

(b) (3) (C)

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

| | | |
|---|---|-----------------------------|
| FILE NUMBER <u>07-114-T251</u> | For use of this form, see AR 27-20: the proponent agency is the Office of The Judge Advocate General. | DATE <u>25 Jun 07</u> |
| DATE OF INCIDENT <u>7 May 07</u> | PLACE OF INCIDENT <u>Kirkuk, Iraq</u> | |
| <p>I hereby agree to accept the sum of <u>\$3,160.00</u> in full satisfaction and final settlement of all claims which I have or may have against the United States, its officers, agents, and employees, for all damages and injuries, if any, incurred by me</p> <p>موافقة المدعى</p> <p>أني المدعى، أو أوافق بموجب القرار المذكور بأن يكون، تسوية أو حل وسط وأن يكون هذا قدر جسمي و لهنالي لي و لكل من أتوب علي وأن تكون هذه الموافقة ممتوحة كلياً متى أو من يتوب علي عن كل دعاوى المزقوعة ضد الولايات المتحدة والعاملين بها و بغض النظر عن طبيعتها الآن و فيما بعد فيما يخص الجروح الجسدية والمادية والمرئية والغير مرئية وحتى الوفاة الطبيعية وكذلك أية خروج قانونية أو أي فعل أو لامبالاة ناتجة عن ذلك أو علاوة على ذلك أو أوافق على التعويض عن الإضرار التي لحقتني ولا لحمل أية مسؤولية للولايات المتحدة والعاملين معها من موظفين أو مستخدمين للإضرار الجسدية والمادية وبضمنها الوفاة عن ط ب لا الخطأ أو التقصير. تتحم عن الأفعال والامبالاة الناتجة عن ذلك.</p> | | |
| TYPED OR PRINTED NAME OF PLAINTIFF <u>(b)(6)</u> | SI <u>(b)(6)</u> | <u>(b)(6)</u> |
| Street or rural route, city, town or post office, county, state and zip code | | |
| <u>(b)(6)</u> | <u>Iraq</u> | |
| <u>1 JUL 74</u> | PREVIOUS EDITION OF THIS FORM WILL BE USED UNTIL EXHAUSTED. | CLAIMS SETTLEMENT AGREEMENT |
| | | USAPPC V1.00 |



DEPARTMENT OF THE ARMY
 3rd Infantry Brigade Combat Team Command Judge Advocate
 3rd Infantry Brigade Combat Team
 FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

7 June 2007

MEMORANDUM FOR Commander, 3rd Infantry Brigade Combat Team, 25th Infantry Division, FOB Warrior, Kirkuk, Iraq, APO AE 09338

SUBJECT: 3rd IBCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 3rd IBCT, 25th IN DIV CERP Discretionary Bulk Fund for a condolence payment to (b)(6)(b)(6) (b)(6)(b)(6) claims that on 7 May 2007, his vehicle was involved in an EOF incident with 2-35 IN. As a result there was damage to the vehicles windshield and rear windshield, and his (b)(6) year old daughter (b)(6)(b)(6) was killed. This incident is not a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

2. Description of how these monies will support the 3rd IBCT, 25th IN DIV Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 3rd IBCT has with the local populace by expressing our regret for the damages.

3. List the specific items or services requested in the table below:

| # | Items to be purchased or service rendered | Unit Price | Quantity | Total Price |
|---------------|--|------------|----------|-------------|
| 1 | Payment for Property Damage (windshield and rear windshield) | \$660.00 | 1 | \$660.00 |
| 2 | Payment for Death of a Local National (b)(6)(b)(6) | \$2,500.00 | 1 | \$2,500.00 |
| Total: | | | | \$3,160.00 |

4. The transaction can be completed at one time with one payment.

5. POC for this action is MAJ (b)(3), (b)(6) (b)(6) VOIP 242-2624 (b)(3), (b)(6), (b)(2)High (b)(3), (b)(6), (b)(2)High

This claim is legally sufficient /insufficient

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

MAJ, IN
Command Judge Advocate

I approve /disapprove this purchase.

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

MAJ, IN
Executive Officer

OFFICE OF THE COALITION PROVISIONAL AUTHORITY (OCA)
PROJECT WORKSHEET

TYPE OF OPCA PROJECT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC, 3IBCT, 25th IN DIV, Judge Advocate

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: MAJ (b)(3), (b)(6) (6)

PHONE: VOIP 242-2624

NIPR EMAIL: (b)(3), (b)(6), (b)(2)High
(b)(3), (b)(6), (b)(2)High

NAME THE PROJECT: Condolence Payment for property damage and death of a local national to (b)(6) (b)(6)

(reference Claim No. 07-114-T251)

PROJECT LOCATION: (b)(2)High Iraq

PROJECT DESCRIPTION: Condolence Payment to (b)(6) (b)(6)

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are cash payments to local nationals, or to their family members, who suffer death or injury or property damage caused by US forces in the performance of official duty. US forces make Condolence payments without reference to fault by either the local national or US forces, as an expression of sympathy and good will and in the best interest of the US Government.

COST (U.S. Dollars) AND JUSTIFICATION: \$3,160.00. (b)(6) (b)(6) claims his vehicle was involved in an EOF incident with 2-35 IN. As a result there was damage to the vehicle and his (b)(6) year old daughter (b)(6) (b)(6) was killed on 7 May 2007.

(b)(6) (b)(6) does not have a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraqi) (b)(6) (b)(6)

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1



DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

7 June 2007

SUBJECT: Claim of (b)(6) 07-I14-T251

1. Claimants name and address: (b)(6) (b)(2) High Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 7 May 2007 in (b)(2) High Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$3,160.00 on 4 June 2007.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for property damage and death of a local national.
5. Facts:
 - a. (b)(6) (b)(6) claims that on 7 May 2007, his vehicle was involved in an EOF incident with 2-35 IN. As a result there was damage to the vehicle and his (b)(6) year old daughter (b)(6) was killed.
 - b. There was a death certificate, ID Cards, a car title, witness statements, a letter to CF, estimates, a claims pocket card, and photographs included in the submitted claim.
 - c. The incident was able to be verified by the unit responsible.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

APVG-ZZO-JA

SUBJECT: Claim of (b)(6) 07-114-T251

b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$3,160.00 is denied.

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

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

MAJ/JA

for

CPT, JA
Foreign Claims Commissioner

| | | | | |
|---|----------------------------|--|-----------------------------------|--------------------------|
| CLAIM FOR DAMAGE .OR INJURY DEATH | | INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s) | | person From approve MBC |
| 1.submitt to appropriate Agency | | 2-Name of claimants &Address | | |
| (b)(6) (b)(6) | | (b)(6) (b)(6) | | |
| 3.TYPE OF EMPLOYEE | 4.DATE OF BIRTH | 5.MARITAL STATUS. | 6.DATE& DAY OF ACCIDENT | TIME: |
| | (b)(6) | Married | 7 th May.07 | 07-114-T251 8:45 PM |
| On 7 th May.07 at 8:45 PM the claimant was driving his vehicle with his family, the CFS solders were walking, the claimant didn't see them walking around, one of them shoot the family caused wrongfully death to the (b)(6) years old girl and made a little damages to the vehicle. | | | | |
| 9. Wind shield, Rear window. | | PROPERTY DAMAGE | | |
| NAME AND ADDRESS OF OWNER THAN CLAIMANT (NUMBER, street, city, state, city, state, and, zip code) | | | | |
| (b)(6) (b)(6) | | | | |
| De | | | | |
| 10 The claimant daughter | | (b)(6) (b)(6) | Personal inju ry/wrongfully death | |
| WITNESSES | | | | |
| NAME | | ADDRESS | | |
| (b)(6) (b)(6) | | (b)(6) (b)(6) | | |
| Amount of claim (IN Dollars) | | | | |
| 12A PROPERTY \$ 660 | 12b PERSONAL INJURY | 12c WRONGFUL DEATH | 12A \$ 660 | |
| I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM | | | | |
| 13a.SIGNATURE OF CLAIMANT | | 13b Phone number of signatory | | 14c.Date of claim |
| (b)(6) (b)(6) | | (b)(6) (b)(6) | | 30 th May.07 |
| CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM | | CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS | | |

Identification card

Office: (b)(2)High
(b)(2)High

Number: (b)(6)
(b)(6)

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

Father's name (b)(6)
(b)(6)

Mother's name (b)(6)
(b)(6)

Gender: Female

Issue date: 20th Feb.2000

Religious: Moslem

Date of birth (b)(6)
(b)(6)

Place of birth: (b)(2)High
(b)(2)High

Statues: Single

Wife's name: -----

Physical disablement: -----

(b)6 Foreign Language

(b)6 Foreign Language

Car Title

Owners name (b)(6)

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

Plate (b)(6)

Model: Toyota

Year (b)(6)

Engine # (b)(6)
(b)(6)

Chassis #

Color: Gray

Date: 20th Apr.07

Undersigned by record officer & chief of traffic department

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

(b)6 Foreign Language

(b)6 Foreign Language

Redact Page

Page 10 redacted for the following reason:

(b)6 Foreign Language, (b)(6)

Witness Statement

I am the undersign certified that on 7th May07 at 8:45 a CFS patrolling were walking around, one of them shoot (b)(6) family in his vehicle casing his (b)(6) years old daughter wrongfully death. That is I sign for.

Witness

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

Redact Page

Page 12 redacted for the following reason:

(b)6 Foreign Language

Witness Statement

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Witness

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

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Death certificate

Health department

Number (b)(6)

Date: 7th May 07

Deceased name (b)(6)

Sex: Female

Nationality: Iraqi

Religious: Noslem

Job: Student

Statues: single

Birth date: (b)(6)

Date of death: 7th May 07

Place of death: Tapa/Kirkuk

Reason of death: Bleeding cased by bullet

Fathers name : (b)(6)

Signed by : Dr. (b)(6)

On 7th May 07

Identification card

Office: (b)(2)High

Number: (b)(6)
(b)(6)

Name: (b)(6)
(b)(6)

Father's name: (b)(6)
(b)(6)

Mother's name: (b)(6)
(b)(6)

Gender: Male

Issue date: 17th Jul.06

Religious: Moslem

Date of birth: (b)(6)
(b)(6)

Place of birth: (b)(2)High
(b)(2)High

Statuses: Married

Wife's name: (b)(6)
(b)(6)

Physical disablement:-----

(b)6 Foreign Language

(b)6 Foreign Language

US troops say sorry again???!!!!!

US troops came to release Iraqi people from the most brutal regime in the world which is called Saddam's rule "the butcher of Iraq".

I was one of many people who clapped to US army when they entered Kirkuk city. I was thinking of happy life after Saddam's fall on April 9th 2003. I heard a lot about US society, the democracy, human rights, and love of life that they have and fight for. I used to hear a famous sentence from US citizens "free man in free country" which is United States of America's favorite sentence.

I was eager to be a member in this operation, so I got in touch with US army to offer my help at the first chance I got.

(b) (6)

(b)(6)

I used to talk to my family about US troops and their aims of being in Iraq. What they did to release Iraq from Saddam's rule. I used to tell my kids that US troops are our friends they came to help Iraqi people to start new life new happy days, away from Saddam's injustice rule. My wife and kids were a big hope for me in my life and daily career. My 4 years old daughter (b)(6) was one of the kids who threw US troops with flowers and singing happy songs for them, whenever she saw them coming by our neighborhood.

But, I never thought (b)(6) is going to be shot by US troops at the same neighborhood were (b)(6) used to wave and sing for them. I just want to know. Where are the US justices, when the bad apples of US troops shot my little child in cold blood? What threats she made? One single shot, one second (b)(6) was past away my life was over, white turned to black, and happy dream to a nightmare. It was One shot and one word SORRY!!!!

It happened when I was driving my family home from my father's home at (b)(6) the (b)(6) neighborhood where my house is located I was driving, my wife was beside me and my kids were sitting in the back seats. It was 8.30 pm (b)(6) was talking to her mother of what she did at the school with her friends. We arrived at the neighborhood garden by the NOC building at the turn which leads to our house; suddenly I heard a shot came in through the front wind shield of my car. I stopped the car immediately and turned on the inside lights. I didn't know what was happening. Suddenly US soldiers showed up from the corner aiming their guns toward us and they said sorry, at that time I heard my wife screaming and saying (b)(6) at that time I knew (b)(6) was shot. I didn't know what to do. Only drive to the hospital to save my little child, but it was too late she was bleeding in head. I still don't understand why that happened. I was not drive in speed, it wasn't at curfew time. I was in my neighborhood which supposed to be safe neighborhood for us and US troops nothing happened there before, there was not any US convoy or any threats and why did they shoot to kill only one shot in a head of my poor little girl. Is sorry enough? Where is US justice and democracy? What were happening if (b)(6) were a US CITIZEN? Is (b)(6) going to be the last innocent victim of US bad apple troops? Only the justice we seek.

(b)(6)

The father of beloved innocent victim

(b)(6)

Iraqi Claims Pocket Card

The Army may pay claims to Iraqi Civilians for property damage, injury and death, caused by U.S. Forces.

If your unit is involved in an incident resulting in damage to property or injury or death of an Iraqi Civilian:

1. Please fill out the required information on the Claims Documentation Form.
2. Give the Claims Documentation Form to the Iraqi Civilian (or other appropriate person in case of death)
3. Direct them to the Claims office at the Kirkuk Government Building, or your nearest claims processing center.
4. Upon return to your FOB, complete DA Form 2823 describing the incident and forward to the Brigade Legal Office.

***Please note that describing this information is not an admission of liability by the soldier involved. It will be used only to substantiate a potential claim against the Army.**

Claims Documentation Form

Unit POC: *Cpt* (b)(3), (b)(6) *ZCT* (b)(3), (b)(6)
Unit: *D-2-35*
Military Vehicle Bumper # (if applicable):
Description of Civilian item involved or incident: *W-9 parcel shot in head during ECR* (b)(6)

Name of Claimant:
Date & Time of incident: *21st 07 Aug 07*
Grid Location of incident: (b)(2) (b)(2) High
Witness Name:

In order to process your potential claim for damage, injury, or death, please bring this form along with all documentation and photos related to this claim to the Kirkuk Government Building, FCC Office or your nearest claims processing center. Contact number for KGB, FCC Office is 242-218.

(b)6 Foreign Language

(b)6 Foreign Language

Date: May-5-07

Time: around 8.45 pm

Place: Iraq (b)(2)High (b)(2)High

Event: US troops (Capt. (b)(3), (b)(6)) 2 LT (b)(3), (b)(6) unit Bravo Company) shot (b)(6) years old girl.

A family of (b)(6) members ((b)(6) the father, the mother, (b)(6) years old boy (b)(6) years old girl, and (b)(6) the eldest girl in the family (b)(6) years old).

We were at my father's house for a visit. It was at sunset when I asked my little family to go back home.

We rode to my private car (b)(6) (b)(6) model).

My wife was sitting in the front seat beside me. The kids were sitting in back seats.

We took off towards our house which is at the same neighborhood; it takes a few minutes of driving to be at home. I was not drive fast , when we arrived at the

entrance of (b)(6) hall garden I turned my car to the left towards of my house, I was driving too slow, because I knew there were barb wires and hitch hocks, so there is no way to be driving fast. (There is no US troops in the area only IA). Suddenly I heard a fire shot coming from the dark corner and there was a hole in front window and back window was blown. At that time we saw many flash lights approaching toward my car. when I saw the lights I saw US troops so, I turned the interior light of the car on to be identified by them (we are a family) they were still pointing their guns to us while I was shouting in English ,saying I have kids in the car, we are civilian. The soldier were wearing night visions so there is no chance not seeing us. At that time I heard my wife screaming & saying (b)(6) (b)(6) She was lying in the seat on her face & bleeding from head, so I yelled at the soldiers (u killed my little baby) the only word that I heard from them was SORRY????

I stepped out of my car to check on her then I hold her she was unconscious & bleeding, my wife was screaming the only thing that I was thinking of at that moment is to save her life by taken her to the hospital. The US soldiers didn't move still they didn't even trying to help. finally I was at (b)(6) Hospital ,she was still bleeding but alive ,after 20 minutes the US soldiers showed up & they offered to take her to the Airbase but it was too late she was already dead ,the soldiers disappeared at once .

After one day they sent an Iraqi officer from ESU asking permission from us for the US soldiers to come to my house to apologize & to negotiate. I did not give them the permission, because my family and the whole people in the neighborhood were angry and in shock and still. The more disappointed thing is the US troops story; they didn't say the truth of what really happened in investigation. The bad apples of the US troops who committed the murder, said they warned me more than one time and they shoot to the hood and the radiator of the car. Lies and lies yes, which is what they said.

I have the evidences of the truth of my words that they can not deny about it. They have the photos of my car, there is only one shot went through the front wind shield of my car which killed my little girl. Please see and check the attached photos of the car to be sure that they were shooting to kill not for warning. We all ask who is going to be the next victim. Are we going to wait till another innocent human get killed and

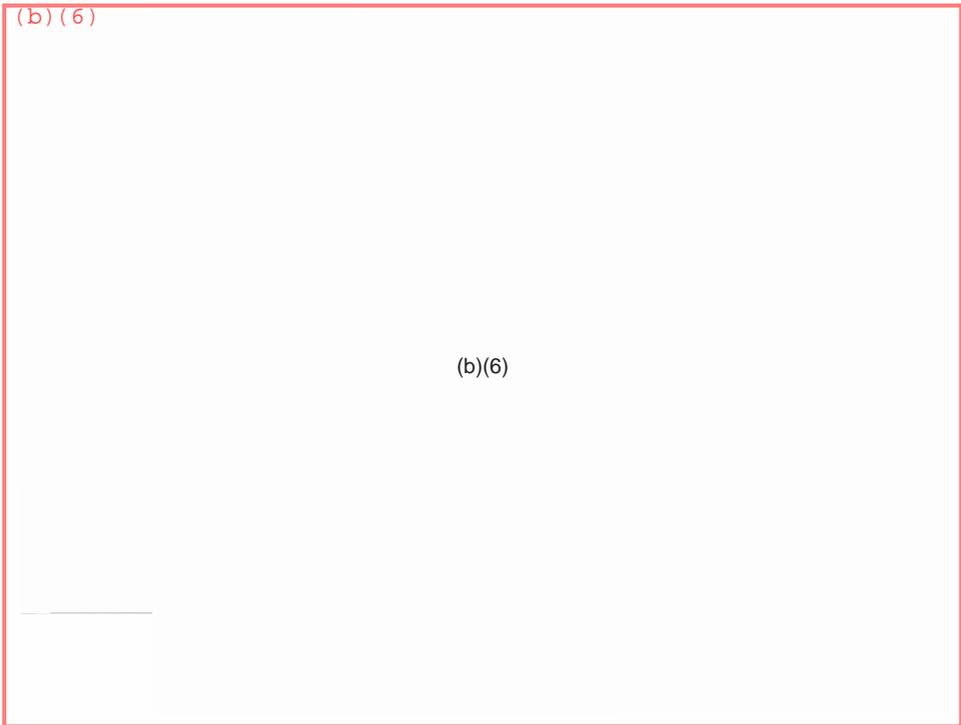
hear SORRY again? (For your information (b)(6) is the victim number 7 during the last month get killed by US soldiers & we hear the same word Sorry!! Sorry!!) I am as a father of (b)(6) years old girl who killed by US troops asking each individual of USA citizen to support the innocent victims and to put the bad apples of US troops to the court and send them home. We ask the US court to say its word. We want to see the justice of USA. What the situation was look like if (b)(6) were a USA citizen? So as a father of (b)(6) I ask the USA government to get my little girl's rights according to USA constitution and human rights. We always hear & see the US president & its government on TV saying that the (b)(6) people are our friends & allies & how much our (b)(6) neighborhoods save for US troops. Are we still friends??? I would ask (b)(6) this question if she was alive .

On behalf (b)(6) family
(b)(6)

(b)(6)

(b)(6)

(b)(6)
(b)(6) the (b)(6) years old girl



(b)(6) the (b)(6) years old girl











(b) (6)

(b)(6)

