

NK

[REDACTED]

[REDACTED]

April 30, 2004

Certified, Return Receipt Requested

Commander  
U.S. Army Claims Service  
Office of the Judge Advocate General  
Fort George G. Meade, Maryland 20755-5360

RE: Claim of [REDACTED]

Dear Commander:

I am attaching an executed document captioned "Claim of [REDACTED] pursuant to the Military Claims Act, 10 U.S.C. § 2733, and 32 C.F.R. Part 536." Mr. [REDACTED] is a Canadian citizen and permanent resident of the United States. The claim is for compensation for torture and other mistreatment on account of and following his arrest in Baghdad, Iraq, on April 9, 2003.

You will note that the amount of the claim in excess of one hundred thousand dollars (\$100,000). It is evident from the substance of the claim that the harm the U.S. Army inflicted on Mr. [REDACTED] exceeds that amount, and thus it appears that the claim is meritorious.

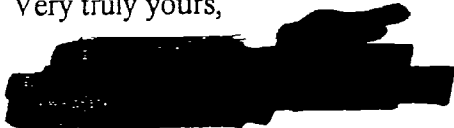

[REDACTED] will make himself available for medical and psychological examination in order to pursue this claim, and will make all records that he has available as well. Unfortunately, however, his imprisonment in Iraq has had a devastating impact not only upon him personally but also upon his wealth and business. As a result, it would be difficult for him to come to the United States at his own expense to pursue this claim. In addition and for obvious reasons I would like to accompany him on any interaction between him and representatives of the Army, and [REDACTED] currently is not able to pay my expenses. For these reasons, we respectfully request that the Army make appropriate arrangements to cover such out-of-pocket costs as this claim progresses through the system.


[REDACTED]

Commander, U.S. Army Claims Service  
April 30, 2004  
Page 2

I assume that there will be other issues arising as this matter moves forward, and look forward to working with you in order to achieve a just settlement of this matter. Please let me know if you have any questions.

Very truly yours,

  
Attorney for 

Enclosure: Claim of 

cc: Client (w/enclosure)

DEPARTMENT OF THE ARMY  
BEFORE THE  
COMMANDER, U.S. ARMY CLAIMS SERVICE

Claim of [REDACTED] pursuant to the  
Military Claims Act, 10 U.S.C. § 2733,  
and 32 C.F.R. Part 536

No. \_\_\_\_\_

I. Introduction

This is a claim for compensation submitted by [REDACTED] a citizen of Canada and a permanent resident of the United States. This claim is for personal injury, loss of property, and property damage caused by members of the Department of the Army ("DA") acting within the scope of their employment. The claim presented herein is incident to noncombat activities of the Army.

[REDACTED] was born in Cairo, Egypt, on [REDACTED], and immigrated to Canada in February 1971. [REDACTED] became a naturalized Canadian citizen in approximately 1976, and about four years later he emigrated to the United States, where he took up residence in Los Angeles, California. [REDACTED] is requesting compensation for torture and other personal injuries inflicted upon him while he was in Iraq in the spring of 2003. His claims arise from his arrest and detention in the American prisoner of war camp in Camp Bucca in Umm Kaser, Iraq. He is also requesting compensation for lost money (cash) and property that were taken from him as a result of his arrest and incarceration and never returned to him.

## II. Factual Background

[REDACTED], an Arab by birth, is a member of a peace organization called "Rights and Freedom International," or "RFI." One of RFI's primary objectives was to attempt to convince the leaders of Iraq that they should step down in order to avoid a war with the United States. In pursuit of those objectives [REDACTED] entered Iraq in January 2003.

On April 9, 2003, United States Marines arrived in Baghdad. While he was outside of his hotel, the Sheraton, he was detained by the H&S Company, 3/4 Division of the United States Marines (Lieutenant [REDACTED] and "Sergeant [REDACTED] were in charge). [REDACTED] was taken by American forces and placed in an armored personnel carrier and prohibited from returning to his hotel room and gathering his papers, cash, and other belongings. A list of the cash, documents, and possessions thus lost is attached as Exhibit 1.

[REDACTED] was detained in an armored personnel carrier for three days following his arrest. On the fourth day, after protesting his arrest, [REDACTED] was handcuffed and beaten. At that point, [REDACTED] was sent south to the Bucca prisoner of war camp; it took approximately three days to arrive at that camp. At an intermediate camp on the way, a soldier required him to empty his pockets of some money, his identification papers, glaucoma and depression medications, and his hotel room key. When [REDACTED] protested, the soldier whipped [REDACTED] with his gun and, when [REDACTED] fell the soldier used the butt of his gun to hit him; at the same time, the soldier kicked and stepped on [REDACTED] with the soles of his shoes.

Once incarcerated in Bucca, the word "Canadian" was written in black marker on [REDACTED] white shirt front and back and given No. [REDACTED]. Apparently being a Canadian did not mean favorable treatment, for [REDACTED] was then interrogated and tortured

on a daily basis. For example, he was required to wait under the fierce southern Iraqi sun for his turn at being interrogated, and when the interrogations began he was falsely accused of having Iraqi documents in his possession, all with a view toward extracting a confession. [REDACTED] was accused of being both a speechwriter for Saddam Hussein as well as his "right-hand man." When [REDACTED] refused to confess, he was beaten in a variety of ways – he was hit with open hands, fists, shoes, and gun butts. The most alarming form of torture was when the interrogators put gun muzzles at his head or body, which put [REDACTED] in great fear of imminent death. Perhaps because of the extreme treatment that [REDACTED] suffered, other prisoners became somewhat protective of him. [REDACTED] both was punished and witnessed others' punishment numerous times.

The abuse was not only active, it was passive. In [REDACTED] case, it consisted of withholding medication for glaucoma and depression and threats that he would be sent to Guantanamo if he ever complained about the beatings. After three weeks of torture and mistreatment, [REDACTED] concluded that the only way to stop this mistreatment was to go on a hunger strike and so weaken his body that the torture would stop. The hunger strike, however, did not deter the punishment. Specifically, one day during the hunger strike [REDACTED] refused a meal, whereupon five or six soldiers led by Master Sgt. [REDACTED] handcuffed and placed leg irons on [REDACTED] Master Sgt. [REDACTED] then started beating [REDACTED] severely in his face and body, cutting his lip, and also kneeling him in the groin. [REDACTED] recognized Master [REDACTED] because she was the only soldier in front of him and thus he was able to read her nameplate, [REDACTED] After severely beating [REDACTED] he was taken to the solitary

confinement cell. (Master Sgt [REDACTED] was subsequently discharged from the Army for torture of Iraqis at Bucca prisoner of war camp; she is now in the United States.)

[REDACTED] ultimately came to believe that the soldiers desired him dead; one time, upon his return from a torture session, a prisoner who was generally acknowledged to be an informer suggested that [REDACTED] make a run for freedom instead of submitting to more abuse. [REDACTED] was too weak to run anywhere, and believes that the informer's advice was intended to provoke an action that would lead to [REDACTED] death.

On one occasion a Major [REDACTED] who appeared to be in charge of administration, suggested that [REDACTED] complain about the beatings. [REDACTED] did so by writing a complaint to the Criminal Investigating Division ("CID"). The CID agent took the complaint and said he would return. The CID agent did not return; however, other soldiers did – and they beat [REDACTED] for submitting the complaint. [REDACTED] has never heard form the CID regarding his complaint.

[REDACTED] was taken into solitary confinement many times; the mere act of transporting him was itself intensely cruel. First he was handcuffed with his hands behind his back and leg irons placed on him, and then two soldiers would lift him by his handcuffed arms and half-carry him to the cell, causing intense pain in his shoulders. On arrival, the soldiers would throw [REDACTED] on his face and beat him, and if he protested his face would be forced into the sand. On most occasions he would then be placed in the cell without taking off the arm and leg restraints. Once, after being hogtied for hours, [REDACTED] complained about his treatment, whereupon they threatened to put him in the burning sun. On several occasions the soldiers tied his handcuffs to the barbed wire of the cell, which forced him to stand for hours

unable to move, which caused severe cramps to his body and also caused his hernia to protrude, causing more pain.

May 15, 2003: Deportation – to Egypt

Ultimately the soldiers apparently believed that [REDACTED] was not an enemy, for they offered to release him – but only if he would change his bloodied shirt and undershirt. After first refusing, [REDACTED] took off the bloody garments and placed them in his bag. The soldiers, however, open his bag and stole the bloody garments. On May 15, 2003, [REDACTED] was deported – not to Canada, where he is a citizen, and not to the United States, where he is a permanent resident but, rather, to Egypt.

III. The Consequences: Medical, Psychological, Emotional, and Financial

Medical Consequences

1. Loss of Hearing in Left Ear. As a consequence of being slapped severely alongside his head during torture, [REDACTED] lost the greater part of the hearing in his left ear.
2. Eye Condition. At the time of his arrest and incarceration [REDACTED] was under treatment for glaucoma, which was then under control. As a result of the Army's withholding of medication, his eye condition worsened and he is now required to use three medications. Moreover, the withholding of medication may result in accelerated eye surgery, with a likely outcome that blindness will result sooner than otherwise would have occurred.
3. Hernia. [REDACTED] hernia, which previously was controlled with a belt, is now more difficult to control.

### Psychological and Emotional Consequences

As a result of his incarceration and torture, [REDACTED] has suffered and is continuing to suffer the following consequences:

1. Depression. Prior to arrest, [REDACTED] was under treatment for depression. Once he was arrested, his medication was withheld and that withholding, when coupled with the torture, resulted in much more severe symptoms. Since his release, his doctors have prescribed stronger medications which, in turn, have had negative side effects, including without limitation loss of sexual desire. Stronger medications have not alleviated the depression.
2. Post-Traumatic Stress Disorder. [REDACTED] now suffers from post-traumatic stress disorder which is preventing him from running his business.
3. Loss of Sleep/Sleep Disorder. As a result of the incarceration and torture, [REDACTED] now suffers nightmares and from a sleep disorder; as a result, he cannot obtain adequate sleep.
4. Flashbacks. [REDACTED] has constant flashbacks to the time of incarceration and torture, which has resulted in suicidal thoughts and an obsessive desire for death.
5. Memory Loss. [REDACTED] ability to remember recent events has deteriorated.

### Financial Consequences

1. Cash. When [REDACTED] arrived in Iraq, he had with him the proceeds of a sale of Garmin Europe products in the amount of \$119,000. That money was hidden in his hotel room and in his carrying bag. When [REDACTED] was arrested, although American military personnel took control over his room, they did not give him any of his money or most of his other belongings.



2. Personal Effects. [REDACTED] lost his personal laptop computer, camera, film, address books, business contacts and leads, and a variety of other valuable business and personal effects. A detailed inventory of the items lost is attached as Exhibit 1

3. Business Consequences. [REDACTED] lost substantial sums in various transactions that were made impossible because of his incarceration.

IV. Request for Relief

WHEREFORE, on account of the foregoing, [REDACTED] requests compensation in the amount of three hundred fifty thousand dollars (\$350,000).

DATED: April 30, 2004

Respectfully submitted,

[REDACTED]  
Of Attorneys for [REDACTED]

Exhibit 1:  
List of Items Stolen

Several official Iraqi governmental documents and letters  
Several photographs of Iraqi officials and some of the National Folklore Company  
Canon Camera with the roll of film inside  
Toshiba Notebook computer  
Valid Canadian Passport  
Two voided Canadian Passports  
Egyptian Passport  
Three Japanese Saving Accounts Bank Books  
Two Taiwanese Accounts Saving bank Books  
Three Egyptian Bank Accounts Books  
\$118,700 (US\$) cash hidden in hotel room  
\$300 (US\$) cash on person  
\$200 (Iraqi currency) cash on person  
Casio Address Book organizer and contents  
Address book  
Hotel room key taken out of pocket  
Hotel ID card  
Canadian citizenship card  
Wallet  
Canadian social insurance card  
US social security card  
US "Green Card" (INS certificate)  
Florida drivers license  
Bank of Montreal ATM card  
Airline reservation voucher and used tickets  
Business contacts cards  
Iraqi visa and official letters  
Transcript of health book  
Private pilot's license (US)  
Aircraft and power plant license (US)  
Aircraft Maintenance Engineer License (Canada)  
Pilot log book  
Pulse Generator (a German invention)  
Engineering degree transcript  
Egyptian military service exemption  
Birth certificate

Exhibit 1 Page 1 – List of Stolen Items

[REDACTED]

[REDACTED]

May 10, 2004

Via First Class Mail

[REDACTED]  
Chief, Foreign Ports Branch  
DEPARTMENT OF THE ARMY  
U.S. Army Claims Service  
Office of the Judge Advocate General  
4411 Llewellyn Avenue  
Fort George C. Meade, MD 20755-5360

Re: Claim of [REDACTED] 04-C01-TO64

Dear [REDACTED]

This is in response to [REDACTED] May 5 regarding the processing of [REDACTED] claim under the Military Claims Act ("MCA"). After receiving that letter, I talked over the telephone with [REDACTED] who indicated that the Army is interested in expediting this claim. The purpose of this letter is to set in motion from our end the processes that we hope will lead to an expeditious resolution of the claim.

During my discussion with [REDACTED] I was requested to provide [REDACTED] social security number. That number is: [REDACTED]

Addressing [REDACTED] ability to travel to the United States, as noted in the claim form his green card was taken from him when he was arrested and was not returned. Also, he was unable to obtain a replacement green card from consular officials in the Middle East. Accordingly, it would be very helpful if some advance thinking on this issue. Ideally, [REDACTED] would like to get a replacement green card. Lacking that, he would like it understood that, when he returns, he is doing so with the intention of resuming his status as a resident.

Addressing [REDACTED] letter, I understand the limitations of the MCA, including the limitation on attorneys' fees, and that claim investigation will be informal. Notwithstanding the informality of the process, we would like to request your assistance in obtaining as much information from official Army files, Navy (Marine) files, and any other sources available to you regarding [REDACTED] and his interaction with both the United States Marines and the United States Army. This information would be very helpful in coming to an expeditious settlement and, to the extent that there are any privacy or other concerns or limitations [REDACTED] hereby

[REDACTED]

[REDACTED]  
May 10, 2004

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waives any rights he might have in order that that information might be released to him and to me. I understand that there is at least one written matter, which consists of a claim under DOD Hotline Claim No. [REDACTED]. The specific information that [REDACTED] would like to obtain includes, but is not limited to, the following:

- All records and documents relating in any way to [REDACTED] arrest in Baghdad, Iraq;
- All records and documents relating in any way to the transportation of [REDACTED] to Bucca camp;
- All records and documents relating in any way to the materials, papers, and other effects taken from [REDACTED] hotel room in Baghdad;
- All records and documents relating in any way to any materials, papers, and other effects taken from [REDACTED] person;
- All records and documents relating in any way to [REDACTED] incarceration in Bucca Camp;
- A copy of DOD Hotline Claim No. [REDACTED] and any materials and documents related thereto;
- A copy of all records or other materials relating to any contacts between [REDACTED] and military and civilian personnel of the United States not covered in the previous requests;
- A copy of all documents and other materials relating to contracts and other understandings between the United States and CACI, Inc., or any of its affiliates.

Finally, [REDACTED] has reminded me that a [REDACTED] is in a position to verify [REDACTED] presence in Bucca camp during the period mentioned.

I appreciate your attention to these matters. If I should seek these and other materials through another vehicle (such as a formal request under the Freedom of Information Act), please let me know.

Please let me know if you have any questions.

Very truly yours,  
[REDACTED]  
[REDACTED]  
[REDACTED]

Attorney for [REDACTED]

cc: [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

June 15, 2004

Via First Class Mail

[REDACTED]  
Chief, Foreign Torts Branch  
DEPARTMENT OF THE ARMY  
U.S. Army Claims Service  
Office of the Judge Advocate General  
4411 Llewellyn Avenue  
Fort George G. Meade, MD 20755-5360

Re: Claim of [REDACTED] 04-C01-T064

Dear [REDACTED]

Thank you for your letter of June 3. After consulting with my client we are offering the following information in response.

First, thank you for the information regarding the replacement of [REDACTED] "Green Card." We will be following up on this issue.

Second, we have filed Freedom of Information Act requests with both the Army and the Department of Defense; any information we gather through that process that is relevant to your inquiry we will share with your office.

Regarding an interview, at present [REDACTED] has not completely recovered from his ordeal and therefore it may be more convenient to interview him in Saudi Arabia. Of course, I would like to be present in such a situation and therefore I would appreciate the opportunity to work out a mutually convenient time for such an interview.

Turning to the issue of liability for certain actions, quite frankly the issue of tortfeasors acting within the scope of their authority is somewhat problematic. In your letter you note, "Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone." We recognize that the actions must be within the "scope of employment" to be cognizable under the Military Claims Act. Obviously, had [REDACTED] been simply arrested and detained – had the military personnel done only what they have traditionally done with prisoners of war during armed conflicts – he would have no claim. The Military Claims Act, however, is apparently premised upon the notion that prisoners of war will not suffer the loss of their property or personal injury in the hands of their

[REDACTED]

[REDACTED]  
June 15, 2004

Page 2

captors. See 10 U.S.C. § 2733(a). The Iraq war – and, indeed, the “War on Terror” – have led to new scopes of duty for soldiers that assume soldiers in charge of prisoners or war will engage in conduct that causes personal injury. For example, recently Attorney General Ashcroft indicated that activities that appear clearly to be “torture” under the Geneva Conventions are legitimate interrogation techniques under American law; such techniques clearly cause – indeed, are intended to cause – personal injury. Moreover, I understand that some have argued that the President, as Commander in Chief, is not bound by statutes or treaties during wartime; those statutes and treaties generally ban personal injury during interrogation. Furthermore, in the instant case there is increasing evidence in the public media to the effect that those abusing Iraqi prisoners of war were doing so at the command of their superiors; just today the United Press syndicate carried an article regarding General Karpinski which contained the following opening paragraph: “The U.S. Army general suspended after prisoner abuse was revealed at a Baghdad prison says she was ordered to treat prisoners like dogs.” One who is obeying a superior’s orders clearly must be operating “within the scope of his employment.” In sum, it appears that the depredations visited upon [REDACTED] are clearly within the ambit of the Military Claims Act.

Addressing a detail for the claim, I am attaching a listing of losses that covers both property and personal injury. This is intended to provide additional detail to the statements in the initial notice of claim. Regarding the \$118,900 that was taken from [REDACTED] room at the Sheraton, he is able to demonstrate that he received that money from Garmin International prior to his departure to Iraq and that he did not have the money on him when he was arrested by First Lieutenant [REDACTED].

Regarding Rights and Freedom International, I am attaching a fax I received from that office this morning. If you require additional information in this vein, please let me know.

Finally, I want to thank you for your efforts in this regard. I look forward to working with you to achieve a just conclusion.

Very truly yours,  
[REDACTED]

Enclosures  
cc: Client

[REDACTED]  
Detailed Inventory of Losses

Items Taken from [REDACTED]

US\$118,900 in cash upon arrest in Baghdad by [REDACTED] and [REDACTED]

Several official Iraqi governmental documents and letters, estimated replacement cost/value \$5,000

Several photographs of Iraqi officials and some of the National Folklore Company, estimated replacement cost/value \$1,000

Canon Camera with the roll of film – estimated replacement cost/value \$300

Toshiba notebook computer, estimated replacement cost/value \$1,000

Data in Toshiba notebook computer, estimated replacement cost/value \$5,000

Valid Canadian passport, estimated cost of replacement cost/value \$200

Two voided Canadian Passports (no value)

Egyptian passport, estimated replacement cost/value \$200

Three Japanese saving account bank books, total lost value of deposits, \$1,000

Two Taiwanese saving account bank books, total lost value of deposits, \$300

Three Egyptian bank account books (no value)

Casio address book organizer and contents, replacement cost/value \$85.

Clothes, replacement cost/value \$500

Hotel room key taken out of pocket (no value)

Hotel ID card (no value)

Canadian citizenship card, replacement cost/value \$100

Wallet, replacement cost/value \$20

Canadian social insurance card (no value)

US social security card (no value)

US "Green Card" (INS certificate), replacement cost/value \$250

Florida drivers license (no value)

Bank of Montreal ATM card (no value)  
Airline reservation voucher and used tickets (no value)  
Business contacts cards data, replacement cost/value \$ 3,000  
Iraqi visa and official letters (no value)  
Transcript of health book, replacement cost/value \$ 2,000  
Private pilot's license (US) (no value)  
Aircraft and power plant license (US) (no value)  
Aircraft Maintenance Engineer License (Canada) (no value)  
Pilot log book (no value)  
Pulse Generator (a German invention), replacement cost/value \$5,000  
Engineering degree transcript, replacement cost/value \$200  
Egyptian military service exemption, replacement cost/value \$ 200  
Birth certificate, replacement cost/value \$100

Economic Losses Consequent to Arrest, Incarceration, and Abuse/Torture

Forfeited deposit with ██████████ of Florida in the amount of \$13,593.36 because of disability (unable to pursue and refund denied); loss of \$13,593.36  
Loss from sale of Garmin International distributorship for \$100,000 when fair market value was equal to \$250,000; net loss of \$150,000

Short-term Medical Problems

Pain, suffering, humiliation caused by torture and abuse at Bucca Camp, \$25,000

Long-term (Continuing) Medical Problems

Glaucoma – deterioration of condition caused by withholding of medication. Because treatment was withheld, ██████████ now must use three medical eye drops instead of the previous one. When medications fail, surgery will be required which will be effective for only a year or so. Enhanced likelihood of blindness. Proposed settlement: Have United States undertake responsibility for future medical costs of treating glaucoma

Depression – unknown long-term effects. Proposed settlement: Have United States undertake responsibility for future treatment for depression and post-traumatic disorders

Loss of income due to medical disability, \$50,000 per year

Pain and suffering, \$300,000



# Rights and Freedom International

Phone: 1-888- [REDACTED] (toll free USA and Canada)

Saudi Arabia: [REDACTED]

June 15, 2004

To Whom It May Concern

Rights and Freedom International is a peace organization registered in the county of Los Angeles California whose purpose is trying to help solving international disputes in a peaceful and non violent manner.

Out of that belief [REDACTED] went to Iraq to convince the Iraqi government to step down to comply with the United States Administration desire, so a destructive war could be avoided saving lives and money.

[REDACTED] went to Iraq on January 2003 to negotiate that matter with the highest level of the Iraqi government he could achieve.

Thanks & Best Regards  
Secretary

[REDACTED]



DEPARTMENT OF THE ARMY  
U.S. ARMY CLAIMS SERVICE  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
4411 LLEWELLYN AVENUE  
FORT GEORGE G. MEADE, MARYLAND 20755-5360



May 5, 2004

Foreign Torts Branch

Subject: Claim of [REDACTED], 04-C01-T064

[REDACTED]

Dear Mr. [REDACTED]

This letter acknowledges receipt on May 3, 2004, of the Standard Form (SF) 95 claim form and accompanying documents you submitted related to the above-captioned claim of your client, [REDACTED], against the United States in the amount of \$350,000. The claim alleges that United States military personnel in Iraq mistreated and tortured your client after his arrest in Baghdad, Iraq, from April 9 to May 15, 2003.

This Service will consider your client's claim under the Military Claims Act (MCA), Title 10, United States Code, Section 2733, as he is a resident of the United States and the claim arose in Iraq. The Federal Tort Claims Act excludes claims arising outside the United States. Title 28, United States Code, Section 2680(k).

The following information is provided concerning the MCA:

- a. The Act is a purely administrative remedy; no judicial remedy is available under the Act. Unfavorable action on the claim may be appealed to higher authority.
- b. Attorney fees are limited to 20 percent of any settlement and are paid by the claimant out of the settlement.
- c. The claims investigation will be informal. There are no depositions or other formal discovery procedures required or followed under the Act. I will contact you concerning the specifics of the investigation.

The law requires that a claimant sign the claim or provide written authority for someone else to sign on his behalf. I am enclosing a standard form (SF) 95 for your use. Please complete the

relevant portions of the form and have your client sign the SF 95 where indicated. Alternatively, please provide a signed authorization from your client for you or someone else to sign the claim form on his behalf.

The MCA requires that the alleged Government tortfeasors be acting within the scope of their authority when they cause injury to a claimant. Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone. Please explain why you believe that that conduct falls within the coverage of the MCA. Additionally, please provide a written statement from your client explaining the details of his claim. Besides the factual basis of the allegations, please have him explain and itemize the claimed damages, including the \$118,900 in cash he claims was lost. Please include a statement from Rights and Freedom International concerning your client's presence and activities in Iraq.

If you have any questions, you may contact me at [REDACTED], extension [REDACTED]. Please refer to your claim number in all correspondence.

Sincerely,

[REDACTED]  
Attorney Advisor  
Foreign Torts Branch



DEPARTMENT OF THE ARMY  
U.S. ARMY CLAIMS SERVICE  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
4411 LLEWELLYN AVENUE  
FORT GEORGE G. MEADE, MARYLAND 20755-5360



June 3, 2004

Foreign Torts Branch

Subject: Claim of Hossam Shaltout, 04-C01-T064

[REDACTED]

Dear Mr. [REDACTED]

I am in receipt of both your May 10, 2004 and May 20, 2004 letters. I will address issues in both letters:

According to the US Immigration and Customs Enforcement Office, your client can request a replacement for his Permanent Resident Card by submitting a completed form I-90. The replacement process is sometimes a long wait, however, the submission of the request form generates file-stamped paperwork that will suffice as proof of his residency for any travel he needs to accomplish in the interim. I hope that this information proves helpful for [REDACTED]

You requested assistance in obtaining information in various files for [REDACTED]. I do not have any of the documents that you have requested. As this is an administrative process, this Service is not in the position to obtain those documents for you. We are not the custodian of any of these records. As you indicated in your letter of May 10, 2004, I would suggest you draft a Freedom of Information Act (FOIA) request to the custodians of those various records in order to obtain them.

We are going to need to interview your client. As he is still in Saudi, there are some logistical issues we are going to have to work through – obviously, if he is able to request a replacement Permanent Resident Card and obtain the file stamped paperwork, he can come to the United States and we'll interview him here. Alternatively, we'll have to have personnel interview him in Saudi. Please keep me posted about his status.

Also, as we indicated in our acknowledgement letter to you, the MCA requires that the alleged Government tortfeasors be acting within the scope of their authority when they cause

injury to a claimant. Some of the conduct you allege occurred appears to be clearly outside the scope of duty required of a military member to arrest and detain someone. Please explain why you believe that that conduct falls within the coverage of the MCA. Additionally, please provide a written statement from your client explaining the details of his claim. Besides the factual basis of the allegations, please have him explain and itemize the claimed damages, including the \$118,900 in cash he claims was lost. You provided an email from CID which indicated they were unable to prove the loss of the property. I need some type of receipt or proof for the items that he is claiming.

Also, you provided a photo copy of the Rights and Freedom International newspaper advertisement. I need a statement from the organization which explains your client's presence and activities in Iraq.

If you have any questions, you may contact me at [REDACTED] extension [REDACTED]. Please refer to your claim number in all correspondence.

Sincerely,

[REDACTED]  
Lieutenant Colonel, US Army  
Chief, Foreign Torts Branch