

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Virginia L. Foley, Individually	:	
and as the Personal Representative	:	
of the Estate of Laurence Michael Foley, Sr.	:	
	:	
and	:	
	:	
et al.,	:	
	:	Civil Action No. 11-699 (CKK)
Plaintiffs,	:	
	:	
v.	:	
	:	
SYRIAN ARAB REPUBLIC	:	
	:	
and	:	
	:	
et al.,	:	
	:	
Defendants	:	
.....	:	

FIRST AMENDED COMPLAINT

Plaintiffs bring this action pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602, *et seq.* (hereinafter “FSIA”). This action arises out of the personal injuries and wrongful deaths of Laurence Michael Foley, Sr. in or near Amman, Jordan, on October 28, 2002, Keith Matthew Maupin in or near Baghdad, Iraq on or about June 28, 2004, and Kristian Menchaca in or near Baghdad, Iraq on or about June 20, 2006. These murders were carried out by terrorist organizations operating with material support and resources provided by the Syrian Arab Republic (hereinafter “Syria”) as a State-sponsor of terrorism and by the other Defendants who supported these acts of terrorism against United States citizens. The terrorists committed, and Laurence

Michael Foley, Sr. was the victim of, an act of “extrajudicial killing” as defined in the Torture Victim Protection Act (“TVPA”), 28 U.S.C. § 1350, and “personal injury” and “death” as required by 28 U.S.C. § 1605A. The terrorists committed, and Keith Matthew Maupin and Kristian Menchaca were the victims of, acts of “torture” and “extrajudicial killings” as defined in the Torture Victim Protection Act (“TVPA”), 28 U.S.C. § 1350, and “personal injury” and “death” as required by 28 U.S.C. § 1605A.

Plaintiffs state in support of their Complaint and allege the following:

THE PARTIES

A. The Plaintiffs

1. This action is brought by the Plaintiffs, by and through their counsel, in the individual capacity of each Plaintiff and, as appropriate, in the capacity of each as Administrator, Executor or Personal Representative of the estate more particularly described in the caption of this action for their own benefit, for the benefit of each particular estate and for the benefit and on behalf of all those legally entitled to assert a claim under the FSIA, and state common law and statutory law.

2. Plaintiff Virginia L. Foley at all times relevant hereto was the wife of Laurence Michael Foley, Sr. and is now his widow. Plaintiff Virginia L. Foley is a citizen of the United States of America who resides in the State of Maryland. Plaintiff Virginia L. Foley can sue and be sued in this Court. Plaintiff Virginia L. Foley brings this suit in her personal capacity and in her capacity as Personal Representative of the Estate of Laurence Michael Foley, Sr.

3. Plaintiff Megan Foley at all times relevant hereto is and was the daughter of Laurence Michael Foley, Sr. Plaintiff Megan Foley is a citizen of the United States of America. Plaintiff Megan Foley can sue and be sued in this Court.

4. Plaintiff Jeremie Foley Robenolt at all times relevant hereto is and was the daughter of Laurence Michael Foley, Sr. Plaintiff Jeremie Foley Robenolt is a citizen of the United States of America. Plaintiff Jeremie Foley Robenolt can sue and be sued in this Court.

5. Plaintiff Laurence Michael Foley, Jr. at all times relevant hereto is and was the son of Laurence Michael Foley, Sr. Plaintiff Laurence Michael Foley, Jr. is a citizen of the United States of America. Plaintiff Laurence Michael Foley, Jr. can sue and be sued in this Court.

6. Plaintiff Carolyn J. Maupin at all times relevant hereto was and is the mother of Keith Matthew Maupin. Plaintiff Carolyn J. Maupin is a citizen of the United States of America who resides in the State of Ohio. Plaintiff Carolyn J. Maupin can sue and be sued in this Court. Plaintiff Carolyn J. Maupin brings this suit in her personal capacity and in her capacity as Personal Representative of the Estate of Keith Matthew Maupin.

7. Plaintiff Keith Maupin at all times relevant hereto was and is the father of Keith Matthew Maupin. Plaintiff Keith Maupin is a citizen of the United States of America who resides in the State of Ohio. Plaintiff Keith Maupin can sue and be sued in this Court.

8. Plaintiff Christina Menchaca at all times relevant hereto was the wife of Kristian Menchaca, and is now his widow. Plaintiff Christina Menchaca is a citizen of

9. Plaintiff Pedro Menchaca at all times relevant hereto was the father of Kristian Menchaca. Plaintiff Pedro Menchaca is a citizen of the United States of America who resides in the State of Texas. Plaintiff Pedro Menchaca can sue and be sued in this Court. Plaintiff Pedro Menchaca brings this suit in his personal capacity.

10. Plaintiff Isaac J. Murillo at all times relevant hereto is and was the stepson of Kristian Menchaca. Plaintiff Isaac J. Murillo is a citizen of the United States of America who resides in the State of Texas. Plaintiff Isaac J. Murillo can sue and be sued in this Court.

11. Plaintiff Maria Guadalupe Vasquez at all times relevant hereto is and was the mother of Kristian Menchaca. Plaintiff Maria Guadalupe Vasquez is a citizen of the United States of America who resides in the State of Texas. Plaintiff Maria Guadalupe Vasquez can sue and be sued in this Court.

12. Plaintiff Julio Cesar Vasquez at all times relevant hereto is and was the sibling of Kristian Menchaca. Plaintiff Julio Cesar Vasquez is a citizen of the United States of America who resides in the State of Texas. Plaintiff Julio Cesar Vasquez can sue and be sued in this Court.

13. Plaintiff Kenneth MacKenzie at all times relevant hereto is and was the uncle of Kristian Menchaca. Plaintiff Kenneth MacKenzie is a citizen of the United

14. Plaintiff Julieta Vasquez MacKenzie at all times relevant hereto is and was the aunt of Kristian Menchaca. Plaintiff Julieta Vasquez MacKenzie is a citizen of the United States of America who resides in the State of Texas. Plaintiff Julieta Vasquez MacKenzie can sue and be sued in this Court.

B. The Defendants

15. Defendant Syria is a foreign state that was designated as a state sponsor of terrorism pursuant to section 60 of the Export Administration Act of 1979, 50 U.S.C. App. § 2405, section 620(A) of the Foreign Assistance Act of 1961, 22 U.S.C. § 2371, and section 40 of the Arms Export Control Act, on December 29, 1979, and has remained so designated, continuously, ever since. Syria has been included on the U.S. State Department's list of state sponsors of terrorism longer than any other state.

16. The U.S. State Department in its Country Reports on Terrorism 2009 states that in the late 1990s, Abu Mus'ab al-Zarqawi (al-Zarqawi), organized a terrorist group called al-Tawhid wal-Jihad (TWJ) in opposition to the presence of U.S. and Western military forces in the Islamic world and also the West's support for the existence of Israel. In late 2004, al-Zarqawi joined al-Qaeda and pledged allegiance to Usama bin Laden. After this, TWJ became known as al-Qaeda in Iraq (AQI). In January 2006, AQI created and led the Mujahidin Shura Council (MSC), an umbrella organization incorporating the various Sunni terrorist groups in Iraq. AQI claimed its attacks under the MSC banner until mid-October 2006.

17. Syria, at all times pertinent to this action, provided material support and resources to al-Zarqawi, to his successor Abu Ayyub al-Masri a.k.a. Abu Hamza al-Muhajir (al-Masri), and to the terrorist organization that al-Zarqawi and later al-Masri built and led, known alternatively as TWJ, AQI and MSC (collectively, for purposes of this Complaint, AQI).

18. Al-Zarqawi, al-Masri and AQI have carried out a murderous campaign of terrorism in, among other places, Iraq and Jordan, with the sponsorship, material support and resources furnished by Syria. Syria, through its actions, is and has been a State sponsor of al-Zarqawi, al-Masri and AQI, within the meaning of 28 U.S.C. § 1605A and the Flatow Amendment, by providing them with funding, equipment, arms, direction, logistical support, and/or training for their terrorist activities.

19. Defendant Syrian Military Intelligence is the principal Syrian intelligence service through which Syria sponsored al-Zarqawi, al-Masri and AQI, which caused the terrorist acts described below.

20. Defendants President Bashar al-Assad and General `Asif Shawkat performed acts within the scope of their respective offices, which caused the extrajudicial killings and personal injuries resulting from the acts of terrorism described herein. Accordingly, said Defendants are jointly and severally liable to Plaintiffs.

21. Syria as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat, are directly and/or vicariously responsible for the actions of their co-defendants because they materially supported and sponsored al-Zarqawi, al-Masri and AQI. Accordingly, Defendants are jointly and severally liable to Plaintiffs.

JURISDICTION AND VENUE

22. Jurisdiction over the subject matter of this case arises under 28 U.S.C. §§ 1330(a), 1331, 1332(a)(2) and 1605A.

23. Syria and the Syrian Military Intelligence are subject to suit in the courts of the United States as sponsors of and participants in al-Zarqawi, al-Masri and AQI's activities pursuant to the FSIA and related statutes.

24. Defendants President Bashar al-Assad and General `Asif Shawkat are subject to suit in the courts of the United States pursuant to the FSIA and related statutes.

25. Venue is proper in this District pursuant to 28 U.S.C. § 1391(f)(4), which provides, in pertinent part, that a civil action against a foreign state may be brought in the United States District Court for the District of Columbia.

26. 28 U.S.C. § 1605A(c) provides a federal private right of action against a foreign state that is or was a state sponsor of terrorism, and also against any official, employee or agent of that foreign state while acting within the scope of his or her office, employment or agency, for wrongful death, personal injury and related torts caused by an act of torture or extrajudicial killing or the provision of material support and resources for such acts.

**THE ASSASSINATION OF AMERICAN DIPLOMAT
LAURENCE MICHAEL FOLEY, SR.**

27. Laurence Michael Foley, Sr. was a caring husband, father of three children, and an American citizen.

28. He was drawn to, and spent his life in, the service of others, in different capacities. He served in the Peace Corps in India, and as an Associate Peace Corps Director in the Philippines. He also studied rehabilitation counseling at a graduate level,

29. His spirit of service to others finally led him to service as a diplomat, in the U.S. Agency for International Development (USAID). USAID plays a vital role in promoting U.S. national security, foreign policy and the struggle against terrorism. It does so peacefully by addressing poverty fueled by lack of economic opportunity, one of the root causes of violence today.

30. From 1990 to 2002, Foley served as an Executive Officer with U.S. AID in Bolivia, Peru, Zimbabwe and finally Jordan.

31. In October of 2002, Foley was living and working as head of the Executive Office for USAID in Amman, Jordan. He had commenced his posting in Amman in 2000 and had been working to facilitate projects such as delivering clean drinking water and health care to poor Jordanians, providing loans to women and small businesses and supporting tourism. He had just received a prestigious Superior Honor Award "in recognition of outstanding use of foreign assistance resources to support the U.S. foreign policy objectives of prosperity and stability in the region." He was 60 years old.

32. On the morning of Monday, October 28, 2002, Foley walked out to his driveway in order to get into his car and drive to work, as he did routinely most every Monday. An assassin, Salem Saad Ben Suweid, lay in wait for him. Suweid fired a silenced pistol at Foley, striking him with multiple bullets in the head and chest. His wife of 34 years, Virginia Foley, heard the gunshots and ran to a window, witnessing Foley

33. This complex, highly professional and effective terrorist operation was the first lethal attack on a U.S. diplomat in Jordan in more than thirty years.

34. Al-Zarqawi lived in Syria and had a Syrian passport during the months preceding the assassination, from May to September of 2002. With his Syrian passport, al-Zarqawi, who at that time was wanted by Jordanian authorities, was able to travel undetected across the border between Syria and Jordan in order to personally supervise the assassination.

35. From the safety of Syria, and with the cooperation and assistance of the Syrian military and Syrian intelligence, al-Zarqawi designed the plot to assassinate Foley, and carefully managed its execution.

36. Al-Zarqawi planned the Foley assassination with his closest collaborators, approximately ten fellow members of AQI, among them Suweid, Freihat and Mohammed Ahmad Tyura. Al-Zarqawi had a special relationship with Suweid, having met him in al-Qaeda training camps in Afghanistan in 1989. Suweid was regarded in radical Islamic circles as a professional terrorist. Suweid had lived in Damascus, Syria since 1997. Al-Zarqawi ultimately tapped Suweid, Freihat and Tyura to carry out the assassination.

37. In April 2002, Suweid instructed Tyura, Syrian by birth, and a resident of Damascus, to arrange for Freihat to train with the Syrian military. Freihat was staying at the Hotel al-Marjah, on Martyrs Square, just opposite the Syrian Ministry of Interior in Damascus.

38. Freihat spent one week in a Syrian military barracks in Damascus. There, under the supervision of three Syrian soldiers, he was trained in the use of submachine guns and pistols. Other members of the Foley assassination team also trained with Syrian military personnel in Syrian military barracks in 2002, and learned to use assault weapons. Al-Zarqawi had free access to the military barracks while the members of his team were being trained there.

39. After completing his training with the Syrian military, Freihat joined Suweid and Tyura at a safe house on the outskirts of Amman, Jordan. Al-Zarqawi remained in Syria.

40. Al-Zarqawi then ordered Suweid back to Syria. In Syria, al-Zarqawi gave to Suweid a pistol, a silencer and rounds. Suweid returned to the safe house in Jordan with the pistol. This was the pistol that Suweid ultimately used to assassinate Foley.

41. From Syria, al-Zarqawi provided funds to the dormant terrorist cell in Jordan, sending payments of \$1,000 and then \$5,000.

42. From Syria, al-Zarqawi ordered Suweid and Freihat to surveil Foley in Amman, and to study his routines, habits and movements.

43. Al-Zarqawi entered Jordan secretly from Syria the month before the assassination, in September 2002, and spent several days with Suweid. Al-Zarqawi gave Suweid another \$13,000, and asked him to enlist additional recruits as necessary in order to ensure the success of the operation. Syria provided some of the funds that al-Zarqawi made available to the Foley assassination team.

44. After the assassination, Jordanian authorities apprehended suspects, and conducted an extensive investigation.

45. On April 6, 2004, the State Security Court of the Hashemite Kingdom of Jordan convicted al-Zarqawi and sentenced him to death *in absentia* for his leading role in the assassination of Laurence Michael Foley, Sr.

46. At the same time, the Jordanian State Security Court convicted nine other members of AQI for their involvement in the Foley assassination, including Shaker al-Absi. Al-Absi provided financing for the assassination. He fled to Damascus in 2002. The Jordanian government requested his extradition, which Syria refused. The Syrian government claimed al-Absi was in detention in Syria, but he was actually protected in Syria and running a training camp in Syria for terrorists headed to Iraq. Al-Absi was tried *in absentia*, convicted and sentenced to death. The U.S. Department of State attributes the Foley assassination to al-Zarqawi and AQI.

47. Al-Zarqawi ordered the assassination of Foley as part of a larger strategy of murdering American civilians in Jordan and elsewhere in the Middle East. An enemy of peace, he was determined to drive a wedge between the governments of his native Jordan and the United States, and to eject the United States from the region.

48. In 1994, Jordan had broken from its Arab neighbor Syria and Iran by entering into an historic peace treaty with Israel brokered by U.S. President Bill Clinton. The United States played a decisive role in getting this treaty signed. Jordan and Israel exchanged Ambassadors, the Jordanian Parliament repealed laws banning contact with Israel, Israel ceded approximately 131 square miles of land to Jordan, and the two countries entered in water sharing arrangements. The peace treaty was also closely linked to ongoing efforts to achieve peace between Israel and the Palestinian Authority. Radical Islamists opposed the peace treaty and the normalization of relations with Israel, and

49. Zarqawi's goals were and are the political goals of the Syrian regime, which the regime pursued indirectly through its sponsorship and provision of material support and resources to al-Zarqawi and AQI.

**THE KIDNAPPING, TORTURE AND PUBLIC EXECUTION
OF KEITH MATTHEW MAUPIN**

50. On March 20, 2003, a multinational force led by the United States invaded Iraq. The force toppled the regime of Saddam Hussein, and commenced a long-term occupation intended to create the conditions necessary for the creation of a democratic form of government in Iraq. Syria formally opposed the invasion and occupation. Syria's foreign minister stated publicly that it was in Syria's interest to see the American invasion of Iraq fail.

51. Following the Foley assassination, al-Zarqawi and AQI shifted their focus to Iraq, and to ejecting the United States from Iraq. Al-Zarqawi concentrated his network in an area of Iraq known as the "Sunni Triangle" which he divided into different operational sectors, each led by a different lieutenant.

52. Al-Zarqawi appointed Haji Hammadi as the emir, or leader, of Karmah in eastern Anbar province and Abu Ghraib, an al-Qaeda haven to the west of Baghdad.

53. In 2002, the year that al-Zarqawi assassinated Laurence Michael Foley, Sr., Keith Matthew Maupin was a twenty year-old student at the University of Cincinnati.

54. Maupin arrived in Kuwait on February 20, 2004. He arrived at his duty station at Camp Anaconda, Iraq, in the heart of Sunni Triangle, on March 5, 2004. Maupin's primary duty at Camp Anaconda was to drive military fuel tanker trucks.

55. The U.S. Army had contracted with the private American defense contractor Kellogg Brown and Root (KBR) to provide fuel delivery services. KBR fuel tanker trucks and KBR employees were located at Camp Anaconda, and were used to deliver fuel to destinations in Iraq.

56. Fuel convoys often consisted of both Army and civilian KBR fuel tanker trucks. Neither the Army nor the civilian KBR fuel tanker trucks were armored, and neither was equipped with weapons systems. These fuel convoys were not on offensive missions to attack terrorists or others. Their authorized mission was simply to deliver their fuel cargo along authorized routes to its intended destination. If necessary, the fuel tanker trucks could corral themselves into a defensive "Israeli box formation" for protection, while air support was called in to deal with any attackers.

57. "Gun trucks" separated every third or fourth fuel tanker truck. These were U.S. Army cargo trucks, with a soldier driving, a soldier manning a gun mounted on top of the truck cab, and a soldier manning a gun mounted in the truck bed. The authorized mission of these "gun trucks" was purely defensive. The Army soldiers in "gun trucks"

58. On April 6, 2004, in response to the American led attack on Falloujah which had commenced the day before, al-Zarqawi issued this call to arms to AQI: “Sharpen your swords and burn the earth under the feet of the invaders.”

59. Three days later, on April 9, 2004, a significant day since it was the first anniversary of the day the allies reached Baghdad in the invasion of Iraq, AQI ambushed a fuel convoy that had departed from Camp Anaconda, carrying jet fuel to the Baghdad International Airport. The convoy stretched for approximately one mile on an expressway leading to the airport, and came under a sustained attack for approximately five miles.

60. This civilian convoy was under the control and command of KBR and its civilian employees, and not under U.S. military control or command. Civilian KBR employees drove every truck in the convoy, both the civilian KBR fuel tanker trucks and the Army fuel tanker trucks. Matt Maupin sat in the passenger seat of a military fuel tanker truck driven by a civilian KBR employee. There were approximately three “gun trucks” interspersed in the convoy.

61. The terrorists used women and children as human shields during the attack, in order to discourage return fire. The terrorists attacked with improvised explosive devices, rocket-propelled grenades, mortars and large caliber machine guns.

62. The civilian KBR driver of the fuel tanker truck in which Maupin was riding was struck by fire and killed. The truck burst into flames and swerved off the road.

63. The remnants of the convoy eventually arrived at Baghdad International Airport. It was discovered that Maupin and one other soldier were missing.

64. Seven days later, on April 16, 2004, the Arabic language television network Al-Jazeera, based in Qatar, broadcast a videotape that had been delivered to the U.S. Embassy in Doha, Qatar. It showed Matt alive, surrounded by five terrorists masked in kaffiyehs and holding automatic rifles. The U.S. Army later identified one of these men as the aforementioned Haji Hammadi. "My name is Keith Matthew Maupin," Matt said into the camera. "I am a soldier from the 1st Division." The terrorists suggested on the tape that Maupin might be traded for terrorists held by U.S. armed forces.

65. Over two months later, on June 28, 2004, Al-Jazeera broadcast another video. It showed a blindfolded man on his knees before a hole in the ground. An off camera Arabic voice identified the man as Matt Maupin. In the next scene, the terrorists shot Matt Maupin in the back of the head. The off camera voice stated that Matt Maupin had been executed because the United States had not changed its Iraq policy.

66. Over four years after the terrorist attack, on March 20, 2008, U.S. Army soldiers executed a special mission to recover the remains of Matt Maupin. They did recover human remains, approximately twelve miles from the site of the ambush of the convoy, west of Baghdad, and these remains later were conclusively identified using DNA technology as the remains of Matt Maupin. Matt Maupin's parents had lived for four years with the torment of not having in their possession medical proof of their son's death.

67. On April 27, 2008, Matt Maupin's remains were finally laid to rest in his hometown in Ohio.

68. On November 28, 2008, U.S. Army Brigadier General David Perkins, a spokesman for Multinational Force Iraq, stated publicly in a press conference that Haji Hammadi was an AQI leader, that Hammadi had been killed by coalition forces in a raid earlier that month, and that Hammadi was immediately responsible for the abduction and murder of Matt Maupin.

69. Matt Maupin's kidnapping, torture and execution at the hands of AQI must be understood in terms of the overall hostage and execution strategy pursued by al-Zarqawi in Iraq. Commencing in April 2004, al-Zarqawi and AQI kidnapped many Americans and other foreigners in Iraq, and then publicly executed them in barbaric ways designed to inspire terror. Al-Zarqawi was seeking media attention for these kidnappings and murders, and to use media attention to turn Western and in particular American public opinion against the ongoing American occupation of Iraq. He was a master of the art of communication, and had established a "media department" within AQI for the purpose of producing videos for circulation to jihadist websites, Al-Jazeera and other media channels at his disposal. Al-Zarqawi and AQI had publicly executed American businessman Nicolas Berg before the Maupin execution, and after the Matt Maupin execution, they publicly executed American businessmen Jack Armstrong and Jack Hensley. In each case, the executions were videotaped and broadcast to the world.

**THE KIDNAPPING, TORTURE AND EXECUTION
OF KRISTIAN MENCHACA**

70. In January 2006, al-Zarqawi and AQI created the MSC, an umbrella organization composed of six Sunni Islamist terror organizations active in Iraq and led by AQI. The U.S. State Department has acknowledged that AQI claimed its attacks under the MSC banner until at least mid-October 2006.

71. On June 7, 2006, al-Zarqawi was killed in an air strike carried out by American forces. An MSC website immediately named al-Masri as Zarqawi's successor and the new leader of MSC. On June 15, 2006, the United States military acknowledged that al-Masri had succeeded al-Zarqawi as the new leader of MSC. The U.S. State Department acknowledges this succession in its Country Reports on Terrorism 2007, and notes that al-Masri issued a statement pledging to continue what al-Zarqawi began.

72. Kristian Menchaca was a caring husband, a stepfather to an infant son, and an American citizen.

73. In June of 2006, Menchaca was a Private First Class in the United States Army. He was assigned to the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade, 101st Airborne Division, Fort Campbell, Kentucky. He was deployed to Youssifiyah, Iraq, within the Sunni Triangle.

74. On June 16, 2006, a U.S. airstrike killed Mansour al-Mashhadani, a key AQI leader described as a regional AQI emir.

75. All that day, Menchaca and two other soldiers, PFC Thomas Tucker and SPC David Babineau, had been posted at a small, unprotected Observation Post overlooking an important bridge approximately fifteen minutes from their platoon's encampment. Observation Posts are lightly armed positions where soldiers watch and listen for enemy activity in an assigned area. A Quick Response Force was designated to assist the Observation Post in the event of an attack.

76. At approximately 7:45pm, only hours after the airstrike that had killed al-Mashhadani in the same area, AQI terrorists drove a truck into Menchaca's Observation

77. The AQI terrorists kidnapped Menchaca and Tucker by loading them into the back of their truck before fleeing the scene. The third soldier, Babineau, was in a ditch and too difficult to carry to the truck. The AQI terrorists mercilessly executed him by shooting him at point-blank range in the back of the head.

78. During their captivity, Menchaca and Tucker were tortured before being executed. Menchaca was partly decapitated, and Tucker was decapitated. Their corpses were burned after being ignited with gasoline, and then finally drug extensively behind a truck.

79. On June 19, 2006, the mutilated, ground down bodies of Menchaca and Tucker were found in Youssifiyah, Iraq. Their bodies were booby-trapped, with improvised explosive devices strategically planted to endanger recovery personnel and delay recovery. Following the recovery of their bodies, Major General Abdul Jassim, Chief of Operations at the Iraqi Defense Ministry, said that Menchaca and Tucker had been “killed in a very brutal way and tortured. There were traces of torture on their bodies, very clear traces. It was brutal torture. The torture was something unnatural.”

80. On July 10, 2006, a video showing the mutilated bodies of Menchaca and Tucker was posted on an AQI website. It shows the two corpses laid out on a road and being taunted by AQI terrorists, who present the head of Tucker to the camera like a trophy, and stomp on the head of Menchaca.

81. MSC took credit for these barbaric murders in a statement posted on its website, stating that Zarqawi’s successor al-Masri has personally executed Menchaca and

Tucker: "We announce the good news to our Islamic nation that God's will was executed and the two crusader animals we had in captivity were slaughtered...And God has given our Emir, Abu Hamza al-Muhajer, the good fortune of carrying out the legitimate court's command in person." The Arabic word used in the posting, "nahr," denotes the cutting of the throat, and it has been used by jihadi groups when they have beheaded their victims.

82. On September 23, 2006, a second mutilation video of Menchaca and Tucker was broadcast on an AQI website. It shows AQI terrorists dragging Menchaca and Tucker on the streets, and setting their bodies on fire. An AQI terrorist stomps on the head of Tucker.

83. In a continuation of the strategy and pattern set by al-Zarqawi with his public executions of Nicolas Berg, Matt Maupin, Jack Hensley and Jack Armstrong, AQI terrorists published these mutilation videos in order to turn Western and in particular American public opinion against the ongoing American occupation of Iraq, and as part of their campaign to eject American forces from Iraq. Syria wanted to destabilize Iraq and prevent the United States from succeeding there. These were and are the shared political goals of AQI and the Syrian regime in Iraq.

**DEFENDANTS' SPONSORSHIP AND MATERIAL SUPPORT OF
AL-ZARQAWI, AL-MASRI AND AQI**

84. Defendants' sponsorship and material support of al-Zarqawi, his successor al-Masri and AQI must be understood in terms of the totalitarian nature of the Syrian regime, and in the context of its long history of employing terrorism as a tool for advancing its domestic and international agendas.

85. The Syrian Arab Republic is a republic in name only. In reality, it is a dictatorship and police state that strategically exhibits only the external forms of a

democratic regime. Its constitution vests one particular party – the Arab Socialist Ba’ath Party – with leadership functions in the State and society. It also vests broad powers in the person of the President, making him Secretary General of the Ba’ath Party and leader of the National Popular Front, a coalition of smaller minority political parties that are authorized to exist by the regime in order to create the appearance of a multi-party political system. The President has the power to issue laws, and since 1963 an Emergency Law has been in force that suspends most constitutional protections for Syrians. The President controls the legislative process.

86. In 1966, Syrian Ba’athists conducted a coup d’etat. The Ba’athists eliminated all political parties in opposition. Hafez al-Assad was appointed Minister of Defence. Hafez al-Assad led another coup in 1970, in which the Ba’ath party was purged of internal opposition, its leaders were jailed, and Hafez al-Assad installed as President of the police state.

87. The al-Assad family has controlled the Syrian regime without interruption for forty years, since 1971. Hafez al-Assad had a three-decade Presidency, lasting from 1971 to 2000, in which he was confirmed President in unopposed referenda five consecutive times. He was succeeded by his son Bashar al-Assad in 2000. Bashar al-Assad was confirmed as President, leader of the Ba’ath Party and leader of the Army, for a 7-year term, by an unopposed referendum held in 2001 in which he claimed 97.2% of the vote. He was re-appointed in another unopposed referendum in 2007, this time claiming 97.6% of the vote.

88. Members of President al-Assad’s own minority sect, the al-Awali clan, control most key positions in the Syrian military and Syrian intelligence and

89. There are more than a dozen security services in Syria, some overlapping in their domains, to make sure that the whole of Syrian territory is covered. These security services answer directly to President Bashar al-Assad, his brother General Maher al-Asad, commander of the Syrian Republican Guard, and his brother-in-law General `Asif Shawkat. General Shawkat is married to Bushra al-Assad, President al-Assad's sister. In 2001, General Shawkat was named Deputy Director of Syrian Military Intelligence, one of the main branches of the Syrian intelligence apparatus. From 2005 to 2009, he assumed control of the entire Military Intelligence apparatus. In July 2009, he was upgraded to the rank of General and named as deputy Chief of Staff.

90. Syria is a dictatorship and the security services cannot and do not act on the scale required to facilitate, coordinate and support the insurgency in Iraq, al-Zarqawi, al-Masri or AQI without President al-Assad's explicit authorization.

91. It is clear that support for al-Zarqawi, al-Masri and AQI from Syrian territory or Syrian government actors could not have been accomplished without the authorization of the Syrian government and Syrian Military Intelligence through President al-Assad and General Shawkat. Syria's own Foreign Minister once publicly admitted, with reference to terrorist attacks carried out by the Abu Nidal Organization

with Syrian material support and sponsorship, “Whoever knows my government must realize that such attacks could not be carried out without its awareness.”

92. A U.S. Department of State Bulletin published in 1987 states: “Available evidence indicates that Syria prefers to support groups whose activities are generally in line with Syrian objectives rather than to select targets or control operations itself. Damascus utilizes these groups to attack or intimidate enemies and opponents and to exert its influence in the region. Yet at the same time, it can disavow knowledge of their operations. Such Syrian-supported groups have carried out scores of attacks against Palestinian and other Arab, Turkish, Israeli, and Western targets...”

93. The Bulletin lists many examples of Syrian material support and sponsorship of terrorism and terrorist organizations. A sampling of these includes:

- a. The suicide truck bombing of U.S. Marine barracks in Beirut, Lebanon, on October 23, 1983, in which 299 American and French servicemen were killed, an operation attributed by then U.S. Secretary of Defense Caspar Weinberger to “basically Iranians with sponsorship and knowledge and authority of the Syrian government”;
- b. The July 1985 assassination of Jordanian diplomat Ziad Sati in Ankara, Turkey. Turkish authorities issued an arrest warrant for the Syrian Embassy Second Secretary, Mohammed Darwichi. The chief defendant in the trial, who was employed as a translator in the Jordanian embassy, carried a Syrian passport. During the trial, he confessed to having worked for Syrian intelligence, stating that his

- c. The hijacking of Egypt Air Flight 648 on November 23, 1985;
- d. The simultaneous massacres of air passengers at the TWA and El Al tickets counters at the Fiumicino Airport in Rome, Italy, and the Schwechat Airport in Vienna, Austria, on December 27, 1985;
- e. The March 29, 1986 bombing of the German-Arab Friendship Union in West Berlin, injuring 11 persons, which, according to the sworn statement of one of the convicted terrorists, Amad Hasi, was carried out using a bomb that he picked up at the Syrian Embassy in East Berlin from a Syrian Air Force intelligence officer;
- f. The attempted bombing of El Al Flight 016 on April 17, 1986, which, according to the confession that convicted Jordanian terrorist Nezar al-Hindawi, the brother of Ahmad Hasi, made to British police, was planned with the help of Syrian military intelligence officers (including *inter alia* the Chief of Syrian Air Force Intelligence Brigadier General Nuhammad al-Khuli, one of President Hafez al-Asad closest aides), and the Syrian Ambassador in London, who supplied him with a Syrian passport, \$12,000, Semtex explosives which he planted in the luggage of his pregnant Irish fiancée and a disguise as a Syrian Arab Airlines crew member;

- g. The attempted bombing of an El Al plane on June 26, 1986, in Madrid, Spain, by a Spanish member of the Syrian sponsored Abu Musa terrorist organization, carrying a Syrian passport; and
- h. Support and sponsorship of the Abu Nidal Organization, the Abu Musa Group, the Popular Front for the Liberation of Palestine, the Japanese Red Army, the Kurdish Labor Party, the Armenian Secret Army for the Liberation of Armenia and the Lebanese Armed Revolutionary Faction.

94. More recently, Syria has provided material support and sponsorship to Hamas, Hezbollah, Palestinian Islamic Jihad and AQI.

95. Al-Zarqawi was arrested and imprisoned in Iran for a few weeks in early 2002. The Iranian authorities released him because he had a valid Syrian passport issued by the Syrian authorities, indicating that he worked for Syria. Syria is Iran's closest ally and the two countries have been partners in terrorism since the early 1980s. Al-Zarqawi left Iran for Syria, via Iraq.

96. Al-Zarqawi was physically in Syria from May to September 2002. He used Syria as a base for plotting to assassinate Foley. He arranged for his AQI terrorist conspirators to be trained in Syrian military barracks, and he provided supervision and organized financing for the assassination from Syria. Syria protected and refused to extradite Shaker al-Absi, a key al-Zarqawi associate responsible for financing the assassination, to Jordan.

97. The U.S. Department of State, in its 2009 Country Reports on Terrorism, states: "Prior to 2005, AQI planned and conducted limited attacks in Jordan, including

98. At all times relevant to this Complaint, Syria materially supported al-Zarqawi, his successor al-Masri and AQI in their campaign to use terrorism to destabilize Iraq and eject American forces from Iraq by *inter alia* (1) facilitating the recruitment and training of Zarqawi's followers and their transportation into Iraq, (2) harboring and providing sanctuary to AQI terrorists and their logistical and supply network, and (3) financing al-Zarqawi, al-Masri and AQI. In the words of the former defense minister of Iraq, Sa`dun al-Dulaimi: "We know the terrorists have no other gateway into Iraq but Syria."

99. At all times relevant to this Complaint, Syria furnished various kinds of material support, within the meaning of 28 U.S.C. § 1605A, including, but not limited to:

- a. AQI recruits received weapons in Syria and then they were smuggled into Iraq with the full knowledge of the Syrian security services;
- b. funds raised by AQI in various Arab countries, especially in Jordan (al-Zarqawi's native country) and Saudi Arabia, were funneled through Syria; and
- c. AQI recruits were trained in Syrian military barracks and were given logistical support from the Syrian military security apparatus headed

100. The comfort and safe haven provided by Syria and its security services allowed al-Zarqawi and other AQI fighters to move back and forth between Iraq and Syria at will.

101. When AQI publicly executed Berg, Maupin, Armstrong and Hensley, al-Zarqawi had been physically in Iraq, but Syria remained his haven. Al-Zarqawi operated by staying at the edges of the urban centers and close to the desert for escape routes. Therefore it is likely that from time to time he commanded AQI from within Syrian borders.

102. The United States Department of State in its 2005 Patterns of Global Terrorism concluded Syria was a “facilitation hub for terrorists operating in Iraq . . .”

103. In 2007, Senator Joseph Lieberman publicly charged: "Al-Qaida in Iraq is sustained by a transnational network of facilitators and human smugglers, who replenish its supply of suicide bombers – approximately 60 to 80 Islamist extremists, recruited every month from across the Middle East, North Africa and Europe, and sent to meet their al-Qaida handlers in Syria, from where they are taken to Iraq to blow themselves up to kill countless others.”

104. The U.S. Department of State, in its 2008 Country Reports on Terrorism, stated: “The United States continued its focused efforts to mitigate the threat posed by foreign fighters in Iraq. State sponsors of terrorism, Iran and Syria, continued to play destabilizing roles in the region.” It also noted that “nearly 90% of all foreign fighters entering Iraq are transiting from Syria.”

105. On February 28, 2008, pursuant to Executive Order 13224, which targets terrorists and those providing financial or other material support to terrorism, the U.S. Department of the Treasury designated Badran Turki Hishan Al Mazidih a.k.a. Abu Ghadiyah, and three other men.

106. The Treasury designation states that al-Zarqawi had appointed Abu Ghadiyah as AQI's Syrian commander for logistics in 2004, and that after al-Zarqawi's death Abu Ghadiyah and his AQI logistics network continued to work under the command of al-Zarqawi's successor al-Masri. The designation states that Abu Ghadiyah, from his base in Syria, ran the AQI facilitation network, controlling the flow of money, weapons, terrorists and other resources through Syria into Iraq. It states that Abu Ghadiyah obtained and provided false passports, weapons, guides, safe houses and allowances to AQI terrorists in Syria preparing to cross the border into Iraq.

107. On October 28, 2008, after Syria's repeated refusals to capture, hand over or kill Abu Ghadiya and shut down his AQI logistics network in Syria, U.S. special forces attacked Abu Ghadiya's and his AQI logistics network on Syrian territory. The Assad regime condemned the American attack on AQI terrorists harboring in Syria as "serious aggression."

108. Syria regarded AQI as indispensable for Syrian interests in the region. Syria fully supported AQI in order to inflict heavy casualties on the U.S. forces in Iraq so that the U.S. would be compelled to withdraw in a humiliating manner from Iraq. This would make it more difficult than ever for the U.S to intervene to change the regimes in Syria or in Iran, Syria's close ally. By fully supporting the insurgency in Iraq and especially AQI, Syria has gained in prestige and stature in the Arab and Islamic worlds.

109. Syria also supported the insurgency to protect itself against the spread of American democracy and the threat of a possible American invasion from Iraq. Paranoia descended upon Damascus and the Syrian regime after Iraq collapsed like a house of cards in the face of the American invasion. The United States Army was now positioned next door with the explicit goal of spreading democracy to a neighborhood of tyrannical regimes, such as the dictatorship that ruled over Syria. Various US policy makers made statements regarding the wisdom of sending the troops into Damascus next. “‘There’s got to be a change in Syria’, [Paul] Wolfowitz said in April, adding that the government was a ‘strange regime, one of extreme ruthlessness.’ At the same time, another prominent conservative closely associated with Wolfowitz and [Richard] Perle, in particular, former CIA director James Woolsey, was widely quoted on television as saying that the ‘war on terrorism’ should be seen as ‘World War IV’ that should include as targets ‘fascists of Iraq and Syria.’”

110. The provision of material support and resources to AQI, a known terrorist organization, by the government of Syria, acting directly and by and through their individual governmental leaders and representatives as named in the Complaint, and by other representatives of the government, constitute violations of applicable and numerous United States laws, thereby rendering the government of Syria and its security agencies, and their individual governmental representatives named as Defendants herein, jointly and severally liable for their illegal acts and deeds.

COUNT I – BATTERY
(Under 28 U.S.C. § 1605A(c) and State Common Law)

111. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

112. On October 28, 2002, on or about June 28, 2004, and on or about June 16, 2006, members of AQI willfully, violently and forcefully committed terrorist acts during the assassination of Laurence Foley, and the kidnapping, torture and execution of Matt Maupin and Kristian Menchaca respectively, with the express purpose of inflicting severe pain and suffering and death. The willful, wrongful and intentional acts of AQI, which were sponsored by all Defendants, constitute a battery upon the persons of Laurence Foley, Matt Maupin and Kristian Menchaca, causing injury to them as set forth above.

113. Defendants President Bashar al-Assad and General `Asif Shawkat performed acts within the scope of their respective offices which provided material support and sponsorship to AQI and its terrorist activities, including but, not limited to, the assassination of Laurence Foley, and the kidnapping, torture and executions of Matt Maupin and Kristian Menchaca.

114. As a direct and proximate result of the willful, wrongful and intentional acts of al-Zarqawi, al-Masri and the other AQI terrorists, which acts were materially supported and sponsored by Syria, as well as by the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat, Laurence Foley, Matt Maupin and Kristian Menchaca were injured in that they endured extreme mental anguish, physical injury and pain and suffering, all to their damage.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Maria Guadalupe Vasquez, Pedro Menchaca, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf

of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against the Defendants for the damages they suffered, including, but not limited to, pain, suffering, mental anguish, and pecuniary losses, in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count I, and their costs expended.

COUNT II – ASSAULT
(Under 28 U.S.C. § 1605A(c) and State Common Law)

115. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the forgoing paragraphs as if fully set forth herein.

116. During the murders of Laurence Foley, Matt Maupin and Kristian Menchaca, the AQI terrorists intentionally and willfully put Laurence Foley, Matt Maupin and Kristian Menchaca in fear for their lives and apprehension of harm and injury as a direct result of the terrorists' actions in brandishing and firing weapons and explosives, and the physical and mental abuse they inflicted upon them.

117. As a direct and proximate result of the willful, wrongful and intentional acts of al-Zarqawi, Al-Masri and the other AQI terrorists, which acts were materially supported and sponsored by Syria, as well as the Syrian Military Intelligence, President Bashar al-Assad, and General `Asif Shawkat, Laurence Foley, Matt Maupin and Kristian Menchaca were injured in that they endured extreme mental anguish, physical injury and pain and suffering, all to their damage.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Maria Guadalupe Vasquez, Pedro Menchaca, Julio Cesar Vasquez, Kenneth

MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against the Defendants for the damages they suffered, including, but not limited to, pain, suffering, mental anguish, and pecuniary losses, in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count II, and their costs expended.

COUNT III – FALSE IMPRISONMENT AND KIDNAPPING
(Under 28 U.S.C. § 1605A(c) and State Common Law)

118. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

119. AQI terrorists willfully, violently and forcefully committed terrorist acts during the murders of Matt Maupin and Kristian Menchaca with the express purpose of inflicting severe pain and suffering and death. Matt Maupin and Kristian Menchaca were seized and held for months and days respectively against their will. The willful, wrongful and intentional acts of AQI, which were sponsored by all Defendants, constituted false imprisonment and kidnapping upon the persons of Matt Maupin and Kristian Menchaca, causing injury to them as set forth above.

120. Defendants President Bashar al-Assad and General `Asif Shawkat performed acts within the scope of their office which materially supported and sponsored al-Zarqawi, al-Masri and AQI's terrorist activities, including but, not limited to the kidnapping, torture and murders of Matt Maupin and Kristian Menchaca.

121. As a direct and proximate result of the willful, wrongful and intentional acts of al-Zarqawi, al-Masri and the other AQI terrorists, which acts were materially supported and sponsored by Syria, as well as the Syrian Military Intelligence, President Bashar al-Assad, and General `Asif Shawkat, Matt Maupin and Kristian Menchaca were injured in that they endured extreme mental anguish, physical injury and pain and suffering, all to their damage.

WHEREFORE, Plaintiffs Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Maria Guadalupe Vasquez, Pedro Menchaca, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against the Defendants for the damages they suffered, including, but not limited to, pain, suffering, mental anguish, and pecuniary losses, in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count III, and their costs expended.

COUNT IV INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS, INCLUDING SOLATIUM
(Under 28 U.S.C. § 1605A(c) and State Common Law)
(As to All Plaintiffs)

122. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all of the forgoing paragraphs as if fully set forth.

123. The assassination of Laurence Foley, and the kidnapping, torture and executions of Matt Maupin and Kristian Menchaca, and each and all of the acts set forth

124. As a direct result and proximate result of the willful, wrongful and intentional acts of al-Zarqawi, al-Masri and AQI, which acts were materially supported and sponsored by Syria as well as the Syrian Military Intelligence, President Bashar al-Assad, and General `Asif Shawkat, Laurence Foley, Matt Maupin and Kristian Menchaca, and their families, as above set forth, were each caused to suffer permanent and severe emotional distress.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Pedro Menchaca, Maria Guadalupe Vasquez, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against Defendants for the damages they suffered, including, but not limited to, pain, suffering, mental anguish, and pecuniary losses, in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count IV, and their costs expended;

COUNT V – ACTION FOR WRONGFUL DEATH
(Under 28 U.S.C. § 1605A(c) and State Common Law and State Statutory Law)

125. Plaintiff Virginia Foley, as the Personal Representative of the Estate of Laurence Michael Foley, Sr., repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth herein.

126. Laurence Michael Foley Sr.'s death was caused by a willful and deliberate act of extrajudicial killing as he was murdered by AQI terrorists during the course of their terrorist act of assassination against him, as an American citizen, acting with the material support and sponsorship of defendants Syria as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat.

127. Plaintiff Carolyn Maupin, as the Personal Representative of the Estate of Keith Matthew Maupin, repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth herein.

128. Keith Matthew Maupin's death was caused by a willful and deliberate act of extrajudicial killing as he was murdered by AQI terrorists during the course of their terrorist acts of kidnapping, torture and execution against him, as an American citizen, acting with the material support and sponsorship of defendants Syria as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat.

129. Plaintiff Christina Menchaca, as the Personal Representative of the Estate of Kristian Menchaca, repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth herein.

130. Kristian Menchaca's death was caused by a willful and deliberate act of extrajudicial killing as he was murdered by AQI terrorists during the course of their terrorist acts of kidnapping, torture and execution against him, as an American citizen,

WHEREFORE, Plaintiff Virginia Foley, in her capacity as the Personal Representative of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn Maupin, in her capacity as the Personal Representative of the Estate of Keith Matthew Maupin, and Plaintiff Christina Menchaca, in her capacity as the Personal Representative of the Estate of Kristian Menchaca, demand that judgment be entered, jointly and severally, against Defendants for the damages they suffered, including, but not limited to, pecuniary losses, which include, but are not limited to, the loss of future earnings, and funeral and burial expenses, in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count V, and their costs expended.

COUNT VI – ACTION FOR SURVIVAL DAMAGES
(Under 28 U.S.C. § 1605A(c) and State Common Law and State Statutory Law)

131. Plaintiff Virginia Foley, in her capacity as the Personal Representative of the Estate of Laurence Michael Foley, Sr., repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

132. Before his death, Laurence Michael Foley, Sr. suffered extreme bodily pain and mental anguish and suffering, entitling his Estate to compensatory damages.

133. Plaintiff Carolyn Maupin, in her capacity as the Personal Representative of the Estate of Keith Matthew Maupin, repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

134. Before his death, Keith Matthew Maupin suffered extreme bodily pain and mental anguish and suffering, entitling his Estate to compensatory damages.

135. Plaintiff Christina Menchaca, in her capacity as the Personal Representative of the Estate of Kristian Menchaca repeats, realleges and incorporates by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

136. Before his death, Kristian Menchaca suffered extreme bodily pain and mental anguish and suffering, entitling his Estate to compensatory damages.

137. Defendants Syria as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat is directly and/or vicariously responsible for the actions of their co-defendants because they acted as sponsors of al-Zarqawi, al-Masri and AQI.

WHEREFORE, Plaintiff Virginia Foley, as the Personal Representative of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn Maupin, as the Personal Representative of the Estate of Keith Matthew Maupin, and Plaintiff Christina Menchaca, as the Personal Representative of the Estate of Kristian Menchaca, demand that judgment be entered, jointly and severally, against Defendants for the damages they suffered, including, but not limited to, pain, suffering, mental anguish, and pecuniary losses, in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count VI, and their costs expended.

COUNT VII – ACTION FOR CONSPIRACY
(Under 28 U.S.C. § 1605A(c) and State Common Law)
(As to All Plaintiffs)

138. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

139. Defendants Syria, as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat, did knowingly and willfully conspire with and/or agree to sponsor a terrorist organization within the meaning of 28 U.S.C. § 1605A, which terrorist organization willfully and deliberately committed an act of terrorism, which caused the personal injuries and/or deaths of Plaintiffs.

140. For the reasons stated above, and having conspired to sponsor the terrorist organization which willfully and deliberately committed an act of terrorism which caused the personal injuries and/or deaths of Plaintiffs, Defendants are jointly and severally liable to Plaintiffs for all damages in this civil action.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Maria Guadalupe Vasquez, Pedro Menchaca, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against Defendants in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count VII, and their costs expended.

COUNT VIII – ACTION FOR AIDING AND ABETTING
(Under 28 U.S.C. § 1605A(c) and State Common Law and State Statutory Law)
(As to All Plaintiffs)

141. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

142. Defendants Syria as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat did knowingly and willfully provide substantial assistance to and sponsor a terrorist organization within the meaning of 28 U.S.C. § 1605A, which terrorist organization willfully and deliberately committed an act of terrorism, which caused the personal injuries and/or deaths of Plaintiffs.

143. For the reasons stated above, and having aided and abetted a terrorist organization which willfully and deliberately committed an act of terrorism which caused the personal injuries and/or deaths of Plaintiffs, all Defendants are jointly and severally liable to Plaintiffs for all damages in this civil action.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Pedro Menchaca, Maria Guadalupe Vasquez, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against Defendants in the amount of **TEN MILLION (\$10,000,000.00) DOLLARS** for each of them, on this Count VIII, and their costs expended.

COUNT IX - 28 U.S.C. §1605A(c)
(As to All Plaintiffs)

144. Plaintiffs repeat, re-allege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

145. In addition, the acts of assaulting and murdering Laurence Michael Foley, Sr. and assaulting, terrorizing, holding, torturing and murdering Keith Matthew Maupin and Kristian Menchaca while captive, and each and all of the acts set forth above, constituted extreme and outrageous conduct with the intent to inflict emotional distress upon them and emotional distress, including solatium, upon members of their families. Further, these acts were undertaken for the purpose of causing severe mental duress and suffering, including solatium damages, upon the members of their families.

146. The willful, wrongful and intentional acts of Abu Nidal terrorists were sponsored and directed by Syria, as well as the Syrian Air Force Intelligence.

147. As a direct and proximate result of the willful, wrongful and intentional acts of the AQI members, whose acts were materially supported, sponsored, aided and directed by Defendants, Laurence Michael Foley, Sr., Keith Matthew Maupin and Kristian Menchaca were tortured and/or killed and they and their families endured extreme mental anguish, physical injury and pain and suffering, all to their damage.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Pedro Menchaca, Maria Guadalupe Vasquez, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, and each of them, on behalf of the estates and heirs of Laurence Michael Foley, Sr., Keith Matthew Maupin and Kristian Menchaca respectively, and all of their

family members listed above demand that judgment be entered, jointly and severally, against Defendants for the damages they suffered, including, but not limited to, pain, suffering, mental anguish, and pecuniary losses, in the amount of **ONE HUNDRED MILLION (\$100,000,000.00) US Dollars** for each of them, on this Count IX, and their costs expended; as to each of their, mothers, father, sisters, brothers, daughters, spouses and sons above named, above in the amount of **TEN MILLION DOLLARS (\$10,000,000.00)** for each and every one of them, on this Count IX, and their costs expended, including attorneys' fees.

COUNT X – PUNITIVE DAMAGES
(Under 28 USC 1605A(c), P.L. 104-208, 110 Stat. 3009-172)
(As to All Plaintiffs)

148. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in each of the foregoing paragraphs as if fully set forth.

149. The actions of AQI, as above set forth, were intentional and malicious and in willful, wanton and reckless disregard of the rights and well being of all Plaintiffs. All of the acts of al-Zarqawi, al-Masri and AQI were facilitated by funding, training, and other material support, resources and sponsorship from Syria, as well as the Syrian Military Intelligence, President Bashar al-Assad and General `Asif Shawkat.

150. The Defendants rendered material support to the AQI terrorists actually carrying out the terrorist acts above described. Under 28 U.S.C. § 1605A(c), the Plaintiffs are entitled to an award of economic damages, solatium, pain and suffering, and punitive damages, and same is hereby requested against the Defendants, jointly and severally, in accordance with the provisions of 28 U.S.C. § 1605A(c) making both a state

151. As required by 28 U.S.C. § 1605A(c), each of President Bashar al-Assad and General `Asif Shawkat was acting within the scope of his respective office, employment or agency when he supplied, facilitated or authorized the provision of material support or resources to al-Zarqawi, al-Masri and AQI and the execution of its terrorist attacks.

WHEREFORE, Plaintiffs Virginia L. Foley, Megan Leigh Foley, Jeremy Foley Robenolt, Laurence Michael Foley, Jr., Carolyn J. Maupin, Keith Maupin, Christina Menchaca, Pedro Menchaca, Maria Guadalupe Vasquez, Julio Cesar Vasquez, Kenneth MacKenzie and Julieta Vasquez MacKenzie individually, Plaintiff Virginia L. Foley on behalf of the Estate of Laurence Michael Foley, Sr., Plaintiff Carolyn J. Maupin on behalf of the Estate of Keith Matthew Maupin, Plaintiff Christina Menchaca on behalf of the Estate of Kristian Menchaca, and Plaintiff Christina Menchaca on behalf of her minor son Isaac J. Murillo, demand that judgment be entered, jointly and severally, against Defendants in the amount of **THREE HUNDRED MILLION US DOLLARS (\$300,000,000.00)** for each act of murder, on this Count X, and their costs expended. The award of punitive damages, as requested, is to punish Defendants for their conduct in supporting terrorism and the terrorist murderous acts described herein, and to send a message to them and others that the United States of America and its citizens respond to the lawless acts of terror and murder with the application of orderly justice.

ADDITIONAL RELIEF REQUESTED

Plaintiffs request leave of Court to amend this Complaint as the interests of justice require.

DATED

Respectfully Submitted,

September 13, 2011

/s/ Steven R. Perles
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