

05-IG1-70607

✓

Foreign Language Text



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

REPLY TO
ATTENTION OF:

FCC IG1

19 December 2005

CLAIM OF: (b)(6)
CLAIM NUMBER: 05-IG1-T0607

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IG1 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), is not applicable as it excludes claims arising in foreign countries. Under the FCA, a claim for death or personal injury may be allowed whether or not the negligent act complained of was made within the scope of employment.

FCC IG1 has reviewed all of the evidence given and has investigated this claim to the best of its ability considering the information presented.

Unfortunately your claim has been denied. The FCA does not permit the payment of claims arising from the actions of service members unless such actions were either negligent or wrongful. However, in your claim you have been unable to substantiate that the US forces acted either negligently or wrongfully and accordingly your claim is denied.

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.

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

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CENTCOM 001693



REPLY TO
ATTENTION OF:

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

FICI-JA

Claim of (b)(6) , 05-IG1-T0607

ACTION

1. Facts: The claimant alleges that on 22 May 2005, he and his brother (b)(6) , were in the popular market where a convoy of four humvees approached and started to shoot randomly near the market. His brother was shot and that caused his death, they apologized and gave him a claim card. The amount requested for this claim is \$5,000.
2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. The claimant provided no evidence that the US committed a negligent or wrongful act.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

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

✓ FCC IG1

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UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date: May 22, 2005

II. FROM: Name (English)

(b)(6)

Name (Arabic)

(a) Circle one: Claimant Attorney Authorized representative Parent Brother Sister Son Daughter

→ [Attorney or representative MUST attach proof of authorization.] Other: _

(b) IRAQI IDENTIFICATION NUMBER: (b)(6)

(c) DETAINEE IDENTIFICATION NUMBER: _

III. ADDRESS of person filing claim:

(English): _

(b)(6)

(Arabic): _

IV. HOME OR CELL PHONE NUMBER:

(b)(6)

(a) I, the above named claimant/attorney-representative, certify that I (or the person on whose behalf I am making this claim) am a resident of Iraq

(b) I hereby make a claim against the UNITED STATES GOVERNMENT for damages or injuries caused by the following military unit: M.U.

(c) The property damaged is owned by: _ (b)(6)

(d) The incident happened on April 22, 2005 at Al Khalsa neighbourhood
(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: According to his speech, On April 22, 2005

Friday, 12:00 midday, he was with his late brother
(b)(6) in the popular market in Alkhalsa neighbourhood
there was a convoy coming from Basrah to Baghdad
contain 4 humvees they started to shoot randomly
near the market and that cause the death of the
late (b)(6) they apologize and gave him
a claim card and they found after that that it
was a wedding and they were shooting as a
joy action but at that moment they did not
recognize that.

[Use back of sheet if needed. Be sure to include any photographs, statements from witnesses, documents proving ownership of damaged or destroyed property, death certificates, medical bills and repair estimates.]

FOREIGN CLAIMS WORKSHEET

Amount Claimed: 22 Apr 05

Date Reviewed: 18 June 05

Date of Incident: \$5600 -

Pay: \$ ∅

Deny: No proof of US negligence US involvement

Need more info: What were they shooting at?

Need more translation: _____

NOTES:

has claims card

→ were they receiving gunfire?

Page 7 redacted for the following reason:

Foreign Language



REPLY TO
ATTENTION OF

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

Claim No.: 05-191-T0607

MNC-I OSJA Claims Office

To Claimant: (b)(6), Foreign Language Text (English)
 (Arabic)

Dear Sir or Ma'am,

I have reviewed and considered the claim you have made against the United States under the Foreign Claims Act, Title 10, United States Code, Section 2734 and U.S. Army Regulation 27-20. Claims under this Act may only be paid under certain circumstances. A claim is payable only if the damage was the result of negligence on the part of U.S. military personnel or as a result of non-combat activities. Furthermore, claims are not payable if they are a direct or indirect result of combat action.

At this time we are unable to make a decision on your claim. Before we can decide your claim we need you to deliver additional evidence to ECP 13 off Airport Road. Such evidence should include the following: what were they shooting at? Where they received the gunfire?

We thank you for your patience in attending to this situation.

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

FCC, IG1/IB7

(b)(6)

Foreign Language



Iraqi Claims Pocket Card



IRAQI CLAIMS POCKET CARD

بطاقه طلب تعويض للعراقيين

The Army may pay claims to Iraqi civilians for property damage, injury and death caused by US Forces.
If your unit is involved in an incident resulting in damage to property of an Iraqi civilian, or injury or death of an Iraqi civilian:

1. Fill out the required information below.
2. Give this card to the Iraqi civilian, or other appropriate person in the case of death.
3. Direct them to the Government Information Center located at either the 9 Nissan District Advisory Council Building in Mahala 731 (Old Military Hospital) or the Sadr City District Advisory Council Building located in Mahala 514.

UNIT _____
DATE APR 22 05
LOCATION _____
DAMAGE _____
NAME (Optional) _____

إذا استلمت هذه البطاقه من جندي امريكي عندها سيكون طلبك للتعويض محفوظا لدى المركز الحكومي للمعلومات في احدى المراكز التاليه .

1- مدينة الصدر (الثوره) - المركز الحكومي للمعلومات - بناية المجلس الاستشاري .

المحلي محله 514 قرب مقر القاناقاميه .

2- 9 نيسان - المركز الحكومي للمعلومات - بناية المجلس الاستشاري المحلي - محله 731 .

المستشفى العسكري القديم .

اجلب معك هذه البطاقه وسيكون هناك مترجم عراقي سيساعدك لحفظ طلبك للتعويض .

من قوات الولايات المتحده

لواء الحصان الحديدي

Page 10 redacted for the following reason:

Foreign Language, (b)(6)

CENTCOM 001702

Pages 12 through 30 redacted for the following reasons:

foreign language
foreign language
foreign language, (b)(6)
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b(6), foreign language
foreign language
foreign language, (b)(6)