

06-3/4-506

CENTCOM 002124

06-3-4-506-00001

DATE	REMARKS	
26 MAR	06-3/4 5106 recommend review of SIGACT to verify accounts. no bullet to identify it came from a US forces weapon & without other evidence recommend claim denied.	(b)(3)(b)(6)
26 MAR	DENIED. COMBAT RELATED. RECOMMEND \$2500 CONDOLENCE.	(b)(3)(b)(6)
27 Mar	Nothing in SIGACT ^s to verify this	(b)(3)(b)(6)
	<div data-bbox="545 576 1007 858" data-label="Text"> <p style="font-size: 2em; opacity: 0.5;">DENIED</p> </div> <div data-bbox="859 799 974 834" data-label="Text"> <p>(b)(3)(b)(6)</p> </div>	

CENTCOM 002125

06-3-4-506-00002

DEPARTMENT OF THE ARMY
3d Heavy Brigade Combat Team
4th Infantry Division (Mechanized)
FOB Warhorse, Iraq
APO AE 09397

AFZC-FC-JA

27 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of (b)(6) : 06-3/4-506

1. Claimants name and address: (b)(6) Beladruz, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 23 Jan 06, in Beladruz, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$10,000 on 25 Mar 06.
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 compensation for wife's death.
5. Facts: The claimant alleges that US Forces shot and killed his wife on the road after an IED went off about 200 meters away from them.
6. Opinion: 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. The claim resulted from a combat related incident, therefore it is not payable.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently, I recommend that this claim be denied.

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

CPT, JA
Foreign Claims Commission

CENTCOM 002126

06-3-4-506-00003

Foreign Claims Intake Form

To: 3D HBCT, 4ID, Foreign Claims Office, FOB Warhorse, Iraq.

From: Name: _____ (b)(6) _____ Sex: M
Address: Bekduz _____

I am a citizen and national of: _____

Name of Unit or US Personnel involved in incident: _____

Owner of property that was damaged: _____

My claim arose at: Bekduz / _____ / _____
Town City Country

My claim arose on: Jan 23 2006 / _____
Month Day Year Time

Give a brief statement explaining how the claim arose and the nature of the damages. Be sure to include the what, where, when, who, and how of what happened. Write legibly.

Husband states US Forces engaged and killed his wife on the road for no reason. NO IED incident or anything happening in the area to justify US shooting. wife's death certificate was confirmed by interpreter. upon further questioning claimant admit that an IED was set about 400 meters which prompted the shooting by US Forces.

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 10,000 local _____

Signature of Claimant N/A
Name of Attorney

Subscribed before me this 25 day of Mar, 2006

(b)(6)

(b)(6)
Signature



CENTCOM 002128



06-3-4-506

06-3-4-506-00,007

ISHTOR

Pages 8 through 23 redacted for the following reasons:

Foreign Language Text

To the respectable Mayor in Balad Ruz

S. COMPENSATION

In 23/1/2006 at morning my wife (b)(6) and I were going to Baaquba city. When we were on the high way between Balad Ruz and Canaan, American forces shoted fire towards us, there by my wife was killed immediately.

There by I hope you to tackle the coalition troops leadership in order that they compensate me for my killed wife. and these are all the papers of the investigation in regards to that case. To be mentioned that, on me a big family so Iam in need for such help. So I am quite thankful to you.

Attachments:-

The profile of the investigation papers.

(b)(6)

The plaintiff

(b)(6)

the husband

of the victim

(b)(6)

(b)(6)

Mayor

(b)(6)

Baladrz

5 - 3 - 2006

CENTCOM 002147

06-3-4-506-00024

In the Name of Allah most Gracious, most Merciful

The Mayoralty of Balad Ruz

No./ 233

Date: /19/2/2006

To the compensation committee in Diyala province

S. REQUEST

We send you the request of the plaintiff (b)(6) who is the husband of the victim (b)(6) who live in Balad Ruz city.

He ask (in this request) for a compensation for his killed wife.

We hope you to acquaint with this paper and do the legal procedure in regards to this case. Thank you.

Attachments:-

- 1- The profile of the investigation.
- 2- Request.

(b)(6)

The mayor of Balad Ruz.

CENTCOM 002148

06-3-4-506-00025

Balad Ruz police station

13/2/2006

the respectable Judge of Balad Ruz

According to the request of the plaintiff (b)(6)
the victim (b)(6) , we ask for acquaintance.

the husband of

The officer

- 1- I acquainted with it, the plaintiff should be provided with acopy of the investigation papers under the supervision of the investigator.
- 2- The investigation should be completed.
- 3- The acquaintance of the attorney.

The Judge

(b)(6)

CENTCOM 002149

06-3-4-506-00026

Balad Ruz police station
8/2/2006

The respectable Judge in Balad Ruz

According to your resolution dated in 6/2/2006, we submit to your honor both of the witnesses (b)(6) ask for recording their judicial testimony.

The officer

- 1- I recorded their testimony judicially and the paper pf their testimony was joined to the other papers of the same case.

(b)(6)

The Judge

(b)(6)

CENTCOM 002150

06-3-4-506-00027

Legal Medical Anatomy Report

To/ BaladRuz Police Office

I am who sign at the bottom the physician ((b)(6)) . I carried out the legal medical anatomy on the body of ((b)(6)) that was sent with the pre-arranged anatomy form by your office No. 276 in 23rd of Jan. 2006 . The examination was done in the legal medical office / Baquba in 23rd of Jan. 2006 at one o'clock p.m . The result was the following :-

The body (middle) height (b)(6) , expression dark , eyes colour black , age (b)(6) .

The other descriptions of the boy , non.

The clothes : (b)(6)

The outside (appeared) damages are :-

- 1.An Entrance of a belt without gunpowder at a width of 1/2 c.m in the right breast area of the chest and there is no exit.
2. Entrance and exit of a belt without gunpowder to a width of 1/4 c.m in the right side of the chest .
3. minor limited effects on the face .

Balad Ruz police station

8/2/2006

this is the testimony of the witness (b)(6)
borned in 1957, works as a house wife, lives in Sadraneea – Balad Ruz:-

before about 2 weeks ago from this date we were going to Baaquba so as to visit a pilgrim who was soon coming back from Bait Allah Al haraam. In the way towards Baaquba before when we arrived at Sallwa's tapping an American military vehicles convoy came. It was going towards Balad Ruz city. There were civil car before our car. As all the cars were getting aside to avoid discommoding them, they were shooting fire so we were hit with two bullets. One of the two bullets hit my sister in her chest as the second perforated the tire. The two bullet were coming out of the first American vehicle. That's what I saw.

Lieutenant

(b)(6)

the witness

(b)(6)

The testimony of the witness (b)(6), borned in 1956 works as a house wife., lives in Sadraneea – Balad Ruz. She says the following (after an oath)

The victim (b)(6) is my sister . before about 2 weeks from the day, she , her husband , (b)(6) and I were getting out from Balad Ruz toward Baquba so as to visit a pilgrim of our relatives , when we were near Balad Ruz gas canning mill An american vehicles convoy was coming towards Balad Ruz ,so the husband of my sister (b)(6) got a side and turned off the car , but a distant American car shoted the fire towards our car . one of the bullets punched the windscreen and killed my sister in her chest. That's my witness.

The Judge

(b)(6)

8/2/2006

The witness

CENTCOM 002152

06-3-4-506-00029

Balad Ruz police station
8/2/2006

This is the testimony of the eye witness (b)(6) borned in 1946, works as a house wife, lives in Marhaba – Balad Ruz. She says:-

since about 2 weeks ago we were going to Baaquba to visit a pilgrim. I was with the brother of my husband and his wife (the victim) and a child. We were on a red colored car. The driver was the husband of the victim. At that time we saw Americans shooting randomly, so we got aside to avoid their fire. When they arrived near by our car , they hit our car with 2 bullets. Both of the two bullets were coming from the first American vehicle. One of the 2 bullets hit the wife of the driver((b)(6) (b)(6) as the other one hit the tire of the car.the wife (of the driver, (b)(6) was died immediately. That's what I saw.

Lieutenant

(b)(6)

the witness

(b)(6)

The eye witness (b)(6) borned in 1946, works as a house wife, lives in Marhaba – Balad Ruz. She says the following (on an oath)

the victim is the wife of my husband's brother. She, her sister, her husband and I were going to Baaquba to visit one of our relatives (a pilgrim), when we arrived at (b)(6) tapping, we saw an American convoy was coming towards Balad Ruz city. We saw also lot of the Iraqi civil cars were stopped on the bank of the street. The husband of the victim whose name (b)(6) stopped the car aside and turned its engine off. Mean while fire was coming out of an American vehicle. Our car was hit with two bullets, one of the bullets punched the windscreen and killed the wife of the driver in her chest, so she died immediately with out any reason.

The Judge

(b)(6)

The witness

CENTCOM 002153

06-3-4-506-00038

Balad Ruz police station

The respectable Judge in Balad Ruz

According to your resolution dated in 23/1/2006:-

- 1- We hope your honor to approve judicially the testimony of the plaintiff
(b)(6) who is the husband of the victim (b)(6)
(b)(6)
- 2- We went to the place of the accident and found out that it belongs the area of
our police station works (for acquaintance please).

Lieutenant

(b)(6)

The officer

- 1- I recorded the testimony of the plaintiff judicially and joined the paper of the
testimony to the other papers of the case.
- 2- Both of the two witnesses (b)(6) and (b)(6) have got to
attend here to put their testimonies down in writings judicially when you do
that first.
- 3- The results of the anatomization of the victim's body should join these papers.
- 4- The investigation should be completed on the basis of our pre-resolution.
- 5- The attorney must be acquainted with these papers.

The Judge

(b)(6)

CENTCOM 002154

06-3-4-506-00031

In the Name of Allah most Gracious, most Merciful

**THE CHIEF JUDGMENT
IN BALAD RUZ
NO./
DATE/6/2/2006**

**REPUBLIC OF IRAQ
THE SUPREME
JUDICIARY COUNCIL**

The plaintiff the husband of the victim (b)(6)
(b)(6) borned in 1950, works odd jobs, lives in Marhaba – Balad Ruz. Said (on an oath) the following testimony:-

{the resolution related to the vise attorney when I showed him my ID to know that I am the judge of Balad Ruz}.

In 13/1/2006 at about ten a.m., I was going to Baaquba by my own car(type: golf, red color, No. (b)(6)). My wife (the victim) (b)(6) (who was sitting beside me), my little daughter who is 4 years old, the wife of my brother (b)(6) and the sister of the victim were with me. I was driving in a normal speed when we arrived at Sallwa's tapping we heard a sound of shooting.

Lot of the Iraqi civil car were stopping aside on the bank of the street. An American military convoy was coming towards Balad Ruz. I stopped my car on the bank of the street ;yet, the first car of the convoy shot fire towards my car. A bullet perforated the windscreen and hit my wife in her chest, there by she died immediately. The bullet stopped in her chest then the anatomist could get it out. I ask for doing legal procedures in regards to the coalition troops because they killed my wife without any reason. To be mentioned that my wife(the victim) and I have a daughter still b)(6) years old.

THE PLAINTIFF

THE VICE ATTORNEY

THE JUDGE

CENTCOM 002155

06-3-4-506-00032

Balad Ruz police station

23/1/2006

The respectable Judge in Balad Ruz

- 1- We were told by the estate hospital in Balad Ruz that there is a body of a victim in the freezer of the hospital. When we got there, we found out that it belongs to the victim (b)(6) and it was hit with a bullet by the coalition forces.
- 2-The testimony of the plaintiff was recorded and compared to what happened.
- 3- A statement on the body was recorded and compared to what happened.
- 4- A statement on the place of the accident was recorded and compared to the events.
- 5- A statement on the car was taken and recorded.
- 6-The body of the victim was taken away to the anatomization center according to the anatomy file (b)(6) .(for acquaintance)
- 7- when we went to the place of the accident we found out that it belongs to (b)(6) police station because it happened on the high way between Balad Ruz and Canaan near Hammed Al – Theethaa village. Accordingly we hope your honor to turn this case to Canaan police station.

Lieutenant

(b)(6)

The officer:

- 1- I acquainted with it. You should complete the investigation in Balad Ruz .
- 2- I acquainted with the statement of the place of the accident.
- 3- I acquainted with the statement of the car of the victim's husband.
- 4- The result of the anatomization should join these papers A.S.A.P.
- 5- The witnesses should attend here and their testimonies should be recorded.
- 6- You have got to do the best of your ability to know what happened exactly.
- 7- The attorney should be acquainted with it.

The Judge

(b)(6)

CENTCOM 002156

06-3-4-506-00033

Balad Ruz police station
The statement of the car

A statement was taken and recorded on the car type golf No. (b)(6) .Baghdad , red color.

During the statement we noted the following notes:-

- 1- The car is red colored No. (b)(6) .Baghdad.
- 2- We noted the punch of the bullet that perforated the windscreen of the car.
- 3- The tire was punch by a bullet.
- 4- I noted blood stains on the right seat of the car.

Lieutenant

(b)(6)

CENTCOM 002157

06-3-4-506-00034

The statement of the Body

According to the news we heard to a result that there is a body in the hospital, we got there and noted the following notes:-

- 1- The victim is (b)(6)
- 2- She is (b)(6)
- 3- She is on the bench of the freezer of Balad Ruz hospital.
- 4- She wears (b)(6)
- 5- She was hit with a bullet in her chest.
- 6- Nothing else may be useful in the investigation.

Lieutenant

(b)(6)

CENTCOM 002158

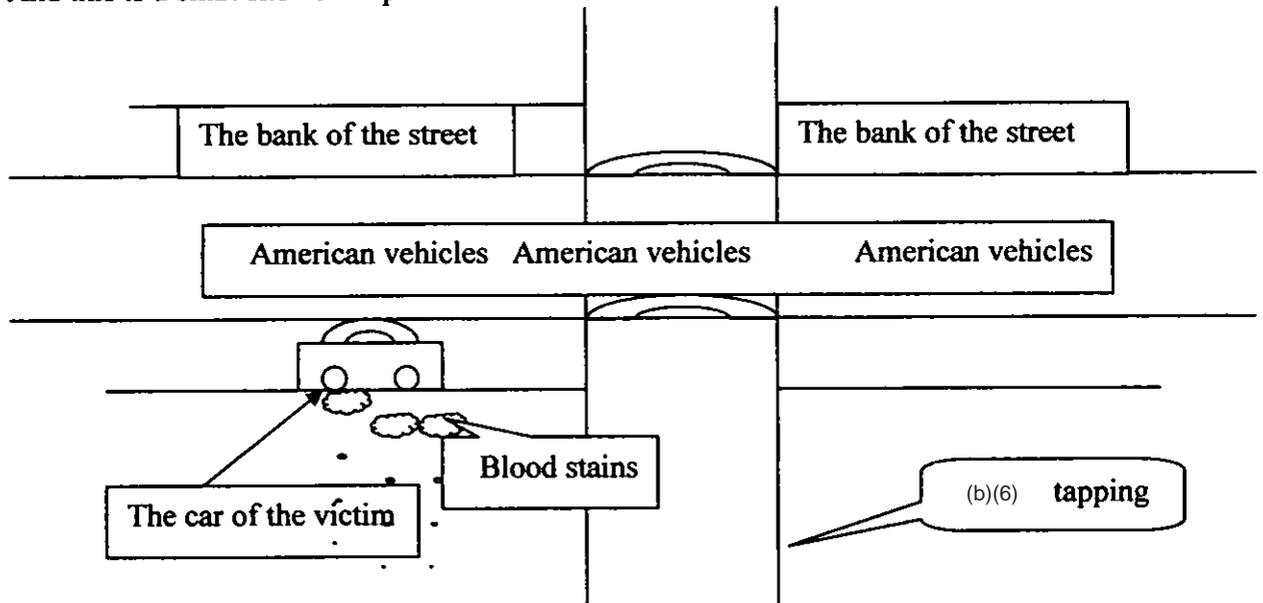
06-3-4-506-00035

A statement & a plan on the place of the accident

According to the news we heard to a result that the victim (b)(6) had been killed by a bullet of the coalition troops on Balad Ruz – Baaquba high way, there by we went there and noted the following notes:-

- 1- The place of the accident is on Balad Ruz – Baaquba high way.
- 2- The place of the accident is about 4km to the west of our police station.
- 3- The car (that the victim was riding) was got worse, it was on the bank of the street.
- 4- I noted the windscreen of the car was punched as well as its right tire.
- 5- I noted that there were blood stains in the right side of the seat of the car (beside the driver's seat).
- 6- I noted blood stains on the ground beside the car.
- 7- I couldn't find any thing (useful in the investigation)else.

And this is a chart shows the place of the accident:-



Lieutenant

(b)(6)

CENTCOM 002159

06-3-4-506-00036

Balad Ruz police station

23/1/2006

CASE FILE

We were told by Balad Ruz hospital there is a victim in the hospital, when we went there we found out that the victim was (b)(6), and she died because of the bullet of the coalition forces on the high way between Balad Ruz – Baaquba there by I wrote this.

Lieutenant

(b)(6)

The plaintiff (b)(6) the husband of the victim (b)(6) (b)(6) borned in 1950, works odd jobs, lives in Marhaba – Balad Ruz. Said the following:

At the morning of this day at ten am. I was going to Baaquba by my own car(type: golf, red colored, No. (b)(6) -Baghdad).

My wife (the victim), and the wives of my brothers((b)(6) & (b)(6) (b)(6) when we arrived at Salwa's tpping bridge, an American vehicles convoy was coming towards Balad Ruz, so I stopped my car on the bank of the street ,but they were shooting randomly my car was hit with 2 bullets. One of them hit my wife in her chest as the other punched the tire of the car. Then we brought her to Balad Ruz hospital ,but she died immediately by the fire of Americans. There by I ask for a claim because of what the coalition troops did to my wife, so that you would to the legal procedures. I also ask for a compensation for what I lost. That's my testimony.

The plaintiff

(b)(6)

Lieutenant

(b)(6)

CENTCOM 002160

06-3-4-506-00037