

UNDER EMBARGO UNTIL NOTICE GIVEN
NO EARLIER THAN 7:00 PM EDT ON SATURDAY 9 JULY 2016

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

CATHLEEN COLVIN, individually and as
parent and next friend of minors C.A.C.
and L.A.C., heirs-at-law and beneficiaries
of the estate of MARIE COLVIN, and
JUSTINE ARAYA-COLVIN, heir-at-law and
beneficiary of the estate of MARIE COLVIN,
c/o Center for Justice & Accountability,
One Hallidie Plaza, Suite 406,
San Francisco, CA 94102

Plaintiffs,

v.

SYRIAN ARAB REPUBLIC,
c/o Foreign Minister Walid al-Mualem
Ministry of Foreign Affairs
Kafar Soussa, Damascus, Syria

Defendant.

Civil No. _____

Complaint For
Extrajudicial Killing,
28 U.S.C. § 1605A

COMPLAINT

Plaintiffs Cathleen Colvin and Justine Araya-Colvin allege as follows:

INTRODUCTION

1. On February 22, 2012, Marie Colvin, an American reporter hailed by many of her peers as the greatest war correspondent of her generation, was assassinated by Syrian government agents as she reported on the suffering of civilians in Homs, Syria—a city besieged by Syrian military forces. Acting in concert and with premeditation, Syrian officials deliberately killed Marie Colvin by launching a targeted rocket attack against a makeshift broadcast studio in the Baba Amr neighborhood of

Homs where Colvin and other civilian journalists were residing and reporting on the siege.

2. The rocket attack was the object of a conspiracy formed by senior members of the regime of Syrian President Bashar al-Assad (the “Assad regime”) to surveil, target, and ultimately kill civilian journalists in order to silence local and international media as part of its effort to crush political opposition.

3. At the time of the attack, the Baba Amr neighborhood of Homs was the epicenter of opposition groups that sought to oust President Bashar al-Assad and end four decades of autocratic rule by the Assad family. Beginning on or around February 4, 2012, Syrian military and intelligence forces launched a scorched-earth campaign against Baba Amr, laying siege to the neighborhood and subjecting the civilian population to systematic artillery and sniper fire.

4. As part of the siege of Baba Amr, the Assad regime hunted down journalists and media activists who sought to expose these atrocities to the world. Dubbed a “YouTube revolution,” the Syrian uprising against the Assad regime spread nationwide through online, social-media networks. After the Assad regime restricted foreign press, Syrian “citizen journalists”¹ shared amateur videos through Skype, YouTube, and Facebook, becoming a wellspring for the global media.

5. Baba Amr was at the center of this citizen journalism. During the February 2012 siege of Baba Amr, a local poet and media activist known as Khaled Abu

¹ The term “citizen journalists” refers to private individuals who are not media professionals, but who gather and report information using cell phones, personal computers, and online social media, and disseminate news to local or foreign media outlets.

Salah² and a group of citizen journalists set up the Baba Amr Media Center (“Media Center”), a makeshift broadcast studio at a secret location in the ground-floor apartment of a three-story house. Those reporting from the Media Center were non-combatant civilians who operated independently from the armed rebel groups fighting against the Assad regime. They did not participate in hostilities. Instead, they produced video blogs to expose the Assad regime’s deliberate attacks on civilians. They also hosted foreign journalists seeking to report on the ongoing siege of Baba Amr. Marie Colvin was one of the most prominent of these foreign journalists.

6. In February 2012, Colvin traveled to Baba Amr with British photographer Paul Conroy and Syrian translator Wael al-Omar on assignment for the British newspaper *The Sunday Times*. They slept in the back room of the apartment housing the Media Center and were eventually joined by a group of French and Spanish journalists.

7. Throughout February 2012, the Assad regime received tips from intelligence sources in Lebanon that Colvin and other foreign journalists were traveling to Syria through Lebanon and reporting from the Baba Amr Media Center. Acting on these tips, senior members of the Assad regime formed a plan to intercept the journalists’ communications, track their movement to locate the Media Center, and kill the journalists with artillery fire.

8. This plan was formulated at the highest levels of the Syrian government by members of the Central Crisis Management Cell, a special war cabinet created by President Bashar al-Assad to oversee the crackdown on the democratic opposition. These members included, among others, MAHER AL-ASSAD, brother of President Bashar al-

² “Khaled Abu Salah” is the popular pseudonym of Adnan al-Hamid.

Assad and commander of the elite 4th Armored Division of the Syrian Army, and MAJOR GENERAL ALI MAMLUK, Head of the General Intelligence Directorate. The plan was implemented by the Homs Military-Security Committee, which oversaw military and intelligence operations in Homs, under the command of BRIGADIER GENERAL RAFIQ SHAHADAH. The plan was executed by Syrian military forces under the command of MAJOR GENERAL ISSAM ZAHREDDINE of the Syrian Republican Guard, LIEUTENANT COLONEL MUHAMMAD KENAN GHALIYA of the Syrian Special Forces, and other officers of the Syrian army. These government forces acted in concert with a paramilitary death squad known as the “*shabiha*” (Arabic for “ghosts”). Members of the *shabiha* operated as clandestine agents of the Assad regime under the supervision of Maher al-Assad.

9. The plan to attack the Media Center culminated on February 21, 2012. That night, Marie Colvin made audio broadcasts via satellite dish to CNN, BBC News, and Channel 4 from inside the Media Center. “There are rockets, shells, tank shells, anti-aircraft being fired in parallel lines into the city,” she told CNN’s Anderson Cooper. “The Syrian Army is simply shelling a city of cold, starving civilians.”³ Syrian intelligence forces intercepted Colvin’s broadcast signal and traced it to a location inside Baba Amr.

10. That same night, an Assad regime informant tipped off the leadership of the Homs Military-Security Committee that foreign journalists were present at the Media Center and revealed the precise location. Acting on the tip, General Shahadah, as Chief of the Homs Military-Security Committee, and Khaled al-Fares, a *shabiha* militia leader, contacted the office of Maher al-Assad to share the tip and form a plan of action. General

³ Video: Marie Colvin’s Last Call to CNN, CNN (Feb. 22, 2012, 1:25 AM), <http://ac360.blogs.cnn.com/2012/02/22/video-journalist-syrias-government-lies/>.

Shahadah subsequently met with Lt. Col. Ghaliya of the Syrian Special Forces, and other military and intelligence officials, to debrief the informant. Officials spent the rest of the night working to verify the location of Colvin and the other journalists. General Shahadah determined that the informant's description of the Media Center matched the location of Colvin's intercepted satellite broadcast signal. General Shahadah, Major General Zahreddine, Lt. Col. Ghaliya, and others prepared to conduct a premeditated artillery attack against the civilian Media Center.

11. The next morning, on February 22, 2012, Syrian artillery units around Homs deliberately launched salvos of rockets and mortars directly at the Media Center. Using a targeting method called "bracketing," multiple rockets were launched to either side of the Media Center, drawing closer with each round. Scrambling in panic, Media Center activists and journalists began to evacuate the three-story house.

12. As Colvin and French photographer Rémi Ochlik rushed together into the front foyer of the Media Center, a rocket slammed into the ground directly outside the front door of the house. The blast killed Colvin and Ochlik. It also shattered a wooden door leading to the main room of the Media Center. Shrapnel and debris from the explosion struck Colvin's colleagues Paul Conroy and Wael al-Omar, and the French reporter Edith Bouvier, who were still inside the Media Center, causing them severe injuries.

13. Survivors from the initial volleys of rocket fire ran into the street in front of the Media Center. There, an aerial surveillance aircraft operated by Syrian government forces circled overhead. The Syrian artillery units adjusted their targets away from the Media Center and began firing shells into the street, targeting survivors and emergency

responders. Although seriously injured, Paul Conroy, Wael al-Omar, and Edith Bouvier survived the attack.

14. There were no lawful military targets in the vicinity of the Media Center at the time of the attack on February 22, 2012. No armed rebels were present in or around the Media Center. The occupants targeted by the Assad regime were unarmed civilians.

15. Plaintiffs bring this action under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602 *et seq.*, seeking compensatory and punitive damages for the extrajudicial killing of Marie Colvin.

JURISDICTION AND VENUE

16. This Court has subject-matter jurisdiction over Plaintiffs' action and personal jurisdiction over Defendant the Syrian Arab Republic pursuant to 28 U.S.C. §§ 1330 and 1605A, which provide for jurisdiction over all civil actions for personal injury or death of a national of the United States caused by acts of extrajudicial killing carried out by state sponsors of terrorism and their officials, employees, and agents.

17. Plaintiffs have afforded the Syrian Arab Republic a reasonable opportunity to arbitrate the claims in this action as required under 28 U.S.C. § 1605A(a). Plaintiffs have made an offer to arbitrate in accordance with accepted international rules of arbitration contemporaneous with this Complaint.

18. Venue is proper in this judicial district under 28 U.S.C. § 1391(f)(4).

THE PARTIES

Plaintiffs

19. Plaintiff CATHLEEN COLVIN is the sister of MARIE COLVIN and a United States citizen. She brings this action on her own behalf and on behalf of her minor

children, C.A.C. and L.A.C., who are heirs-at-law and beneficiaries of the estate of Marie Colvin pursuant to Marie Colvin's last will and testament.

20. Plaintiff JUSTINE ARAYA-COLVIN is the niece of Marie Colvin and a United States citizen. She brings this action on her own behalf as an heir-at-law and beneficiary of the estate of Marie Colvin pursuant to Marie Colvin's last will and testament.

21. Marie Colvin was a citizen of the United States, born in New York City on January 12, 1956. At the time of her death, on February 22, 2012, Colvin was a resident of London, England. In her 25 years writing for the British newspaper *The Sunday Times*, Colvin became renowned for her victim-centered dispatches from the war zones of the world. Marie Colvin's award-winning career as a war reporter extended from the 1987 siege of Basra in the Iran-Iraq war to the 2012 siege of Baba Amr in the Syrian civil war. She worked with relentless courage to expose crimes against humanity, human rights abuses, and the ravages of war around the world, including in East Timor, where her reporting was credited with averting a massacre of refugees, and in Sri Lanka, where a grenade blinded her in one eye. After covering wars in Chechnya, the Balkans, Sierra Leone, Iraq, and Libya, Colvin described the 2012 bombardment of Homs, Syria as the worst conflict zone she had ever seen.⁴

Defendant

22. Defendant the SYRIAN ARAB REPUBLIC ("Syria") is governed by a single party under the control of President Bashar al-Assad, Secretary of the Regional Branch of the Arab Socialist Baath Party ("Baath Party"). Since December 29, 1979, Syria has been

⁴ Video: *Marie Colvin's Last Call to CNN*, CNN (Feb. 22, 2012, 1:25 AM), <http://ac360.blogs.cnn.com/2012/02/22/video-journalist-syrias-government-lies/>.

designated a state sponsor of terrorism by the United States, in accordance with the Export Administration Act of 1979. *See* 45 Fed. Reg. 33,956 (May 21, 1980). Moreover, since August 17, 2011, the United States has subjected Syria to sanctions due to “the Government of Syria’s continuing escalation of violence against the people of Syria.” Exec. Order No. 13,582, Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria, 76 Fed. Reg. 52,209 (Aug. 22, 2011).

STATEMENT OF FACTS

I. BACKGROUND

23. Syria has been governed by the dictatorial rule of the Assad family since 1971, when a military coup brought Hafez al-Assad to power as President and Secretary of the Baath Party. Bashar al-Assad succeeded his father, Hafez al-Assad, as President and Secretary of the Baath Party in 2000.

24. In the four decades of the Assad family’s rule, the Baath Party has dominated all aspects of political, economic, and social life in Syria. The Assad family has ensured loyalty and control through two pillars of support: (1) the “*mukhabarat*,” a feared network of intelligence agencies⁵ modeled after the secret police of the former Soviet bloc, and (2) the Syrian military (collectively, the “Syrian military and intelligence forces”). The Syrian military and intelligence forces have routinely surveilled, tortured, and summarily executed perceived opponents of the Assad regime.

⁵ The Syrian *mukhabarat* includes four independent intelligence agencies: the General Intelligence Directorate, Military Intelligence Directorate, Air Force Intelligence Directorate, and Political Security Directorate.

II. THE SYRIAN REVOLUTION OF 2011 AND THE OUTBREAK OF CIVIL WAR IN HOMS

25. In early 2011, a wave of protests known as the “Arab Spring” swept the Middle East, demanding democratic and economic reforms. Beginning in mid-March 2011, largely peaceful protests inspired by the Arab Spring took place across Syria in response to the torture of 15 schoolboys arrested for writing anti-government graffiti in the southern city of Deraa.

26. The Assad regime responded with a violent crackdown on protests. In late March 2011, the regime adopted a nationwide strategy to crush the democratic opposition, using the Syrian military and intelligence forces and militias loyal to the Assad family, known as the *shabiha*. This strategy was overseen by a central war cabinet and by regional security committees that coordinated military, intelligence, and militia operations in each of Syria’s 14 provinces.

27. On or around March 27, 2011, President Bashar al-Assad established the Central Crisis Management Cell (“CCMC”), an inter-agency war cabinet that oversaw all intelligence and military operations against the opposition. The CCMC sat at the apex of a complex state-security apparatus composed of conventional armed forces as well as Syria’s secret police, the *mukhabarat*. This apparatus was responsible for protecting the Assad family from political opponents, ensuring Baath Party loyalty, and conducting intelligence operations, which included the support of terrorist organizations such as Hezbollah. The members of the CCMC included, among others, the Minister and Deputy Minister of Defense, the Minister of Interior, and the heads of the four intelligence agencies, as well as Maher al-Assad, the President’s brother and commander of the elite 4th Division of the Syrian army. From its office in Damascus, Syria’s capital,

the CCMC received daily reports on the operations of Syrian military and intelligence forces around the country. The CCMC submitted plans for President Bashar al-Assad's approval and disseminated orders through the National Security Bureau, a senior office tasked with coordinating the four intelligence agencies. CCMC orders were also disseminated through a network of regional committees that oversaw the security crackdown in each of Syria's 14 provinces.

28. Under the CCMC, the Assad regime engaged in the widespread and systematic repression of dissent throughout 2011. Military, intelligence, and *shabiha* forces fired on unarmed demonstrators. According to the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic, regime forces killed an estimated 3,500 civilians between March 2011 and November 2011.⁶ Across the country, regime forces launched raids against suspected political opponents, detaining tens of thousands of Syrians in a system of prisons operated by the *mukhabarat*. As of May 2016, an estimated 60,000 Syrians have died in detention, succumbing to torture, disease, and malnutrition.⁷

29. The regime's security crackdown triggered an armed uprising, as thousands of Syrians defected from the military and took up arms to defend the democratic opposition. In late 2011 and early 2012, the regime launched a massive military operation in Homs, Syria's third largest city, laying siege to defectors and

⁶ U.N. Human Rights Council, Rep. of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, ¶ 28, U.N. Doc. A/HRC/S-17/2/Add.1 (Nov. 23, 2011), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/S-17/2/Add.1.

⁷ Tom Perry, *Monitor: 60,000 have died in Syrian government jails during war*, Reuters, May 22, 2016 6:02am EDT, <http://www.reuters.com/article/us-mideast-crisis-syria-detainees-idUSKCN0YD084>.

civilians in opposition-held neighborhoods including Baba Amr. (Discussed below in Section III).

30. As the violence escalated, the regime waged a violent crackdown on local and foreign journalists. It also targeted everyday Syrian nationals who used the tools of online social media—cell phones, YouTube, Facebook, and satellite television—to expose attacks on civilians and to call for humanitarian aid. This media crackdown, formulated at the highest levels of the Syrian government by members of the CCMC, led directly to the assassination of Marie Colvin. (Discussed below in Section IV).

III. THE SIEGE OF BABA AMR: FEBRUARY 2012

31. Homs was the first Syrian city to be subjected to siege warfare by the Assad regime. The city became an epicenter of the opposition movement following a massacre of protestors in Clock Square in April 2011. Through summer and fall of 2011, local celebrities—including soccer stars and actresses—led festive protests in Homs with thousands singing and dancing. Homs was strategically located along Syria's central highway, and the regime was determined to keep its grip on the city. The regime placed checkpoints between neighborhoods, fired on demonstrations, and arrested thousands.

32. In response, defectors from the Syrian army joined with local volunteers to defend opposition neighborhoods from attack. In November 2011, a group of officers who had defected from the Syrian army entered Baba Amr, a district in southwest Homs. They announced the formation of the al-Farouq Battalion, a rebel group affiliated with the Free Syrian Army, a national network of moderate, pro-democracy rebels ("FSA rebels"). Composed of several hundred army deserters and volunteers, equipped only with small arms, the FSA rebels launched raids against government checkpoints in Baba

Amr. In late November 2011, the FSA rebels expelled Assad regime forces from Baba Amr, established a defensive perimeter around the neighborhood, and declared it a “liberated zone.” The protracted and intense violence between FSA rebels and Assad regime forces in Homs in November 2011 marked the beginning of a civil war in Syria.

33. The FSA rebels and Assad regime forces were locked in a standoff in Baba Amr between November 2011 and late January 2012. Arab League observers attempted to negotiate a cease-fire in Homs, but failed and withdrew on January 28, 2012. After their withdrawal, the Assad regime launched an intense siege of Baba Amr, encircling the neighborhood with infantry, tanks, and heavy artillery from the 11th and 18th Divisions of the Syrian army.

34. The siege of Baba Amr was overseen by the Homs Military-Security Committee, under the command of Brigadier General Rafiq Shahadah of the Military Intelligence Directorate. Brigadier General Shahadah was tasked with coordinating joint operations between the Homs branches of the intelligence agencies and units of the Syrian army deployed to Homs. Under Shahadah’s command, regular units from the 11th and 18th Divisions were reinforced by elite units from the Republican Guard, 4th Division, and Special Forces. These units conducted joint intelligence and military operations under a chain of command that ran through the Homs Military-Security Committee up to the CCMC and the offices of President Bashar al-Assad and his brother, Maher al-Assad.

35. In addition to overseeing joint operations of the Syrian military and intelligence forces, the Homs Military-Security Committee coordinated the operations of the *shabiha* death squads. According to United States government officials, “[s]ince the

beginning of the unrest in Syria, the [s]habiha have operated as a direct action arm of the Government of Syria and its security services, with [s]habiha units providing support to units from designated security services.”⁸

36. President Bashar al-Assad’s brother, Maher al-Assad, directed and funded *shabiha* death squad activities in Homs through Khaled al-Fares, a *shabiha* leader who served as an auxiliary member of the Homs Military-Security Committee alongside Brigadier General Shahadah. Al-Fares reported directly to Maher al-Assad through the Security Section of the 4th Division.

37. In February 2012 these military, intelligence, and *shabiha* forces carried out widespread and systematic attacks against the civilian population of Baba Amr under the direction of the CCMC and the Homs Military-Security Committee. They spread terror throughout the population of Baba Amr to demoralize the opposition movement and compel rebels to surrender. To accomplish this, Syrian military and intelligence forces in Homs used indiscriminate artillery shelling and sniper fire against a densely populated urban area. The civilian residents of Baba Amr were denied food, medical care, and electricity by the surrounding regime forces. Forced to smuggle essential supplies across the siege lines, civilians who were caught by regime forces were subjected to mass detention and torture. Others were massacred by *shabiha* death squads.

38. The regime’s protracted artillery campaign began on or around the morning of February 4, 2012, when artillery units of the Syrian army opened fire on Baba Amr with heavy field guns, rocket launchers, mortars, and tanks. Between February 4,

⁸ Special Briefing, U.S. Dep’t of State, Senior Administration Officials on Terrorist Designations of the al-Nusra Front as an Alias for al-Qaida in Iraq (Dec. 11, 2012), <http://www.state.gov/r/pa/prs/ps/2012/12/201797.htm>.

2012, and February 28, 2012, regime forces systematically shelled Baba Amr each day from dawn to dusk, sweeping artillery fire in a wave across the neighborhood.

39. Assad regime forces deliberately shelled civilian targets in the center of Baba Amr, instead of directing artillery fire at the rebel positions on the perimeter of the neighborhood. Assad regime forces were aware they were shelling civilians: military and security forces selected targets using intelligence reports, aerial surveillance aircraft, and forward observers.

40. On February 16, 2012, the U.N. General Assembly adopted Resolution 66/253 A, condemning “the continued widespread and systematic violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary executions, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence, and ill-treatment, including against children.”⁹

41. That same day, U.N. Secretary General Ban Ki-moon condemned the Syrian government’s violent repression: “We see neighborhoods shelled indiscriminately. Hospitals used as torture centers. Children as young as 10 years old jailed and abused. We see almost certain crimes against humanity.”¹⁰

42. The siege of Baba Amr became a symbol of the violence of the Assad regime and the resistance of the Syrian democratic opposition. As such, it drew the

⁹ G.A. Res. 66/253, ¶ 2 (Feb. 16, 2012), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/66/253.

¹⁰ Rick Gladstone, *General Assembly Votes to Condemn Syrian Leader*, N.Y. Times (Feb. 16, 2012), http://www.nytimes.com/2012/02/17/world/middleeast/secretary-general-ban-ki-moon-castigates-syria-ahead-of-general-assembly-vote.html?_r=0 (quoting Sec’y Gen. Ban Ki-moon).

attention of journalists around the world, who sought to cross the siege lines and cover the battle for what many dubbed the “capital of the revolution.”¹¹ The Assad regime considered these journalists enemies.

IV. THE CONSPIRACY TO ASSASSINATE JOURNALISTS

43. Silencing journalists was central to the Assad regime’s strategy to crush political opposition. President Bashar al-Assad made it clear from early on that Syrian and foreign journalists who reported on protests and regime violence would be considered enemies of the Syrian state. On March 30, 2011, President Bashar al-Assad addressed the Syrian Parliament, asserting that Syria was “facing a great conspiracy whose tentacles extend to some nearby countries and far-away countries, with some inside the country.”¹² This conspiracy, he claimed, was supported by “media groups” inside Syria: “they want us to surrender through waging on us a virtual war using the media and the internet.”¹³

44. Beginning in the spring of 2011, the Assad regime attempted to impose a media blackout to cover up the regime’s crackdown on political opposition. The regime severely restricted freedom of speech and the press, placing tight controls on foreign

¹¹ *Homs: Syrian revolution's fallen 'capital'*, BBC, Dec. 9, 2015, <http://www.bbc.com/news/world-middle-east-15625642>.

¹² Syrian Arab News Agency (SANA), *President al-Assad Delivers Speech at People’s Assembly*, March 30, 2011, <https://web.archive.org/web/20110402044717/http://www.sana.sy/print.html?sid=339278&newlang=ara> (Arabic); <https://web.archive.org/web/20110406012411/http://www.sana.sy/print.html?sid=339334&newlang=eng> (English).

¹³ *Id.*

media's access to conflict zones in Syria and terrorizing, abusing, or killing local professional and citizen journalists.¹⁴

45. This crackdown escalated. On or around August 6, 2011, the National Security Bureau, acting under the direction of the CCMC, issued instructions to the *mukhabarat* and regional Security Committees to launch joint military and intelligence campaigns against “those who tarnish the image of Syria in foreign media and international organizations,” and other wanted persons.¹⁵ Over the following weeks, instructions to target media critics of the Assad regime were disseminated to intelligence branches around the country. Over the following months, Syrian intelligence forces distributed wanted lists to checkpoints around Homs and other areas calling for the arrest of foreign journalists and Syrian activists accused of speaking to foreign media. The intelligence forces offered rewards for the capture of any foreign journalist found in Syria.

46. Pursuant to this policy, numerous Syrian journalists and media activists were subjected to violent persecution. On August 25, 2011, Ali Ferzat, a celebrated political cartoonist, was abducted in Damascus and tortured by Syrian government forces, then released with a warning not to satirize President Assad.¹⁶ On October 2, 2011, another Syrian political cartoonist, Akram Raslan, was arrested by Syrian

¹⁴ See U.S. Dep't of State, *Syria 2013 Human Rights Report*, <http://www.state.gov/documents/organization/220588.pdf>.

¹⁵ Memorandum No. BLA/8/AQ, from National Security Bureau of the Baath Arab Socialist Party, Syrian Arab Region – Regional Command, to Comrade Secretary of the Baath Party in the Governorates of Hama, Rif Damashq, Deir Al Zour, Homs, Idlib, and Daraa, August 6, 2011. A copy is attached hereto as Exhibit A.

¹⁶ See Press Statement, U.S. Dep't of State, *Syria: Attack on Ali Farzat and Persecution of Activists* (Aug. 25, 2011), <http://www.state.gov/r/pa/prs/ps/2011/08/171056.htm>.

intelligence forces; he has since disappeared and is reported to have died under torture.¹⁷ On November 20, 2011, Ferzat Jarban, a freelance cameraman, was arrested by Syrian intelligence forces in the town of al-Qasir outside of Homs, after filming demonstrations; the next morning, his body was found in the street by residents, his eyes gouged out.¹⁸ On February 16, 2012, less than a week before the killing of Marie Colvin, Syrian Air Force Intelligence raided the Syrian Centre for Media and Freedom of Expression in Damascus; prominent human rights lawyer and journalist Mazen Darwish and other staff members were arbitrarily detained and tortured by members of Air Force Intelligence and the 4th Division.¹⁹

A. Surveillance Campaign and Attempted Killings in Homs

47. The attack on Marie Colvin and the Media Center was carried out as part of the Assad regime's policy of targeting media critics. In or around January 2012, members of the CCMC and the Homs Military-Security Committee overseeing the crackdown in Homs formed a common criminal plan to surveil and kill members of the Media Center and the foreign journalists they hosted.

48. On or around January 5, 2012, senior members of the CCMC—including Deputy Defense Minister Assef Shawkat, Minister of Interior Muhammad al-Shaar, and

¹⁷ See *Well-known Syrian cartoonist died in detention after being tortured*, Reporters Without Borders (Sept. 22, 2015), <http://en.rsf.org/syria-well-known-syrian-cartoonist-died-22-09-2015,48382.html>.

¹⁸ See United Nations Educational, Scientific, and Cultural Organization (UNESCO), *Director-general condemns murder of Syrian cameraman Ferzat Jarban and urges respect for freedom of expression and fundamental rights* (Nov. 25, 2011), http://www.unesco.org/new/en/media-services/single-view/news/director_general_condemns_murder_of_syrian_cameraman_ferzat_jarban_and_urges_respect_for_freedom_of_expression_and_fundamental_human_rights/; Committee to Protect Journalists, *Syrian cameraman killed; last seen being arrested, November 21, 2011 2:11 PM ET*, <https://cpj.org/x/46d5>.

¹⁹ See *Mazen Darwish, Hussein Gharir, and Hani Zaitani, Freedom of Expression Advocates*, HUMAN RIGHTS WATCH (Sept. 16, 2013), <https://www.hrw.org/news/2013/09/16/mazen-darwish-hussein-gharir-and-hani-zaitani-freedom-expression-advocates>.

Major General Ali Mamluk—met with a diplomatic mission from the Arab League that was monitoring the situation in Homs. During their discussions, these Syrian officials accused Khaled Abu Salah and all journalists associated with the Media Center of being terrorists collaborating with the United States, France, and Israel, and demanded to know if—and where—the Arab League monitors had met with them. The Syrian officials denounced the *Washington Post* and *New York Times* as “terrorist newspapers.” They accused foreign journalists of being intelligence agents working for the United States and Israel and demanded to know if there were foreign journalists in Baba Amr. These journalists were a threat, they claimed, because they suspected that foreign journalists in Libya had been spies responsible for the NATO intervention against Libyan leader Muammar Gaddafi in 2011. Deputy Defense Minister Assef Shawkat told the Arab League monitors that members of the media were his main obstacle. He could destroy Baba Amr in ten minutes, he explained, if there were no cameras.

49. In January and February of 2012, Major General Ali Mamluk, Director of the Syrian General Intelligence Directorate, received intelligence reports from sources in Lebanon that foreign journalists, including teams from CNN, the BBC, and *The Sunday Times*, were arriving at Beirut International Airport and being smuggled across the Lebanese border into Homs. Major General Ali Mamluk forwarded this information to Brigadier General Rafiq Shahadah, Chief of the Homs Military-Security Committee. General Shahadah instructed the intelligence branches in Homs to track down the foreign journalists, using electronic surveillance and local informants.

50. Under the command of Brigadier General Muhammad Zamrini, the Computer and Signals Section of Military Intelligence Branch 261 used signal

interception devices to monitor satellite dish and cell phone communications and trace journalists' locations. These locations were shared with Syrian artillery units, who attempted repeatedly to fire artillery at the broadcast locations of the Media Center activists and foreign journalists.

51. On one such occasion, on or around February 5, 2012, Khaled Abu Salah, co-founder of the Media Center, was reporting on civilian casualties at an improvised field hospital in Baba Amr. While standing outside the hospital, Abu Salah received a call on his mobile phone from a reporter from Al-Jazeera. Minutes later, Syrian forces shelled the location where Abu Salah took the call. The shrapnel and shock wave from the shells killed two civilian activists who had been tallying casualties and injured Abu Salah in his arm and torso.

52. In or around mid-February 2012, Major General Ali Mamluk and Brigadier General Rafiq Shahadah received new intelligence reports that multiple teams of foreign journalists were planning to enter Baba Amr. General Shahadah ordered Syrian armed forces to intensify shelling of suspected smuggler's routes in an attempt to kill the journalists.

B. February 22, 2012: The Extrajudicial Killing of Marie Colvin

53. On or around February 15, 2012, Marie Colvin, British photographer Paul Conroy, and their Syrian interpreter Wael al-Omar arrived in Homs on assignment for *The Sunday Times*. Colvin was determined to cover the siege of Baba Amr after seeing video footage from the Media Center showing the regime's indiscriminate shelling of civilians. Throughout January 2012, Paul Conroy had spent time in Beirut trying to connect with activists who could help the journalists cross the Lebanese border into Syria.

Upon information and belief, *The Sunday Times* tried without success to obtain a Syrian entry visa. In any case, Colvin and Conroy feared that it would be unsafe to embed with the Syrian government on an official press tour. They were aware that Gilles Jacquier, a French journalist, had been killed by mortar fire in Homs on January 11, 2012, while under escort by Syrian security forces. Two Swiss journalists who were with Jacquier at the time accused the Syrian government of leading Jacquier into an ambush.²⁰ Colvin and Conroy had also been warned by sources that the Lebanese government had intercepted Syrian military radio traffic authorizing the killing of any foreign journalists found in Homs.

54. On February 15th, Colvin and Conroy were guided by activists across the Syrian border. They traveled to Homs with their fixer and interpreter, Wael al-Omar, using backroads and a three-kilometer long tunnel. As they approached the city, they could hear the rumble of high-explosive shells. They eventually arrived under cover of night at the makeshift Media Center in Baba Amr. It was in a small apartment building, tucked away in a narrow street where the surrounding buildings offered cover from incoming shells. At the Media Center, Colvin, Conroy, and al-Omar met with a team of journalists from CNN who had been staying with Khaled Abu Salah and the other citizen journalists. They relied on the Media Center's portable satellite dish to communicate over Skype. It was the only means of communication. Colvin feared that a satellite phone could easily be intercepted, and the portable BGAN satellite transmitters she and Conroy had brought with them had been intermittently jammed.

²⁰ Rebecca Seales, *Syrian government blamed for journalist's death*, *The Sunday Times* (Jan. 22, 2012), http://www.thesundaytimes.co.uk/sto/news/world_news/Middle_East/article861722.ece.

55. Colvin remained at the Baba Amr Media Center for two days with Conroy and al-Omar, as the neighborhood took heavy shelling. During their stay, they repeatedly observed snipers on the roofs of the nearby Al-Baath University shooting at civilians who came into their sights. On February 17th, Colvin and her team heard rumors that Syrian infantry were preparing to launch a ground assault on the neighborhood. As a result, they and the CNN team escaped from Homs that night and returned to the Syrian-Lebanese border, where Colvin issued a report to *The Sunday Times* via satellite phone.

56. On February 19, 2012, *The Sunday Times* published her scathing account of the siege of Baba Amr. Assad regime forces had encircled the district with a trench, she wrote, letting virtually no one in or out. Syrian artillery pounded the cramped district of 28,000 residents indiscriminately, while cold and hungry civilians huddled in what she called a “widow’s basement”: “Crammed amid makeshift beds and scattered belongings are frightened women and children trapped in the horror of Homs, the Syrian city shaken by two weeks of relentless bombardment.”²¹

57. Assad regime officials were monitoring the news. When General Shahadah learned that *The Sunday Times* and CNN teams had escaped the siege and filed reports, he ordered intelligence forces in Homs to intensify efforts to recruit informants and tighten the noose around any journalist reporting from Homs.

58. On February 20th, Colvin, Conroy, and al-Omar decided to return to Homs. Colvin felt that the fate of Baba Amr’s civilians needed to be told. They returned to Baba Amr that night via the same back roads and tunnel.

²¹ Marie Colvin, *Final dispatch from Homs, the battered city*, *The Sunday Times* (Feb. 19, 2012), <http://www.thesundaytimes.co.uk/sto/public/news/article874796.ece>.

59. The next day, on February 21, 2012, they decided that the shelling was too intense for them to leave the Media Center. Citizen journalists visited the Media Center throughout the day, bringing them information and video footage. That morning, Rami al-Sayyad, a citizen journalist in Baba Amr, was killed by an artillery shell while running to the aid of a family that had just been struck by artillery fire.

60. That evening, Marie Colvin and Paul Conroy decided they should try to escape from the besieged city the next day. They feared they might not survive another day of shelling, and could not wait until Sunday to file their story. While the Media Center still had a functioning satellite dish, they decided that evening to expose the regime's continuing attacks on civilians by broadcasting live interviews on BBC News, Channel 4, and CNN via Skype. Colvin reported to the BBC that Assad regime forces were "shelling with impunity, with merciless disregard for civilians"²² It was "a complete and utter lie that they're only going after terrorists," she told CNN's Anderson Cooper. "The Syrian Army is simply shelling a city of cold, starving civilians."²³

61. Shortly after Colvin's broadcasts, another team of European journalists arrived at the Media Center: Édith Bouvier from the French newspaper *Le Figaro*, Javier Espinosa from the Spanish newspaper *El Mundo*, and French freelance photographers Rémi Ochlik and William Daniels.

62. Meanwhile, Syrian intelligence forces were closing in. Marie Colvin's broadcast signals had been intercepted by the Computer and Signals Section of Branch

²² *Homs: Syrian revolution's fallen 'capital'*, BBC News (Dec. 9, 2015), <http://www.bbc.com/news/world-middle-east-15625642>.

²³ *Video: Marie Colvin's Last Call to CNN*, CNN (Feb. 22, 2012, 1:25 AM), <http://ac360.blogs.cnn.com/2012/02/22/video-journalist-syrias-government-lies/>.

261 of the Syrian Military Intelligence Directorate. Agents of Branch 261 analyzed the intercepted signals to determine the location of the Media Center.

63. That same night, a female informant inside Baba Amr contacted Khaled al-Fares, a *shabiha* death squad leader who played a leading intelligence-gathering role for the Homs Military-Security Committee. The informant told al-Fares that foreign journalists were present at the Media Center and she revealed its location. Al-Fares formed an action plan with General Ghassan Belal, Maher al-Assad's Security Chief, and Brigadier General Rafiq Shahadah, Chief of the Homs Military-Security Committee. Al-Fares then transported the informant to the Military Operations Center at the Homs Military Academy.

64. There, during the early morning hours of February 22, 2012, General Shahadah convened a meeting to debrief the informant. Present at the meeting were local intelligence officials and military officers from the Republican Guard, Special Forces, and other units of the Syrian army. The informant was shown aerial footage and maps of Homs. She identified the precise location of the Media Center and the foreign journalists. After the meeting, the Computer and Signals Section of Branch 261 of the Syrian Military Intelligence Directorate informed General Shahadah that the informant's account matched the location of broadcast signals they had intercepted earlier that night.

65. With Marie Colvin's location now confirmed, General Shahadah prepared to launch an artillery attack on the Media Center with Major General Issam Zahreddine of the Syrian Republican Guard, Lieutenant Colonel Kenan Muhammad Ghaliya of the Syrian Special Forces, and other Syrian military officers.

66. Later on the morning of February 22, 2012, Marie Colvin and photographer Paul Conroy awoke in the back room of the Media Center where they had been staying. They began to pack their gear and prepared for their last day in the besieged neighborhood, before attempting to escape Baba Amr through the tunnels.

67. Suddenly, the shriek of an incoming rocket pierced the air. An explosion shook the three-story house. Syrian artillery units positioned around the city began launching salvos of rockets and mortars directly at the Media Center, in a targeting pattern known as “bracketing.” The first rockets fell several meters out from both sides of the Media Center. Then another salvo of rockets shrieked through the air, followed by explosions on either side, several meters closer. Each salvo drew closer to the Media Center, hemming it in. The journalists and activists rushed to evacuate.

68. Marie Colvin and French photographer Rémi Ochlik ran together into the front foyer of the Media Center. As they were about to reach the exit, a rocket crashed into the doorway. The blast killed Colvin and Ochlik and sent a shock wave into the main room of the Media Center, blowing off a door. Conroy, al-Omar, and Bouvier, who were still sheltered inside the Media Center, were struck by shrapnel and debris, causing them severe injuries.

69. While some within the Media Center were able to escape and make it out into the street, they were immediately detected by an aerial surveillance aircraft circling overhead. Syrian artillery units quickly adjusted their target away from the Media Center and towards these survivors by firing shells into the street.

70. Marie Colvin, Rémi Ochlik, and all the other journalists at the Media Center were non-combatant civilians. None were members of any of the warring

factions, and none were participating in hostilities. No armed rebels were present at or near the Media Center at the time of the attack. Neither Marie Colvin, nor any of the other victims, were ever charged, convicted, or sentenced by any Syrian court for any crime punishable by execution.

71. The February 22, 2012 assault on the Media Center was part of the Assad regime's conspiracy to silence the media and terrorize civilians. The Assad regime targeted Marie Colvin and the other journalists in the Media Center with full knowledge that the victims were innocent civilians who did not participate in or contribute to hostilities.

72. After the attack on the morning of February 22, 2012, Syrian intelligence and military officials gathered at the office of General Shahadah and received reports confirming the deaths of Marie Colvin and Rémi Ochlik. Major General Issam Zahreddine and Lieutenant Colonel Kenan Muhammad Ghaliya were congratulated on the successful attack against the Media Center.

73. Tellingly, on or around February 25, 2012, Maher al-Assad awarded *shabiha* leader Khaled al-Fares with a black luxury automobile in recognition of the assassinations of Colvin and Ochlik.

74. The deliberate killing of Marie Colvin has caused intense anguish and emotional suffering to Colvin's grief-stricken family members, including Plaintiffs Cathleen Colvin and Justine Araya-Colvin.

GENERAL ALLEGATIONS

75. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 74 of this Complaint as if fully set forth herein.

Syria is Liable for the Unlawful Acts Committed by Its Officials, Employees, and Agents in Furtherance of a Conspiracy to Assassinate Journalists

76. As detailed above, Syrian government officials and agents of the *shabiha* militia operating at the instruction of the Assad regime devised a criminal plan to surveil and kill civilian journalists as part of a broader strategy to create a media blackout in which they could kill innocent civilians with impunity. Officials at the highest levels of the Assad regime, including but not limited to those identified below, participated in this plan:

- MAHER AL-ASSAD, brother to President Bashar al-Assad, Commander of the 4th Division of the Syrian Army, and member of the Central Crisis Management Cell (“CCMC”);
- GENERAL ASSEF SHAWKAT, Deputy Minister of Defense and member of the CCMC (now deceased);
- MAJOR GENERAL ALI MAMLUK, Director of the General Intelligence Directorate and member of the CCMC;
- BRIGADIER GENERAL RAFIQ SHAHADAH, Chief of the Homs Military-Security Committee;
- GENERAL GHASSAN BELAL, Chief of Security, 4th Division of the Syrian Army;
- BRIGADIER GENERAL MUHAMMAD ZAMRINI, Chief of Branch 261 of the Syrian Military Intelligence Directorate;
- MAJOR GENERAL ISSAM ZAHREDDINE, Officer of the 104th Brigade of the Republican Guard of the Syrian Army;

- LIEUTENANT COLONEL MUHAMMAD KENAN GHALIYA, Officer of the Special Forces of the Syrian Army; and
- KHALED AL-FARES, *shabiha* death squad leader and liaison to the Homs Military-Security Committee (collectively, “Senior Officials”).

77. These Senior Officials entered into this illicit conspiracy, with others known and unknown, with the goal of perpetrating and directing attacks on civilian journalists in violation of international and U.S. law. The participants in this conspiracy specifically intended to kill Marie Colvin and other foreign and Syrian journalists.

78. The Senior Officials, and others known and unknown, perpetrated numerous illicit acts in furtherance of the conspiracy, including the surveillance of Marie Colvin and other journalists, the recruitment and use of informants, and the planning and execution of the February 22, 2012 rocket attack on the Media Center. Acting in concert and at the behest of the Assad regime, the Senior Officials directly and proximately caused the death of Marie Colvin and other injuries alleged herein.

79. The Senior Officials, and others known and unknown, planned and perpetrated the extrajudicial killing of Marie Colvin while acting within the scope of their office, employment or agency. They acted pursuant to the Assad regime’s plan or policy of directing attacks against civilians in Homs, and journalists in particular, as a means of terrorizing the democratic opposition into submission. As alleged above, this plan or policy was formulated at the highest levels of the Syrian government, by Maher al-Assad, Ali Mamluk, and other members of CCMC. This plan or policy was implemented by the Homs Military-Security Committee under the command of Brigadier General Rafiq Shahadah and executed by members of the Syrian military and intelligence forces,

including Major General Issam Zahreddine of the Syrian Republican Guard and Lieutenant Colonel Muhammad Kenan Ghaliya of the Syrian Special Forces. Moreover, Khaled al-Fares and other members of the *shabiha* death squads participated in the conspiracy and the killing of Marie Colvin as clandestine agents of the Syrian government, acting at the behest and under the operational control of Maher al-Assad and the Security Section of the 4th Division.

80. Because these officials and agents of the government of Syria entered into a conspiracy and engaged in these unlawful acts while acting within the scope of their office, employment, or agency, Syria is liable for the personal injury and wrongful death alleged herein.

PLAINTIFFS' CLAIM FOR RELIEF

Extrajudicial Killing Under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c)

81. Plaintiffs re-allege and incorporate by reference the allegations set forth in the paragraphs 1 through 80 of this Complaint, as if fully set forth herein.

82. The killing of Marie Colvin constituted an extrajudicial killing in violation of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c).

83. At all relevant times, Syria has been designated by the United States as a state sponsor of terrorism.

84. The Syrian officials and agents described above purposefully and knowingly conspired to kill Marie Colvin and other journalists. Acting in concert and with premeditation, these officials and agents deliberately killed Marie Colvin by launching a targeted rocket attack against the Media Center on February 22, 2012.

85. At all relevant times, the Syrian officials and agents described above acted within the scope of their office, employment, or agency, and at the behest and under the operational control of the government of Syria. These officials and agents acted pursuant to a Syrian government plan or policy to spread terror among the civilian population and silence journalists through violence.

86. The killing of Marie Colvin was not authorized by any judgment pronounced by a regularly constituted court affording all the judicial guarantees that are recognized as indispensable by civilized peoples. Moreover, Marie Colvin and the journalists and media activists present at the Baba Amr Media Center were unarmed non-combatants and did not pose a real or apparent threat to persons or property that would have justified the use of deadly force. There were no lawful military targets in the vicinity of the Media Center on or about February 22, 2012, when the attack was launched.

87. The killing of Marie Colvin was a war crime in violation of international law. Colvin was killed in the course of the internal armed conflict occurring in Homs on February 22, 2012. Her killing was therefore subject to the international law of armed conflict, which regulates the conduct of hostilities during internal armed conflicts and protects civilians against intentional attack, including journalists.

88. Specifically, the killing of Marie Colvin violated Syria's obligations under Article 3 of the Fourth Geneva Convention of August 12, 1949, relative to the Protection of Civilian Persons in Time of War. Article 3, which reflects customary international law, prohibits the murder of persons taking no active part in hostilities during internal armed conflicts. Such murder is also a war crime under customary international law, giving rise

to both state responsibility²⁴ and individual criminal liability, as evidenced in domestic and international jurisprudence,²⁵ international treaties,²⁶ and Title 18 of the United States Code.²⁷

89. As a civilian journalist, Marie Colvin was entitled to protection under the Fourth Geneva Convention and customary international law—which Syria forcibly denied her. U.N. Security Council Resolution 1738 states that “journalists . . . engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians.” S.C. Res. 1738, ¶ 2, U.N. Doc. S/RES/1738 (Dec. 23, 2006). The immunity of journalists from attack is confirmed by Rule 34 of the International Committee of the Red Cross’s compilation of the customary international law governing non-international armed conflicts and Article 79 of Additional Protocol I to the 1949 Geneva Conventions, which Syria has ratified.

90. Finally, the Assad regime’s deliberate killing of Marie Colvin, without justification or even a semblance of judicial process, constitutes an arbitrary deprivation of the right to life, in breach of Article 6(1) of the International Covenant on Civil and Political Rights, to which Syria is a party.

²⁴ See Int’l Comm. of the Red Cross, RULE 149, Customary IHL Database, https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter42_rule149 (collecting sources).

²⁵ See, e.g., *Prosecutor v. Karadzic*, Case No. IT-95-5/18-T, Trial Judgment, ¶¶ 445–457 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016); *In re Yamashita*, 327 U.S. 1, 14 (1946) (recognizing deliberate killing of civilians as a violation of the international law of war); *Kadic v. Karadzic*, 70 F.3d 232, 242 (2d Cir. 1995) (same). See also Int’l Comm. of the Red Cross, RULES 1, 156, Customary IHL Database, <https://www.icrc.org/customary-ihl/eng/docs/home> (collecting sources).

²⁶ See, e.g., Rome Statute of the International Criminal Court arts. 8(2)(c)(i), 8(2)(e)(i); Article 51(2) of Additional Protocol (I) and Article 13(2) of Additional Protocol (II) to the Geneva Conventions (June 8, 1977).

²⁷ See War Crimes Act of 1996, 18 U.S.C. § 2441(d)(1)(D) (2014) (war crime of murdering civilians).

91. Syria is liable for the wrongful acts of its officials, employees, and agents, which directly and proximately caused the extrajudicial killing of Marie Colvin and the wrongful death and personal injuries alleged herein.

Theories of Recovery

Wrongful Death

92. Under 28 U.S.C. § 1605A(c), Plaintiffs Cathleen Colvin, as the parent and next friend of minors C.A.C. and L.A.C., heirs-at-law and beneficiaries of the estate of Marie Colvin, and Justine Araya-Colvin, as an heir-at-law and beneficiary of the estate of Marie Colvin, are entitled to recover compensatory damages from Syria for economic losses resulting from the premature death of Marie Colvin, including lost anticipated earnings. The amount of these compensatory damages shall be determined at trial.

Intentional Infliction of Emotional Distress and Solatium

93. Defendant Syria, through its officials, employees, and agents, engaged in extreme and outrageous conduct by launching a deliberate attack on civilian journalists. Defendant Syria thereby intentionally and recklessly caused severe emotional distress to Marie Colvin's immediate family members, including her sister Plaintiff Cathleen Colvin.

94. The Assad regime's assassination of Marie Colvin was designed to intimidate and terrorize the civilian population of Syria, the victims' loved ones, other journalists, and the international community. The brutality of the killing of Marie Colvin caused Cathleen Colvin to suffer emotional pain and deprived her of the society and comfort of her sister, with whom she had a close emotional relationship.

95. Under 28 U.S.C. § 1605A(c), Plaintiff Cathleen Colvin, in her individual capacity, is entitled to recover compensatory damages for personal injury and solatium in an amount to be determined at trial.

Punitive Damages

96. Defendant Syria's conduct was criminal in nature, deliberate, willful, wanton, malicious, a threat to international peace and security, and in violation of fundamental norms of international law protecting human rights and civilians in conflict.

97. Under 28 U.S.C. § 1605A(c), an award of punitive damages should be imposed against Defendant Syria in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant and the following relief:

- (a) Compensatory damages according to proof;
- (b) Punitive and exemplary damages according to proof;
- (c) Reasonable attorneys' fees, costs, and expenses according to proof; and
- (d) Such other and further relief as the court may deem just and proper.

Dated _____

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