

✓ 06-IV6-~~0011~~-T0011

✓

CENTCOM 002839

06-IV6-T0011-00001



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

REPLY TO
ATTENTION OF:

FCC IV6

2 February 2006

CLAIM OF: (b)(6)
CLAIM NUMBER: 06-IV6-T0011

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IV6 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 IV6 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. This claim was determined to be a combat action.

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)

CPT, U.S. Army
FCC IV6

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CENTCOM 002841

06-IV6-T0011-00003



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

REPLY TO
ATTENTION OF:

FICI-JA

Claim of Abdul Ajeer Mashkour, 06-IV6-T0011

ACTION

1. Facts: The claimant alleges that on 10 September 2005, Coalition forces killed his son in an escalation of force and destroyed his vehicle. The amount requested in damages is \$27,000.
2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. This claim 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)(3),(b)(6)

CPT, JA
FCC IV6

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CENTCOM 002842

06-IV6-T0011-00004

UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date: _____

II. FROM: Name (English): _____ (b)(6) _____

Name (Arabic) _____ Foreign Language, (b)(6)

(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): _____

(Arabic): _____ Foreign Language, (b)(6)

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: _____

(c) The property damaged is owned by: his dead son (b)(6) _____

(d) The incident happened on Sep. 10, 2005 at Al-Ramadi
(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: According to his speech, His
dead son (b)(6) was coming from Jordan
and near Al-Ramadi there was a U.S. military
camp, they shoot Mr. (b)(6) and killed him, burnt
burn his car completely. They took his body
and after that delivered to the family.
He was (b)(6) and supporting
his family.

[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 Language Text, (b)(6)

CENTCOM 002845

06-IV6-T0011-00007



HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342
IB7

REPLY TO
ATTENTION OF:

(اف سي سي) \ اى بى 7

.....

Foreign Language Text, (b)(6)

موضوع: مطلب من/

.....

رقم المطلب /

السيد العزيز أو السيدة العزيزة،

بعد التحية

هذا اشعار لتشريع قرار ادارى نهائى للمطلب من طرفكم ضد الولايات المتحدة.

لجنة المطالبات للاجانب (اف سي سي) \ اى بى 7، قامت بالتحقيق و دراسة المطلب من طرفكم تحت قانون المطالبات الأجنبية (اف سي ايه) فصل - 10 من شيفرة الولايات المتحدة، قسم 2734. كإداء من قواعد تنسيق الجيش الأمريكى / (اى اى ار) 27-20، فصل 10. المطلب يخضع تحت (اف سي ايه) لشئون المقيمين فى العراق. القانون الفيدرالى المدنى للمطالب فصل - 28 من شيفرة الولايات المتحدة، قسم 2680 (ك)، لا ينطبق عليه لأنه يمنع أى مطالب فى دول أجنبية تحت (اف سي ايه) بسبب الوفاة او ضرر شخصى حدث بالتهاون او الأهمال فى مجال العمل.

لجنة المطالبات للاجانب (اف سي سي) \ اى بى 7 فحصت كل البيانات الخاصة بمطلبك و المستندات الخاصة بالمطلب و قامت بالتحقيق فى المطلب. و بأفضل المقاييس و التقديرات و بمراعاة المعلومات الموجودة فى المطلب و دراستها بدقة.
بناء على اللجنة قررت التالى:

مع الأسف ان مطلبك قد رفض. قانون (اف سي ايه) لا يسمح بصرف او دفع اى مبلغ فى مطلب مرفوض بطريق مباشر او غير مباشر وقت الحرب، طالما ان الجنود الامريكان لم يقوموا بأى عمل غير شرعى او اهمال او تقصير من جانبهم و كان عملهم مبرر خلال الحرب. اضافة على ذلك لم تقوم بتقديم اثبات اية ادلة بان القوات الامريكية قامت عمدا بقصف او تدمير الممتلكات لديكم خلال حرب تحرير العراق، فعملهم كان ضرورى و لا بد منه و لا يمكن تفادية. بناء على ذلك المطلب رفض.

لو لم توافق او الأمر يثير الاستياء للقرار، تحت قواعد تنسيق الجيش الأمريكى (اى اى ار) 27-20. يمنحك الحق بالقيام بطلب التماس للنظر فى مطلبك مرة أخرى. فى حالة دراسة المطلب مرة أخرى من فضلك اعطنا اية معلومات جديدة و اضافية و اساسية و مادية لتدعم طلب اعادة النظر فى مطلبك مرة أخرى.

طلب الألتماس لا يوجد شكل محدد او معين لة، لكن أشرح فى الألتماس الأساس الشرعى و الواقعى للنظر فى طلب الألتماس مع المعلومات الإضافية و الأساسية و المادية للنظر فى الألتماس مرة أخرى. أى طلب الألتماس المفروض تقديمه فى مدة أقصاها ثلاثون يوما (30) من استلام الخطاب. تحت القانون القرار حاسم و نهائى من جانب لجنة المطالبات للاجانب.

مع الأحرارم و التقدير.

نقيب فى الجيش الأمريكى

(اف سي سي) \ اى بى 7

CENTCOM 002846

06-IV6-T0011-00008

FOREIGN CLAIMS WORKSHEET

Amount Claimed: \$ 27,000.00

Date Reviewed: 8 DEC 05

Date of Incident: 10 SEP 05

3 JAN

Pay: \$ _____

Deny: Combat Exclusion

Need more info: _____

Need more translation: _____

NOTES:

Sounds like it could be combat excluded. LN was
killed by a conyoy on 10 SEP 05, during an
Escalation of Force.

I performed a White Pages search + emailed the
only CPT (b)(3),(b)(6) waiting for a response.

- 3 JAN - Finally found the correct CPT (b)(3),(b)(6). I think
waiting for a response.

3 JAN - Spoke w/ CPT (b)(3),(b)(6) + he said it was a
justified escalation of force.



JOINT COORDINATION CENTER
2nd BRIGADE COMBAT TEAM
AR RAMADI, IRAQ
APO AE 09395

REPLY TO
ATTENTION OF:

23 September 2005

MEMORANDUM FOR: 2BCT UNITS

SUBJECT: Escalation of force

1. (b)(6) was killed during an escalation of force on 10 SEP 2005 while driving a white (b)(6) GMC truck. The truck was also destroyed in the incident.
2. POC for this memorandum is Strike Juliet 2BCT command net, o: (b)(2)High ocal.

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

Ar Ramadi JCC

CENTCOM 002848

06-IV6-T0011-00010



11/17/06
11/17/06
11/17/06
11/17/06

CENTCOM 002849

06-IV6-T0011-00011

Pages 12 through 17 redacted for the following reasons:

Foreign Language Text, (b)(6)

06-IV6-T0011-00016 GENTCOM 002856

Page 19 redacted for the following reason:

Foreign Language Text

Foreign Language Text, (b)(6)

06-IV6-T0011-00020

CENTCOM 002858

Pages 21 through 28 redacted for the following reasons:

(b)(6)

Foreign Language Text, (b)(6)

CENTCOM 002867

06-IV6-T0011-00029

Pages 30 through 31 redacted for the following reasons:

Foreign Language Text

06-IV6-T0011-00030

Foreign Language Text

CENTCOM 002870

06-IV6-T0011-00032

06-IV6-T0011-00033



(9)(9)

06-IV6-T0011-00034

(9)(9)

Foreign Language Text

06-IV6-T0011-00035

CENTCOM 002873

06-IV6-T0011-00036

CENTCOM 002874