



HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF

FCC I5G

SUBJECT: Foreign Claims Commission I5A, Claim of [REDACTED], 04-I5A-T040

[REDACTED] b6-4
Hilla, Iraq

Dear Ms [REDACTED]

This notice constitutes final administrative action on your claim against the United States in an unspecified amount. Your claim is for personal injury to your son [REDACTED], who the Marines shot and detained on 16 July 2003. b6-4

Foreign Claims Commission (FCC) I5A 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), is not applicable as it excludes claims arising in foreign countries. Under the FCA, a claim for death or personal injury may be allowed whether or not the negligent act complained of was made within the scope of employment.

Upon review of your claim, it appears US forces were negligent in shooting your son. In addition, he should have been released from the hospital and instead was arrested and transported to Abu Ghareb prison. The FCA provides for payments for the wrongful or negligent acts of US forces. However, at this time your claim must be denied because you are not the proper person to bring a claim. However, if your son would like to file a claim, FCC I5A will offer him \$1,000 to settle. Therefore, if he would like to settle this claim, please bring him along with this letter to the office from which you received it and a time will be arranged to issue payment.

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,

[REDACTED] b6-2

Captain, U.S. Army
FCC I5A

000529

**BATES PAGE 330 HAS BEEN WITHHELD
PENDING TRANSLATION**

PAYMENT REPORT

TO: DFAS, DSSN: 8724 Date: _____

A. Payment Data:

- (1) Submitting Agency/Office: United States Army Claims Service
- (2) Office Code: I5A
- (3) Agency/Office Mailing Address: V Corps, OSJA Camp Victory, Iraq APO AE 09432
- (4) Date Claim Filed: 1 September, 2003
- (5) Claim Number(s) 04-I5A-T040
- (6) Amount Claimed: \$0.00
- (7) Fund Cite: 2142020 22-0204 P436099.22-4200 VIRQ F9206 S99999 APC 9609
- (8) Payee(s): [REDACTED] 66-4
- (9) Address: Annana Village, Hilla,
- (10) SSN: N/A
- (11) Payment Amount: \$1,000.00
- (12) Type Payment: PF
- (13) For EFT Payments: ABA Routing Number: _____
- (14) For EFT Payment: Account Name and Number: _____
- (15) For EFT Payment: Name and Address of financial institution: _____
- (16) For EFT Payment: Account is (checking) (savings) (Circle appropriate account).

B. ACCEPTANCE BY CLAIMANT (Note: This form should not be signed by the claimant if another release is signed by the claimant is attached.)

I, the claimant, do hereby accept the within -stated award, compromise, or settlement as final and conclusive on my heirs, executors, administrators or assigns, and agree that said acceptance constitutes a complete release by me, my heirs, executors, administrators or assigns of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising now or in the future from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries (including wrongful death), damages to property, breaches of contract or law, and any other acts or omissions, and the consequences therefore resulting, and to result, from the same subject matter that gave rise to the claim for which I or my heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States and against the employee(s) of the Government whose acts or omissions gave rise to the claim by reason of the same subject matter. I further agree to reimburse, indemnify and hold harmless the United States, its agents, servants and employees from any and all claims or causes of action, including wrongful deaths, that arise or may arise from the acts or omissions that gave rise to the claim(s) by reason of the same subject matter.

Date: _____, _____ (Claimant)

[REDACTED SIGNATURE] 66-4

C. AGENCY CERTIFYING OFFICER:

Pursuant to authority vested in me, I certify that this Payment Report is correct and proper for payment.

(Date) (Signature Authorized Certifying Officer) FCC Title

Date Payment Recorded in Claim Record: _____

A separate payment report must be completed for each claimant

Privacy Act Statement

The information is required in accordance with 31 U.S.C. 1304. The data you furnish will be used to certify your claim for payment. Failure to provide this information may result in your claim not being processed for payment.

000331

ACCIDENT CLAIMS FORM

0415A T040

NAME:

[REDACTED]

b6-4

DATE OF ACCIDENT:

16-7-2003

PLACE OF ACCIDENT:

Arinana village

YEAR, MAKE & MODEL OF CAR (IF APPLICABLE):

EXPLANATION OF HOW ACCIDENT OCCURRED:

This woman claims

b6-4

that his son ([REDACTED]) was a night guard in the A/m village, the accident happened at 3 o'clock at midnight, at that time a patrol of Marines passed, when they saw the guard they shot at him six bullets and injured him, they took him to [REDACTED] and just one bullet was removed and got taken him to Jurf Alsakhar hospital and removed the other five bullets, but the patient still now suffering from the injury and unable to work.

b6-4

POLICE REPORT ATTACHED:

PHOTOS ATTACHED: NO

ESTIMATED COST OF (REPAIR) (MEDICAL EXPENSES):

COMMENTS & RECOMMENDATION OF GST PERSONNEL:

recommendation: pay

G D. Lhu

COMPLETED FILE SHOULD BE SUBMITTED TO CPT TYSON AVERY, USMC 1ST MEF JAG, AT BABYLON PALACE COMPOUND

000532



DEPARTMENT OF THE ARMY

GOVERNATE SUPPORT TEAM
AL HILLAH, BABYLON, IRAQ

AOCP-CA-GST

16 AUG 2003

MEMORANDUM FOR MILITARY DETENTION FACILITY, BAGHDAD

SUBJECT: RELEASE OF PRISONER

1. The family of [REDACTED] ^{b6-4} has presented to us a request for his release. The enclosed letters have been provided by the family detailing the events leading up to arrest of Mr. [REDACTED] ^{b6-4}
2. ^{b6-4} [REDACTED] was in fact arrested by mistake. In fact, his arrest occurred in our zone without our knowledge by an MP unit. We have several witnesses, to include from the MP unit, that have stated that [REDACTED] was shot as a suspect and transferred to the 28th CASH but, subsequent investigation has revealed that there was no basis for his arrest. For some reason, the individual was transferred from the military hospital as a detainee instead of being released.
3. This letter is the result of our efforts to locate this Iraqi for two weeks. We, as of yet, have been able to contact you by telephone and are thus resorting to the use of a letter.
4. POC is the undersigned of the [REDACTED] ^{b6-2} CMOC @ telephone number [REDACTED] or the COC of 1st Battalion, Fourth Marines in Al Hillah at [REDACTED] ^{7?}

GATE 2
JAG OFFICE

[REDACTED]
[REDACTED]

Major, U.S.M.C.
Executive Officer

To The Airport

[REDACTED]

000333

**BATES PAGE 334 HAS BEEN WITHHELD
PENDING TRANSLATION**

This family needs to speak
with Civil Affairs about
a relative that was shot
by the Marines by accident.
They are searching for the
name of the prison at which
their son is being held.



b6-2

**BATES PAGES 336-337 HAVE BEEN WITHHELD
PENDING TRANSLATION**

In the Name of Allah , the Beneficent , the Merciful

To / Babylon Governorate Office

Sub. / Recommendation

b6-4
all

We are signatures below, the selector and selected people of Annana village . We certify and support that the guard [REDACTED] lives in Annana village with good reputation . He hasn't any hurt in the village and he has no any relation with former Baath Party and he is a good citizen .

He works as a guard in our village and his connection is with Al Hilla city lieutenancy . For this reason we sign below .

Witness

Witness

Selector

[REDACTED]

[REDACTED]

[REDACTED]

Selector of Annana village

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

000538

In The Name Of Allah the Beneficent , the Merciful

To / Coalition Forces in Babylon Province

No-1
At night of 16-7- 2003 , the coalition forces (Marines) had attacked on [redacted] village . One of the American soldiers had shot him by fire . He was arrested and moved to unknown place . Since that night , we didn't hear any news about him . We went to many offices but we got nothing . They said that they didn't have any information about this subject . Later , we knew that our son was imprisoned in Dakor Hospital in Jorf Al Sakhar and he would be judged and put in jail without any guilt or fault . The group of American forces was to blame . There are more than ten night guards witness of these things . The accident details are as follow as witnesses say :

When some of American forces entered wrongly in our village and this region is not their limitation to search in . One of the American soldiers took the gun of [redacted] he was ready to fire , another soldier was standing on the carriage opened fire towards the guard . He had the specialized card on his chest as a night guard . The patrol then had arrested him without any charge .

He is responsible of a big family including his mother two sisters , three brothers besides his wife and four children . The eldest one is seven years old . This guard is a good person with good reputation . He had never any contact with former Baath Party . He did his best to keep security in our village . His recommendation is assured by his employers and by the selector of the region according to papers enclosed .

There are many observations that must be taken care of this case :

1. Marines Forces opened fire wrongly . It was not their duty in that region .
2. There was no a translator with them which led to that accident .
3. We (night guard's family) demand to bring the witnesses and to ask them about the reasons of the accident to free our son from prison and go back to his children ,
4. If there is ambiguity conditions related this matter , we shall assign a lawyer to talk on behalf of him and to protect him .

Family of citizen
[redacted]

000339

**In the Name of Allah , the Beneficent , the Merciful
Iraq Republic**

**Al Hilla city centre Lieutenancy
Night Guards**

No. /

Date : / / 2003

To / Coalition Forces Centre

Sub. / Support

bb-4all

We certify that night guard [REDACTED] is one of the guards of our village (Annana). He is still in the employment at present time . He was appointed due to administrative order no. 932 in 29 / 5 / 2003 . To informing you of this matter please .

General Pilot

[REDACTED]
Lieutenant of Al Hilla city centre

000340

^v
"In The Name of God, The Most Merciful, The Most
Gracious"

To / Coalition Forces in Babylon

In the 16th of July - 2003, Coalition Forces (Marines) attacked

b6-4
all

[REDACTED] while he was on duty as a night guard in Ananah Village. One of the Marines shot h and then [REDACTED] was arrested and he was taken to unknown place. Ever since nothing was heard about him and nobody told us anything of him "We don't know anything about him, we don't know what you're talking about" - After that we were sure that our is detained in Dicoor Hospital - Jurf [REDACTED] Area, and be charged and sent to jail unguilty. The only wrong doing comm. is by the America Patrol - We have more than ten ^{fellow} night g ready to be witnesses on that occasion and the like one the details of what happened. When the patrol entered wrong in Ananah Village; yet it is out of the limit of their duty. One of the American Soliders took the weapon of [REDACTED] and prepared the weapon for fire, mean while the other soliders who wa on the truck fired toward the guard who was wearing the gu badge. Then he was detained by the patrol. The guard sponsor a big family consist of a mother, two daughters, three sons, a wife for children, the older of them is of seven years old. The de is well-mannered and he was not belong to Baath Party and he, doing his work honestly and properly. He is also respected by the of the Village and the responsables for being trusty.

000341

**BATES PAGE 342 HAS BEEN WITHHELD
PENDING TRANSLATION**



REPLY TO
ATTENTION OF

HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09342

FCC IB5

MEMORANDUM FOR Finance Office, CPA, Baghdad, Iraq

SUBJECT: Approving Memorandum for Claim: 04-I5A-T040

1. Pursuant to my authority as the Foreign Claims Commissioner (FCC IB5), I have approved the payment of \$1000 as final settlement of Foreign Claim 04-I5A-T040, [REDACTED] of Iraq. *b6-7*
2. The payment will be made on 4 May 2004, at the Iraqi Convention Center located in Baghdad, Iraq.
3. The reason for payment of this claim is based on the US Forces negligent shooting and detainment of the claimant.

[REDACTED]
[REDACTED]
[REDACTED] *b6-2*
Captain, JA
FCC IB5

000343

**BATES PAGES 344-345 HAVE BEEN WITHHELD
PENDING TRANSLATION**



REPLY TO
ATTENTION OF

HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09342

25 Dec 03

FCC I5A

Claim of [REDACTED] I5A-T040

ACTION

b6-4
/

1. Facts. On 16 July 2003, the claimant's son, [REDACTED] was working as a night guard in the Annana village in Al Hilla. At approximately 0300, military police from an unknown unit, believed that the claimant's son was a suspect and shot him. This was not the AO of the military police unit; rather it was that of the Marines of the 1st Battalion of the 4th Marines. After the shooting, he was taken to 28th CSH, treated and then detained and transported to AbuGhareeb prison. His family and [REDACTED], the XO of the GST in Al-Hilla were trying to get him released as of 16 July 2003.

b6-2

b6-4

2. Opinion. [REDACTED], the XO of the GST in Al-Hilla stated that [REDACTED] was arrested by mistake by an MP unit. He states that he was arrested as a suspect, but no reason was given as to why he was shot. [REDACTED] stated that the MPs were in the 1st of the 4th Marines area without their knowledge and a subsequent investigation of the arrest turned out to be without a valid basis.

b6-2

If in fact the MPs were not supposed to be in the Marines area, then the shooting occurred due to negligence or misconduct by the MP unit. Therefore, because the FCA allows for compensation of the negligent or wrongful acts of US forces, claimant's son may be compensated. However, it must be claimant, not claimant's mother to file the claim. Therefore, until such time that it is determined that Mr. [REDACTED] was released from Abu Gharib due to a mistake, claim cannot be paid. Documents needed, CID or SIGACT report.

b6-4

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. That the claim be paid in the amount of \$1,000.

[REDACTED]

b6-2

Captain, U.S. Army
FCC I5A

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

DATE VOUCHER PREPARED

SCHEDULE NO.

DEPARTMENT OF THE ARMY
DFAS-IN
INDIANAPOLIS, IN 46249

CONTRACT NUMBER AND DATE

PAID BY
DSSN: 8551

REQUISITION NUMBER AND DATE

DFAS-IN

INDIANAPOLIS, IN
46249 DSSN:5570

PAYEE'S
NAME
AND
ADDRESS

[REDACTED]

bb-4

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

TO

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUAN- TITY	UNIT PRICE		AMOUNT (1)
				COST	PER	
		Claim Payment Final Payment of FCA Claim #04-I5A-T040				1,000.00

(Use continuation sheet(s) if necessary)

(Payee must NOT use the space below)

TOTAL

1,000.00

PAYMENT:

- PROVISIONAL
- COMPLETE
- PARTIAL
- FINAL
- PROGRESS
- ADVANCE

APPROVED FOR

= \$

EXCHANGE RATE

= \$ 1.00

DIFFERENCES

BY 2

Amount verified; correct for

TITLE

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(Date)

(Authorized Certifying Officer)

Certifying Officer

(Title)

ACCOUNTING CLASSIFICATION

2142020 22-0204 P436099.22-4200 VIRQ F9206 S99999 APC 9609

Accounting Classification Verified By: [REDACTED] SSG, USA, Disbursing NCOIC

bb-2

PAID BY	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
	CASH	DATE	PAYEE 3	

¹ When stated in foreign currency, insert name of currency.
² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
³ When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary," or "Treasurer," as the case may be.

PER
TITLE

Previous edition usable

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

NSN 7540-00-900-2234

000347

**BATES PAGE 348 HAS BEEN WITHHELD
PENDING TRANSLATION**