



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
TORT CLAIMS UNIT NORFOLK  
9620 MARYLAND AVENUE SUITE 100  
NORFOLK VA 23511-2989

IN REPLY REFER TO

5890  
Ser J081786  
July 8, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

PARDISS KEBRIAIEI ESQ  
CENTER FOR CONSTITUTIONAL RIGHTS  
666 BROADWAY SEVENTH FLOOR  
NEW YORK NY 10012

Dear Attorney Kebriaei:

SUBJECT: FEDERAL TORT CLAIMS ACT CLAIM ON BEHALF OF ALI ABDULLA  
ALI; OUR FILE NO. J081786

This responds to the above captioned claim filed in the amount of \$5,005,000 against the Department of Defense pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, 2671-2680. The claim arises from the June 10, 2006 death of Salah Al-Salami, occurring at the United States Naval Station at Guantanamo Bay, Cuba, while he was detained as an enemy combatant.

The FTCA provides recovery for torts occurring within the United States. Case law has held that the foreign country exception to the FTCA, 28 U.S.C. 2680(k), applies to claims arising at Naval Station, Guantanamo Bay, Cuba. See Bird v. United States, 923 F. Supp. 338 (D. Conn. 1996); Colon v. United States, 1982 U.S. Dist. LEXIS 16071 (S.D.N.Y. 1982). Furthermore, the United States Supreme Court has held that the foreign country exception bars claims in which the harm occurs in a foreign country, regardless of where the alleged act or omission occurred. See Sosa v. Alvarez-Machain, et al., 542 U.S. 692 (2004). Accordingly, this claim is denied.

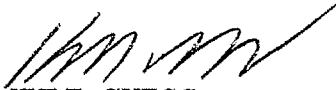
If your client disagrees with this action, he must file suit in the appropriate United States District Court within six

Exhibit D  
1:09-CV-00028 ESH

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months of the mailing of this letter. If you have any questions regarding this letter, please contact the undersigned at (757) 444-5341.

Sincerely,



KYLE GUESS  
Tort Claims Attorney