08-I57-T014

(b)(6)

Filed: UNK

Claimed: $10,000

07/0257
rd killed him
$10,000

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

CLAIMS CHRONOLOGY SHEET

CLAIMANT'S NAME: (b)(6)

FILE NUMBER: 08-I57-T014 AMOUNT CLAIMED: $10,000

DATE OF INCIDENT: 21 Dec 06 DATE CLAIM FILED:

LOCATION OF INCIDENT: Al-doraa, Baghdad, Iraq

DATE	STATUS OF CASE	INITIALS
	(b)(5), (b)(3),(b)(6), (b)(2)High	

HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FICI-JA-C

Claim of (b)(6) 08-I57-T014

ACTION

1. Facts: Claimant is the wife of an Iraqi who was shot and killed by U.S. forces on 21 December 2006 during an escalation of force incident. The amount claimed in damages is $10,000.00.

2. Authority: The Foreign Claims Act (FCA), 10 U.S.C. § 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. This claim was timely and properly filed, and jurisdiction under the FCA is proper.

3. Opinion: The FCA permits compensation for noncombat activities and damages caused by the negligent and wrongful acts of U.S. forces. A review of the Significant Activities for 21 December 2006 showed an incident report describing claimant's husband's death. The undersigned believes the death of Claimant's husband was the result of proper conduct by US forces acting IAW proper escalation of force procedures.

4. Action: Therefore, IAW AR 27-20, para. 10-3a the claim is denied.

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

Captain, JA
FCC I57

Claims Form

eign Langua

To: United States Army Foreign Claims Commission

الى: موفوضية التظلم لجيش الولايات المتحدة

From; Name:-Sabreen Shaker Mohssan

من: الأسم : صابرين شاكر محسن

Address:-Bahgdad- (b)(6)

العنوان: بغداد- الدورة محلة/856 زقاق /53 دار /39

Phone no: (b)(6)

I am: Iraqi

أنا : عراقي

a. A national citizen of :-

أ. أحمل جنسية::العراقية

b. A permanent resident of:_____

ب. عنوانى الدائم:_

c. Employed by: (b)(6)

ت: أعمل لدي: ربة بيت

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

ث: ضع علامة علي أحدهم ( ) أحمل تأمين (X) لا أحمل تأمين

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

ج: ضع علامة علي أحدهم ( ) دائن "عليه دين" ( ) ليس دائن "ليس عليه دين" (X)

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

(*) USAR patrol in AL-Dijil area , at Dec.21st.06

أنني أتظلم لدي حكومى الولايات المتحدة للأضرار والإصابت التى نجمت من:

الأسم

المنظمة : Foreign Language

الوحدة العسكريه

العنوان

رقم التليفون

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 عذا 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-doraa (Town)	Baghdad (City)	Iraq (Country)

Foreign Language Text

تظلمى قدم فى:

My claim arose on:

Dec Month	21 Day	2006 Year

تظلمى قدم فى

2006 السنة	21 يوم	12 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.)

"USAR" Patrol, on Decmper.21th. 2006, when the husband drive his car the convoy army shooting bullets and causes death. And the US AR did not give the permission to the "IP" to proceed toward the dead body.

Foreign Language

Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

Death case.

Foreign Language

reign Langua

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
compensation for death case	10,000$

Total:- 10.000 US $

Foreign Language

الشئ المتضرر		تكلفته
Foreign Language Tex		$10,000

إجمالي التكلفة:-$10,000

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

لدي تأمين على الممتلكات أو الضرر الجسدى المتضرر بما يوازي:

N/A

The name and address of my insurer (if any) is

(Name) (Address)

أذا كان لديك أي تأمين الرجاء ذكر أسم وعنوان شركة التأمين:

(الأسم) (العنوان)

N/A

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

$ 10,000 USD Local 12,300,000 reign Langua

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

$ 10,000 reign Langua 12,300,000 reign Language Te

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

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

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

سابقاً (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 فان تقسم على أن كل المعلومات المقدمة فى هذا اتظلم هى صحيحة وحقيقية . أي شخص يحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم ضدحكومة الولايات لمتحدة الأمريكية سوف يواجه عقـ

(b)(6), Foreign Language

(Signature of Claimant)

Foreign Language

Subscribed to me this _____ day of _____, 200_____.

(b)(6)

(Signature of Witness)

(Printed Name)

gn Language

gn Language

Foreign Language, (b)(6)

Foreign Language, (b)(6)

Republic of Iraq
Ministry of Health

Foreign Language Text

Foreign Language Text

Death Certificate

Foreign Language Text

Dec/22/2006

Foreign Language Text

Victim's name

(b)(6), Foreign Language

Foreign Language Text, (b)(6)

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Foreign Language Text, (b)(6)

Republic of Iraq
Ministry of Health

Foreign Language Text

shooting fire in the head by U.S force

eign Language T

Death certificate

guag

Dec/22/2006

Foreign Language Text

Language Tex

Foreign Language Text, (b)(6)

oreign Language Tex

Republic of Iraq
Ministry of health

Death certificate

Victim's name

Date of incident

Dec/22/2006

Same copy of Death certificate

Foreign Language Text, (b)(6)

Foreign Language Text

Al Dijeal Police station
Dec / 22 / 2006

Reseipt voucher

I'm [redacted] (b)(6) (victim's brother) , I received the car No [redacted] (b)(6) Type KIA , dark green color which belongs to the victim [redacted] (b)(6) [redacted] (b)(6) my brother , in addition to the money 6000 ID , with cell phone , plus 5 identities belongs to him + stamps belong to the brick factory + 3 calculators and ration food card , for that , I signed bellow .

(b)(6), Foreign Language

Al Dijeal Police Station
Dec / 21 / 2006

Seizure Minutes

We have been seized the car No. [redacted] (b)(6), KIA , dark green color belongs to the victim [redacted] (b)(6) who has been shooted by U.S forces in addition , we have been seized some money 26000 ID with a cell phone, 5 identities belongs to him + stamps belong to the brick factory with 3 calculators and a ration food card belong to him too .
During car seizing we noticed the following damages :

1. Fire shooting in the front windshield .
2. simple damages in the front of the car .
3. I didn't notice any other damage .

CENTCOM 020196
08-I57-T014-00014

(b)(6), Foreign Language

Al Dijeal Police Station
Dec / 21 / 2006

investigating Process

We informed by our checkpoints that an accident occurred in the high way which links between Baghdad and Tikrit , and we moved soon to the location , we noticed that the incident is a shooting, killed the victim [redacted] (b)(6) caused by U.S forces when he was driving his car type KIA , No. [redacted] (b)(6) / Diyala , Dark green color , for that the investigating process has been started .

(b)(6), Foreign Language

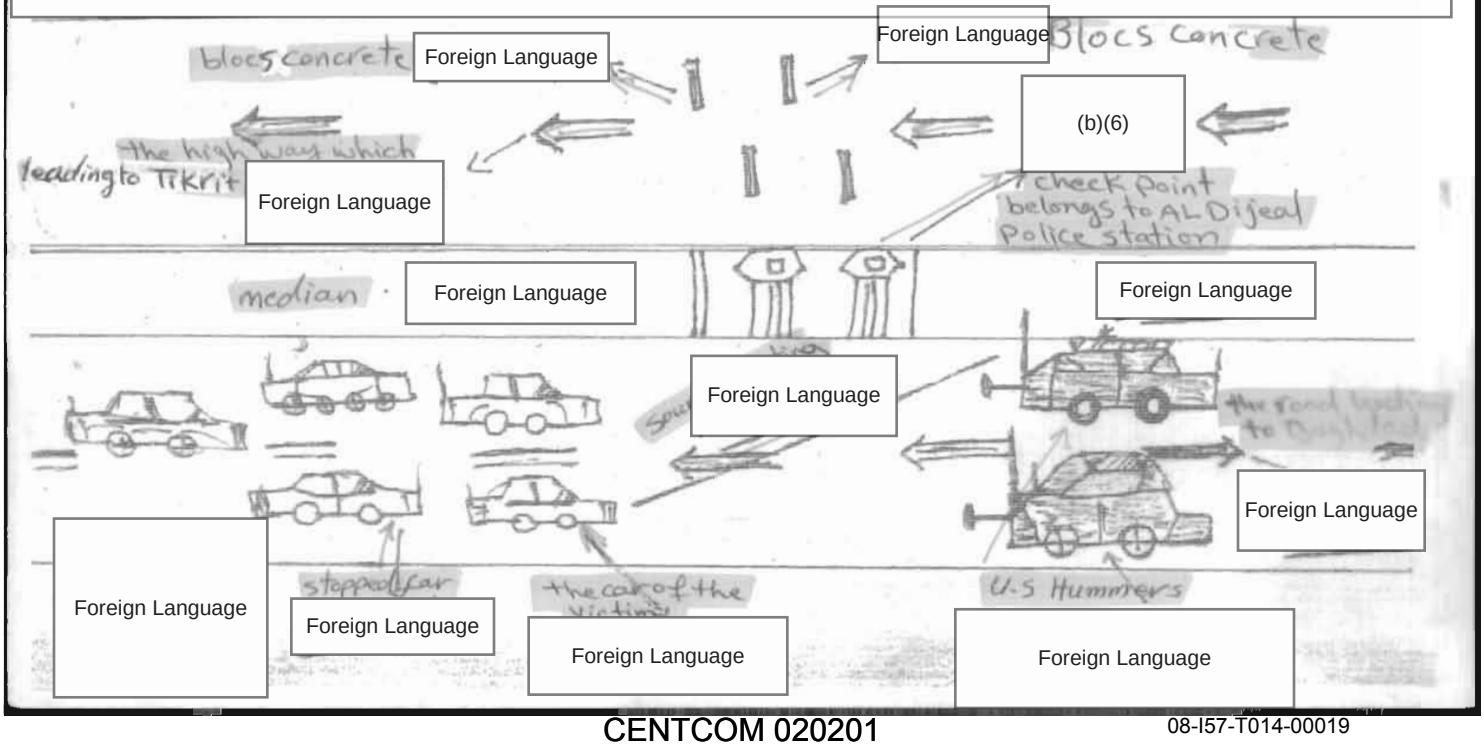
Al Dijeal Police Station
Dec / 21 / 2006

Minutes of Examination and Sketch of the incident place

Based on the informing awarded to us concerning the exposure which happened in the high way , for that we moved to the incident location to do the examination of the incident place and I noticed that the incident is a shooting occurred to the victim [redacted] (b)(6) caused by the U.S forces when he was driving his car , for that the examination has been done and we noticed the following :

-The place of incident is far from the police station about [redacted] (b)(2)High
- The place of incident is a shooting occurred to the victim [redacted] (b)(6) [redacted] (b)(6) caused by the U.S forces
- I noticed that the victim's car was pierced in the front windshield because of the bullet which placed in the victim's head .
- I noticed that the car was covered with blood , and I didn' see anything alse .

Foreign Language, (b)(6)



Al Dijeal Police Station
Dec / 21 / 2006

Disclosure of the body

Based on the informing awarded to us by our check points that there was a dead body in Al Dijeal General Hospital , soon we have been moved there , and it has been noticed that the victim (b)(6) has been shot by U.S forces and during the disclosure of the body we noticed the following :

- The victim Called (b)(6)
- He is (b)(6) years old .
- I have seen the victim (b)(6)
- I have seen the victim bleeding because of the shooting in the left side of his head .
- I have seen the victim covered with blood because of the shooting by U.S forces bullet .
- I have seen that the victim was wearing (b)(6)
- And nothing alse has been noted .

Page 21 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
(b)(6), Foreign Language

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AL Dijeal Police station
Dec / 22 / 2006

Foreign Language

(b)(6), Foreign Language

The same claimant's statement
told by victim's brother

Al Salhiya Police station
Dec / 26 / 2006

Mr. Investigating Judge of Al Dijeal – Esq

Your Decision dated on Dec / 21 / 2006

We attached the investigating papers with the death certificate belongs to the victim [redacted], kindly request your acknowledgment

We also attached the investigating papers with the legal receipt voucher which we showed through it that all the things that we found with the victim has been returned back to his family , kindly request your acknowledgment and issue the appropriate decision with appreciation

CENTCOM 020205
08-I57-T014-00023

(b)(6), Foreign Language

Al Dijeal Investigating Court
Feb / 13 / 2007

The claimant of personal rights statement Ms. [redacted] (victime's wife), born in [redacted], lives in Baghdad [redacted].

On Dec / 21 / 2006 , when my husband (the victim) Mr. [redacted] left the house in the morning going to Beaji District , in Salah el Dein province ,by his car type KIA , and during his coming back to Baghdad near Al Dijeal district in the high way ,the U.S forces shot him in his head by one bullet , and as a result he died immediately .

Note : my father in low is dead and my mother in low is still a live and I have one child by my husband and I'm requesting complaint and take the legal procedures against the U.S forces also I'm asking to be compensated and this is my statement .

CENTCOM 020207

Foreign Language, (b)(6)

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AL Dieal Police station

Feb/13/2007

Foreign Language

Foreign Language

Foreign Language

The claimant of personal rights statement

Foreign Language, (b)(6)

The same claimant's statement

Al Dijeal Police station
Feb / 13 / 2007

Mr. Investigating Judge of Al Dijeal – Esq

Your Decsion dated on Dec / 21 / 2006
We put before your honor the claimant of personal rights Ms. (b)(6)
(b)(6), kindly request to validate her statement and issue the appropriate decision with appreciation .

(b)(6), Foreign Language

Al Dijeal Police station
Feb / 15 / 2007

Mr. Investigating Judge– Esq

Your decision about documented the claimant of personal rights statement the mother of the victim (b)(6)
Kindly rsqust your aknowledment with appreciation .

(b)(6), Foreign Language

Foreign Language Text

Foreign Language Text

AL-Karada Investigating court
Mar / 8 / 2007

Foreign Language Text

(b)(6), Foreign Language

Foreign Language

The same statement told by the victim's mother

Foreign Language

eign Langu

Foreign Language

AL Dijeal Police station
Apr / 12 / 2007

Mr. Investigating Judge of AL Dijeal - Esq
Your decision dated on Feb/ 15 / 2007

(b)(6), Foreign Language

The same copy of the previouse page

Al Dijeal Police station
Apr / 15 / 2007

Mr. Investigating Judge of Al Dijeal – Esq

Your Decsion dated on Feb / 15 / 2007

1. We attached with the investigating papers, the statement of the claimant of personal rights Ms. [redacted] (b)(6) the mother of the victim [redacted] (b)(6) the statement of the claimant of personal right was noted by Al Karada Investigating Court based on Al Dijeal Investigating Court .

We would like to inform your honor that the investigating procedures has been completed , kindly request your acknowledgment and issue the appropriate decision with appreciation .

CENTCOM 020216

(b)(6), Foreign Language

(b)(6), Foreign Language

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text

members of family

Foreign Language Text

Foreign Language Text

Ration food card

Foreign Language, (b)(6)

(b)(6), Foreign Language

HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FCC I57

CLAIM OF: (b)(6)
CLAIM NUMBER: 08-I57-T014

Dear Sir or Ma'am:

This notice constitutes final administrative action on your claim against the United States.

Foreign Clims Commission (FCC) I60 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The Federal Tort Claims Act, Title 28, United States Code, Section 2680(k), as implemented by AR 27-20, Ch. 4, is not applicable as it excludes claims arising in foreign countries. The Military Claims Act, Title 10, United States Code, Section 2733, as implemented by AR 27-20, Ch. 3, is not applicable because you are not a United States national.

FCC I57 found that your husband's death was caused by combat activity. The US forces involved acted appropriately to the circumstances they faced. Therefore, in accordance with AR 27-20, paragraph 10-3a, we cannot compensate you for your loss.

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 by law.

Sincerely,

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

Captain, US Army
Foreign Claims Commission I57

claimant's sister ID oreign Language Tex

(b)(6), Foreign Language

Foreign Language, (b)(6)

(b)(6), Foreign Language

(b)(6), Foreign Language

(b)(6), Foreign Language

(b)(6), Foreign Language

Foreign Language, (b)(6)

victim's ID

(b)(6), Foreign Language