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

DEPARTMENT OF THE ARMY
HEADQUARTERS, 213TH AREA SUPPORT GROUP
LSA ANACONDA
BALAD, IRAQ, APO AE 09391

REPLY TO
ATTENTION OF

AFRC-ASG-JA

25 January 2008

MEMORANDUM FOR SGT (b)(3)(b)(6) 2-320 FA, LSA Anaconda, Balad, Iraq, APO AE 09391

(b)(6)

SUBJECT: Memorandum of Opinion, Claim of (IMO) (b)(6) Our File Number 31-2007-030.

1. **Identifying data:** Claim filed by (b)(6) father of the Decedent.

2. **Date and place the incident occurred giving rise to the claim:** 22 June 2007, Al Dujail, Salah Eddine, Iraq.

3. **Amount of claim and date filed:** Not mentioned.

4. **Jurisdiction:** This claim was made pursuant to the Foreign Claims Act, 10 USC §2734, as implemented by Army Regulation 27-20, chapter 10. Said claim was timely presented in accordance with the statue.

5. **Facts:** Killed by U.S. gunfire.

6. **Opinion:** In accordance with AR 27-20, paragraph 10-3, claims arising directly or indirectly from combat activities of the U.S. Armed Forces are not payable under the provision of the Foreign Claims Act.

7. **Recommendation:** For the reasons stated above, this claim must be denied payment under the provisions of the Foreign Claims Act.

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

1LT, JA
Administrative Law Attorney

This is the statement of the claimant (b)(6) He is born on (b)(6) He is a (b)(6) He lives ir (b)(6)

At 1300 on Friday of 2007/6/22, the Coalition Forces airplanes fired shots at the orchard (b)(6) the one located in (b)(6) At that time, my son (b)(6) was at the orchard with his brothers and cousin. At that time, my son was shot at the head by the American planes and he passed away. Therefore, I am asking to be handed the corpse of my deceased son, whose name is mentioned above, since the incident was a fate. And I ask to file a claim and get compensated by the American Forces

Signed
(b)(6)
Singed
Lieutenant (b)(6)

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FOREIGN LANGUAGE DOCUMENT, (b)(6)

Probate Court of Al-Dujail
2007/10/2

This is the statement of the witness (b)(6) He is born on (b)(6) He is a (b)(6) He lives in (b)(6)

On the date of the incident that happen to be on 2007/6/22, we were informed by the people from our region, that there were a case of kidnapping, so the people gathered in order to release the kidnapped, we went out and when we were coming back, the Coalition Forces started shooting at us and my brother (b)(6) died suffering from his injuries. And I was injured in my hand.

Signed
(b)(6) the judge.
Signed
The witness
Stamped
Salah Eddine Province Police Department, Al-Hay Al-Askari Police Station

This is the statement of the witness (b)(6) He is born on (b)(6) . He is a student. He lives in (b)(6)

On the date of the incident that happened to be on 2007/6/22, we were informed by the people of the village about a kidnapping that happened in the region. Then all the villagers got together in order to set free the kidnapped. When we were coming back, the Coalition Forces started shooting using the airplanes. The person known as (b)(6) (b)(6) died suffering from the injuries. I was also injured in my hand and shoulder.

Signed
(b)(6) the judge.
Signed
The witness
Stamped
The High Legal Council, Headquarter of the Federal Appellate Court of Salah Eddine, Probate Court of Al-Dujail

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FOREIGN LANGUAGE DOCUMENT, (b)(6)

This is the statement of the injured (b)(6) He is born on (b)(6) He is a (b)(6) He lives in (b)(6)

Exactly around 1300 on Friday of 2007/6/22 when I was working in the orchard that (b)(6) (b)(6) children of (b)(6) we were subject to fire shots by one of the American planes that were in the region. I was shot at my right hand and left shoulder. I was taken to the hospital in order to get treated there. I am asking to file a claim against the Coalition Forces and get compensated.

Stamped
The injured, (b)(6)
Signed
Lieutenant (b)(6) on 2007/6/22

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FOREIGN LANGUAGE DOCUMENT, (b)(6)

This is the statement of the injured, (b)(6) He is born on (b)(6) . He is a (b)(6) He lives in (b)(6)

Exactly around 1300, on 2007/6/22 when I was working in (b)(6) orchard; where there were with me (b)(6) and my cousins, one of the planes was firing shots at us. I was injured in my right hand and I was taken to the General Hospital of Al-Dujail, in order to be treated. And I do not know the fate of the rest of my cousins. That is my statement. I also like to add that I want to file a claim against the Coalition Forces and get compensated.

Signe
The injured, (b)(6)

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FOREIGN LANGUAGE DOCUMENT, (b)(6)

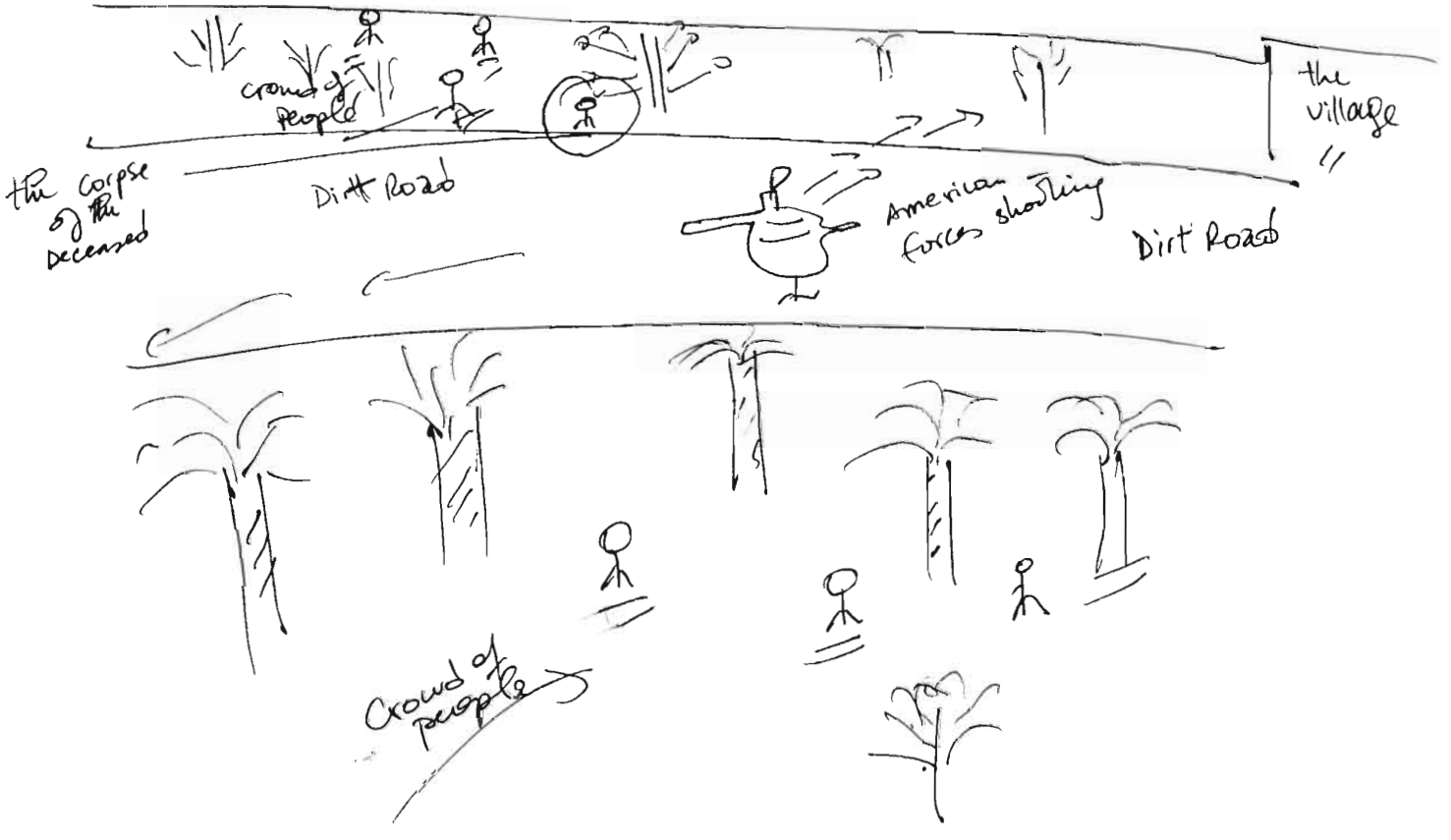
Al-Dujail Police Station
2007/ /

Inspection and incident scene sketch

Based on the information that we got, that there were some air bombing at (b)(6) So we went immediately to the place and we found out that there were two injured people, (b)(6) and the deceased (b)(6)

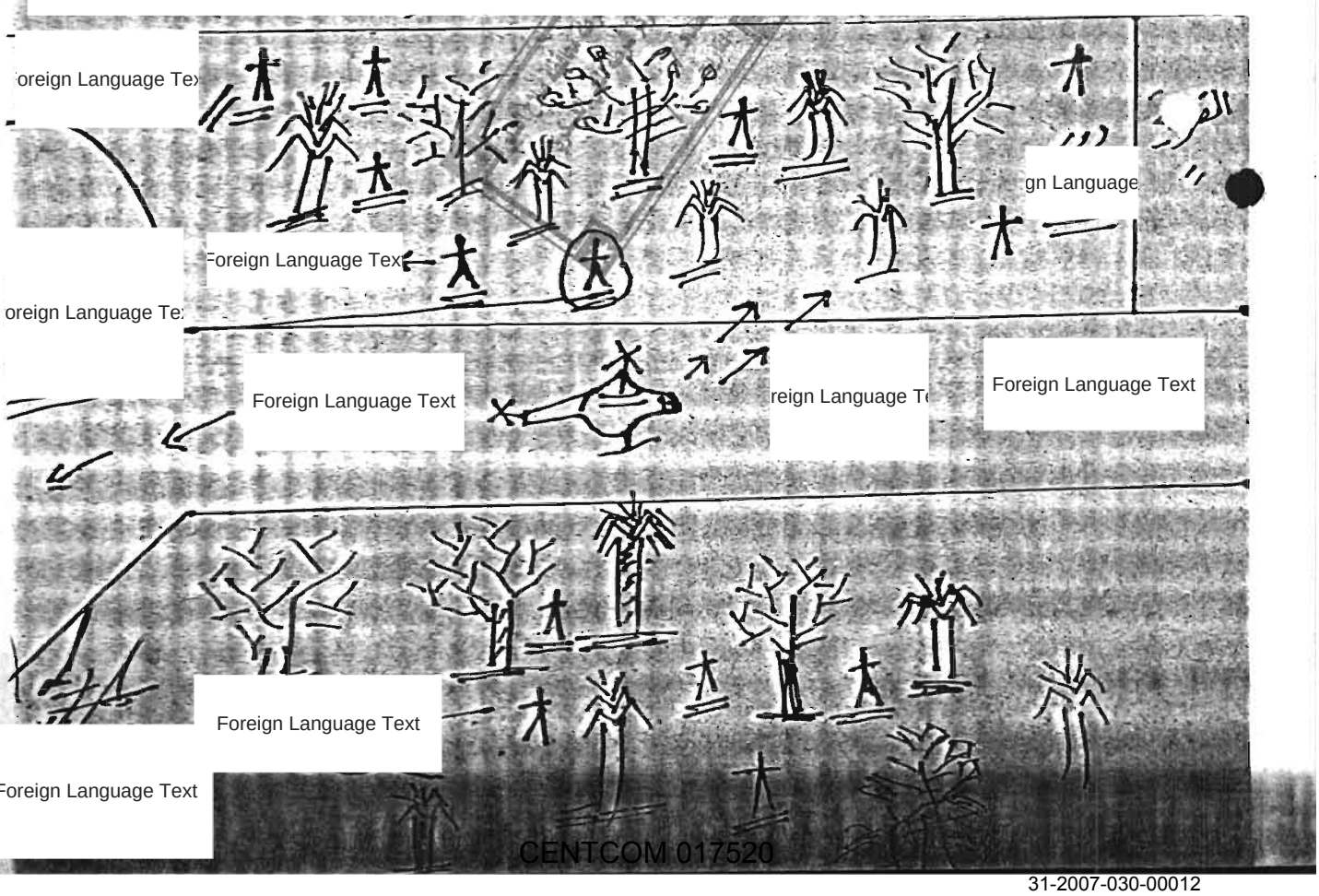
During the inspection we found out the following:

- The incident scene is about (b)(2)High from our police station
- The incident scene is a place where, the injured (b)(6) and the - deceased (b)(6) got shot at by one of the Coalition Forces planes.
- I have seen damaged to the orchards where the bombing happened.
- I have not seen anything else that can benefit this investigation




Signed
lieutenant (b)(6)

Foreign Language Text, (b)(6)




CENTCOM 017520

This is the statement of the witness (b)(6) He is born on (b)(6) He is a (b)(6) He lives in (b)(6)

On 2007/6/22, we were told that one of our relatives, named (b)(6) got kidnapped. For that reason, the people of our village gathered, and then the Coalition Forces planes came and started shooting at the village. As a result my brother whose name is (b)(6) died due to the firing shots of the American planes.

Signed
The major in charge of the investigation
Signed
(b)(6)

Stamped
Salah Eddine Police Department, Al-Hay Al-Askari Police station

This is the statement of the witness (b)(6) He is born on (b)(6). he is a (b)(6) He lives in (b)(6)

On 2007/6/22, the news was that one of our relatives whose name is (b)(6) got kidnapped. Therefore the villagers gathered. As a result the Coalition Forces fired shots at our village. As a result my cousin (b)(6) died due to the American planes firing. (b)(6)

Signed
The major in charge of the investigation
Signed
(b)(6)

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FOREIGN LANGUAGE DOCUMENT, (b)(6)

Al-Dujail Police Station
2007/6/23

Corpse examination

Based on the information that was transmitted to us about the dead body at (b)(6) General Hospital, we went there. We found out that the deceased, whose name is (b)(6) (b)(6) has passed away due to the firing shots by the Coalition Forces. So, we inspected the corpse and we found the following:

1- The deceased is named (b)(6)
2- He is(b)(6)years old
3- I saw that the deceased has passed away due to the bullets that were in his head.
4- I saw that the deceased had marks of injuries in his feet
5- I saw that the deceased was wearing (b)(6) (b)(6)
6- I have not seen anything else that can be beneficial to this investigation

Signed
Lieutenant (b)(6) on 2007/6/22
Stamped
Salah Eddine Province Police Department, Al-Hay Al-Askari Police Station

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FOREIGN LANGUAGE DOCUMENT, (b)(6)

Al-Dujail Police Station
2007/6/22

Investigation

We were informed by Al-Dujail General Hospital that they had two injured and one deceased boy. Therefore, we went there and it turns out that the injured are (b)(6) (b)(6) and that (b)(6) has passed away suffering from his injuries due to the firing shots at his head and feet that the Coalition Forces had caused. Therefore, we have opened this procès-verbal and started the investigation.

Signe
Lieutenant (b)(6) on 2007/6/22
Stamped
Salah Eddine Province Police Department, Al-Hay Al-Askari Police Station

Foreign Language Text, (b)(6)

Death Certificate (b)(6)

Deceased: (b)(6)
Reason of Death: Shots fired by Coalition Forces
Date of Death: 22 June 2007

Foreign Language Text, (b)(6)