



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

SEP 15 2004

MEMORANDUM FOR THE SECRETARY OF THE ARMY

SUBJECT: Processing of Claims by Iraqi Detainees Based on Allegations of Personal Injury/Abuse and Mistreatment

The U.S. Army has claims responsibility in Iraq. Because of the sensitivity of allegations of personal injury/abuse and mistreatment by Iraqi detainees, particularly at Abu Ghraib prison, I ask that the Secretary of the Army review all claims based on such allegations and act on them in his discretion.

Prior to this review, such claims will be investigated by a foreign claims commission under the Foreign Claims Act, 10 U.S.C. 2734, or investigated under other applicable claims statutes. The report of investigation will include a thorough analysis of whether the claim is cognizable under the Foreign Claims Act or other claims statutes, whether the claimant is a proper claimant under the Foreign Claims Act or other claims statutes, and a recommendation regarding an appropriate amount of compensation, if any.

The report of the foreign claims commission, or investigation under other applicable claims statutes, should be forwarded to the Secretary of the Army. If it is concluded that the claim is not payable under the Foreign Claims Act or other claims statutes, the Secretary of the Army will identify alternative authorities under which compensation could be provided and either take such action in appropriate cases or forward the claim to the Deputy Secretary of Defense via the General Counsel of the Department of Defense with a recommendation whether such payment is appropriate.

Copy to:
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