

EXHIBIT E

AFFIDAVIT OF DANIEL BRIEHL

Owens v. Taliban a/k/a Islamic Emirate of Afghanistan, 22-cv-1949 (VEC)

1. **When the US Embassy in Nairobi, Kenya, was attacked by terrorists on August 7, 1998, I was serving as a US Marine Security Guard (MSG) for the embassy. As an MSG, my responsibilities were to provide armed internal security to US citizens and US government property on Diplomatic Facilities and prevent the compromise of classified information and equipment vital to national security.**
2. I was off-duty at the time of the bombing, but I was at the embassy that morning with two other MSGs. We were getting ready to take a day trip, and one of the MSGs needed to pick something up from the embassy before we left town. We parked in front of the embassy, and the MSG went inside. I and the other MSG were still waiting for him when we heard the sound of gunfire. Sensing what was about to happen, we scrambled out of the vehicle and crawled under it right as the blast occurred. I watched pieces of the building fly towards us. The whole explosion seemed like a movie scene as it was almost in slow motion.
3. After the debris stopped flying, I rushed toward the building as victims with blood on their faces, and bleeding ears rushed out.
4. When I got inside, I could not even see the Marine stationed on Post One (the first security checkpoint inside the embassy) because of all the smoke. I attempted to get to the reactionary room; however, concrete debris was in my way.
5. I didn't realize that the debris pile was covering the elevator shaft and that the doors of the elevator had been blown off by the explosion. As I scaled up over the debris pile, it gave way, and I fell approximately 30 feet to the base of the elevator shaft.
6. I landed on my left side and hand. I could not believe I was still alive. I did not have the strength to get up. I had the wind knocked out of me and had trouble breathing. There was a little bit of light coming through the elevator doors. I looked around and realized that the elevator was somewhere up above me. I remember thinking if it fell, they would never find me. I thought of my mother and how upset and hurt it would make her. I kept trying to call out, but the words barely left my lips. I had to pull myself up if I did not want to die here. I pulled myself up the walls of the elevator shaft and was finally able to push the doors open.

7. I could smell smoke and hear the voices and cries of people who needed help. I found them at the commissary and told them there had been a bombing, and they needed to get upstairs and get to the emergency rally points. I could not keep up with them, and one of them stopped and asked me if I was coming. My hand and arm were bleeding. I couldn't properly breathe if I was walking or standing upright, but I did not yet know why. I was just focused on doing my job. I cleared the basement floors and found no one else on those levels.
8. After helping with the initial search and rescue, I went outside and stood security on the front steps of the embassy. It was complete chaos, and I needed to keep onlookers away so rescue efforts could continue.
9. I was soon relieved by detachment Commander Gary Cross, who had heard about my 30-foot fall and ordered me to go to the hospital. I knew I was injured, but the adrenaline dulled my physical pain and made it possible to keep working. I did not want to leave my post, but someone from the Defense Attache Office took my gear and my weapon and stood security in my place.
10. Locals took me to the hospital, where I told the doctors about the elevator shaft. They cut my shirt off and began pressing on my chest. They diagnosed me with three broken ribs, but I didn't care. I walked out in my hospital gown and made my way back to the embassy by hitchhiking and walking. During the walk, I started to have more pain in my side when taking breaths and felt like I could not get enough air.
11. The Regional Security Officer Paul Peterson and Detachment Commander were not very happy to see me back at the embassy. I said I wanted to be there, although by then I was having a hard time standing straight up as my gear weighed on my broken ribs.
12. My superiors eventually moved me to Post One and told me to try to make contact with Washington, DC. All the phone lines were down, but I eventually got through and relayed as much information as possible.
13. As I manned Post One, I watched the search and rescue crews stack the bodies of the deceased in the room next to me. I recognized some of the victims, but others were completely unrecognizable because of their injuries. Some people were barely dressed because their clothes had been blown off by the blast or burned off by the flames. Those images will stay with me forever.
14. Several days later, I was evacuated from Nairobi, Kenya, only after I had gotten additional x-rays to ensure my broken ribs had not punctured my lung. I spent a week at an Army hospital in Germany before being flown to Walter Reed in the United States.

15. I continued to have back pain and rib pain during my hospital stay. I was sent home on convalescent leave for a week or so, but I wanted to get back to Kenya. I had to get cleared by and medical doctor and psychologist. As a result of the bombing, the Veterans Administration diagnosed me with a thoracolumbar spine injury, cervical spine strain, lateral collateral ligament sprain left ankle, left knee strain, hearing loss in the left ear, hearing loss right ear, fractured ribs, and post-traumatic stress disorder (PTSD).
16. I was able to return to Kenya shortly thereafter but could not stand duty for a few more weeks because of my injuries.
17. Emotionally, the attack has had a tremendous impact on my life. I still suffer from PTSD. I remember getting a phone call on September 11, 2001, and turning on the television in time to see the second plane hit the towers in New York. I could smell the concrete dust and fire and bodies. I felt like I was there.
18. I am still being treated for my PTSD. I have seen numerous counselors out of pocket over the years and am currently being treated at the Veteran Administration. I have trouble sleeping and have nightmares that keep me from falling back to sleep. My nightmares are of what happened that day, falling down the elevator and not being able to get up or being on fire in the basement and sometimes not getting to the people in time.
19. My personal relationships have also been impacted by the bombing in Nairobi. I have had two divorces and find it difficult to create and maintain relationships. For my family, it is difficult because I have anxiety about public gatherings or large groups of people. I am always hyper-alert and do not feel like I am ever in a safe environment in public.
20. Physically I still suffer from back and neck pain. I also have headaches and pain in my knees and wrist. I do consider myself lucky that I am alive.
21. I was awarded the Purple Heart, the Navy and Marine Corps Medal, and the Department of State Heroism Award for my rescue efforts in the aftermath of the bombing.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING INFORMATION CONTAINED IN THIS AFFIDAVIT IS TRUE AND CORRECT.

July 13, 2022
Date


Dan Briehl