

05-IG1-70635

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

REPLY TO
ATTENTION OF:

FICI-JA

Claim of

(b)(6)

, 05-IG1-T0635

ACTION

1. Facts: The claimant alleges that on 11 April 2005, he was walking with his wife who was carrying their 18 month old child when an aircraft opened fire. The child received a fatal shot to the head and the wife sustained injuries to her right leg. The amount requested in damages is \$10,000.
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. The incident was determined to be a combat action.
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)(6), (b)(3)

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

REPLY TO
ATTENTION OF:

FCC IG1

18 July 2005

CLAIM OF: (b)(6)
CLAIM NUMBER: 05-IG1-T0635

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 for the acts of US soldiers unless such acts were negligent or wrongful. You did not substantiate that US forces acted in a negligent or wrongful manner.

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)(6), (b)(3)

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UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date: May 30, 2005

II. FROM:

Name (Arab (b)(6)

(a) Circle o

→ [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: U.M

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

(d) The incident happened on April 11, 2005 at Falluja (b)(6)
(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: According to (b)(6) speech,
he was with his wife and she was carrying her child
(b)(6) (18 months) and they were just
walking to return back to their house cause they were
visitting their relatives and while they were walking
an aircraft shoot that area the child immediately
die cause he had a fatal shoot in his head and
the mother was injured in her right leg and since
that time they tried to complain but no one help
them thats why they came here to fill this
claim They will be very thankful if you help them.

[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.]

Closed-Denied 17 Sep 05

FOREIGN CLAIMS WORKSHEET

Amount Claimed: \$ 10,000

Date Reviewed: 18 July

Date of Incident: _____

Pay: \$ _____

Deny: Combat Exclusion

Need more info: _____

Need more translation: _____

NOTES:

Child killed by weapons fire from US Aircraft
in Fallujah

Page 8 redacted for the following reason:

foreign language

foreign language

Pages 10 through 11 redacted for the following reasons:

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

السيد قاضي القوات المتعددة الجنسيات المحترم

بتاريخ ١١ / ٤ / ٢٠٠٤ واثناء العمليات العسكرية للقوات المتعددة الجنسيات في الفلوجة

Foreign Language Text

أرجو اتخاذ الإجراءات القانونية وتعويضي عن الضرر الناتج عن ذلك.
ولكم جزيل الشكر

Foreign Language Text, (b)(6)

Chief Judge of the Multi-National Forces In Falluja

On 11/4/2004 during the military operations of the Multi-National
Forces in Falluja my son (b)(6)

due to the bombardment of the
American forces. Thereupon I present my

claim, asking for taking legal procedures and for compensation.

With respect

(b)(6)

Plaintiff

(b)(6)

Father of the killed

Fallyja police st.

Date: 2/5/2004

Hereunder is the statement of the plaintiff:

Mr. (b)(6) Date of Birth:

occupation:

Due to the bombardment of the American forces, my son (b)(6) had been killed.

Hereunder is the statement of the witness:

Mr. (b)(6) Date of Birth: (b)(6)

occupation: policeman

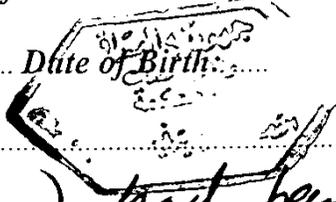
(b)(6) had been killed due to the bombardment of the American forces.

Hereunder is the statement of the witness:

Mr. (b)(6) Date of Birth: (b)(6)

occupation:

(b)(6) had been killed due to the bombardment of the American forces.



REPUBLIC OF IRAQ
 MINISTRY OF JUSTICE
 Court of Personal Status
 In Fallujah

No.: 232
 Date: 12/5 /2004

Death Deed

Mr. ((b)(6)),
 the Magistrate of the Court of Personal Status in Falluja, confirms the following:

According to the submitted application and the eye witness confirming the death of the deceased ((b)(6)) on (11/4/2004) and because his (her) death has not been registered at the authority concerned , thereupon, I decide to register the death event and issue this deed in conformity with articles No. 16 and 17 of Births & Deaths law No. (118) issued on 1971, and it has been registered on 12 / 5 / 2004

Authorized official

The Magistrate (b)(6)

(b)(6)

(signed)

(signed)

Name of deceased	Gender	Father's name	Mother's name	Nationality & Religion	Address	Place & Date of death	Page No. & Reg. No.
(b)(6)	Male	(b)(6)	(b)(6)	Iraqi / Muslim	Falluja	11/4/2004 Falluja	Falluja (b)(6)

foreign language, (b)(6)

foreign language, (b)(6)

foreign language, (b)(6)

CENTCOM 001804

foreign language, (b)(6)

CENTCOM 001805

Page 19 redacted for the following reason:

foreign language

Pages 21 through 26 redacted for the following reasons:

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