

Affidavit

I, Emerson Lopez-Fuentes, do swear under penalty of perjury:

With regard to specific questions that were posed by the Omar Ameen defense on November 13, 2019

38. At what point, and from whom, did SA Fuentes-Lopez become aware that TMF-1 “has been working alongside U.S. forces in counter-terrorism for years” and “regularly shared information and intelligence to with US Forces to include the FBI” as noted in footnote 1?

I learned the background of TMF-1 recently, for the purpose of preparing my initial affidavit. I learned this information from other FBI Special Agents with knowledge of TMF-1. At the time I first met TMF-1, it was generally communicated to me who TMF-1 was and some of his background. I also learned directly from TMF-1 about his assistance to the U.S. Government.

39. Are there FBI 302(s), notes, or other memorialization of the SA Lopez-Fuentes’s interaction with TMF Member 1 “on approximately three occasions” as discussed in footnote 1?

There is no memorialization of the first meeting between TMF-1 and myself. TMF-1 provided no information nor was he interviewed at this time by the FBI. TMF-1 was merely the person who facilitated the FBI interviews of Person 5, Person 6, and Person 7.

There is an electronic communication (EC) memorializing the second meeting between TMF-1 and myself. In summary, TMF-1 provided additional information concerning the criminal investigation of Omar Ameen as well as information concerning his knowledge of an additional corroborating witness to the murder of Ihsan by Omar Ameen, referred to as Person 1 in my original affidavit.

There is no memorialization of the third meeting between TMF-1 and myself. TMF-1 provided no information nor was he interviewed at this time by the FBI. TMF-1 was merely the person who facilitated the FBI interview of Person 1.

40. Does the FBI have notes of the interview of Person 5 on October 23, 2017 (described at paragraphs 7-13)?

I took notes during the interview we conducted of Person 5 and generated the FBI 302 from these interview notes. We stored the notes in a safe at our work location in Iraq. Due to security concerns, our departure from this location in Iraq was somewhat abrupt. The security situation throughout Iraq was unstable for the duration of our time there. We did not have time to conduct an orderly clean-out of the items maintained in the safe. We have since learned that the items we left behind in the safe, including any interview notes, were destroyed.

41. At paragraph 7, who were the other two witnesses interviewed on October 23, 2017?

I have been told that the other witnesses who were interviewed by Special Agent Coonfield and myself were identified in the sealed search warrant affidavit as Person 6 and Person 7. Person 6 and Person 7 have no personal knowledge of the murder and it is my understanding they are not part of the extradition request or supplemental extradition request.

42. Does the FBI have notes of the interviews of either of the other two witnesses interviewed on October 23, 2017?

A FBI 302 exists for each of those interviews, however, neither of those witnesses had personal knowledge of the murder of Ihsan and it is my understanding that they are not part of the extradition request or supplemental extradition request.

43. Why did the FBI use photographs in TMF-1's phone for identification purposes (as described in paragraph 31) rather than following more reliable FBI ID protocols?

A sequential identification procedure is an approved means of conducting a photo identification. Additionally, we were not provided a photo array in advance of the interview, so at the conclusion of the interview when it had become clear that Person 5 did have personal knowledge of the murder, based on our training and experience we knew it would be potentially valuable to conduct a photo identification. We used available tools in the setting we were in, with a witness who had traveled to meet us and may not have been reachable for follow-up at a later date.

44. At paragraph 32, to whom did Person 5 present his ID in order to enter interview space on October 23, 2017?

Person 5 presented his ID to SA Coonfield, the Arabic language interpreter, and myself.

45. Did SA Lopez-Fuentes see Person 5's identification card on October 23, 2017?

I did see Person 5's identification card at this interview. The card was written in Arabic, and I had no reason to doubt that he was who he said he was.

46. Was any attempt made to obtain adult identification documents for Person 5?

I did not make any attempt to obtain multiple forms of identification; I had no reason to believe the person I was meeting was not Person 5. The interview was a friendly interview, and during the initial stages of such an interview, it is important to build rapport, particularly where there is no reason to question the identity of the interviewee.

47. During the October 23, 2017 interview, or at any time thereafter, did FBI question Person 5 about the inconsistencies between his purported September 21, 2017 handwritten statement and the information provided to FBI on October 23, 2017?

No. At the 2017 interview, I was tasked with interviewing Person 5 to gauge his level of personal knowledge of the murder. I did not compare his statement to the one that was acquired previously. The circumstances under which the FBI Fly Team operates is not the same as would be the case with an FBI case agent operating domestically. We were

operating in a conflict zone with limited resources, focused solely on each discrete assignment we were tasked to perform. My purpose in the interview was to gather information while maintaining the safety and security of all participants.

48. If not, why not?

Please see the response to question 47.

49. Did FBI ask Person 5 whether he authored and/or signed any of the written statements?

No. Please see the response to question 47.

50. Are there notes, or other memorialization aside from the FBI 302 of the contact with Person 1 on January 23, 2018?

The other FBI Agent that was present with me took notes during the interview of Person 1 and generated the FBI 302 from these interview notes. We then stored the notes in a safe at our work location in Iraq. Due to security concerns, our departure from this location in Iraq was somewhat abrupt. The security situation throughout Iraq was unstable for the duration of the time that we were there. We did not have time to conduct an orderly clean-out of the items maintained in the safe. We have since learned that the items we left behind in the safe, including any interview notes, were destroyed.

I certify that the foregoing is true and accurate to the best of my recollection.



Emerson Lopez-Fuentes

11/25/2019

Date

McLean, VA

Location