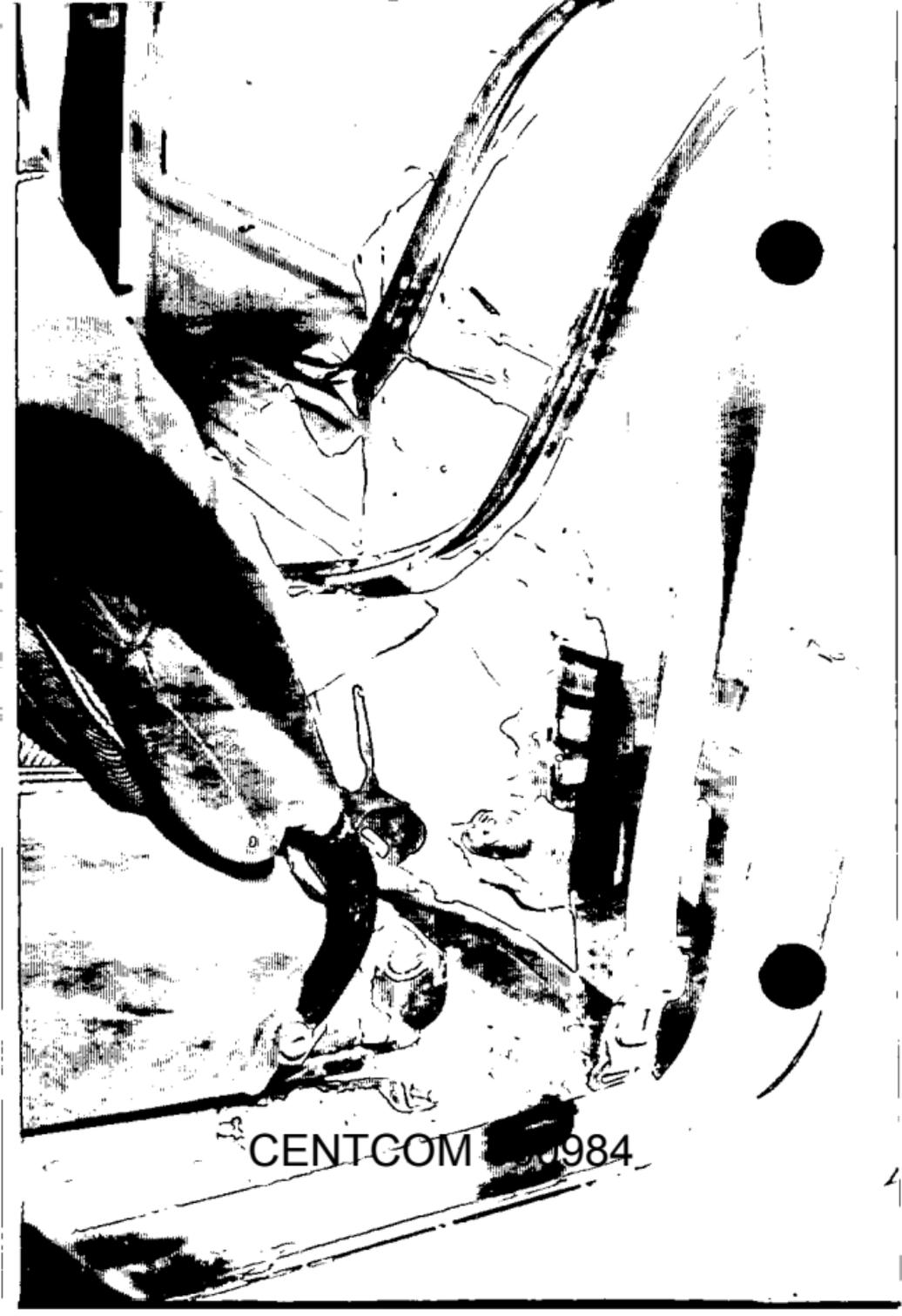
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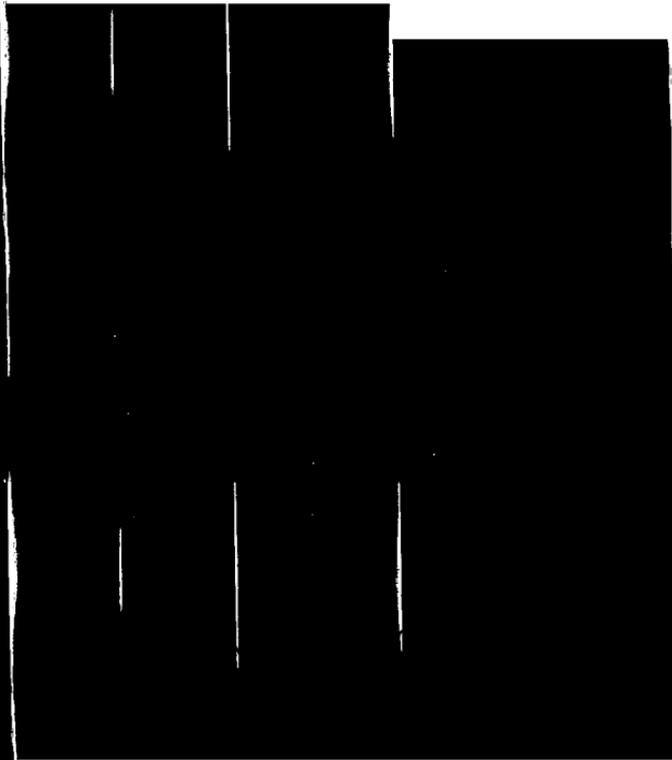
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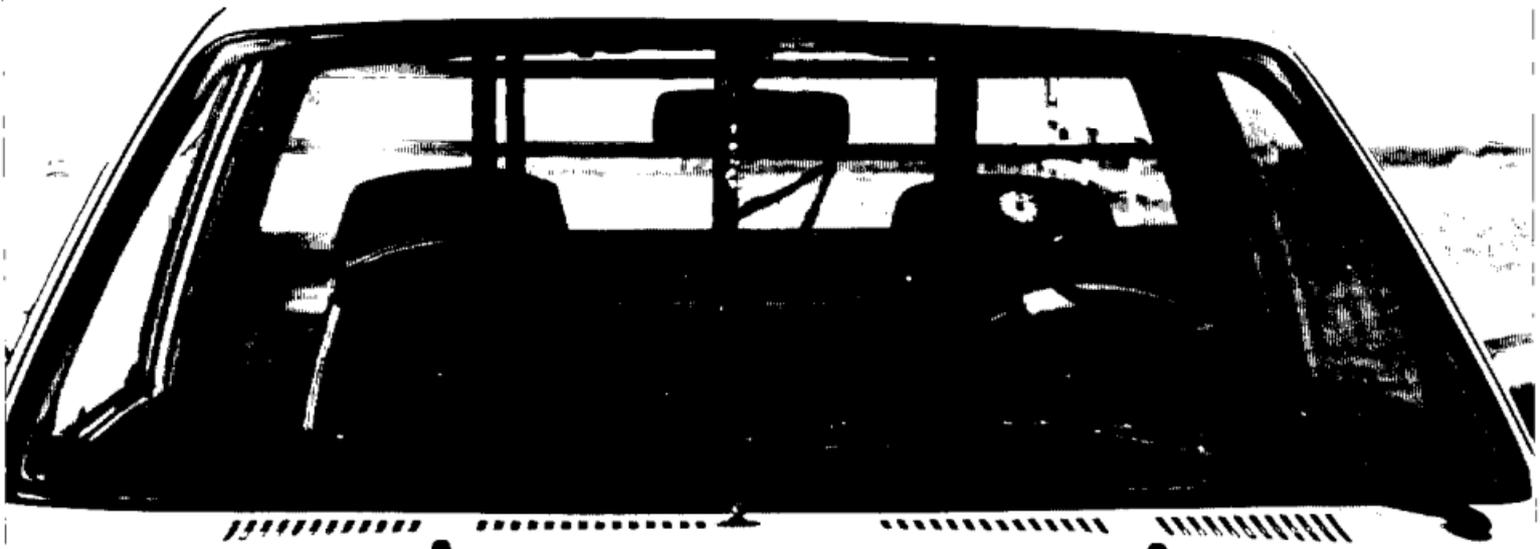


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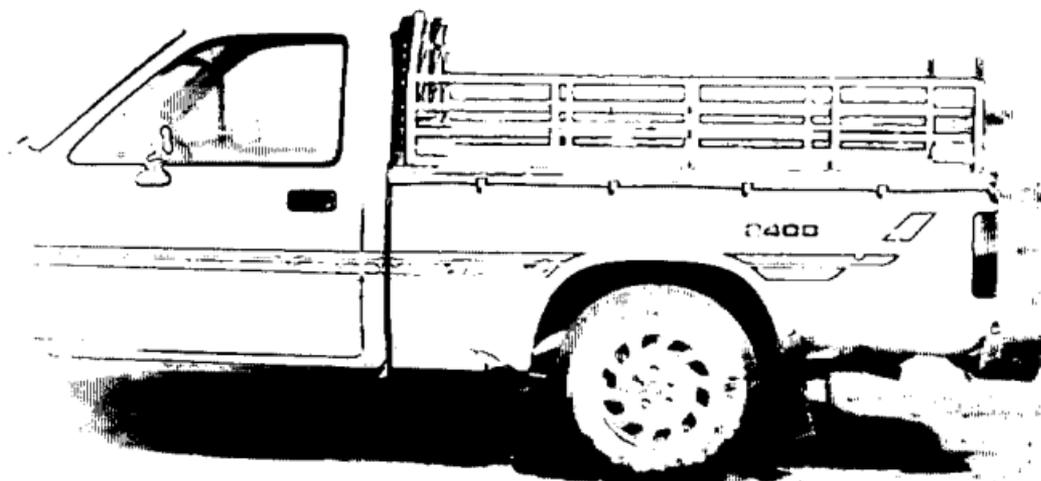




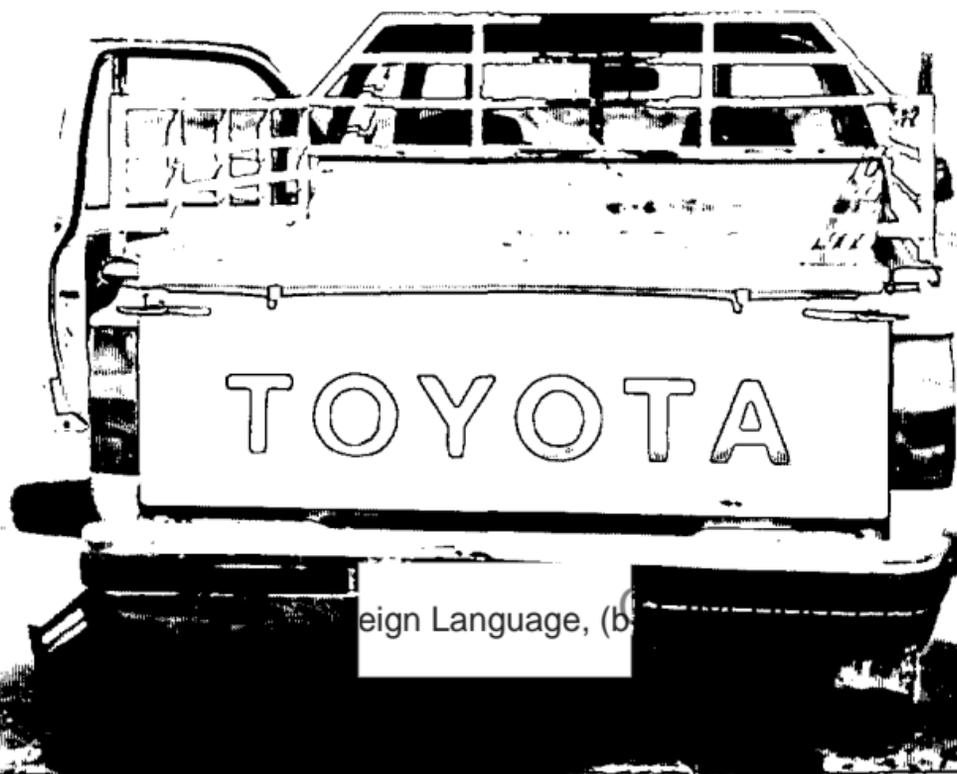
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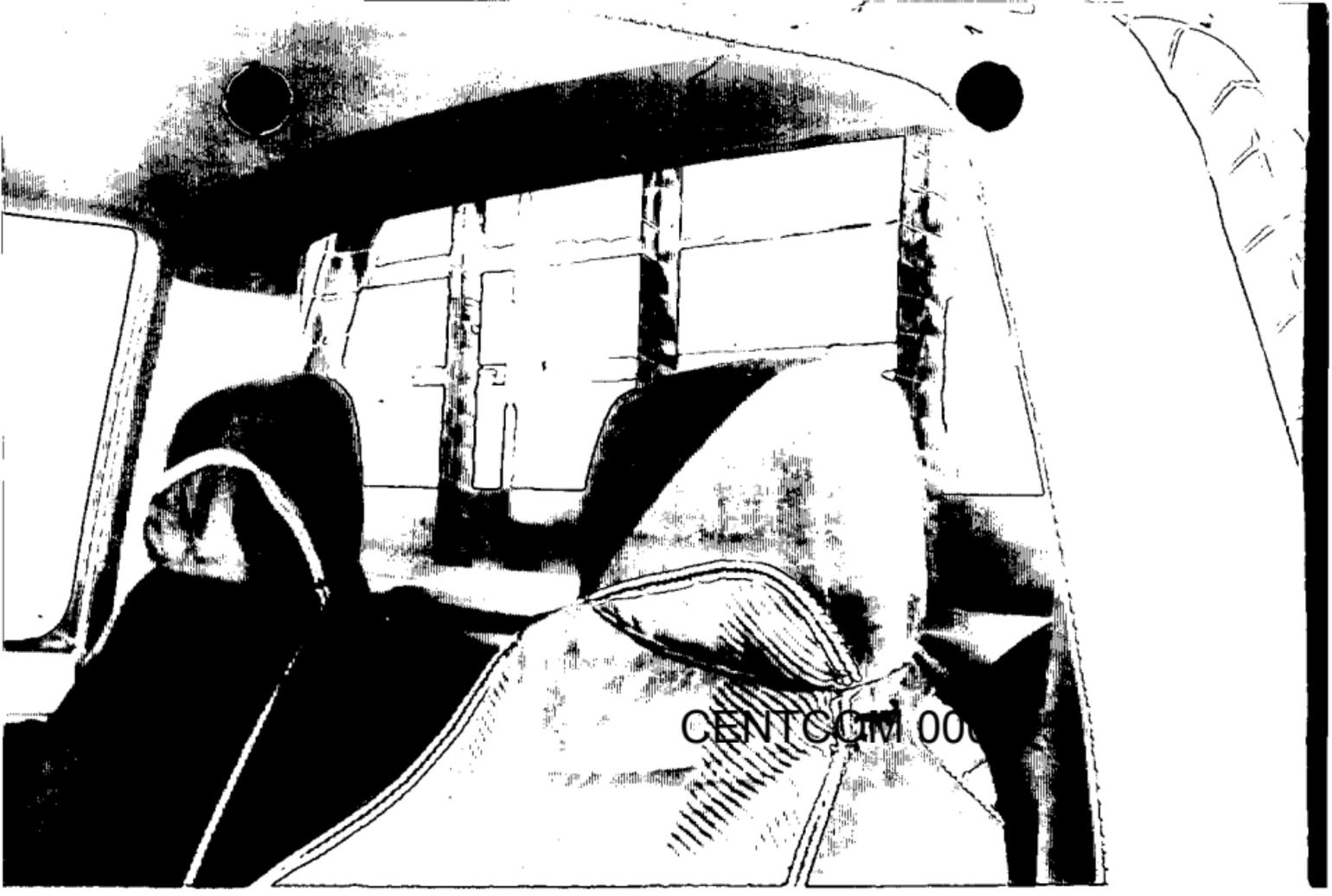


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Foreign Language, (b)





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