

I was watching to see what he had in his right hand cause his thumb was still up on his chest. Then he dropped his arm and was about to throw something. I said he's throwing something. I took my eyes off the sight put it on fire and when I heard 3 rounds. I looked back and he's down. I called my wing gunner and told him to watch for the other 2 men. Don't let them shoot in my ass. The gunner said I got you brother. I thought we was getting backed into an ambush. I turned my sights on him and he got up and walked. He fell and got up again. I said he might need help but I don't know what he have on him. The TC called; + up and we scanned around for possible ambush.

NOTHING FOLLOWS

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of April, 2005, at [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

1LT [REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is CDCSOPS

LOCATION [REDACTED]	DATE 22 APR 05	TIME 1045 hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SFC/ACTIVE
ORGANIZATION OR ADDRESS B 3d YR ACR 2nd PLATOON			
I, <u>SFC [REDACTED]</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 19 APR 05 AT OR ABOUT 2830 hrs WE MOVED FROM [REDACTED] HEADED NORTH ON RTE [REDACTED] TOWARDS [REDACTED] AT [REDACTED]. AS WE MOVED NORTH MY GUNNER WAS SCANNING THE SIDE OF [REDACTED] TO LOCATE AREA OF MOSQUE. A MAN APPROACHED US AS HE WAS WALKING DOWN THE SOUTH BOUND LANE, THE SAME LANE WE WERE HEADED NORTH IN. AS OUR HEADLIGHTS CAUGHT HIM SO WE COULD SEE HIM, HE WALKED INTO THE PATH OF THE TANK AND TOWARD THE TANK. I AS TANK COMMANDER ASKED MY DRIVER TO SLOW DOWN AND HE DID. MY LOADER TRIED TO MOVE THE MAN TO THE SIDE OF THE ROAD AND YEELLED FOR HIM TO GET OUT OF THE WAY. THE MAN CONTINUED TO APPROACH AND WOULD NOT YIELD. WE COULD NOT SEE WHAT THE MAN HAD IN HIS HAND AS IT WAS CLINCHED CLOSED AND HE HELD IT TO HIS CHEST. MY IMMEDIATE REACTION WAS THAT HE MAY HAVE A SUICIDE VEST ON, HIS UPPER BODY APPEARED TO BE PULSED BUT I COULD NOT BE SURE. AS THE MAN APPROACHED THE TANK AND WAS PROBABLY 10 TO 15 METERS AWAY I COMMANDED MY DRIVER TO BACK UP WHICH HE DID. THE MAN CONTINUED TO WALK IN OUR DIRECTION. BEFORE WE MOVED MY LOADER SFC [REDACTED] YELLED IN BOTH ENGLISH AND ARABIC TO STOP OR I WILL SHOOT. TWICE IN ARABIC AND ONCE IN ENGLISH. AS WE BACKED THE MAN CONTINUED AND I AUTHORIZED WARNING SHOTS. THE SHOTS LANDED ON THE LEFT SIDE OF THE MAN'S FEET. THESE SHOTS DID NOT PHASE THE MAN, WE WERE CONCERNED THAT HE WAS WALKING US INTO AN IED OR AMBUSH. THE FIRST WARNING SHOT WAS FIRED; WE OBSERVED HIS REACTION, HE JUST CONTINUED TOWARD US. A FEW SECONDS LATER THE SECOND WARNING SHOT WAS FIRED. THIS MADE THE MAN WALK FASTER AND AGAIN RIGHT INTO THE PATH OF OUR TANK. STILL BACKING UP AND TRYING TO KEEP MY TANK ON THE ROAD AND EYES OUT FOR AN IED OR AMBUSH, WE CAUGHT A GLIMPSE OF THE MAN ACTING AS IF HE WERE GOING TO THROW SOMETHING AS HE MOVED HIS CLINCHED HAND AND MOVED IT IN A THROWING MOTION. WHEN I SAY WE I MEAN MYSELF AND THE TC, SGT [REDACTED] AND [REDACTED].			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USARPC V2.00

014:000001 (Continued)
The Gunner, SFC [REDACTED] as the Leader and PFC [REDACTED] as my driver. At this time my Gunner Sgt [REDACTED] who watched the entire incident in his Thermal Sight's announced that he was going to throw something, that someone was cleared by my leader and at that time SFC [REDACTED] fired 3 shots, 1 Aiming shot at the chest and two Phatic Rounds which hit nothing. The man after being shot continued to walk toward the tank for about 5 seconds until he went to the ground. At that time I moved the tank back about 50 meters so we would have stand off. My Gunner continued to scan the area for more bad guys and I called [REDACTED] for assistance. The man got up and walked to the side of the road and went down again. I called a 9-line Medic as [REDACTED] secured the rest of the area and Medics applied 1st Aid To The Man. He was Air Evaced shortly after. END OF STATEMENT

_____ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR _____

WITNESSES [REDACTED]

[REDACTED]

DEPT 1201 RILEY AVE. S.W. ALBANY, N.Y.

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

(Typed Name of Person Administering Oath)

Authority To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USASPC V2.01

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Directly South of [REDACTED]	DATE 28 April 2005	TIME Approx 2345	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-4 SPC	
ORGANIZATION OR ADDRESS D Co 2 ACR attached to ADA BTR 2 Vn ACR			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 19th of April 2005, approx 2345 hrs, tank w/ bumper # D24 was heading north on MSR [REDACTED], heading to the refuel site, at [REDACTED]. SPC [REDACTED] was TCing, SPC [REDACTED], myself, was the loader, SGT [REDACTED] as gunner, and PVT [REDACTED] as driver. The gunner noticed several people through the thermal viewing system underneath the bridge and around the mosque. As we came closer, the gunner lost sight of the three men. As we are still heading North, we see a man on the side of the road heading southbound. We stop the tank in the middle of the street, and both the TC and myself told the driver to backup. He starts backing up slowly, but the man starts walking in the middle of the street, toward us! He is very close at this point, about 25-35 meters. I scream "Angoff! Angoff! Tara someone!" He doesn't respond and just keeps walking toward us, as we back up.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

I tell the tank commander I am going to fire a warning shot. I take careful aim, and put a round about three feet to his left foot. He keeps walking, but seems to pickup his pace toward us. I fire another shot at his feet and he doesn't even flinch. He picks up his pace. The whole time this is happening, he has his right hand up, and his thumb extended, fist clenched. It looks as if he has a black object in his hand. I tell the TC, "He might be backing us on to an ambush or IED." At that point, we are still backing up, he is still approaching, and I hear the gunner yell, "he's throwing something!!" Before he gets the whole sentence out, I see him wind up like he has a baseball or something. We are only about ^{20 or} 25 meters away at this point, I did not want him to get the grenade off, so w/out hesitating, I very quickly aim centermass, and let off three shots. I saw him barely flinch, he stopped coming toward us, I put my M4 on safe. The man walks to the side of the road and collapses. I pickup my scan of the rear left, and my TC calls the 9-line Medevac.

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ 19____
at _____

(Signature of Person Administering Oath)

127 _____
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

USAPRC V200

SELECT ROE CARD

1. On order, enemy military and paramilitary forces are declared hostile and may be attacked subject to the following instructions:

a. Positive identification (PID) is required prior to engagement. PID is a reasonable certainty that the proposed target is a legitimate military target. If no PID, contact your next higher commander for decision.

b. Do not engage anyone who has surrendered or is out of battle due to sickness or wounds.

c. Do not target or strike any of the following except in self defense to protect yourself, your unit, friendly forces, and designated persons or property under your control:

- Civilians
- Hospitals, mosques, churches, shrines, schools, magazines, national monuments, and any other historical and cultural sites

d. Do not fire into civilian populated areas or buildings unless the enemy is using them for military purposes or it necessary for your self defense. Minimize collateral damage.

e. Do not target enemy infrastructure works, commercial communication facilities, dams, levees, communication lines, highways, bridges, railways, and electronic objects (conventional weapons facilities, etc.) unless necessary for self defense or if ordered by your commander. If you must fire on these objects in single a hostile force, disable and attempt to avoid destruction of these objects, if possible.

SELECT RULES FOR USE OF FORCE

NOTHING IN THESE RULES LIMITS YOUR INHERENT AUTHORITY AND OBLIGATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF, YOUR UNIT, AND OTHER US FORCES.

1. HOSTILE FORCES: No forces have been declared hostile.

2. HOSTILE ACTORS: You may engage persons who commit hostile acts or show hostile intent with the minimum force necessary to counter the hostile act or demonstrated hostile intent and to protect US Forces.

3. HOSTILE ACT: An attack or other use of force against US Forces or the threat of force that directly jeopardizes the mission of US Forces.

4. HOSTILE INTENT: The threat of imminent use of force against US Forces or the threat of force to jeopardize the mission of US Forces.

5. You may use force, up to and including deadly force, against hostile actors.

a. In self defense.

b. In defense of your unit, or other US Forces.

c. To prevent the death, damage, or destruction of persons, equipment, supplies, or property designated by your Commander as vital to national security. (Protect other property whenever this deadly force.)

UNCLASSIFIED as of 01/20/02 NOW 03

CELOC ROE CARD

2. The use of force, including deadly force, is authorized to protect the following:

- Yourself, your unit, and friendly forces.
- Enemy Prisoners of War.
- Civilians from crimes that are likely to cause death or serious bodily harm, such as murder or rape.
- Designated military sector property, such as personnel of the Red Cross/Crescent, UN, and UNHCR supported organizations.

3. Treat all civilians and their property with respect and dignity. Do not seize civilian property, including vehicles, unless you have the permission of a commanding level commander and you give a receipt to the property's owner.

4. Detain civilians if they interfere with mission accomplishment or if required by self-defense.

5. CELOCOM Cleared Order No. 1A remains in effect. Looting and the taking of war trophies are prohibited.

REMEMBER

- Attack enemy forces and military targets.
- Spare civilians and civilian property, if possible.
- Conduct yourself with dignity and honor.
- Comply with the Law of War. If you are a witness, report it.

These ROE will remain in effect until your commander orders you to transition to post-hostilities ROE.

AS OF 311530Z JAN 03

CELOC RULES FOR USE OF FORCE

NOTHING IN THESE RULES LIMITS YOUR INHERENT AUTHORITY AND OBLIGATION TO ENGAGE NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF, YOUR UNIT, AND OTHER US FORCES.

4. ESCALATION OF FORCE: When possible, use the minimum degrees of force against hostile actors.

5. CELOC will warn you in "HEAT" or "HOT" (imminent) combat.

6. CELOC, if necessary, will advise you of status.

7. CELOC will warn you and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(1) Fire only if fired upon. NO WARNING SHOTS.

(2) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(3) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(4) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(5) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(6) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(7) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(8) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(9) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

(10) Fire only if fired upon and attempt to avoid to use a force or to protect designated property, if YOU MUST FIGHT.

UNCLASSIFIED As of 011500Z NOV 03

SQUADRON POCKET CARD FOR REPORTS:

Blue 2

Line 1: Unit reporting
Line 2: Incident
Line 3: DTG of incident
Line 4: Location of incident
Line 5: Name, rank, unit, SSN, sex, age &
race of personnel involved
Line 6: Summary of incident
Line 7: Damage to government and/or
civilian property
Line 8: BDA (# fatalities; # injuries;
weapons systems involved)

SIR

Line 1: Date & Time
Line 2: Unit
Line 3: Category
Line 4: Type
Line 5: Time of incident
Line 6: Location
Line 7: Personnel
 a. Subject
 b. Victim
Line 8: Summary
Line 9: Publicity
Line 10: Commander
Line 11: POC
Line 12: Downgrade
Line 13: Narrative
Line 14: Authentication

Enclosure 1