(b)(6)

(b)(6)

CENTCOM 010529
07-I92-T032-00002

(7)

07I92T032

Denied
23 Jan 07

DENIAL CLAIM FILE CHECKLIST

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

Action Memo Denying the Claim

Decision Memo

Claim Summary Sheet

Supporting Documents (ID Card, Ownership, Statements, etc.)

13 Mar
SGT

24

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

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF

AFVA-JA

21 September 2007

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim o (b)(6)

1. Facts. The claimant alleges that on 26 June 2007, her son was fatally shot by U.S. Forces as he was walking to the roof of his home. Claimant filed a claim for $20,000 to compensate her for the life of her son.

2. Opinion. In order to form a basis for a claim under the Foreign Claims Act, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. Based on the evidence, it is our opinion that the harm was caused by **combat activities** of the United States Armed Forces and that U.S. Soldiers were **not negligent or wrongful**.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

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

CPT, JA
FCC I28

CPT, JA
FCC I28

CW2, JA
FCC I28

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION–BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

REPLY TO
ATTENTION OF:

June 22, 2007

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #07-I92-T032
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son that occurred on 26 June 2007. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within thirty (30) days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army
Foreign Claims Commission I92

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC Claim of (b)(6) 07-I92-T032

ACTION

1. Facts: The claimant alleges that on 26 June 2007, her son was shot by U.S. Forces as he was walking to the roof of his home.

2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.

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 I92

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC Claim of (b)(6) , 07-I92-T032

ACTION

1. Facts: The claimant alleges that on 26 June 2007, her son was shot by U.S. Forces as he was walking to the roof of his home.

2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.

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 I92

From: (b)(6)
To: (b)(6)

Dear (b)(6)

Nonresponsive, (b)(6)

(b)(6)

In this regard I'm kindly asking you to help me in this subject matter.

I wanted you to be informed that my clients (b)(6) and his wife (b)(6) and their sons have told me that their minor son (b)(6) who was (b)(6) years old, was shot by a group of alliance forces soldiers deliberately and killed him at once when he was looking at the street from his house top.

It was very obviously that those soldiers were freighted and they were knowing that the victim was unarmed and mere a kid.

I requested from the American general who was in charge of alliance forces in Baghdad to pay the compensation to this family for their damages they had which was resulted by the death of their murdered kid, I went several times to that American general in the administration under discussion but in vain.

Finally, they have told me that the payment of compensation has already stopped.

Few days later some people who were working in the human rights field have visited Baghdad and I've met one of them who was interested in human rights in Iraq, his name was Mr. (b)(6) lived in NewYork city in U.S.A., I explained the situation to him and he promised me to do his best and he said that he would send a letter directly to the administration of the alliance forces in Iraq to urge them to pay the needed compensation to that family, but he hasn't done what he has already promised.

I sent him an E- mail reminding him about what he has already promised, but he didn't respond.

Mr. (b)(6) who was a mediate between the Iraqi people in his zone and the alliance forces in Baghdad has told me that the American general who was in charge, can help us in this matter to pay the compensation if he

had something like an E- mail from the organization of human rights, it would certainly push him to do so.

Finally, I hope that you can help me through helping this family to deal with this matter and try to attach the administration of alliance forces by your organization which we were considered as a part of it, and send an E- mail asking them to pay this compensation to this miserable family.

Let me tell you then, that I'm very glad to tell you, regardless of any thing, that I'm ready to cooperate with you in Iraq in any matter especially the aspect concerning the human rights, and so we can achieve what we have already gathered for.

Best regards.

Your sincerely

(b)(6)

To / ٤th Infantry bridge combat team legal office :

Once . I had aclaime dated foreign language but my daim was aeuied . Because as you said there mas no evidcnce that U. S forces acted either negligent or wrongfully .

I mant to darify that in foreign language an alliance forces soliders deliberately shot my son mohammed subhi hassan who was anguac years old and Killed him at oncewhile he was leeking at the street from his house to p . and those soliders were certainly know that this victim was nere an innocent boy .

The intennational press and speaalized sate llite channels accident and they proved that the victim was unarmed the alliance forces Soliders alleged that the rifle was found in the house of the nurdeved kid /and the rifle saried by the murdered kid , but the investigations was absolutely wrong , because it was proved that the riflewas unloaded and uied empty . While the alliance forces Soliders were going forward to killmy son deliberately after they shot him and prevent us to convey him to the hos pilal , they were bwatngme crully by their faet , when I tried to cqrry my injnry son . their crnel beating left very obrions and bad effectiveness upon diffrent places of my body .

The opration of murdering the kid deliberately which was without reasouable couse < was pictured by many inter national satellites channels me and my husbend kept the fihm with them inorder to be proad casted ahain by those channels .

The signs of the cruel beating on my body , was obvious apon my body in addition to that a situation was caused by the murdining of my kid infront of my

eyes and l began to see the doctors and l have got my medicine . and l have already submitte the lists of those medicine in my case .

All of these evidence prove that this accident accured delibevately and those alliance soliders forces are respon si of this murder .

Finally l hope that you review the claime cave fully and l think that the treatise in the newspapers and the filmshowed in all the international satellites is abig evidence which mcotch my claim

Best regard /

Sincerely

(b)(6)

Claims Form
طلب تظلم

Name (b)(6) الأسم:

Address: (b)(6) العنوان:

I am

أنا

a. A national citizen of: Iraq ا. أحمل جنسية:

b. A permanent resident of: (b)(6) ب. عنوانى الدائ

c. Employed by: / ت: أعمل لدي:

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

no claim card -

أننى أتظلم لدي حكومى الولايات المتحدة للأضرار والإصابت التى نجمت من:(المنظمة , الوحدة العسكرية)

/

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

الممتلكات المتضررة مملوكة من: (إذا كان هذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء أحطار المستمسكات التى تخولكم وتوكلكم للتقدم بهذا التظلم ، أو أي دليل من ممثلين رسميين.
إملأ التظلم بالأسفل للأفراد المتقدمين بالشكوي للإصابت أو الأضرار التى أصابتهم.)

My claim arose at: Al Jihad Bakhdad Iraq
(Town) (City) (Country)

Foreign Language Text

تظلمى قدم فى

My claim arose on: 6 26 2003
Month Day Year

Foreign Language Text

تظلمى قدم فى: _____

السن يوم شهر

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.)

In Jun 26 2003 there were a foot patrol american at Hay Aljihad area around 10:30 pm during that time the victim went up stairs so as to asleep because the weather was hot the soldier saw and shot him. ⟹

بإختصار أشرح ما حدث والأضرار التى أصابتك جراء ذلك ، سواء كانت جسدية أو ممتلكات . (الرجاء أستعمال خلفية هذه الورقة إن لم تكن

Foreign Language Text

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.)

Item	Amount
shot Twin and died his age (b)(6) years.	

Total: _____

أشرح بالتفصيل متي تضرر والكلفة للممتلكات أو للإصابات الجسدية وتكلفتها (الرجاء أضافة الثبوتات والممتمسكات والفواتير الضرورية لكل شئ لوحدة)

الشئ المتضرر	تكلفته

Foreign Language Text

إجمالي التكلفة: _____

His family they tried to took him To Hospital but he Died on the street because the check point didnt allow them To pass because the time of curfew was approched - American Army paid To family D500 for funeral expens but the family asking for full Compensation -

I was insured to the following extent against the damage or injury I have sustained:

No insurance

لدي تأمين على الممتلكات أو الضرر الجسدى الذ

Foreign Language Text

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

$ 20 000 I.D. 28 000 000

أطالب بتعويض للأضرار يوازي (أكتب بالدولار الأمريكى أو العملة المحلية)

Foreign Language Text

$ Foreign Language Text العملة المحلية

I (have/ have not) previously filed a claim relating to the incident described above.

سابقا (قمت) (لم أقم) بتقديم بلاغ لهذه الحادثة المذكورة بالأعلى

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

لحسن علمى طلب تظلم (قدم) (لم يقدم) لهذه الحادثة المذكورة بالأعلى

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

ملاحظة: بالتوقيع أسفل هذا التظلم فأن تقسم على أن كل المعلومات المقدمة فى هذا التظلم هى صحيحة وحقيقية . أي شخص يحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم ضدحكومة الولايات لمتحدة الأمريكية سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات .

(b)(6)

(Signature of Claimant)

(توقيع التظلم) الرجاء كتابة الأسم والتوقيع

Subscribed to me this 27 day of 2, 2007.

(Signature of Witness)

(b)(6)

(Printed Name)

CLAIMS CHECKLIST

CLAIM NUMBER:

AMOUNT OF CLAIM: $ 20,000

CLAIMANT'S NAME: (b)(6)

DATE OF INCIDENT: 26 June 03 **DATE FILED:** 27 Feb 07 **DATE RECEIVED:**

CLAIM TYPE:

- ☐ Vehicle Damage
- ☐ Detainee Property
- ☐ Damage During Raids
- ☑ SAF Damage/Injury
- ☐ Real Estate
- ☐ Other

CLAIM AROSE FROM:

- ☑ Combat Activities
- ☐ Non-combat Activities

CLAIM IS:

- ☐ Payable
- ☑ Not Payable

BRIEF OVERVIEW:

Claiment States a family member was SHoT on 26 June 03. Family member died on THe Street Because THey werent allowed past CP Because iT was past Curfew.

REMARKS:

Recommend Approval / Denial was ~~Are~~ Already paid $500

REVIEWED BY: SGT (b)(3)(b)(6) **DATE REVIEWED:** 7 mar 07

FCC COMMENTS

This claim has already been adjudicated.
This claim can not be adjudicated by this office it has already been denied

DATE APPROVED/ DENIED: 7 MAR 2007 — Denied Personally Served - SGT (b)(3)(b)(6) 23 Jun 07.

- ☒ DENIED
- ☐ APPROVED
- ☐ Denial Memo
- ☐ Amount Approved: _____
- ☐ Approval Memo
- ☐ Settlement Agreement
- ☐ SF 1034
- ☐ Disbursing Officer Memo

3rd Brigade.[62] Human Rights Watch also spoke with a U.S. Military Police officer who had knowledge of the case. He said the MPs conducted their own investigation because they were upset their trainees had been killed, but he did not comment about the beatings or the details of (b)(6) death.[63]

The Killing of (b)(6)

(b)(6)

(b)(6) and (b)(6) have (b)(6) sons, aged (b)(6) to (b)(6) The two youngest are (b)(6) According to the family, the older boys liked to sleep on the roof during the hot summer months. The older brothers made the carry their bedding upstairs.

The same ritual took place on June 26. But on this night, a foot patrol of the 82nd Airborne was in the neighborhood, (b)(6), as young (b)(6) went upstairs around 10:30 p.m. Apparently mistaking the bedding for a weapon, the soldiers shot (b)(6) dead. (b)(6) mother (b)(6) told Human Rights Watch what happened next:

> I was downstairs. I heard the shot and (b)(6) shouted " (b)(6) " We brought (b)(6) downstairs and he was bleeding. I held him. The soldiers were moving around and when they heard the shot, they came here. Maybe they thought they had been attacked.[64]

Two neighbors took the wounded (b)(6) to the hospital in a car, but U.S. soldiers at a nearby checkpoint did not let them through because the 11:00 p.m. curfew was approaching. One of the neighbors, (b)(6), told Human Rights Watch that he and another neighbor, (b)(6), put (b)(6) in his car.[65] The interpreter with the soldiers said he would call ahead to the checkpoint to let the car through but he either did not call or the message did not get through because the road was blocked, (b)(6) said. Instead, the soldiers made them sit in the car for fifteen minutes and then forced the two men to lie on the ground while (b)(6) was bleeding in the back. (b)(6) died in the meantime and they were told to return home.

The U.S. military offered (b)(6) father, (b)(6) $(b)(6) to cover the funeral expenses, but the father told Human Rights Watch he had engaged a lawyer and was requesting more. Some members of his tribe were pressuring him to take revenge, he said, but he was still hoping the incident could be resolved "with some forgiveness and some compensation."[66]

The U.S. military did not conduct an investigation into the incident. Human Rights Watch requested information on the case from the legal department of the 82nd Airborne's 2nd Brigade on October 5 but, despite promises of a reply within four days, there had been no response as of October 16.[67] According to Major (b)(3)(b)(6) with whom Human Rights Watch spoke briefly about the case, (b)(6) was not holding bedding, but an assault rifle. "The kid had an AK-47 on the steps," he said.[68]

"The soldiers determined the situation was hostile and engaged the individual," U.S. military spokesman Maj. (b)(3)(b)(6) told the press at the time of the incident. "It was not until after the search was under way that they discovered that it was an eleven-year-old boy."[69]

Nonresponsive

(b)(6)

please reads under lines

(b)(2)High (b)(2)High

(b)(6)

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

(b)(6)

(b)(6)

(b)(6)

Nonresponsive

(b)(6)

(b)(6)

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

(b)(6)

(b)(2)High

(b)(2)High

From: (b)(6) . Baghdad . Iraq.
To : (b)(6) – The representative of the Human rights in New York city . U.S.A.

Dear (b)(6)..

First of all, I want to tell you happy Christmas and happy new year and I hope that you are in good health.

I would like to remind you when we have met each other in Baghdad, you kindly promised me to send an- E-mail to the American leadership center in Iraq about the compensation which was demand by the family of the murdered kid (b)(6)

(b)(6)

We went to the American leadership center in Iraq in order to check weather you sent the needed E-mail or not. They informed us that they haven't received this E-mail.

Moreover, they have told us that, in the same time, American leadership center in Iraq stopped giving any compensation to anyone about the wrong killing of the Iraqi civilians by the American soldiers.

The man who was incharge in the American leadership center that we met told us, he will be ready to pay the compensation whenever he receives the E-mail from your organization, because your organization is interested in human rights in which the killing kid is one of its most important job.

We kindly request you to send such an E-mail to the American leadership center in Iraq in order to facilitate the question of paying compensation to the family of the killing kid.

Pleas, when you will send the E-mail, kindly send a copy to us in order to know that the E-mail reached Baghdad.

We remain..

Best regards.

(b)(6)

(b)(6)

From
The representative of the Human rights in
New York city - asking him about compensation
in Bakhdad to

APPENDIX III: Photos from Iraq

(b)(6)

(b)(6)

(b)(6) (b)(6) (b)(6) holding the photo of his (b)(6) brother

(b)(6) (b)(6) shot by U.S. troops from the 82nd Airborne on June 26 in the Hay al-Jihad neighborhood of Baghdad. September 23, 2003.

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

(b)(6)

(b)(6)

CENTCOM 010549
07-I92-T032-00022

Foreign Language Text

This report indicated that
The claim gave it To Legal in 7/15/2003 by The ~~tor~~
attorney Called (b)(6) but he didn't got any
result after That took it To The Committee Compensation
In Abu Graip, and Conversation Palans / club Hunter in
Almansour (Three places for compensation) but the got
nothing up To now -

Foreign Language Text

The report from
The medical institute judge
Confirm that the victim was
shot by a bullet on his chest
and three 3 ribs were broken.

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 26 through 32 redacted for the following reasons:
- -
(b)(6), Foreign Language Text
Foreign Language Text
Foreign Language Text, (b)(6)
Nonresponsive, (b)(6)

We kindly request you to study this latter and kindly inform us of your respond within (15) days from the date of your receiving it, otherwise, we will be very sorry to tell you that we will obliged to raise an action against you in this regard to let my clients obtaining their rights with all the expenses including attorney fees.

Best regards

(b)(6)

on behalf of

(b)(6)

for themselves and on behalf of their minor sons

(b)(6)

(b)(6)

report (1)

CENTCOM 010560
07-I92-T032-00033

To whom is in charge of alliance forces in Baghdad

Dear sir..

I was informed by my clients (b)(6) and his wife (b)(6) and their sons that their minor son (b)(6) who was (b)(6) years old, was shot by a group of alliance forces soliders deliberately and killed him at once on 27/6/ 2003 when he was looking at the street from his house top. those solides ~~was~~ were certainly knowing that the victim was mere a boy.

It was definitely proved by the researches which have been done by the international press and specialized satellite channels that the victim was not armed by any kind of weapons when he was killed.

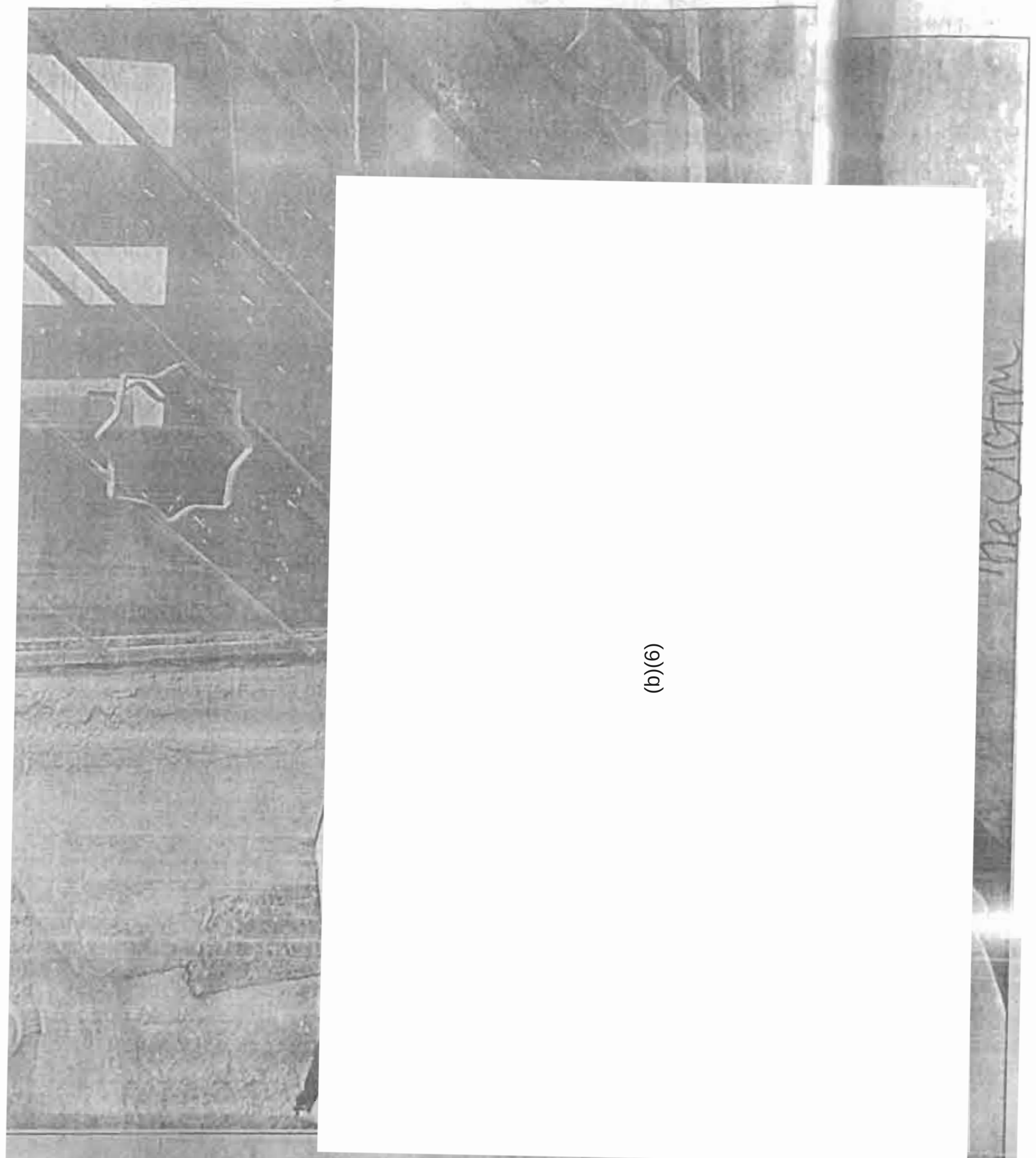
The alliance forces soliders alleged that the rifle was found in the house of the murdered kid was carried by the murdered kid , but this allegation was absolutely wrong, because it was proved that the rifle was unloaded and it was quite empty. In fact and as you have already confessed that the rifle was founded in one of cabinets which was existent inside his house.

While the alliance forces soliders were going forward to kill the kid deliberately after they shot him and prevented his parents to convey him to the hospital, they were beating his mother cruelly by their feet when she was carrying her injured son. This cruel beating left very obvious and bad effectiveness upon different places of her body.

(b)(6)

Page 35 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Foreign Language Text, (b)(6)

(b)(6)



(b)(6)

Nonresponsive

(b)(6) and his family were happy when the Americans came to Iraq. Their (b)(6) ...-year-old twin brother was killed by U.S. soldiers. ...RRY KAPLOW/COX NEWS SERVICE ...ir opinions changed

Nonresponsive

Nonresponsive

Nonresponsive

one of four attorneys identified on the database as having filed claims in Iraq.

Like many Iraqis, (b)(6) ...d her family thought things would get better when the Americans came. Children ... on, (b)(6) idolized the American soldiers.

"In the beginning, the children saw the Americans and their weapons and gear and binoculars and wanted to follow them and look at them," th(b)(6)ear-old woman recalled during an interview in her home.

On a warm night in June 2003, the family's opinions about the Americans changed.

On that night, her son (b)(6) decided to sleep on the roof of his home with his twin brother, something many Iraqis do to escape the hot summer nights. (b)(6) said she and her family were unaware that soldiers were searching a house across a vacant lot about 70 yards away.

One of the soldiers, according to the family, spotted the (b)(6) year-old on the roof and fired, hitting him in the chest.

"I was downstairs in my room when I heard the sounds of bullets,"

new evidence

CENTCOM 010563

07-I92-T032-00036

(b)(6), Foreign Language Text

Same report (1)

CENTCOM 010564
07-I92-T032-00037

Foreign Language Text, (b)(6)

(b)(6)

(b)(6)

(b)(6)

Nonresponsive

Foreign Language Text

(b)(6)

(b)(6)

STAFF WRITER
FOREIGN NEWS DEPT.

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FAX. (+81) 3-5541-8565
TELEX 24380
E-mail (b)(6) asahi.com
Mobile : 090-9005-0095

TSUKIJI, CHUO-KU,
TOKYO, 104-8011 JAPAN

foreign language, (b)(6)

Foreign Language Text

Foreign Language Text

Hospital report -

Foreign Language Text

blackhear He was long 166cm (b)(6) years

Foreign Language Text

Foreign Language Text

Hospital report

They check they body of the victim in hospital
There was attack of shooting on down and Left side on the body

Foreign Language Text

Foreign Language Text

his ribs were broken

Tear on heart

teared on

eign Language T

Foreign Language Text

Foreign Language Text

oreign Language Te

2512/07

Foreign Language Text

Foreign Language Text

Foreign Language Text

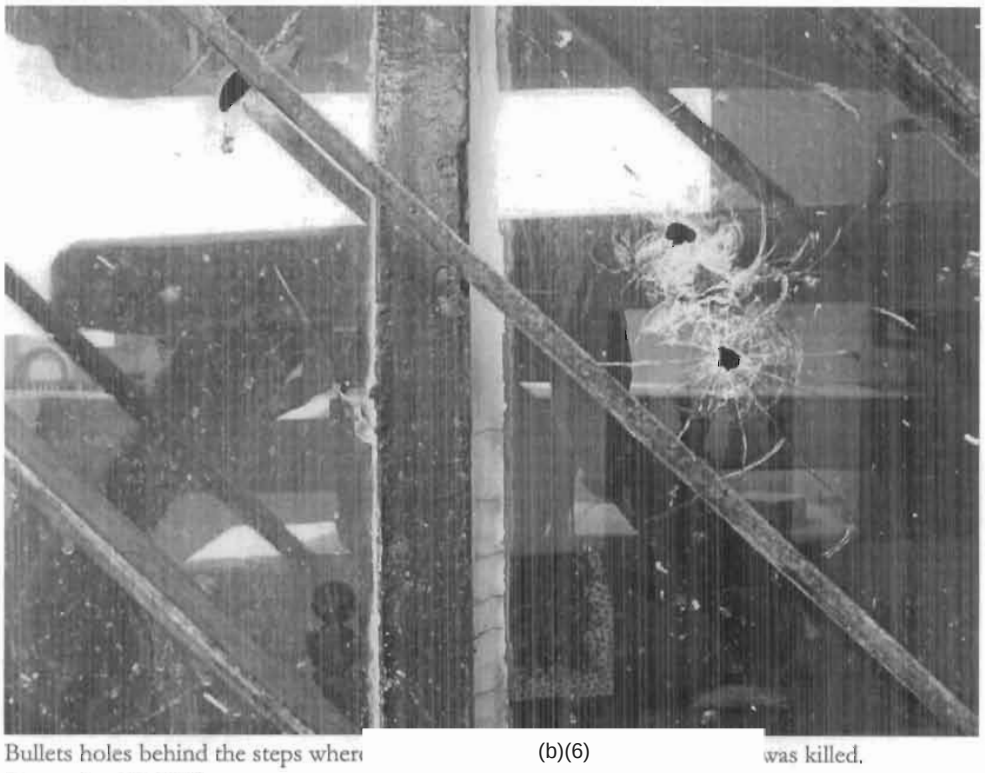
The main caused of death/bleeding/fractures/wives

Foreign Language T

Foreign Language Text

Foreign Language Text, (b)(6)

٤٧٥ ٢٨/٦/٢٠٠٢



Bullets holes behind the steps wher (b)(6) was killed.
September 23, 2003.
© 2003 Fred Abrahams/Human Rights Watch

CENTCOM 010570
07-I92-T032-00043