

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Hala Abdul Aziz
Alexandria, Virginia

Mohammad al-Abdallah
Washington, D.C.

Ahed al-Hendi
Rockville, Maryland

Sirwan Kajjo
Falls Church, Virginia

John Doe #1, personal representative
for his brother
Cairo, Egypt

John Doe #2
Chicago, Illinois

Plaintiffs,

v.

The Syrian Arab Republic
Damascus, Syria

Ministry of State Security Intelligence ("Mukhabarat")
Damascus, Syria

Maher al-Assad
Damascus, Syria

Anas Alswaid
Leesburg, Virginia

Bashar al-Jafari
New York, NY

Bassam Barabandi
Washington, D.C.

FILED

MAY 10 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Case: 1:11-cv-00876
Assigned To : Bates, John D.
Assign. Date : 5/10/2011
Description: General Civil

**JURY
ACTION**

Civil Action No.

Imad Moustapha
Syrian Ambassador to the United States
Washington, D.C.

Mohammad Iyzal Ghazzal
Homs, Syria

Ali Mumluk
Damascus, Syria

Atif Najeeb
Intelligence Ministry
Daraa, Syria

Ashaf Shawkat
Damascus, Syria

Defendants.

**COMPLAINT UNDER THE FOREIGN SOVEREIGN IMMUNITIES ACT, THE ALIEN
TORT STATUTE, AND THE TORTURE VICTIM PROTECTION ACT**

NATURE OF THE ACTION

1. Plaintiffs, by and through their attorneys, allege upon personal knowledge and belief as to their own circumstances, and upon information and belief (based on the investigation of counsel) as to all other matters, that substantial evidentiary support exists or will exist after a reasonable opportunity for further investigation and discovery as a result of trial proceedings, in support of the following:
 - a. Named Plaintiffs and additional unnamed and to be identified Plaintiffs (hereinafter referred to collectively as “Plaintiffs”) have been subjected to grave violations of some of the most universally recognized standards of international law, including: extrajudicial killing, torture, cruel, inhuman, or other degrading

treatment or punishment, and arbitrary arrest and prolonged detention without trial.

- b. Plaintiffs al-Hendi, al-Abdallah, al Dakheel, Abdul Aziz, Sirwan Kajjo, John Doe #1, and John Doe #2 are Syrian citizens or Syrian-American citizens. Plaintiffs were either personally subjected to the aforementioned abuses or are the family members of those who were subjected to such abuse between 2001 and 2011. These abuses were committed under the oversight of Defendants.
- c. This complaint arises from the Defendants' wrongful acts in various locations in Syria between the years of 2001 and 2011 when Defendant Shawkat led Syria's Ministry of State Security Intelligence ("Ministry" or "Mukhabarat"). Defendants were responsible for extrajudicial killings and the provision of material support and resources for such killings, which were committed by Syrian officials, employees, and agents of Defendants.
- d. As the head of that Ministry, Defendant Shawkat had effective control over his subordinates, knew or should have known about his subordinates' illegal activities, and did not take action to prevent or punish those illegal activities; thus, Defendant Shawkat is liable for all of his subordinates' illegal activities performed under color of law.
- e. Plaintiff Abdul Aziz's claims are actionable pursuant to the state sponsored terrorism exception to the Foreign Sovereign Immunities Act ("FSIA") 28 U.S. C. § 1350, 1602 et. seq. 28 U.S. C. § 1605A, which provides a "federal right of action against foreign states." She is only suing the following Defendants: The Syrian Arab Republic and the Ministry of State Security Intelligence.

- f. The claims of Plaintiffs al-Hendi, al-Abdallah, al Dakheel, Sirwan Kajjo, John Doe #1, and John Doe #2 are actionable under the Alien Tort Statute (ATS), 28 U.S.C. § 1350. Their injuries resulted from violations of specific, universal, and obligatory standards of international law as embodied in a number of treaty obligations and customary international law binding on the United States and implemented domestically in the United States. These Plaintiffs are suing the following Defendants: Ali Mumluk, Mohammad Iyzal Ghazzal, Maher al-Assad, Bashar al-Jafari, and Ashef Shawkat.
- g. Defendants' wrongful acts also violate U.S. laws against torture, including the Anti-Torture Statute, 18 U.S. C. § 2340(A) and the Torture Victim Protection Act (TVPA), 28 U.S. C. § 1350.
- h. Furthermore, Defendants' wrongful acts violate the laws of the District of Columbia, as well as the vast majority of U.S. state jurisdictions. These violations include: torture, assault and battery, false imprisonment/false arrest, intentional infliction of emotional distress, and extrajudicial killings.
- i. Defendants' wrongful acts directly caused the Plaintiffs' and their relatives' deaths and injuries, including severe physical and mental harm and suffering, for which Plaintiffs seek compensatory and punitive damages.

PARTIES

- 2. Plaintiff Ahed al-Hendi is a Syrian citizen who resides in Virginia.
- 3. Plaintiff Mohamed al-Abdallah is a Syrian citizen who resides in Virginia.
- 4. Plaintiff Sameer al-Dakheel is a Syrian citizen who resides in Chicago, Illinois.

5. Plaintiff Hala Abdul Aziz is an American citizen who resides in Alexandria, Virginia and is the personal representative of the deceased Abdul Gafar Abdul Aziz.
6. Plaintiff Sirwa Kajjo is a Syrian citizen who resides in Falls Church, Virginia.
7. Plaintiff John Doe #1 is a Syrian citizen who resides in Cairo, Egypt.
8. Plaintiff John Doe #2 is a Syrian citizen who resides in Chicago, Illinois.
9. Defendant Syrian Arab Republic (“SAR”) is a police state whose President is Bashar al-Assad and which is controlled by the al-Assad family. Defendant SAR is being named herein pursuant to the Foreign Sovereign Immunities Act exception 28 U.S. C. § 1605A.
10. Defendant Ministry of State Security Intelligence (“Mukhabarat”) is in charge of intelligence, both domestic and international, for the government of Syria; its director is Defendant Ali Mumluk.
11. Defendant Maher al-Assad is the brother of Syrian President Bashar al-Assad and he has been active in overseeing the conduct complained of herein. At all relevant times herein, he commanded the Syrian army’s Fourth Armored Division.
12. Defendant Alswaid is an integral part of the criminal conspiracy to torture, maim, and kill Syrians. Through his efforts, the al-Assad regime learns the identities of Syrians based in the United States, who are trying to assist in the efforts to counteract the tactics of the al-Assad regime. He transmits such information to Damascus to initiate criminal conduct against the families of the identified Syrians.
13. Defendant al-Jafari is a close associate of the al-Assad family and is instrumental in the criminal conspiracy to torture, maim and kill Syrians. Using the platform he has at the United Nations, he has continually denied the existence of any human rights violations in Syria.

14. Defendant Barabandi is the second secretary at the Syrian embassy in Washington, D.C. He is active in the criminal conspiracy by depicting the activities of protesting Syrians inaccurately.
15. Defendant Moustapha is the Syrian Ambassador to the United States. He is a part of the criminal conspiracy by continually distorting the picture of Syrian protestors' activities.
16. Defendant Ghazzal is the former governor of Homs, Syria, and has also been active in overseeing the conduct complained of herein.
17. Defendant Shawkat is the brother-in-law of President Assad and works with the Intelligence Ministry ("Mukhabarat"), which has been coordinating the attacks on protesters and abducting them to expel the protesters' leadership.
18. Defendant Atif Najeeb at all relevant times herein was the head of the Intelligence Ministry in Daraa, Syria.

JURISDICTION AND VENUE

19. This court has federal question jurisdiction under 28 U.S. C. § 1331 and under the state sponsored terrorism exception to FSIA 28 U.S. C. § 1605A and under the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA), 28 U.S.C. § 1350 for violations of international human rights law. 28 U.S.C. § 1332 also provides this court with federal jurisdiction based on diversity with respect to American Plaintiff Hala Abdul Aziz. Plaintiffs are American citizens and/or citizens of Syria (though in some cases have taken residence outside of Syria as a result of Defendants' actions), and Defendants are Syrian citizens and residents of Syria, except for Embassy personnel located in the District of Columbia. This court has supplemental jurisdiction over the alleged violations

of District of Columbia, Illinois, and Virginia law and the common law of the District of Columbia and Virginia under 28 U.S.C. § 1350.

20. The United States District Court for the District of Columbia is the proper venue for this action pursuant to 28 U.S.C. § 1350. There are a number of reasons why venue is appropriate in this judicial district. The Syrian Embassy is located in this district at 2215 Wyoming Ave. NW, Washington, D.C. 20008, and is staffed by senior government personnel and close relatives of the Al Assad family. These individuals are from different cities in Syria and helped to coordinate and aid and abet the ongoing criminal conspiracy to arrest, maim, torture, detain indefinitely, and even kill their fellow Syrian citizens. The Embassy staff also plays a vital role in gauging Congressional sentiment and the pulse of the American people, especially with regard to their will to have Americans play an active military role in assisting the Syrian populace. The Embassy staff also monitors the activities of Syrian-Americans and Syrians based in America, and particularly those engaged in demonstrations outside the Embassy on a regular basis. The Embassy transmits information to the Assad regime about the identity of these demonstrators, and then the Syrian security forces retaliate against relatives and family members of these demonstrators. The clear message is that Syria is a police state and will not tolerate protests or demonstrations of any kind.

FACTS

21. The Syrian Arab Republic has been governed by the Assad family's dictatorial rule since 1971 and has been designated by the United States Department of State as a State Sponsor of Terror since December 29, 1979. The country has been under emergency rule since 1961 and although lifted on April 21, 2011, the emergency restrictions continue in

practice today. Syria's human rights record is among the world's worst according to the Department of State's 2010 Human Rights Report on Syria.

22. From the period March 15 – April 30, 2011, protests in opposition to the Syrian regime and in favor of democratic practices and basic freedoms guaranteed by the Syrian constitution have been met with brutal force by security forces, in uniform and plainclothes. Security forces began a deadly crackdown on Syrian demonstrators, opposition members, potential opposition members and the family members of demonstrators, opposition members and potential opposition members. These Syrian security forces have killed at least 400 people during this time frame and detained hundreds of others.
23. Although the government has blamed gangs of "foreign" infiltrators for creating the unrest, the true murderers are the Syrian government security forces, under the direction of Defendants. These security forces, in some cases wearing black clothes, have opened fire on hundreds of Syrian people in the Taleiseh district in central Syria.
24. On March 16, 2011, security forces with the use of brutal force broke up a silent gathering in Marjeh square in Damascus of about 150 protesters who held up pictures of imprisoned relatives and friends. At least 30 protesters were arrested for simply exercising rights guaranteed by the Syrian constitution at the location that day. The next day, Amnesty International condemned the violent crackdown by the security forces.
25. On March 18, 2011, security forces killed three protesters in Daraa. The demonstrators were taking part in a peaceful protest demanding political freedoms and an end to corruption in Syria. The protest was triggered by the arrest of teenagers writing anti-government graffiti on walls.

26. On March 23, 2011, Syrian forces killed six people in an attack on protesters in the Omari mosque complex in Daraa, and later opened fire on hundreds of youths marching in solidarity.
27. On March 25, 2011, no less than 200 people marched in Damascus and there were at least 23 deaths around the country.
28. In Daraa, thousands marched in funerals for some of the dead, chanting "Freedom." Witnesses say protesters hauled down a statue of President Assad's father, late president Hafez al-Assad, before security forces opened fire from buildings.
29. Amnesty International, the UK-based rights monitor, says at least 55 people have been killed in Daraa in the last week.
30. On March 26, 2011, twelve people were killed in protests in the town of Latakia. President Assad deployed the army there the next day.
31. On March 27, 2011, the army increased its presence in Daraa, the focal point of protests across the country.
32. On March 28, 2011, Armed forces fired into the air to disperse a pro-democracy protest in Daraa as the crowd chanted "We want dignity and freedom" and "No to emergency laws."
33. On March 30, 2011, President Assad delivered a speech for the first time since the protests began. He blamed "foreign conspirators" for the unrest but declined to elaborate on major reforms.
34. On April 1, 2011, four people were killed after government forces used live ammunition against protesters in the Damascus suburb of Douma.

35. On April 8, 2011, security forces killed at least 27 demonstrators in Daraa amid fresh protests against President Assad's rule. The deaths occurred after Friday prayers when security forces opened fire with rubber-coated bullets. The government said 19 police were killed and blamed "armed gangs" for the unrest.
36. On April 9, 2011, activists called for daily protests as Daraa residents prepared to bury their dead.
37. On April 12, 2011, Syrian security forces fired repeatedly upon people in the village of Baida, near the coastal town of Baniyas.
38. On April 13, 2011, hundreds of women marched along Syria's main coastal highway to demand the release of men arrested in a mass raid on the town of Baida.
39. On April 14, 2011, President Assad ordered the release of hundreds of protesters detained over the past couple of weeks but says those who committed crimes "against the nation and the citizens" would remain in jail.
40. On April 17, 2011, in the town of Hirak, thousands of mourners at the funeral of a soldier chanted slogans calling on the president to step down. A relative of the 20-year-old soldier said his family was told he was accidentally electrocuted at his military unit near Damascus but mourners believed he had been tortured by security forces.
41. Security forces even opened fire during another funeral for a slain protester on April 18, 2011, killing at least three people in the process. The funeral took place near Homs, about 100 miles from the capital, Damascus.
42. On April 17, 2011, at least 25 people were killed by security forces late at night in Homs and five others in the nearby town of Talbiseh.

43. In some instances, these security forces have invaded hospitals and kidnapped wounded demonstrators in order to place them in jail. Very recently tens of thousands of people waving Syrian flags and shouting “We want freedom” took to the streets, risking being wounded and/or assaulted. In fact 20,000 Syrians turned out on April 18th in the town of Baniyas. Other large gatherings occurred in the city of Daraa.
44. A key demand of Syrian protesters is lifting the widely despised emergency laws, which have been in place since the ruling Ba’ath party came to power in 1961. These laws give the Syrian regime a free hand to arrest people without charges being presented and extending state authority to virtually every aspect of life.
45. On April 21, 2011, President Assad issued a decree to lift emergency rule. Yet, emergency rule policies remained the same, and the Interior Ministry passed a law that requires Syrian citizens to obtain permission to demonstrate, which is in contravention to the Syrian constitution.
46. On April 22, 2011, Syrian security forces responded to tens of thousands of protesters in over ten cities by shooting into crowds, beating protesters with batons and Kalashnikovs and tear gas attacks. At least 81 people were confirmed dead.
47. On April 23 – 24, 2011, Syrian security forces detained over 20 people in Homs and at least five people in Damascus without arrest warrants. Security forces then went to the town of Jableh where they opened fire from rooftops, killing one and wounding three people.
48. During the course of mass protests by Syrian citizens during March and April 2011, the Syrian government security forces engaged in various conduct designed to frighten the Syrian population, and the Syrian Plaintiffs herein have suffered intense emotional pain

and distress as a result of the brutal and repressive conditions in Syria. They have relatives who have been beaten, tortured, or killed for no other reason than speaking out against their government. Among the conduct that the security forces engaged in is the following:

- a. Syrian security forces have repeatedly fired rifles with live ammunition over crowds of protestors in various cities.
- b. After firing their fully loaded rifles, the Syrian security forces then aimed and shot the rifles at the crowd, causing protestors and bystanders to fear for their lives.
- c. Security forces also drove large motor vehicles and even tanks into and near the crowd of protestors, intimidating the crowd and causing them to fear for their lives when they witnessed the other protestors' injuries.
- d. As recited above, these security forces even opened fire during a funeral for a slain protester on April 18, 2011, killing at least three people in the process. The funeral took place near Homs, about 100 miles from the capital, Damascus.
- e. Security forces intimidated the crowd of protestors in various cities in Syria by shooting pellets of tear gas at the crowd, thus causing emotional trauma in the group of protestors because they knew that some of their colleagues had suffered various injuries from the tear gas and some of whom were sent to the hospital where they were abducted by security forces.
- f. From time to time, security forces would scour the various hospitals in the cities where mass protests had taken place. Their goal, and they were successful, was to abduct any and all protestors who were in the hospital for injuries. Thus, a lot of the protestors, even though they were injured, were intimidated into not going to

hospitals for treatment, knowing they would go to jail for an indeterminate amount of time, where they would be tortured and male protesters anally raped.

Plaintiff #1: Hala Abdul Aziz

49. Plaintiff Hala Abdul Aziz is a U.S. citizen currently residing in Virginia.
50. Plaintiff Abdul Aziz left Syria in 2004 and moved to the U.S.
51. Plaintiff Abdul Aziz is the personal representative of her deceased father, Abdul Gafar Abdul Aziz.
52. On April 22, 2011, after Friday prayers in the town of Izraa, mourners gathered to give a speech about the murders committed by the Syrian security forces during the past month.
53. During the gathering, snipers shot and killed her father, Abdul Gafar Abdul Aziz, who was 50 years old at the time.
54. Because the government cut all communication lines, Plaintiff Abdul Aziz was unable to contact her family and was only made aware of the murder through a video released on the internet.

Plaintiff #2: Sirwan Kajjo

55. Plaintiff Sirwan Kajjo is a Kurdish Syrian citizen currently residing in Falls Church, Virginia.
56. Plaintiff Kajjo is a journalist and reporter for Kurdish television networks.
57. On March 12, 2004, Plaintiff Kajjo attended a local soccer game in the town of Qamchilei. There were approximately 10,000 people in attendance at the game. On that day security forces killed three children between the ages of 12 – 15.

58. On March 13, 2004, there was a funeral in the town of Qamchilei for the three children.

The funeral eventually transformed into a protest against the Syrian security forces.

Security forces responded by killing 34 people at the protest.

Plaintiff #3: Mohammad Al Abdallah

59. Plaintiff Mohammad Al Abdallah is a Syrian citizen currently residing in Washington, D.C.

60. During March-October 2006 Plaintiff was detained in State Security Intelligence Prison #285 (“Sednaya Prison”) in Damascus, Syria for 73 days.

61. According to Plaintiff Al Abdallah, in the Sednaya prison protesters are cuffed, blindfolded, beaten severely and thrown into small cells two floors underground, with no light. Every new prisoner was severely beaten and placed in a solitary cell with three other prisoners for up to one year, without seeing light or sunshine. The guards routinely tortured prisoners with rubber car tires.

62. The sanitary conditions were so bad that prisoners would be routinely diagnosed with scabies due to the lack of water made available to the prisoners. The water tap was only turned on for ten minutes three times a day.

63. When Plaintiff reached the Prison, he was put in a solitary cell smaller than he was, measuring 160 by 180 centimeters. There was a detached toilet halfway up the wall, and filth covered the cell. Plaintiff spent 55 days in the cell, only bathing once after a prisoner was diagnosed with scabies.

64. Plaintiff was interrogated for three hours, during which time he was slapped and punched several times and forced to stand blindfolded and handcuffed throughout the entire

interrogation. The interrogator repeatedly threatened to whip him and torture him with a tire, and when he refused to answer a question, he was forced to kneel down.

65. One day after a new group of prisoners arrived, a guard opened the door to Plaintiff's cell and brought another inmate into the cell, stating "Look, we didn't treat you like the rest. We're treating you much better. You know that. This prisoner's going to share your cell. Talk is prohibited. If anything happens, it's him we'll beat. We'll torture him very badly, and it'll be on your conscience." The guards forced the prisoner to jog for 30 minutes, after which he could not walk, and Plaintiff had to carry him to the toilet for the next three days.

66. After that, he was placed into a larger group cell measuring nine by six meters for 18 days with his father, the writer Ali al-Abdullah.

Plaintiff #4: Ahed Al-Hendi

67. Plaintiff Ahed al-Hendi is a Syrian citizen currently residing in Rockville, Maryland.

68. In 2007 Plaintiff al-Hendi was at an internet café in Damascus, Syria, where he visited the website of an "anti-regime" organization and posted comments on the site that were critical of the Syrian government.

69. While at the internet café, six members of the Syrian security forces came armed with guns and arrested Plaintiff al-Hendi. He was taken to the Political Security Prison in Damascus, Syria.

70. Plaintiff al-Hendi was jailed for 40 days, during which time he was routinely beaten and tortured by the guards, which included hitting his face and body with sticks and kicking him.

71. During the first ten days, Plaintiff al-Hendi was placed in a very small cell with a ceiling so low that his head touched it. The cell had no windows, and the only source of water was a hose provided to the prisoners that was used for both cleaning and drinking. The guards served bare rations of food three times a day.

72. In addition to Plaintiff al-Hendi's torture, he witnessed the torture of other prisoners and was forced to listen to the screams of other prisoners held in the "investigation room" every day. His cellmates were subjected to electric shock torture.

Plaintiff #6: John Doe #1

73. Plaintiff John Doe #1 is a Syrian citizen who left Syria on April 5, 2011 and is currently residing in Cairo, Egypt.

74. Plaintiff John Doe #1 is the personal representative of his deceased brother.

75. On April 17, 2011, John Doe #1's brother attended a funeral in Homs, Syria.

76. After the funeral there was a call for a peaceful demonstration in front of a mosque. John Doe #1's brother arrived sometime between 6 – 8 p.m. Shortly after his arrival, Syrian security forces opened fire on the protesters, including John Doe #1's brother. The first bullet hit him in the arm, and the second bullet hit him in the chest, killing him.

Plaintiff #7: John Doe #2

77. Plaintiff John Doe #2 is a Syrian citizen.

78. Plaintiff John Doe #2 was a philosophy teacher at a private school in Deir Al-Zour, Syria, and a human rights advocate.

79. Between 1981 – 1998, Plaintiff John Doe #2 was detained countless times, for days, months, and years at a time.

80. During August 2003 – 2007, he lived in Syria where he was arrested every three to four months for days and months at a time.
81. His last detention was in December 2007 when he was detained for four months and finally applied for political asylum in the U.S.
82. Based on his experience, the arrest process is inhumane, with security agents appearing in civilian clothing and kidnapping the suspect from wherever he is located at that moment (office, home, etc.).
83. The detainee, Plaintiff John Doe #2, was locked in a one cubic meter dark, airless cell in a humid underground area.
84. Once Plaintiff John Doe #2 was arrested, no one could reach him or find out anything about him until he was released, and he stayed under probation until the next arrest.
85. The detainee, Plaintiff John Doe #2, had no right to call his family, no right to a lawyer, and no right to ask for food or water. He was occasionally given small amounts of water, which sometimes amounted to just one cup of tap water every three days. He would only get a loaf of bread for food, which was only offered every few days.
86. There were various forms of torture performed at the prison, including being whipped while tied on a large wooden cross (“magic carpet”); being whipped and beaten while the head and legs were squeezed into a car tire (“tire torture”); and the electric chair where detainees were prodded with electric shock devices.

SYRIAN CONSTITUTION

87. The following principles are enumerated in the Syrian Constitution (see attached Exhibit A) adopted on March 13, 1973:
 - a. Article 1.1 – The Syrian Arab Republic is a democratic state.

- b. Article 2.2 – *Sovereignty is vested in the people*, who exercise it in accordance with this Constitution.
- c. Article 12 – *The state is at the people’s service*. Its establishments seek to protect the fundamental rights of the citizens and develop their lives.
- d. Article 25.1 – *Freedom is a sacred right. The state protects the personal freedom of the citizens and safeguards their dignity and security*.
- e. Article 25.2 – The supremacy of law is a fundamental principle in the society and the state.
- f. Article 28.2 – No one may be kept under surveillance or detained except in accordance with the law.
- g. Article 28.3 – *No one may be tortured physically or mentally or be treated in a humiliating manner*.
- h. Article 38 – *Every citizen has the right to freely and openly express his views in words, in writing, and through all other means of expression...The state guarantees the freedom of the press*.
- i. Article 39 – *Citizens have the right to meet and demonstrate peacefully* within the principles of the constitution.

CAUSES OF ACTION

88. The Plaintiffs’ causes of action arise under the FSIA exception of 28 U.S.C. § 605; the Alien Tort Statute 28 U.S.C. § 1350; and the Torture Victim Protection Act 28 U.S. C. § 1350; the Restatement; and the common law of the Commonwealth of Virginia and of the District of Columbia and almost every state jurisdiction.

89. Defendants' conduct, as described herein, violates the following laws, agreements, conventions, resolutions, and treaties:

- a. Customary International Law;
- b. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A. Res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987;
- c. Declaration on the Protection of All Persons From Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 3452, 30 U.N. Doc., GAOR Supp. (No. 34) at 91, U.N. Doc. A/10034 (1976);
- d. International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.
- e. Universal Declaration of Human Rights (1948) G.A. res. 217A (III), U.N. Doc A/810 at 71/;
- f. Charter of the United Nations (1945) adopted June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153 (entered into force October 24, 1945);
- g. United Nations Standard Minimum Rules for the Treatment of Prisoners; ESC Res/ 663(c), 24 U.N. ESCOR Supp. (No. 1), 11 U.N. Doc. E/3048 (1957);
- h. Statutes, the Restatement, and the common law of various U.S. state jurisdictions, including, but not limited to torts of wrongful death, assault and battery, false imprisonment, and intentional infliction of emotional distress; and
- i. The Laws of the Republic of Syria and its Constitution.

FIRST CAUSE OF ACTION

Extrajudicial Killing and Wrongful Death in violation of Virginia common law and Customary International Law

90. Plaintiffs repeat and reallege Paragraphs 1 – 89 as if fully recited herein.
91. Plaintiff personal representative Hala Abdul Aziz recently learned that her father was murdered in Syria in the city of Izraa on Friday, April 22, 2011. This killing was one of approximately 400 killings that Defendants have inflicted on the Syrian people in the past seven weeks. At this time, no one knows the exact number of murders of Syrian citizens and also cannot predict how many killings will occur.
92. Defendants have been responsible for any and all killings that have occurred because they are responsible for the murder of Syrian citizens who have decided to protest the conditions in Syria.
93. Syrian citizens have been shot in various Syrian cities and have been murdered by snipers and military personnel armed with rifles. Syrians were murdered simply for protesting.
94. Such extrajudicial killings constitute wrongful death under the circumstances and also violate customary international law as detailed above in Paragraph 89.
95. As a result of Defendants' acts, Plaintiffs, who are the personal representatives and/or family members of the deceased, suffered severe mental pain and suffering and sustained material emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.
96. Defendants' acts of extrajudicial killings of the deceased Syrian citizens were willful, intentional, wanton, malicious, and oppressive and warrant an award of punitive damages to Plaintiffs' personal representatives and/or family members, in an amount to be determined at trial.

SECOND CAUSE OF ACTION

Torture, a Violation of International Law for Which FSIA (28 U.S.C. § 605) the Alien Tort Statute, and the Torture Victim Protection Act (28 U.S.C. § 1350) Provide Relief

97. Plaintiffs repeat and reallege Paragraphs 1 – 96 above as if fully recited herein.
98. Defendants’ acts of torture, as described in the Complaint, were committed in violation of customary international law and various treaties and agreements.
99. Defendants’ acts of torture, were made under the color of law, done deliberately and intentionally, and inflicted severe physical and mental pain and suffering for purposes which included, obtaining information or a confession, punishing the victim, or intimidating or coercing the victim or a third person.
100. Defendants’ acts of torture, as described in this Complaint, caused Plaintiffs direct and severe physical and mental pain and suffering, and placed them at severe risk of personal injury and/or death.
101. Defendants’ acts, as described herein, violated multiple provisions prohibiting torture on an absolute basis including: 1) treaties binding on the United States; 2) statutes adopted by the Congress of the United States implementing those treaty obligations; 3) administrative regulations applying and interpreting the prohibition against torture; 4) international and domestic judicial decisions applying and interpreting the prohibition against torture; and 5) a number of specific, universal, and obligatory standards that are recognized to be part of customary international law. As such, Defendants’ acts constitute “tort[s]... committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Statute (ATS), 28 U.S.C. § 1350.
102. Defendants’ acts, as described in this Complaint, also constitute torture in violation of the Torture Victims Protection Act (TVPA), 28 U.S.C. § 1350.

103. Defendants knowingly committed, commanded, directed, and/or participated in these acts, and did not act to prevent or punish these violations of human rights as embodied in international and domestic law.

104. As a result of Defendants' acts, the Plaintiffs suffered severe physical and mental pain and suffering and sustained material, physical, and emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.

105. Defendants' acts of torture were willful, intentional, wanton, malicious and oppressive and warrant an award of punitive damages to the Plaintiffs in an amount to be determined at trial.

THIRD CAUSE OF ACTION

Cruel, Inhuman or Degrading Punishment or Treatment, Violations of International Law for Which the FSIA exception (28 U.S.C. § 605), the Alien Tort Statute (28 U.S.C. § 1350), and the Torture Victim Protection Act Provides Relief

106. The Plaintiffs reallege and repeat Paragraphs 1 – 105 as if fully recited herein.

107. These acts of cruel, inhuman, or degrading punishment or treatment suffered by the Plaintiffs, including physical injury and the severe physical and mental suffering associated therewith, were inflicted deliberately and intentionally on them by Defendants and the persons acting under their command acting under color of law through unlawful or unauthorized actions prohibited by international law.

108. These acts had the intent and the effect of grossly humiliating, debasing, intimidating, and punishing Plaintiffs, forcing them to act against their will and conscience, inciting fear and anguish, and seeking to break their physical and/or moral resistance.

109. Defendants' acts, as described herein, violated multiple provisions against cruel, inhuman, or degrading punishment or treatment including: 1) treaties binding on the

Unites States; 2) statutes adopted by the Congress of the Unites States implementing those treaty obligations; 3) administrative regulations applying and interpreting the prohibition against torture; 4) international and domestic judicial decisions applying and interpreting the prohibition against torture; and 5) a number of specific, universal, and obligatory standards that are recognized to be part of customary international law. As such, Defendants' acts constitute "tort[s]... committed in violation of the law of nations or a treaty of the United States" under the Alien Tort Statute (ATS), 28 U.S.C. § 1350.

110. Defendants knowingly committed, commanded, directed, and/or participated in these acts, and did not act to prevent or punish these violations of human rights as embodied in international and domestic law.

111. As a result of Defendants' acts, Plaintiffs suffered severe physical and mental pain and suffering and sustained material, physical, and emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.

112. Defendants' acts of cruel, inhuman, or degrading treatment or punishment against Plaintiffs were willful, intentional, wanton, malicious, and oppressive and warrant an award of punitive damages to Plaintiffs in an amount to be determined at trial.

FOURTH CAUSE OF ACTION

False Imprisonment, Arbitrary Arrest, and Prolonged Detention, A Violation of International Law, a Violation of the Restatement, and a Violation of Illinois, Virginia, and the District of Columbia Common Law, for Which the Alien Tort Statute (28 U.S.C. § 1350) Provides Relief

113. The Plaintiffs repeat and realleges Paragraphs 1 – 112 as if fully recited herein.

114. Defendants and the persons acting under their command intentionally and unlawfully restrained, confined, and detained Plaintiffs against their will and without lawful privilege or reasonable cause, depriving Plaintiffs of their freedom and placing

them in great fear for their lives. The restraint, confinement, or detention compelled Plaintiffs to stay or go somewhere against their will for an appreciable amount of time. Plaintiffs did not consent to their restraint, confinement, or detention. Defendants' wrongful acts constitute false imprisonment, actionable under the laws of the District of Columbia, Virginia, Illinois, and the United States.

115. These acts of arbitrary arrest and prolonged detention suffered by the Plaintiffs, including arrest and detention for an unlawful purpose, were inflicted deliberately and intentionally upon them by the Defendants and the persons acting under their command (acting under color of law), through unlawful or unauthorized actions and for unlawful and/or purposes.

116. Because the acts described herein violated provisions prohibiting arbitrary arrest and prolonged detention including: 1) treaties binding on the United States; 2) statutes adopted by the Congress of the United States implementing those treaty obligations; 3) administrative regulations applying and interpreting the prohibition against torture; 4) international and domestic judicial decisions applying and interpreting the prohibition against torture; and 5) a number of specific, universal, and obligatory standards that are recognized to be part of customary international law. As such, Defendants' acts constitute "tort[s]... committed in violation of the law of nations or a treaty of the United States" under the Alien Tort Statute (ATS), 28 U.S.C. § 1350.

117. Defendants knowingly committed, commanded, directed, and/or participated in these acts, and did not act to prevent or punish these violations of human rights as embodied in international and domestic law.

118. As a result of Defendants' acts, Plaintiffs suffered severe physical and mental pain and suffering and sustained material, physical, and emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.

119. Defendants' acts of false imprisonment, arbitrary arrest and prolonged detention were willful, intentional, wanton, malicious, and oppressive and warrant an award of punitive damages to Plaintiffs in an amount to be determined at trial.

FIFTH CAUSE OF ACTION

Assault in Violation of the Restatement and District of Columbia, Illinois, and Virginia Common Law

120. Plaintiffs repeat and reallege Paragraphs 1 – 119 as if fully recited herein.

121. Intentional and unlawful threats by Defendants and the persons acting under their command to do violence to Plaintiffs and their ability to carry out such violence created a well-founded fear in Plaintiffs of imminent harmful and offensive bodily contact. Defendants' wrongful acts, including sustained tear gas attacks, constitute assault, actionable under the Restatement and the laws of the District of Columbia and the United States.

122. As a result of Defendants' acts, Plaintiffs suffered severe physical and mental pain and suffering and sustained material, physical, and emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.

123. Defendants' acts of assault were willful, intentional, wanton, malicious, and oppressive and warrant an award of punitive damages to Plaintiffs in an amount to be determined at trial.

SIXTH CAUSE OF ACTION

Battery in Violation of the Restatement and District of Columbia, Virginia, and Illinois Common Law

124. Plaintiffs repeat and reallege Paragraphs 1 – 123 as if fully recited herein.

125. The torture, beatings, tear gas attacks and other aspects of the treatment intentionally inflicted upon Plaintiffs by Defendants and the persons acting under their command, constituted harmful and offensive contact with the Plaintiffs' bodies, against their will, resulting in bodily harm. Defendants' wrongful acts constitute battery, actionable under the laws of the District of Columbia and the United States.

126. As a result of Defendants' acts, Plaintiffs suffered severe physical and mental pain and suffering and sustained material, physical, and emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.

127. Defendants' acts of battery were willful, intentional, wanton, malicious, and oppressive and warrant an award of punitive damages to Plaintiffs in an amount to be determined at trial.

SEVENTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress in Violation of the Restatement and the Common Law of the District of Columbia, Illinois, and Virginia

128. Plaintiffs repeat and reallege Paragraphs 1 – 127 as if fully recited herein.

129. Defendants intentionally committed and/or commanded wrongful acts which constituted outrageous conduct with the intent and direct effect of causing Plaintiffs severe emotional distress. Also, Defendants engaged in conduct that adversely affected Plaintiffs, with reckless disregard of the high probability that it would cause Plaintiffs to suffer severe abuses and emotional distress. Plaintiffs were present at the time the

outrageous conduct occurred and with Defendants' knowledge that the Plaintiffs were present.

130. Defendants' outrageous conduct was extreme, exceeds all possible bounds of decency, and constitutes the intentional infliction of emotional distress, actionable under the laws of the District of Columbia, the Commonwealth of Virginia and the Restatement.

131. As a result of Defendants' acts, Plaintiffs suffered severe physical and mental pain and suffering and sustained material, physical, and emotional damage, and are entitled to compensatory damages in an amount to be determined at trial.

132. Defendants' acts of intentional infliction of emotional distress were willful, intentional, wanton, malicious, and oppressive and warrant an award of punitive damages to Plaintiffs in an amount to be determined at trial.

ABSENCE OF AVAILABLE AND EFFECTIVE REMEDIES IN SYRIA

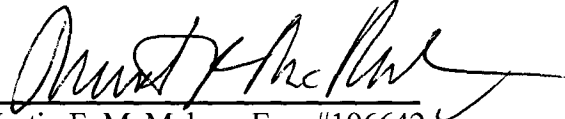
133. These claims advanced herein are not precluded by the need, or failure, to exhaust local remedies (as set out in the Torture Victim Protection Act) because such efforts would be futile. Syria is a virtual police state, and any person who tried to initiate legal processes against Syrian security forces (Defendants herein) would be imprisoned and tortured. No Syrian attorney would be willing to serve as counsel in a lawsuit which alleges that massive human rights abuses have taken place. In any case, Syrian law does not provide causes of action for violations of international human rights law.

134. Even if the Plaintiffs were able to bring a case in Syria for the limited cause of action available, forty years of dictatorial rule by the Assad family has weakened the independence of the judiciary. The State Department's 2010 Human Rights Report on

Syria affirms a finding that “[t]he constitution provides for an independent judiciary, but courts were regularly subject to political influence. According to observers, approximately 95 percent of judges were Ba'athists or closely aligned to the Ba'ath Party.”

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JURY DEMAND

The Plaintiffs hereby demand a jury trial in this matter.



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