

FOREIGN CLAIMS COMMISSION COVER SHEET

Claim Number: 1.0433

USARCS NUMBER: 0802-05

Date Received: 24-May-05

Name: (b)(6)

Address: (b)(6) Baghdad, Iraq

Claim Summary: U.S Forces patrol shot my brother

Date of Incident: 28-Feb-05

Amount Requested: \$0.00

Recommendation: Approval Denial
Investigation

D. C. 1 (Any clue how the investigation got into the packet?)

Date Reviewed by OIC:

Claim Is: Approved in the amount of \$ _____

Denied. Denial Code. **L.**

On hold pending investigation findings.

6

0802-05

10433

(b)(6)

Foreign Language Te



DEPARTMENT OF THE ARMY
 D Company, \ " Battalion, 64" Armor Regiment
 2" Brigade, Unit of Action, 3' Infantry Division
 Camp Rustimiyah, Iraq APO AE 09380

REPLY TO
 ATTENTION
 OF:

AFZP-VBL-D

OI MARCH 2005

MEMORANDUM FOR RECORD

SUBJECT: 28 FEB 05 Engagement that **Lead** to the Death of (b)(6)

I. The purpose is to outline my informal investigation into the events that occurred on 28 FEB 05 resulting in the death of (b)(6) an Iraqi citizen.

2. On 28 FEB 05 at approximately 2300, 1st Platoon, D Company, came in contact with three Iraqi nationals carrying what appeared to be possible IED making materials and who were in violation of the 2200 curfew vicinity (b)(2)High. The (b)(2)High patrol consisting of (b)(2)M 1114's stopped along a side road oriented south with the trail vehicle positioned at a T intersection. Following initial questioning, the three individuals were detained and were in the process of being loaded into the M1114's when a white vehicle approached from the west. When it was apparent this vehicle was not going to stop SSG(3),(b) the rear vehicle commander directed SPC(3),(b) the vehicle gunner to fire warning shots from his M240B. Subsequently the vehicle stopped and the operator got out of the vehicle and began talking on a cell phone. SSG(3),(b) directed SPC(3),(b) to continue to secure the vehicle with his M240B. Another vehicle then approached from the East. SSG(3),(b) fired a warning shot with his rifle but instead of stopping the vehicle increased its speed. SSG(3),(b) then began to engage the front of the vehicle at approximately (b)(2)High but had no effect. He finally engaged the passenger compartment wounding the driver and forcing the vehicle to stop. The vehicle stopped up to 3 other men aside from the driver, who collapsed outside his door, emerged and began engaging the patrol with AK-47's. SFC (b)(3),(b)(6) the patrol leader, not aware that his rear vehicle was in direct fire contact ordered everyone to mount up in order to facilitate the movement of the detainees to the FOB. SSG(3),(b) ceased engaging as the hostiles began retrograding and mounted his vehicle trailing the convoy back to Camp Rustimiyah. Upon arrival at Camp Rustimiyah SFC (b)(3),(b)(6) realized his patrol had been engaged however he failed to properly convey this to the company command post, subsequently failed to alert the battalion command post or company leadership.

3. Once, the engagement came to light (O/A 010845 MAR 05) I directed the patrol in zone, 3rd Platoon, D Company, to return to the location of the contact and investigate. They found the damaged black vehicle (Enclosure 2) as well as (b)(6) (Enclosure 3) and 2 spent AK-47 shell casings (Enclosure 4). Upon further investigation and interview with (b)(6) (b)(6) the deceased's cousin, we were unable to determine who the other occupant's of the vehicle were. We did provide minor medical attention for (b)(6) a person who had superficial wounds characteristic of broken glass and who stated he was riding in the vehicle (b)(2)High to their home. I find this information unsubstantiated based on the location of the patrol, the location of the blood stains, the fact that the car was shot from the front. I told (b)(6) it was an unfortunate event and that I would find out if his cousin could be moved to a coalition facility. Before I could return to (b)(6) house from a NAC meeting (b)(6) authorization to move (b)(6) me, my security element on the roof of the D Company established a coffin we believe to be (b)(6) arriving at (b)(6) me. I decided it would be improper to re-establish dialogue with (b)(6) funeral, but we express our disappointment in the outcome of these events in the next 24 hours.

4. I find that the soldier's involved in this matter conducted themselves professionally and have no reason believe there was any wrong doing.

(b)(5)
 (b)(5)

5. The POC for this memorandum is the undersigned at

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

CPT, AR
 Commanding

- Encl.
- Enclosure 1 (Sketch and Neighborhood Pictures)
- Enclosure 2 (Vehicle Pictures)
- Enclosure 3 (Blood Stains)
- Enclosure 4 (AK-47 Casings)

To whom it may concern

A petrol from the collation forces (the petrol No. 164) shot, the Iraqi business man, (b)(6)
(b)(6) dead on the 28th Feb

It to be noted that the victim has nothing to do with politics or any political party.

His death was shook to his family (the mother the wife his (b)(6) kids), because the victim was the only supporter to them.

We claim good compensation to the family in order to help them, because there is supporter to them and thank you...

Foreign Language Text

(b)(6)

Pages 7 through 8 redacted for the following reasons:

Foreign Language Text

2 BDE-



IRAQI CLAIMS POCKET CARD



Foreign Language Text

The Army will consider compensation payment 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, or injury or death of an Iraqi civilian:

1. Fill out the required information below. Use the back side of the form to provide more details.
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 the 9 Nissan District Advisory Council Building in Mahala 731 (Old Military Hospital), the Sadr City District Advisory Council Building located in Mahala 514, the Amannat, or the Rusafa GIC.

Foreign Language Text

<< : >>

(b)(6)

SEND ME

CENTCOM 003230

CLAIMS FORM
US ARMY FOREIGN COMMISSION

CLAIM#

CLAIMANT NAME

(b)(6)

(The victim)

ADDRESS

SEC. #

(b)(6)

PHONE

(Ameen)

I AM

a. A Citizen and National Of: _____

Iraq

B. A Permanent Resident Of: _____

Ameen

C. Employed By: _____

d. Check one () an insurer () Not an insurer

e. Check one () A subrogate () Not a subrogate

HAVE YOU FILED A CLAIM BEFORE (circle one) YES (b)(6) OR (NO)

TYPE OF CLAIM (circle which applied)

INJURY:

DEATH

PROPERTY DAMAGE: VEHICLE, BUILDING, FURNITURE, ANIMAL, OR OTHER

NAME

(b)(6)

an (brother)

RELATIONSHIP

brother

AGE:

(b)(6)

DOB D/M/Y

(b)(6)

DATE INCIDENT OCCURRED: /D/

28

1M!

Feb

NYYYI

2005

PLACE INCIDENT OCCURRED

SEC. #

ST. #

H. #

Ameen

SITUATION

An American Patrol shot the business man dead at his house without any reason. The victim left a family with kids and was the only supporter to them.

List in detail the amount of property damage and itemized expense resulting from the property damage or personal injury: (Attach bills and receipts, if applicable)

Item

Amount

He claims compensates the victim's family.

TOTAL AMOUNT: US DOLLAR

OR DJNAR

Today date

20th March, 2005

Signature

(b)(6)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

HEADQUARTERS, 20 BRIGADE
3D INFANTRY DIVISION
FOB LOYALTY, IRAQ
APOAE 09380

AFZP-VB-JA

Date: 07-Jun-05

MEMORANDUM FOR RECORD

SUBJECT: DISAPPROVAL OF FOREIGN CLAIM I18T0802-05:

Claim of: _____ (b)(6)

Address: (b)(6) Baghdad, Iraq

Date Filed: 24-May-05

Amount Claimed: \$0.00

Claimed Loss: U,S Forces patrol shot my brother

Claim Number: 1.0433

I. Your above-mentioned claim is disapproved.

2. This incident does not comply with the provisions of the Foreign Claims Act, 10 U.S.C. Section 2734, as implemented by Chapter 10, AR 27-20. This claim was filed in a timely manner. This claim did occur outside the United States.

3. The reason for the disapproval of this claim is code I:

- I. Loss was a result of Combat Operations
- 2. The filing claimant is an improper claimant**
3. Claim lacked evidence supporting U.S. negligence or fault
4. Claim lacked evidence to prove a loss
5. Loss was a result of Anti-Coalition Forces

4. 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 bylaw.

5. POC for this memorandum is PFC (b)(3),(b)(6) FOBLoyalty,@ VOIP (b)(2)High

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

JA
FOREIGN CLAIMS COMMISSION

CENTCOM 003232

Pages 12 through 15 redacted for the following reasons:

Foreign Language Text