

EXHIBIT F

AFFIDAVIT OF GARY CROSS

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

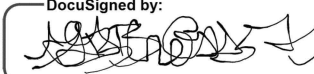
1. When the US Embassy in Nairobi, Kenya, was attacked by terrorists on August 7, 1998, I was outside the embassy in my capacity as the Detachment Commander for the U.S. Marines. This is the senior enlisted Marine. As Detachment Commander, I oversaw all Marines at the embassy.
2. That morning started like any other. I had taken the Marines out for physical training. When I arrived at the embassy the only other Marines in attendance were those who were on watch duty. I was in my office on the 4th floor when I heard the sounds of gunfire and grenades. I went to the hallway and began yelling for everyone to stay away from the windows and get under their desks.
3. I needed to get to the first floor so I ran for the elevator but it was full. I used the stairwell instead. As soon as the stairwell door closed behind me, the blast happened and I was thrown down to the landing on the 2nd floor. The decision to take the stairs likely saved my life, as the individuals in the elevator all perished.
4. I was unconscious for an unknown period of time. When I came to I could barely hear anything, but I faintly heard the sounds of crying and screaming. I felt pain in my shoulder and head, but otherwise my injuries were mostly superficial. There were lacerations on my face and legs, but I knew they were not life-threatening.
5. I made my way down to Post One at the entrance of the embassy building. There was no visibility whatsoever – the smoke and debris made it impossible to see. The Marine on duty at Post One was still inside the vestibule but could not see me and refused to open the door until I assured him of my identify. He was very shaken up.
6. We started doing search and rescue. I assigned some Marines to secure the perimeter and keep locals out. We focused on trying to get all of the embassy staff out of the building, triaging the victims and ensuring that those who could not move were safe while we waited for medical care to arrive.
7. My office in the embassy became a temporary morgue. It was stacked with body parts and dead embassy employees. The image of their bodies has never left me.
8. I sustained some additional physical injuries during the search and rescue process, including a kneecap injury. I did not seek medical treatment in Kenya. There were 5,000 people who were injured or killed and needed medical care more urgently than I did.

9. In the subsequent days the search and rescue efforts and clean up continued. There was lots to do at the Embassy, but we did not have enough Marines so the government sent reinforcements. They did not send other supplies though, so we were completely on our own. We did not have adequate weapons, nor did we have adequate food and water supplies. We spent weeks cleaning up, finding body parts, and collecting the Embassy's cash reserves -- blood-soaked dollar bills that had made their way to every corner of the building that needed to be bagged and returned to the U.S. government.
10. I stayed in Kenya for about a year following the attack. I helped set up the transitional embassy building. I worked around the clock that whole time.
11. My wife and young children were living with me in Nairobi at the time of the bombing. They returned to the United States after that. The emotional stress of the bombing took a high toll on our relationship, and we divorced shortly thereafter. My relationship with my children has been strained ever since.
12. The bombing and the days and weeks that followed have had a permanent and devastating impact on my life. Although some of my hearing has returned, it has never been the same as it was before the attack. The emotional and mental impacts of the attacks were far worse than my physical injuries and have not relented even after all these years. I still refuse to go into an elevator. I cannot sit still indoors or I feel like the walls will explode in my face. I spend as much time outside as possible.
13. When I separated from the Marine Corps in 2006, the VA sent me to a psychologist in Jacksonville, North Carolina who diagnosed me with Post Traumatic Stress Disorder (PTSD) which accounts for 50 percent of my disability rating, which is 100 percent. The PTSD is linked entirely to my time in Nairobi, Kenya.

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.

7/14/2022

Date

DocuSigned by:

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Gary Cross