



MOD-83-0000409-A

In the name of Allah

To/The Office of Compensation (Iraq/UK/MOD)

Multinational Forces' Command – South East of Basra International Airport

Subject/Compensation Proceeding Number 2963

Appellant/Solicitor TareqYaseen Al Ibreseem, Representative of AbdulHassan,
Father of the Murder Victim Ali Salam AbdulHassan Ref. power of attorney No. 598
dated 17/01/2008 issued by the notary public of Basra

Appeals

The British Forces had engaged in military activities in the area of Qibla/
AlMuhandiseen in Basra dated 10/04/2007. These activities were accompanied by
random firing against unknown militias, This incident resulted in injuring and killing a
number of innocent civilians in the area of operations which is a residential area
densely populated by civilians three of whom were killed including the son of my
client (Al Salam AbdulHassan Nasser) who was 18 years old and a high school
student in AlAkrameen evening school and who worked daytime at car vetting
station. He left his workplace and tried to evade the random shooting by British
Forces, therefore, heading towards the house of his aunt which was close to where
he worked. The tank that happened to be behind him allowed him to carry on
because he was an unarmed civilian. However, the tank that was situated in a
branch road fired at him unjustifiably hitting him in the head just above left eyebrow.
He died instantly. The incident shook the elitists as well as the public opinion
violently as his father was a member of [REDACTED] in
Basra. His mother had a nervous breakdown while the father was frustrated and
heartbroken as a result of the tragedy.

Following the investigation at AlQibla Police Station as well as AlAshaarInvestigative
Court/2 where the statements of the claimants of personal rights were noted down.
Those were his parents and brothers. They demanded compensation for the material
as well as the moral damage inflicted on them, and they also demanded for the
perpetrators to stand trial before British courts. The statement of the legal
representative of Basra Police Department was also noted, and the south office of
the Ministry of Human Rights as well as the office of the Multinational Forces in
Basra were provided with the investigation documents duly authenticated via the
liaison officer at Basra Governorate Police Station. The body was handed over
according to death certificate no. 38000 fated 10/04/2007 showing the cause of
death as (gunshot).

My client demanded compensation in accordance with the proceeding no. 2963 at
the Office of Compensation (Iraq/UK/MOD). He was given a reference card including

the postal address and the electronic address of the Office of Compensation and the proceeding above number. On 06/11/2007, my client was informed via an electronic message the content of which was that the case had been rejected by the Ministry of Defence in London, and that he could consult a solicitor for legal advice. Following the power of attorney, we provide this report that includes an appeal of the decision that rejected his claim. Because the rejection decision disregarded the rights of my client and violated the laws and traditions of war, stipulated in the Geneva Conventions, especially Convention Four dated 12/08/1949 and the additional protocols attached to it regarding protection of civilians in times of conflict. We would like to point out the reason for the appeals as follows:

First: the British Forces launched a military operation to chase some armed men on 10/04/2007 in a random way that led to killing three innocent civilians among them was the son of my client (Ali) by random shooting. The Iraqi Akhbaar Newspaper issued in Basra mentioned that in its issue No. 173 on 16/04/2007. It said that (three citizens have been martyred in random shelling after an engagement between the British Forces and unknown militias in the area of AlQibla). Since this is considered to be a random attack in violation of Geneva Convention Four and its first protocol annex added in Chapter Four thereof (including) civilian residents first chapter of Article (48) basic rule/distinguishing between civilian residents and fighters and between civilian individuals and military targets. Since the victim is a civilian individual in accordance with Article (50) defining civilian individuals and civilian residents in the first protocol annex added to Geneva Convention. And since the British Forces on the day of the incident violated Article (51) of the protocol annex added to its paragraph, Paragraph (1, 2, 3, 4, 5), and since Paragraph (5) states the following, the subsequent attacks among others are considered to be random attacks:

- a. Attack by bombs in whatever way or method which deals with a number of clear military targets in terms of distance and distinction one from the other which are located in a city, township, village, or area with a density of civilians and civilian individuals as if they were one military target.
- b. And the attack which is expected to cause loss of civilian lives or injuring them or inflicting damage on civilian individuals (sic). Or create confusion as to these losses and damages so excessive that it goes beyond what is expected for that attack to result in in terms of any concrete military advantage. Paragraph (6) mentions (deterrent attacks against civilian residents or civilian persons are banned). The British Forces also violated Article (51) of the first additional protocol to the Geneva Conventions with regards to protecting victims of armed international conflicts. Article (51) stipulated the following:

1. (Civilian residents and civilian individuals are protected generally against the risks of military operations).

2. (Civilian residents as such as well as civilian individuals cannot be targeted by attacks, all acts of violence or their causes that aim basically at spreading terror among civilian residents).
3. (Civilian individuals enjoy the protection available to them by this section unless they are directly involved in hostilities all the time in which they play this role).
4. (Random attacks are banned, and they are considered as random attacks:
 - a. That which are not directed at a specific military target.
 - b. Or those which use a method of fighting the impact of which cannot be accounted for in such a way as required by this protocol and which may in every situation hit military targets as well as civilian individuals or civilian (illegible) indistinctly.

Since the British Forces carried out random attacks in civilian populated areas and killed three citizens indistinctly, that represents flagrant violation of the Geneva Convention Four and the additional first protocol annexed to it, and that violation requires compensation for their unjustified actions which caused severe damages to the civilian population.

Secondly, the British Forces ignored the rights and demands of my client and his family in prosecuting British soldiers who executed the random attacks and who are responsible for the killing of the son of my client (claimant of personal right) ignoring and abstaining from consideration of compensating the victim's family for material and moral damage inflicted on them as a result of losing their son who was working to sustain his poor family even though he was an evening middle school student.

Thirdly, the investigation documents submitted to the Compensation Office included verbale et al by AIQibla Police Station and the Investigative Court of AlAshaar/2 as well as witness statements and statements by claimants of personal right of the victim's family proving that the British Forces carried out random attacks in populated areas, and since these forces had a responsibility to protect civilians and prevent damages to them, that makes them responsible for bringing the soldiers who violated the Geneva Convention Four of 12/08/1949 and also the additional two protocols annexed to it to trial. On the basis of the above we demand the following:

1. Prosecuting the British soldiers who killed (Ali Salam AbdulHussain Nasser) son of my client who (was) an innocent civilian individual without any connection to any armed involvement (and considering) this attack as being random.

2. Pay due compensation for the material damages to the family of the murder victim who lost a person in his early youth, and we demand compensation for the moral damage to the family who are still suffering from sadness, deep grief, pain, and tragedy for losing him. We estimate the material and moral compensation demanded at a million dollars to be paid to the father and mother and brothers.
3. In the case of ignoring our demand of a compensation, we will continue to chase the perpetrators to be brought to trial at British courts who are known for their (good) reputation and justice based on the rules of International Law regarding protection of civilians during war and occupation, and also based on the Geneva Conventions and the additional annexes and in particular Articles (48, 49/1, 2, 3, 4) in addition to the international committing agreements and the rules of International Law regarding protection of individuals and civilian (illegible) on land and in sea against hostilities.

With best regards...

Solicitor

TareqYaseen Al Ibreseen

Representative of the father of the victim the claimant of personal right Salam
AbdulHassan Nasser

In accordance with the power of attorney no. 598 dated 17/01/2008

Issued by the notary public in Basra