

From: (b)(3),(b)(6) COL MNF-I SJA Staff Judge Advocate  
Sent: Thursday, January 24, 2008 3:30 PM  
To: (b)(3),(b)(6) Admin and Civil Law  
Subject: FW: (b)(6)

b)(3),(b)(6) (b)(6) (b)(5)  
(b)(5)

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

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From: (b)(3),(b)(6) COL MNF-I SJA Staff Judge Advocate  
Sent: January 24, 2008 11:29 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: (b)(6)

(b)(6),(b)(6) -Thank you. All best wishes for the New Year to you as well. Will convey gracious regards to General Petraeus tomorrow when I see him.

You provide much to ponder about this absolutely tragic event, and I appreciate in particular your suggestions on way ahead. Perhaps (b)(6) and I can talk when she gets to (b)(6). Although I am doubtful a formal review would be upheld, a Commander's Casualty Response Program payment--which is not an admission or adjudication of fault but rather a culturally appropriate expression of condolence and a humanitarian gesture--could be possible.

Best regards,

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

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From: (b)(6)  
Sent: (b)(6)  
To: (b)(3),(b)(6) COL MNF-I SJA Staff Judge Advocate  
Cc: (b)(6)  
Subject: (b)(6)

Cambridge  
England

CONFIDENTIAL

January 23rd 2008

Col. (b)(6)

Firstly, a Happy New Year to you and to all at MNF-I, especially to Gen. Petraeus.

We thought you should know that (b)(6) and I have received and read the full report on the results of the MNF-I C-I inquiry into the death of Mr. (b)(6) together with Lt. Gen. Odierno's letter to the family.

CENTCOM 013754

In accordance with the approach we have taken from the outset -- that in urging an inquiry to be re-acting out of concern for the family, and as the employers of Mr. (b)(6) nephew, not as a media matter -- I should emphasize that what follows are primarily our personal observations.

We'd like to express, again, our appreciation of the lengths to which the JAG has gone in undertaking this inquiry. While there are matters left unresolved by the investigation that might if resolved have thrown more light on the death of Mr. (b)(6) it is evident from the report that the investigators and their command have expended a great deal of time and effort on the inquiry. The imperative of due process has been upheld.

We particularly appreciate Lt. Gen. Odierno's observation in his letter of November 25 2007 to the family acknowledging "the family's grave distress and sense of injustice that (b)(6) was actually acting in an innocent manner and that his death was unnecessary and senseless". Reading the detailed findings in the report is a reminder of how complex an environment Iraq has been for coalition forces, and also of the hazards that confront ordinary Iraqis.

As of today, we have seen a draft copy of the family's own letter to Gen. Odierno on the inquiry report, which I understand will be delivered in the next few days. We have not involved ourselves in any way in the preparation of the family letter, believing it best that you should have the benefit of reading their response exactly as the family has drafted it, without any comment or editing by ourselves.

You will not be surprised to hear that the family's letter is highly critical of aspects of the report, and asks for the investigation to be re-opened.

Our own concern at this point focuses on what seems a more readily achievable goal: At various points during our exchanges with MNF-I and MNC-I in the months since Mr. (b)(6) death, mention has been made of the possibility of compensation for the family. Our understanding has been that the level of compensation might be set somewhat higher than the \$2,500 that, we believe, is the standard in the case of innocent victims of coalition fire.

The inquiry report, and the general's letter to the family, make no mention of compensation. The family has insisted all along that their concern was to achieve justice for Mr. (b)(6) and they have not asked us to raise the issue, nor indeed have they so much as mentioned it..

We'd be very grateful, all the same, if this aspect of the case could be looked at closely. Our own contacts with the family have impressed us with their dignity and moderation, and we believe that a generous compensation payment would go at least some way to affirming, in the family's mind, the coalition forces' commitment to justice.

(b)(6) (b)(6) e end of the month (b)(6)  
(b)(6) and will be happy  
liaison if you need any further contacts on this matter.

With Best Wishes

(b)(6)

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As from:

(b)(6)