I was watching to see what he had in his right hand cause his hand was still up on his chest. He then dropped his arm and was about to throw something. I said his throwing something. I took my eyes off the sight but it was on fire and when I heard a 3 rounds. I looked back and I saw his down. I called my wing gunner and told him to watch for the other men. Don't let them shoot in my ass. The gunner said I got you brother. I thought w o was getting back 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. He made it up and we scanned around for possible ambush.

NOTHING FOLLOWS

STATEMENT (Continued)
SWORN STATEMENT

For use of this form, see AR 190-4. The proponent agency is ODCSOPS.

LOCATION:

DATE: 20 APR 05

TIME: 1045 HRS

FILE NUMBER: 

LAST NAME, FIRST NAME, MIDDLE NAME:

SOCIAL SECURITY NUMBER:

GRADE/STATUS:

FILE NUMBER:

ORGANIZATION OR ADDRESS:

Dps 2c Afg 2nd Platoon

I, DCI, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 19TH OF APR, AT ABOUT 2330 HRS, WE MOVED FROM [REDACTED] TO [REDACTED] TOWARDS [REDACTED]. AS WE MOVED, MY DRIVER'S VIEW WAS BLOCKED. TURNING INTO [REDACTED], WE SITE AT [REDACTED]. WE WERE Probing the South Board lane, at the same lane we were headed north in, as our headlights swept him so we could see him, he walked into the path of the tank and toward the tank. I at this command, ordered my driver to slow down and he did. My leader told me to spin the man to the side of the road, and called for him to get out of the way. He man continued to approach and would not yield. My immediate action was that the man may have a grenade vest on, his upper body appeared to be peeled 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 leader [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 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, I was concerned his reaction, he just continued towards 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, ended up for an IED at [REDACTED]. We caught a glimpse of the man acting as if he were going to throw something as he moved his clenched hand and moved it in a throwing motion. When I say we I mean myself and the rest of us.

EXHIBIT:

INITIALS OF PERSON MAKING STATEMENT:

PAGE 1 OF [REDACTED] PAGES

ADDITIONAL PAGES MUST CONTAIN THE壯RING "STATEMENT OF ___ TAKEN AT ___ DATE ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE IN THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIATED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE USED, 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.

US Army V3.00

16061
The Gunner, Sgt. [redacted], was watching the entire incident in his thermal sights. At this time my Gunner sat [redacted] and was [redacted] as my driver. At this time my Gunner sat [redacted] and was watching the entire incident in his thermal sights. He announced that he was going to throw something, that the suspect was [redacted] by my Gunner and that two of us fired 3 shots; I aimed my gun at the chest and fired two shots which hit nothing. The man after being shot continued to walk toward the trunk for about 5 seconds until he went to the ground. At that time I moved the trunk back about 50 meters so we could 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] and the rest of the crew, and Medics arrived at the scene. The man was air evaced shortly after.

END OF STATEMENT.

AFFIDAVIT

I, [redacted], have read or have had read to me this statement, which begins on page [redacted] and ends on page [redacted]. 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 duress.

(Signature of Person Making Statement)

WITNESSES

K. [redacted] [redacted]

ORGANIZATION OR ADDRESS

(Format: Name of Person Administering Oath)

K. [redacted] [redacted]

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 8 PAGES

16062
On the 19th of April 2005, approx 2345 hrs, tank 124 was heading north on MSR 106, heading to the refuel site, at 2034 hrs, TC Spc was teaching Spc 42445) himself, was the leader, Spc 42445 as gunner, and Pvt 46 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 were still heading north, we see the a man on the side of middle of street, and both the TC and myself told the driver to backup. He starts backing up slowly, but the man very close to this point, about 25-35 meters, I scream "Augaft! Augaft! Augaft!" He doesn't respond and just keeps walking toward us as we back up.
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 pick up 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 25 meters away at this point, I did not want him to get the grenade off, so w/o hesitation, I very quickly aim cursor, 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 pick up 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 inducement.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of , 20__

(At)

(Signature of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

(Initials of Person Administering Oath)
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