

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

- Alexandria Division -

IN RE: BLACKWATER LITIGATION

Case No. 1:09-cv-615  
Case No. 1:09-cv-616  
Case No. 1:09-cv-617  
Case No. 1:09-cv-618  
Case No. 1:09-cv-645  
(consolidated for pretrial purposes) (TSE/IDD)

DECLARATION OF JOHN DOE NO. 1

I hereby declare to the following under penalty of perjury:

1. I am an American citizen. All information set forth below has been provided to the Department of Justice. I served in the United States Marines until I was honorably discharged as a result of an injury.
2. I joined Blackwater and deployed to Iraq to guard State Department and other American government personnel.
3. During my tenure on the State Department contract in Iraq, I observed first hand a series of events that established that Blackwater was not abiding by the terms of the contract with the State Department and was deceiving the State Department.
4. I am providing this Declaration as a "John Doe" because I fear violence against me in retaliation for submitting this Declaration. I am scheduled to deploy in the immediate future to Iraq. I have learned from my Blackwater colleagues and former colleagues that one or more persons who have provided information, or who were planning to provide

information, about Erik Prince and Blackwater have been killed in suspicious circumstances.

5. When I first arrived in Baghdad at the Team House, I was asked to assist with unloading bags of dog food into the Armory. As I unloaded the bags of dog food, another Blackwater employee opened the bags and pulled out weapons from the dog food. Blackwater was smuggling weapons into Iraq.
6. Blackwater used persons who were not properly vetted and cleared by the State Department to serve as guards. In addition, Blackwater knew that certain of its personnel intentionally used excessive and unjustified deadly force, and in some instances used unauthorized weapons, to kill or seriously injure innocent Iraqi civilians. Blackwater did nothing to stop this misconduct.
7. I personally observed multiple incidents of Blackwater personnel intentionally using unnecessary, excessive and unjustified deadly force.
8. The first incident occurred in Ba'Qubah near the street colloquially referred to as "RPG Alley." Our convoy had pulled over to fix a flat tire on one of the vehicles. The other vehicles in the convoy formed a defensive circle around the vehicle with the flat tire. An Iraqi civilian with a single passenger happened to be driving near us in a small black car. The driver was not heading directly towards us.
9. Despite the fact that car was not heading directly towards us, a Blackwater employee named Brad Elmer (who is known as "Snoop" because he is a dog handler) motioned to the driver, and almost immediately began firing directly into the car. From my vantage point, it was clear that Elmer was clearly injuring and likely killing the passenger and

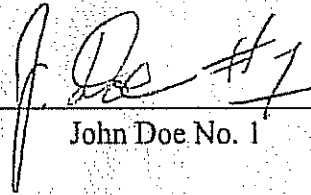
likely injuring the driver as well. Blackwater failed to stop and see whether either man was alive and in need of urgent medical care.

10. Blackwater failed to report the incident to the Iraqi authorities.
11. Blackwater failed to report the incident to the State Department as was required by contract.
12. Blackwater did not take any action whatsoever to discipline Mr. Elmer. Instead, Blackwater let him continue to serve on the State Department contract.
13. Another incident I personally observed occurred immediately outside Baghdad. I was driving the vehicle with the State Department principal. I heard shots fired. Through the contemporaneous radio discussion, I learned Beau Phillips, known by his nickname "Elvis," had fired without cause repeatedly at a car using a weapon colloquially referred to as a "saw."
14. A "saw" is an M-249 Squad Automatic Weapon that is not authorized for use by the State Department or any other authority. Any shots fired on behalf of the State Department in Iraq are supposed to come from either an M4 or a pistol. Phillip's unjustified and excessive force, and use of a prohibited weapon, killed or seriously injured those in the car.
15. Blackwater failed to stop and see anyone in the car was alive and in need of urgent medical care.
16. By the time our convoy had returned to the Green Zone, the State Department had already heard about the incident from someone other than a Blackwater employee.
17. The Blackwater team leader, Charles Shepard, met with the State Department. My understanding is that he misled the State Department into believing that the murder was a justified use of force, although clearly it was not. Although I was present, no one ever interviewed me or asked me to memorialize what I had heard and seen.

18. I personally observed another incident involving the same Blackwater employee Beau Phillips. We were all in a convoy waiting outside the gate at the Forward Operating Base ("FOB") Warhorse in Ba'Qubah. I was in the vehicle with the principal. Beau Phillips opened fire with the illegal M-249 Squad Automatic Weapon ("saw") on a vehicle near the gate for no reason. Phillip's unjustified and excessive force, and use of a prohibited weapon, killed or seriously injured those in the vicinity.
19. Blackwater failed to stop and see whether any of the civilians were alive and in need of urgent medical care.
20. Blackwater failed to report the incident to the Iraqi authorities.
21. Blackwater failed to report the incident to the State Department.
22. Blackwater did not take any action whatsoever to discipline Mr. Phillips. Instead, Blackwater let him continue to serve on the State Department contract. Blackwater continued to let Mr. Phillips carry the illegal automatic weapon.
23. All of these incidents of excessive force were initially videotaped and voice recorded. On each "run" we would mount the video camera on the dash board. Immediately after the day concluded, we would watch the video in a session called a "hot wash." Immediately after the hot washing, the video was erased to prevent anyone other than Blackwater personnel seeing what had actually occurred. Blackwater did not provide the video to the State Department.
24. The videotaping did not capture any shots fired by the CAT vehicles, which are the follow on vehicles. However, the voice recordings on the video capture the contemporaneous remarks by the personnel in the CAT vehicles.
25. During my second deployment to Iraq, I learned from my colleagues about another instance in which a Blackwater employee used excessive and unjustified force against an Iraqi. A man named Luke Doak (nicknamed "Peanut") shot and killed an Iraqi within

days of arriving in country in September 2006. Doak had no reason to kill him. Doak was bragging and gloating about his "kill."

26. This was not the first time that Doak had used excessive and unjustified force against Iraqis. His supervisor, George Angerer, sought to have Doak placed on Blackwater's "Do Not Use" list because he killed an innocent Iraqi during his tenure on the MAMBA team. Blackwater did not place Doak on the "Do Not Use" list but instead permitted him to continue to engage in a pattern of misconduct using deadly weapons.

  
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John Doe No. 1

Executed on 27<sup>th</sup> of July 2009