



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, FOB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

10 December 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] in, 5-IA3-714

1. **Identifying Data:** [REDACTED], Shirqat, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 8 January 2005, at Shirqat, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$91,230 on 20 March 2005.
4. **Jurisdiction:** The claim has been reviewed by a three member Foreign Claims Commission under the Foreign Claims Act, Title 10 United States Code 2734, as implemented by Army Regulation 27-20, Chapter 10. This claim was properly filed in a timely manner.
5. **Facts:** Claimant alleges that his father and twelve relatives were killed and his house and money destroyed by U.S. Forces. The claimant also alleges that U.S. Forces mistakenly dropped bombs on the claimant's home. He claims that 85,750,000 ID was destroyed in the bombing. The claimant alleges that the bombing was reported by the press and that U.S. Forces apologized for the mistake. The claimant provided corroborating witness statement, photographs, and a police report with a scene sketch. There was no report of this incident by artillery units, aviation units, or on significant acts.
6. **Opinion:** Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful. In this case, there is no credible evidence to prove these acts were actually caused by U.S. Forces.
7. **Recommendation:** This claim is denied.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
CPT, JA
Claims Judge Advocate

000495

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT:

Decedents: 13 members of his family

Hometown: Al Shurqat

Iraqi Resident

My claim arose at:

(Town)

Shurqat - Al Arba

(City)

Iraq

My claim arose on: JANUARY

8 (0200)

2005

Month

Day

Year

Proof of Ownership: No proof for house b/c outside of the city - will bring ^{Statement from} City Council ^{on 27 MAR 05}

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant

allegations): US ID office down - Slew 12 people - does not show 1 baby & no
ID - will bring death certs on 27 MAR 05.

Interpreter Approved:

Legal Expert Opinion: Has good Judge signatures + Court/FP approved

Interpreter Approved: documents

Witness Statement(Consistent?): Yes - Consistent + Court/FP approved

Interpreter Approved:

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.)

① US bombed his house in Al-Shurqat and killed his father (property owner)

and 12 others, also injured 3 kids

② Apparently this was covered by the press and US admitted that
this was a big mistake

③ Claims were destroyed, tractor destroyed, 85,750,000 ID destroyed

[REDACTED] shot at w/ Artillery - Nothing fired here this day

Aviation - " " "

[REDACTED] shot at complete - No bombing this day
NO GUNFIRE FOR THIS

000496

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.)

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

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

(Name) _____ (Address) _____

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

local

(Signature of Claimant)

Subscribed before me this 20 day of MAR, 2005.

(Print Name)

(Signature)

000497



DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

17 October 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA3-714

- 1. Identifying Data:** [REDACTED] Shirqat, Iraq
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 8 January 2005, in Shirqat, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$91,230 on 20 March 2005.
- 4. Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was filed in a timely manner.
- 5. Facts:** Claimant alleges that his father and twelve relatives were killed and his house and money destroyed by U.S. Forces. The claimant alleges that U.S. Forces mistakenly dropped bombs on the claimant's home. He claims that 85,750,000 ID was destroyed in the bombing. The claimant alleges that the bombing was reported by the press and that the U.S. Forces apologized for the mistake. The claimant provided corroborating witness statements, photographs, death reports and a police report with a scene sketch. There was no report of this incident by artillery units, aviation units or on significant acts.
- 6. Opinion:** There is insufficient evidence to support this claim.
- 7. Recommendation:** The claim should be denied.

[REDACTED]
[REDACTED]
[REDACTED]
S

CPT, JA
Chief, Claims

000498