

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

-----X
FAOUZI JABER,

Plaintiff,

Index No.:

Venue is based upon
Plaintiff's Place of
Residence at 150 Park
Row, New York, New York

v.

REZA ZARRAB,

SUMMONS

Defendant.

-----X

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: December 6, 2017
New York, New York

By: /s/ Alexei Schacht

Alexei Schacht
Attorney for Plaintiff
123 West 94th Street
New York, New York 10025
Telephone: (646) 729-8180
alexei@schachtlaw.net

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

-----X

FAOUZI JABER,

Plaintiff,

COMPLAINT

v.

JURY TRIAL DEMAND

REZA ZARRAB,

Defendant.

-----X

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Faouzi Jaber (“Jaber” or the “Plaintiff”), by and through his counsel, Alexei Schacht, as and for his Complaint in this action against Defendant Reza Zarrab (“Zarrab” or the “Defendant”), hereby alleges the following:

NATURE OF THE CLAIMS

1. This action is brought seeking redress for the damages caused by the anal rape and sexual abuse of Faouzi Jaber by Reza Zarrab. These attacks occurred between about November of 2016 and March 10, 2017 when Plaintiff and Defendant were housed together as inmates at the Metropolitan Correctional Center in Manhattan (“MCC”). On two occasions Zarrab raped Jaber with his penis and on several other occasions Zarrab

rammed his finger into Jaber's anus. On one occasion Zarrab inserted part of what Plaintiff believes was a cucumber in Jaber's anus. Both men are still in some fashion in the custody of the Department of Justice but they are thankfully now separated since Plaintiff, and likely other inmates, complained to prison staff about Zarrab and his illegal conduct in jail.

2. Believing that he was immune from the law and norms of behavior because of his wealth, power and political connections Zarrab at first befriended Jaber, gained his confidence, co-opted him and then repeatedly assaulted him. Zarrab then also threatened and intimidated Jaber thereby delaying Jaber from reporting these assaults to the authorities.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Defendant Reza Zarrab pursuant to Civil Practice Law and Rules ("CPLR") § 302(a)(2) because he committed tortious acts giving rise to this action against Plaintiff in New York.
4. Venue is proper in this county pursuant to CPLR § 503 because Plaintiff is currently a resident of New York County.

PARTIES

5. Plaintiff Faouzi Jaber is a 62-year-old citizen of the Ivory Coast. Plaintiff is relatively frail and suffers from numerous medical ailments including, but not limited to, having a dangerous heart condition and being a cancer survivor.
6. He currently resides in the MCC in Manhattan where he is an inmate awaiting sentencing.
7. Defendant Reza Zarrab is, we believe, a citizen of Iran and of Turkey and is currently a resident of New York City inasmuch as he is in pre-sentence status in his own case; his exact location is apparently being kept a secret by the Department of Justice. He is about 34 years old and is seemingly stout and in good health. Zarrab is extremely wealthy and has access to vast amounts of money according to comments he has made to Plaintiff and press reports about him. He has close personal and business connections with the President of Turkey, other top officials in Turkey and powerful people in the Iranian regime, including Qassem Suleimani.

FACTUAL ALLEGATIONS

8. On about April 6, 2016 Plaintiff arrived in New York City after being extradited from Prague, Czech Republic. For the first month at the MCC he was held in Unit 5 North. After about 30 days he was moved to Unit 7

South where Defendant was housed. Unit 7 South consists of a series of two-man cells and a large common area.

9. At night the inmates are locked alone in their cells. Plaintiff's primary languages are Arabic and French but he also speaks some English. Zarrab's primary languages are Farsi and Turkish but he also speaks some English, and some Arabic. The two parties were able to converse in English and Arabic. However, in prison people often congregate and socialize with people with whom they have a racial, ethnic, linguistic or religious tie and both parties are Shia Muslims so that fact was an initial basis for a friendship.
10. The parties developed that friendship and Plaintiff was impressed that Defendant was rich and powerful, especially in the jail setting where his wealth allowed him to buy special treatment from inmates and guards.
11. Initially the parties lived in different cells on 7 South. But the Plaintiff was aware that Defendant paid other inmates and some staff members in order to obtain benefits and favors in the jail. Defendant bragged to Plaintiff about how much money he had and the favors it got him and that it would help him to be able to win his criminal case. Indeed, Defendant, believing that money is a huge advantage in the justice system, offered to pay to hire a private lawyer for Plaintiff who had a Public Defender because he could not afford a private lawyer himself.

12. Indeed, on about August of 2016 Defendant did hire a private lawyer for Plaintiff. Also, in August, Defendant arranged through his power at the jail to have Defendant moved into his cell on 7 South. In addition, in September of 2016, Defendant gave some money to Plaintiff's family in Africa, causing wire transfers to be sent there from accounts Defendant had abroad. Defendant also put money in Plaintiff's commissary account at the MCC. At about the same time, having given Plaintiff money and other favors, Defendant started telling Plaintiff that he likes having sex with both men and women.
13. Shortly thereafter Defendant then started masturbating in front of Plaintiff. Plaintiff thought the Defendant's conduct to be odd but did not complain to him more than cursorily because Defendant was paying his lawyer and family. The Defendant also had money deposited in the Plaintiff's MCC commissary account.
14. However, in the early Fall of 2016 Defendant started poking Plaintiff in Plaintiff's anus with his finger. He did this over Plaintiff's pants and sometime when Plaintiff was changing clothes and was naked. Plaintiff objected but was alone in their small cell and felt isolated and humiliated by what was happening so he did not at that time complain to MCC staff.
15. This conduct escalated and in November of 2016 one night Defendant anally raped Plaintiff with his penis. This was the first of two occasions when he did so. Because the two men were alone in their locked cell

Plaintiff felt helpless and unable to fight off the younger and stronger Defendant.

16. Over the next approximately 2 months the parties lived together locked for much of the time in a small cell which became a kind of torture chamber for Plaintiff. During that time the Defendant continued to put his finger in Plaintiff's anus and to otherwise humiliate him. Defendant was still too scared and embarrassed at that time to complain or to seek help.
17. However, in about December of 2016, Zarrab was moved to another floor, 11 South, in the MCC. 11 South has dormitory instead of cell-style housing so there is less privacy and inmates can hear much more of what other inmates are doing. In January of 2017, the Plaintiff too was moved to 11 South after Defendant paid a BOP employee about \$4,000 to move Plaintiff (without Plaintiff's consent), or at least that is what Defendant told the Plaintiff.
18. On 11 South Defendant continued to abuse Plaintiff primarily by poking his buttocks and anus with his finger. However, in the first week in March Defendant's attacks grew more severe and one night he jumped in Plaintiff's bed and started to insert a cucumber (taken by someone from the MCC kitchen presumably) in Plaintiff's rectum. Plaintiff suffered a burning sensation in his rectum and some bleeding. Just several nights later on about March 8, 2017, Defendant again attacked Plaintiff in the dormitory of 11 South. However, Plaintiff was yelling and making noise

and apparently some other inmates complained about this to MCC staff. Plaintiff also had the courage to complain to MCC staff himself and reported this abuse.

19. On about March 10, 2017, Zarrab was moved to another unit as MCC staff investigated Plaintiff's and other inmates' complaints.
20. Eventually in about April of 2017, Zarrab was placed in administrative detention in the Special Housing Unit ("SHU"); from there he was eventually transferred to MDC Brooklyn. He is now in an undisclosed location housed as a witness cooperating with the United States.

AS AND FOR A FIRST CAUSE OF ACTIONS

(Battery)

21. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.
22. Defendant's violent acts committed against Plaintiff, including his sexual assault of plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person, all of which were done intentionally by Defendant without Plaintiff's consent.
23. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

AS AND FOR A SECOND CAUSE OF ACTION

(Assault)

24. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.
25. Defendant's violent acts committed against Plaintiff, including his sexual assault of Plaintiff, amounted to a series of events creating a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to Plaintiff's person, all of which were done intentionally by Defendant and without Plaintiff's consent.
26. As a direct and proximate result of the aforementioned assaults, Plaintiff has sustained in the past, and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

AS AND FOR A THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

27. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.
28. Defendant engaged in conduct toward Plaintiff that is extreme and outrageous so as to exceed the bounds of decency in a civilized society, namely, he violently and repeatedly sexually attacked a weak and sick

man who happened to be in jail with him and who could literally not escape from him.

29. By his actions and conduct, Defendant intended to and did intentionally or recklessly cause Plaintiff to suffer severe emotional distress.
30. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered, and continues to suffer, severe emotional distress, for which he is entitled to an award of damages.
31. Defendant's extreme and outrageous conduct was knowing, malicious willful and wanton, entitling Plaintiff to an award of punitive damages.

AS AND FOR A FOURTH CAUSE OF ACTION

(Prima Facie Tort)

32. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.
33. Defendant intentionally committed the aforementioned actions against Plaintiff.
34. Defendant intended that he aforementioned actions would cause Plaintiff physical and psychological harm.
35. Defendant's aforementioned actions committed against Plaintiff has caused, and continue to cause, Plaintiff physical injuries, pain and suffering, humiliation, depression and emotional distress.

36. Defendant's conduct was unlawful and not justifiable under all of the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in his favor and against Defendant, containing the following relief:

- A. A declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the laws of the State of New York;
- B. An award damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic harm; for harm to his professional and personal reputations and loss of career fulfillment; for all non-monetary and/or compensatory harm, including, but not limited to, compensation for mental anguish; all other monetary and/or non-monetary losses suffered by Plaintiff; and that by reason of the foregoing, Plaintiff sustained damages in sum, pursuant to CPLR § 3017.
- D. An award of punitive damages;
- E. An award of cost that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- F. Such other and further relief as the Court may deem just and proper.

