

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

OCT 15 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Ashraf Tulty
2190 Pimmit Dr.
Falls Church, Va.

Mohamed Bugheghis
2440 Madison Ave.
Bethlehem, Pa. 18017

Mohammad Abdelrahim

Jaballa M. Hasan
801 County Place
Houston, Tx. 77079

Mohamed Eljahmi
10 Herbert Rd.
Chelmsford, Ma. 01824

Mohammed Buiser
2190 Pimmit Dr.
Falls Church, Va.,

Plaintiffs

v.

Socialist People's Libyan Arab Jamahiriya

And

Muammar Qadhafi

And

John Does,

Defendants

CASE NUMBER 1:04CV01780

JUDGE: John D. Bates

DECK TYPE: Personal Injury

DATE STAMP: 10/15/2004

JURY ACTION

COMPLAINT

COME NOW the plaintiffs, by counsel, and file this complaint against the
defendants, alleging as follows:

JURISDICTION AND VENUE

1. This court has subject matter jurisdiction pursuant to 28 USC 1330(a) as one or more of the claims arise under the laws of the United States.

2. This court has jurisdiction pursuant to 28 U.S.C. §1330(a) over the claim against Libya as a state based on the Foreign Sovereign Immunities Act 28 USC 1605(a)(7), and the Alien Tort Claims Act 28 USC §1350.

3. Venue is appropriate in this Court pursuant to 28 USC 1391(f)(4).

4. Libya has been designated a state sponsor or terrorism. See 31 C.F.R. § 596.201 (2001).

5. This court has personal jurisdiction over Libya as a state because the claimants are U.S. Citizens, persons seeking U.S. citizenship, persons present in the United States, and all of whom are refugees and victims of actions taken by Libya against them and/or their property.

6. This action is for compensatory and punitive damages for actions against U.S. Citizens and persons present in the United States seeking U.S. citizenship by the state of Socialist People's Libyan Arab Jamahiriya ("Libya") and by officials, representatives and agents of the Libyan government. The actions described herein constitute torture, genocide and other crimes against humanity. All persons named in this complaint were a part of a conspiracy to implement acts of torture and other crimes against humanity.

PARTIES

PLAINTIFFS

7. Ashraf Tuly is a United States citizen, whose brother, Ahmed Tuly, has resided in Libya and has been subjected to torture by agents of Libya.

8. Ahmed was imprisoned at Abu Saleem prison outside Tripoli, Libya, where, upon information and belief, he was routinely beaten severely without provocation.

9. Upon information and belief, Ahmed was eventually killed by prison authorities.

10. Mohammed Bugheghis is a United States citizen, who, with his family (which still resides in Libya) owned property, which has been confiscated by the government.

11. The defendant, Libya, through its agents, have seized his property without legal or other basis, and have threatened him and his family with "collective punishment" if he or they took any action against Libya.

12. Mohamed Eljahmi is a United States citizen, whose family still resides in Libya.

13. The defendant, Libya, through its agents, have seized his property without legal or other basis, and have threatened him and his family with "collective punishment" if he or they took any action against Libya.

14. Mohammed Buiser is a United States citizen, whose family still resides in Libya.

15. The defendant, Libya, through its agents, have seized his property without legal or other basis, and have threatened him and his family with "collective punishment" if he or they took any action against Libya.

16. Jaballa M. Hasan is a United States citizen, whose family still resides in Libya.

17. The defendant, Libya, through its agents, have seized his property without legal or other basis, and have threatened him and his family with "collective punishment" if he or they took any action against Libya.

18. Mohamed Eljahmi is a United States citizen, whose family still resides in Libya.

19. The defendant, Libya, through its agents, have seized his property without legal or other basis, and have threatened him and his family with "collective punishment" if he or they took any action against Libya.

20. Mohammad Abdelrahim is a United States citizen, whose family still resides in Libya.

21. The defendant, Libya, through its agents, have seized his property without legal or other basis, and have threatened him and his family with "collective punishment" if he or they took any action against Libya.

DEFENDANTS

22. All of the individuals named in this complaint are officials, employees or agents of Defendant Libya.

23. Defendant, Muammar Qadhafi is, and at all times relevant was, the head of state of Libya and thus an agent and official of Libya. Acting within the scope of his

office, employment, and/or agency, Qadhafi ordered, caused and/or assisted in the actions against the plaintiffs and/or their families.

STATEMENT OF FACTS

24. The allegations of paragraphs 1-23 are incorporated herein as if fully set forth.

25. Actions by defendants as alleged hereinabove listed violate the Genocide Convention because the murder of Ahmed Tulty constitutes genocide.

26. Actions by defendants as alleged hereinabove violate the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Punishment Convention") because they constitute cruel, inhuman and degrading treatment. G.A. Res. 39/46, 39 U.N. Doc., GOAR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)(Ratified by the United States November 20, 1994)

27. Actions by the state of Libya violate the International Covenant on Civil and Political Rights, G.A. Res. 2220A (i), 21 U.N. Doc., GOAR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966)(Ratified by the United States September 8, 1992).

CLAIMS FOR RELIEF

COUNT I. TORTURE

28. The allegations of paragraphs 1-23 are incorporated herein as if fully set forth.

29. The actions of defendants against Ahmed Tulty constitute torture as defined in 28 USC §1350 sec. (b).

30. As a proximate result of the actions of the defendants the plaintiff, Ashraf Tulty, has suffered emotional distress, loss of services and kindly offices of his brother.

WHEREFORE, the plaintiff, Ashraf Tulty, demand judgment against the defendants, jointly and severally, in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00).

COUNT II. GENOCIDE

31. The allegations of paragraphs 1-23 are incorporated herein as if fully set forth.

32. The actions of defendants against Ahmed Tulty constitute Genocide as defined in G.A. Res. 39/46, 39 U.N. Doc., GOAR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)(Ratified by the United States November 20, 1994)

33. As a proximate result of the actions of the defendants the plaintiff, Ashraf Tulty, has been injured as alleged hereinabove.

WHEREFORE, the plaintiff, Ashraf Tulty, demands judgment against the defendants, jointly and severally, in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00).

COUNT III. EXTRAJUDICIAL KILLING

34. The allegations of paragraphs 1-23 are incorporated herein as if fully set forth.

35. The actions of defendants against Ahmed Tulty constitute Extrajudicial Killing as defined in 28 USC §1350 sec. 3(a).

36. As a proximate result of the actions of the defendants the plaintiff, Ashraf Tulty, has been injured as alleged hereinabove.

WHEREFORE, the plaintiff, Ashraf Tulty, demands judgment against the defendants, jointly and severally, in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00).

COUNT IV. CONVERSION

37. The allegations of paragraphs 1-23 are incorporated herein as if fully set forth.

38. The seizure of the plaintiffs', Mohamed Bugheghis, Mohammad Abdelrahim, Jaballa M. Hasan and Mohamed Eljahmi's property as alleged hereinabove was in violation of 28 USC 1605(a)(7), and the Alien Tort Claims Act 28 USC §1350.

39. As a proximate result of the willful, wrongful, intentional and reckless acts of defendants the plaintiffs were unlawfully deprived of their property and said property was converted to defendants' use.

WHEREFORE, the plaintiffs, Mohamed Bugheghis, Mohammad Abdelrahim, Jaballa M. Hasan, Mohamed Eljahmi, demand judgment against the defendants, jointly and severally, in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00).

COUNT IV. INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

40. The allegations of paragraphs 1-23 are incorporated herein as if fully set forth.

41. The actions of defendants in torturing Ahmed Tulty, and in threatening harm to the other plaintiffs and/or their families and/or confiscating their property constitute extreme and outrageous conduct which cannot be tolerated in civilized society.

42. As a direct and proximate result of defendants' conduct, the plaintiffs were caused to suffer severe emotional/mental distress.

WHEREFORE, the plaintiffs demand judgment against the defendants, jointly and severally, in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00).

PRAYER FOR RELIEF

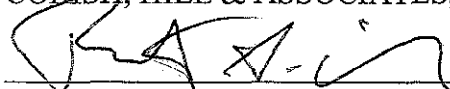
WHEREFORE, Plaintiffs pray that the Court grant them judgment against the defendants, jointly and severally, as follows:

- A. Compensatory damages in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00) on each count.
- B. Punitive damages in the amount of THREE HUNDRED MILLION DOLLARS (\$300,000,000.00) on each count.
- C. Reasonable costs and expenses;
- D. Reasonable attorneys' fees; and
- E. Such other and further relief as the Court may deem appropriate.

PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES.

Ashraf Tulty
Mohammed Buiser
Mohamed Bugheghis
Mohammad Abdelrahim
Jaballa M. Hasan
Mohamed Eljahmi
By Counsel

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