

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE No.

JOSHUA HOLT; THAMARA B. HOLT;
DEREK HOLT; ANTHONY B. JASON
HOLT; KATIE JILL HOLT; JENNA LEE
NEMETH, M.L. a minor, and N.C. a minor; and
DEREK HOLT, in his personal capacity,
and as executor for Laurie Holt;

Plaintiffs,

**JURY TRIAL
DEMANDED**

vs.

NICOLAS MADURO MOROS;
THE CARTEL OF THE SUNS A.K.A.
CARTEL DE LOS SOLES;
VLADIMIR PADRINO LOPEZ;
MAIKEL JOSE MORENO PEREZ;
NESTOR LUIS REVEROL TORRES;
TAREK WILLIAM SAAB;
JORGE JESUS RODRIGUEZ GOMEZ;
DIOSDADO CABELLO RONDÓN; and
ALEX SAAB MORAN;

Defendants.

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COMPLAINT

Plaintiffs bring this action to seek justice for the kidnapping, hostage-taking, nearly two years of arbitrary detention, and repeated torture of Joshua Holt (“Mr. Holt” or “Josh Holt”) and his wife, Thamara B. Holt (“Ms. Holt,” “Ms. Holt, née Caleño,” or “Thamy Holt”), as well as the wrongful death of Josh Holt’s mother Laurie Holt, committed by Nicolás Maduro Moros (“Maduro”), the unlawful apparatus through which Maduro and his deputies control Venezuela (the “Maduro Regime”), the Venezuelan drug cartel that Maduro and his narco-terrorist co-conspirators control, the Cartel of the Suns (the “Cartel”), and finally, the FARC dissident groups with whom they all partner.

INTRODUCTION

1. Over the last decade, Maduro, the Cartel, and their criminal collaborators, including FARC-EP and Segunda Marquetalia (the “FARC Dissidents”) and the individual defendants named herein, have engaged in a campaign of terrorism against the United States and its citizens.

2. **First**, Maduro, the Cartel and their co-conspirators are engaged in an active campaign of narcoterrorism against the United States that goes back decades. As the Department of Justice (“DOJ”) recently explained, “[t]he Cartel sought not only to traffic massive quantities of cocaine for financial gain, but also to weaponize cocaine by ‘flooding’ the United States with it, thereby inflicting the drug’s harmful and addictive effects on users in this country.”¹ Consequently, the DOJ has charged Maduro with conspiracy to engage in narco-terrorism against the U.S. populace.² He is currently a fugitive from justice.

3. **Second**, Maduro, the Cartel and their co-conspirators launder their drug proceeds

¹ *United States v. Cliver Antonio Alcalá Cordones*, 11-cr-205 (S.D.N.Y.), Dkt. 150, at 2.

² See Superseding Indictment, ¶ 1 *United States v. Maduro*, 11-cr-205 (S.D.N.Y. 2011) (“Maduro Indictment”), <https://www.justice.gov/opa/page/file/1261806/download>.

through and within the United States. Among other things, the Defendants control Venezuela's "state-run" oil company, Petróleos de Venezuela S.A. ("PDVSA"), which the Defendants have corrupted and now utilize as a "massive industrial money launderer at the service of narco-trafficking."³ Beyond PDVSA, Defendants' extensive money laundering network includes, among others, myriad front men (also known as a "testaferros") who assist with the movement of Defendants' ill-gotten gains through the United States and the investment of laundered money into the legitimate U.S. economy.

4. **Third**, Defendants use their laundered narcoterrorism profits to, among other things, purchase weapons and tools of torture, conduct kidnapping operations, hold hostages, torment civilians, and murder their adversaries, thereby cementing Maduro's authoritarian control over Venezuela that provides a safe haven for Defendants' continued criminal activity, including but by no means limited to narco-trafficking and narco-terrorism. But for Maduro's dictatorial power, he and his co-conspirators would have no mantle of purported "governmental" protection to shield them from prosecution in the United States, where Maduro and many of his brethren are wanted for narcoterrorism and related offenses.

5. Despite Maduro's stranglehold over Venezuela, his regime should not be mistaken for Venezuela's legitimate government. As the U.S. Court of Appeals for the Eleventh Circuit has explained, "the United States ceased to recognize the government of Nicolás Maduro . . . in August 2017," and the political-question doctrine commands that U.S. courts are "bound to accept the President's statement that the 2015 National Assembly, not the Maduro government, is the

³ See Exhibit 21 at 1, <https://dialogo-americas.com/articles/pdvsa-a-major-money-laundering-operation/#.ZD7UwnbMJdg>.

legitimate political authority in Venezuela.”⁴

6. **Fourth**, Maduro, the Cartel, and the co-conspirators utilize the terrorist funding they obtain through narcotics sales in the United States, and the Venezuelan criminal empire that cashflow supports, to commit additional acts of terrorism against U.S. citizens, including the kidnapping, torture, arbitrary detention, and murder of U.S. persons. For example, two of Maduro’s nephews were convicted of conspiracy to import 770 kilos of cocaine to the United States and were serving 18-year U.S. federal prison sentences.⁵ To secure their release, Maduro and his confederates kidnapped U.S. citizens, and then swapped seven of those hostages for the release of Maduro’s nephews.⁶

7. Maduro and his cronies thus completed a full circle of terrorism: *i.e.*, they engaged in narcoterrorism against the United States, and then when a few of their co-conspirators were caught, Maduro and his disciples doubled down, committing additional acts of terrorism against the United States by taking U.S. hostages and bartering the hostages’ lives for the release of convicted Venezuelan criminals.

8. This rising tide of Venezuelan terrorism—financed from within the United States and perpetrated by Maduro, the Cartel, and their co-conspirators—has devastated many innocent American lives and families, including Josh Holt, Thamy Holt, and their family. The story of Josh Holt and his new bride, Thamy, was a beautiful love story—a whirlwind romance grounded in a

⁴ *PDVSA US. Litig. Trust v. Lukoil Pan Americas LLC*, 65 F.4th 556, 561, 563 (11th Cir. 2023).

⁵ Press Release, U.S. Dep’t of Justice, *Nephews Of Venezuela First Lady Each Sentenced To 18 Years In Prison For Conspiring To Import Cocaine Into The United States* (Dec. 14, 2017), <https://www.justice.gov/usao-sdny/pr/nephews-venezuela-first-lady-each-sentenced-18-years-prison-conspiring-import-cocaine>.

⁶ George Wright, *US Frees President Maduro’s Relatives in Venezuela Prisoner Swap*, BBC News, (Oct. 1, 2022), <https://www.bbc.com/news/world-latin-america-63105944>.

deep spiritual and intellectual connection between two young people with common values, hopes, and dreams. And so it would have remained, were it not for Defendants and their thugs, who visited a nightmare of anti-American terrorism upon the Holts.

9. Joshua and Thamy Holt née Caleño (then 24 and 25 years old, respectively) met online, on Facebook, through a list of missionaries from the Church of Jesus Christ of Latter Day Saints (“LDS”). Thamy and Josh shared a natural *sympatico* and instant rapport, even more so when Thamy learned that Josh spoke some Spanish, which he had picked up during his LDS missionary service. Before long, they transitioned from speaking over the internet to long and frequent phone calls and texts.

10. In May 2016, Josh and Thamy met in person in the Dominican Republic. Three days later Josh got down on one knee and proposed marriage. Not long after, Josh traveled to Caracas so that he could meet Thamy’s family. Josh arrived in Caracas on June 11, 2016, and on June 16, 2016, they were married. They moved into Thamy Holt’s apartment, at the well-known Ciudad Caribia apartment complex in Caracas, Venezuela.

11. But the Holts’ joy was cut short just days later when, on June 30, 2016, masked, armed police—including agents of the Bolivarian National Intelligence Service (the *Servicio Bolivariano de Inteligencia Nacional* or “SEBIN”), *i.e.*, Venezuelan secret police answerable to Maduro—raided the Ciudad Caribia complex, breaking into numerous apartments without cause and murdering seven residents.

12. The police bullied their way into the Holts’ apartment and planted a grenade in Mr. Holt’s suitcase. Subsequently, the SEBIN falsely accused Mr. Holt of being involved in a Central Intelligence Agency (CIA) plot against Venezuela. Josh and Thamy were arrested and transported to the notorious El Helicoide prison, where the SEBIN held and tortured them for nearly two years.

13. Thamy Holt recalls: “They covered my eyes, wrapped my arms in newspaper and electrocuted me with a taser, and they put the ends of my fingers in a pencil sharpener. I was so scared. They wanted me to sign a confession that Josh was part of an espionage plot, that he led a CIA team sent to undermine the Venezuelan government, that he had killed people. I just cried and refused.”⁷

14. Josh Holt explained: “They threw me in a tiny cell barely big enough to fit a bunk bed in with no toilet. I had to crap on newspaper on the floor and pee in a bottle, the stench was unbearable.”⁸ “In the first six months I dropped 60 lbs. in weight, I had bronchitis, scabies, kidney stones and hemorrhoids and the only medical attention I was given was a shot of pain killers.”⁹ For months, Mr. Holt also had an enormously painful cracked tooth, for which he received no dental care.

15. Mr. Holt’s family, upon learning that Josh and Thamy had been kidnapped and were being arbitrarily detained, began a tireless crusade to obtain their release. Through relentless advocacy (especially by Josh’s mother, Laurie Holt), the Holts were able to enlist the assistance of political luminaries including Senator Marco Rubio, Senator Orrin Hatch, and Representative Ludmya “Mia” Love, among others. Senator Rubio publicly and accurately proclaimed that Mr. Holt was an innocent “hostage” being held to extract concessions from the United States.¹⁰ In

⁷ See Ryan Parry, *EXCLUSIVE: Mormon missionary, 26, tells of the horrific conditions he endured during two-year Venezuelan prison hell where he lost 60 pounds, had no showers and was forced to defecate on newspaper in his cockroach-infested cell*, Daily Mail, (June 4, 2018), <https://www.dailymail.co.uk/news/article-5803509/Mormon-missionary-26-reveals-horrific-conditions-faced-Venezuelan-prison.html>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Joshua Goodman, *Utah Man Jailed in Venezuela Pleas For Freedom on Video*, Associated Press, (May 16, 2018), Utah man jailed in Venezuela pleas for freedom in video | AP News.

response, the Maduro Regime threatened Mr. Holt that they would hold him captive “as long as Marco Rubio continues talking”¹¹

16. The threat to hold Mr. and Ms. Holt at length was prescient: for nearly two years, the Defendants held Josh and Thamy in horrid, squalid, and life-threatening conditions. The breakthrough, leading to Josh and Thamy’s release on May 26, 2018, came when Senator Bob Corker was visiting Caracas in his capacity as Chairman of the Senate Foreign Relations Committee and met in person with Maduro, at which point Maduro relented. The same day that Maduro allowed their release, Josh, Thamy, and Thamy’s eldest daughter flew to the United States. Later that day, they and Laurie Holt met in the oval office with then-President Trump, who welcomed them with open arms.

17. Unfortunately, the Holts’ escape from Venezuela was not the end of the Holt family’s ordeal. Josh and Thamy Holt both suffer from anxiety disorders, insomnia, and depression caused by the trauma they suffered. And Laurie Holt—who had been healthy before her son’s ordeal, and who dedicated two years of her life to leading the high-stakes fight for his release—simply could not withstand the stress caused by her son’s unlawful detention. Not long after Josh came home, Laurie (who had never had any heart issues) succumbed to an enlarged heart and passed away on February 10, 2019, at age 50.

18. Still suffering from the trauma, the Holts file this suit to seek justice for their severe suffering at Defendants’ hands. At the end of the day, it is only fitting that Defendants be held to account for their terrorism in a federal court in the United States: it is here where they committed the crimes that illegally funded their terrorism against the Holts, and it is this country’s citizens whom Defendants deliberately targeted.

¹¹ *Id.*

PARTIES

19. Plaintiff Joshua Holt is a citizen of the United States residing in Riverton, Utah with his wife Thamara Belen Caleño Candelo Holt, their newborn children O.H and B.H., as well as N.C. and M.L., Thamy’s minor daughters. Mr. Holt has lived in Utah the majority of his life, though he lived in Washington State for two years during which time he completed his mission for the Church of Jesus Christ of Latter Day Saints. He also spent two years in Venezuela; the majority of that time, he was arbitrarily detained.

20. Plaintiff Thamara Belen Caleño Candelo Holt is a citizen of the United States and the spouse of Mr. Holt. Ms. Holt has resided in Riverton, Utah since May 2018. Ms. Holt was born in Ecuador and lived there until the age of four when her family moved to Venezuela.

21. Plaintiff Derek Holt is Josh Holt’s older brother. He is a U.S. citizen.

22. Plaintiff Anthony B. Jason Holt (“Jason Holt”) is Joshua Holt’s father. He is a U.S. citizen.

23. Plaintiff Katie Jill Holt is Joshua Holt’s younger sister. She is a U.S. citizen.

24. Plaintiff Jenna Lee Nemeth née Holt is Joshua Holt’s younger sister. She is a U.S. citizen.

25. Plaintiff M.L. is a minor, age fifteen, and is the daughter of Thamy Holt.

26. Plaintiff N.C. is a minor, age thirteen, and is the daughter of Thamy Holt.

27. Defendant Maduro is an authoritarian strongman who exercises dictatorial power over the country of Venezuela. The United States ceased to recognize him or his regime as the legitimate government of Venezuela no later than August 2017. Similarly, on July 31, 2017, the U.S. Department of Treasury, Office of Foreign Assets Control (“OFAC”) sanctioned Maduro for

“undermining democracy in Venezuela.”¹² On March 26, 2020, the Department of Justice unsealed a criminal indictment against Maduro, still pending in the United States District Court for the Southern District of New York, for orchestrating a “corrupt and violent narco-terrorism conspiracy between the Venezuelan Cartel de Los Soles (‘Cartel of the Suns’) and the Fuerzas Armadas Revolucionarias de Colombia (‘FARC’).”¹³ Maduro is a citizen and resident of Venezuela, where (although he has no recognized or lawful government position) he openly and notoriously controls the country, flouts U.S. authority, and remains a fugitive from justice. The U.S. Department of State, through its Narcotics Rewards Program, is offering rewards of up to \$15 million for information leading to the arrest and/or conviction of Maduro.¹⁴

28. Defendant Cartel of the Suns (or Cartel de los Soles) is a Venezuelan drug-trafficking cartel. Maduro—along with several others—controls the Cartel of the Suns. The DOJ has explained that “Maduro,” including through his leadership of the Cartel, “expressly intended to flood the United States with cocaine in order to undermine the health and wellbeing of our nation.”¹⁵ The Cartel of the Suns is an unincorporated association based in Venezuela. Several senior members of the Cartel of the Suns are incarcerated in prison in the United States, including: (1) Former Major General Cliver Alcala Cordones, a Cartel de los Soles leader who pleaded guilty to provision of material support to a foreign terrorist organization and transfer of firearms for use

¹² See Press Release, U.S. Dep’t of the Treasury, *Treasury Sanctions the President of Venezuela*, ¶ 1, (July 31, 2017), <https://www.treasury.gov/press-center/press-releases/pages/sm0137.aspx>.

¹³ See Maduro Indictment, ¶ 1, <https://www.justice.gov/opa/page/file/1261806/download>.

¹⁴ See DEA Reward Poster, <https://www.justice.gov/opa/page/file/1262286/download>.

¹⁵ See Press Release, U.S. Dep’t of Justice (“DOJ”), *Nicolás Maduro Moros and 14 Current and Former Venezuelan Officials Charged with Narco-Terrorism, Corruption, Drug Trafficking and Other Criminal Charges*, ¶ 3, (Mar. 26, 2020) (“DOJ Press Release”), <https://www.justice.gov/opa/pr/nicol-s-maduro-moros-and-14-current-and-former-venezuelan-officials-charged-narco-terrorism>.

in a federal crime of terrorism,¹⁶ and (2) Hugo Armando Carvajal Barrios aka “El Pollo,” a cartel leader and former director of Venezuela’s military intelligence agency, who is incarcerated in federal prison pending the outcome of narcoterrorism charges against him.¹⁷

29. Defendant FARC-EP¹⁸ is an unincorporated association based in Colombia with many of its leaders residing in Venezuela. On November 30, 2021, OFAC designated FARC-EP as a Special Designated Global Terrorist (“SDGT”) and, also on November 30, 2021, the Department of State designated FARC-EP as a Foreign Terrorist Organization (“FTO”).¹⁹ FARC-EP is comprised of dissidents from the former FARC who rejected the 2016 peace agreement between the Colombian Government and the former FARC. According to the Office of the Director of National Intelligence, FARC-EP “conducts armed assaults, assassinations, extortion operations, and hostage takings.”²⁰ FARC-EP has taken over many of the cocaine productions and smuggling routes of the former FARC, and has closely aligned and coordinated with the Cartel.²¹

¹⁶ *United States v. Cliver Antonio Alcala Cordones*, 11-cr-205 (S.D.N.Y.), Dkt. 115 (Superseding Indictment); Dkt. 117 (transcript of guilty plea).

¹⁷ See Press Release, DOJ, *Former Venezuelan Official Hugo Armando Carvajal Barrios Extradited To The United States On Narco-Terrorism, Firearms, And Drug Trafficking Charges*, (July 19, 2023), <https://www.justice.gov/usao-sdny/pr/former-venezuelan-official-hugo-armando-carvajal-barrios-extradited-united-states>.

¹⁸ FARC-EP’s is also known as Fuerzas Armada Revolucionarias de Colombia – Ejercito Del Pueblo; aka FARC Dissidents FARC-EP; aka FARC-D FARC-EP; aka Gao-R FARC-EP; aka Grupo Armado Organizado Residual FARC-EP; aka Residual Organized Armed Group FARC-EP; aka Revolutionary Armed Forces of Colombia Dissidents FARC-EP.

¹⁹ Press Release, US Dep’t of State, *Revocation of the Terrorist Designations of the Revolutionary Armed Forces of Colombia (“FARC”) and Additional Terrorist Designations*, (Nov. 30, 2021), <https://www.state.gov/revocation-of-the-terrorist-designations-of-the-revolutionary-armed-forces-of-colombia-farc-and-additional-terrorist-designations/>.

²⁰ Office of the Director of National Intelligence, Counter-Terrorism Guide, *Revolutionary Armed Forces of Columbia-People’s Army (FARC-EP)*, (Oct. 2022), https://www.dni.gov/nctc/ftos/farc_fto.html.

²¹ *Ex-FARC Mafia in Venezuela*, Insight Crime, (Sept. 20, 2022) (“Venezuela continues to offer the ex-FARC a safe haven and access to important criminal economies, above all drug trafficking

Certain senior former FARC leaders, such as Juvenal Ovidio Ricardo Palmera Pineda, Martin Leonel Perez Castro, Vladamir Natera Abreu, Simón Trinidad aka Ricardo Palmera, are imprisoned in the United States. Duverney Barrera Bustos, a member of a cell under a leading FARC-EP commander, is serving a 17-year prison sentence in Colombia.²²

30. Defendant Segunda Marquetalia²³ is an unincorporated association based in Colombia with many of its leaders residing in Venezuela. On November 30, 2021, OFAC designated Segunda Marquetalia as an SDGT and, also on November 30, 2021, the Department of State designated the Segunda Marquetalia as FTO.²⁴ The Segunda Marquetalia is comprised of

but also illegal mining and contraband smuggling. In many cases, these networks have also maintained the FARC's alliances with corrupt security forces and political actors, allegedly including senior figures in the regime of Chávez's successor, Nicolás Maduro"), <https://insightcrime.org/venezuela-organized-crime-news/farc-in-venezuela/>; *Colombia Says It Killed 23 Members of Armed Groups, Including One Leader*, in Arauca, Reuters, (Feb. 25, 2022) ("The government in Bogota accuses Venezuela's President Nicolas Maduro of harbouring FARC dissidents and members of the ELN who cross the border to launch attacks in Colombia."), <https://www.reuters.com/world/americas/colombia-says-it-killed-23-members-armed-groups-including-one-leader-arauca-2022-02-25/>; *Cartel of the Suns*, Insight Crime, (May 14, 2022) ("The past connections and trafficking relationships between the Cartel of the Suns and the FARC guerrillas has continued since the guerrillas' 2017 demobilization through cooperation with some factions of the FARC dissidents groups."), <https://insightcrime.org/venezuela-organized-crime-news/cartel-de-los-soles-profile/>.

²² *Ex-FARC, They Were Still Committing Crimes in Algeciras*, Neustras Noticias, (June 10, 2020), https://www.nuestrasnoticias.co/judicial/exfarc,-aun-seguian-delinquiendo-en-algeciras_5078.

²³ This organization is also known as New Marquetalia, also known as Second Marquetalia, also known as La Nueva Marquetalia, also known as FARC dissidents Segunda Marquetalia, also known as Revolutionary Armed Forces of Colombia Dissidents Segunda Marquetalia, also known as FARC–D Segunda Marquetalia, also known as Grupo Armado Organizado Residual Segunda Marquetalia, also known as GAO–R Segunda Marquetalia, also known as Residual Organized Armed Group Segunda Marquetalia, also known as Armed Organized Residual Group Segunda Marquetalia.

²⁴ Press Release, U.S. Dep't of State, *Revocation of the Terrorist Designations of the Revolutionary Armed Forces of Colombia ("FARC") and Additional Terrorist Designations*, (Nov. 30, 2021), <https://www.state.gov/revocation-of-the-terrorist-designations-of-the-revolutionary-armed-forces-of-colombia-farc-and-additional-terrorist-designations/>.

dissidents from the former FARC who rejected the 2016 peace agreement between the Colombian Government and the former FARC. According to the Office of the Director of National Intelligence, the Segunda Marquetalia “conducts armed assaults, assassinations, extortion operations, and hostage takings.”²⁵ The group claimed to be continuing the FARC’s political struggles.²⁶ The Segunda Marquetalia has taken over many of the cocaine productions and smuggling routes of the former FARC, and has closely aligned and coordinated with the Cartel.²⁷

31. Defendant Vladimir Padrino Lopez is the *de facto* Minister of Defense of Venezuela. On September 25, 2018, OFAC imposed US sanctions on Padrino Lopez, explaining that Padrino Lopez is “a member of [Maduro’s] inner circle and lifelong member of the Venezuelan military,” who Maduro installed “to help ensure the military’s loyalty to the Maduro regime.”²⁸ Padrino Lopez was indicted in the United States District Court for the District of

²⁵ Office of the Director of National Intelligence, Counter-Terrorism Guide, *Secunda Marquetalia*, (Oct. 2022), https://www.dni.gov/nctc/ftos/segunda_marquetalia_fto.html.

²⁶ *Second Marquetalia*, Insight Crime, (July 5, 2022), <https://insightcrime.org/colombia-organized-crime-news/segunda-marquetalia/>.

²⁷ *Id.* (“The Second Marquetalia has maintained strong operations along the Colombia-Venezuela border, controlling much of the cocaine trafficking between the Colombian department of Arauca and the Venezuelan department of Apure”); *Ex-FARC Mafia in Venezuela*, Insight Crime, (Sept. 20, 2022) (“There is strong evidence to suggest the Second Marquetalia maintains ties to the government of Nicolás Maduro, who publicly stated that [its leaders] were ‘welcome’ in the country after the pair abandoned the peace process.”), <https://insightcrime.org/venezuela-organized-crime-news/farc-in-venezuela/>; *Venezuela Military Support for the ELN Could Complicate Relations Between Petro and Maduro*, La Patilla, (Sept. 7, 2022) (a journalist specializing in Venezuela military affairs and organized crime issues explains the “very comfortable relationship” between FARC-EP, the Segunda Marquetalia, and Venezuela, “even with Nicolas Maduro himself”), <https://www.lapatilla.com/2022/09/07/venezuelan-military-support-for-the-eln-could-complicate-relations-between-petro-and-maduro/>.

²⁸ See Press Release, U.S. Dep’t of the Treasury, *Treasury Targets Venezuela President Maduro’s Inner Circle and Proceeds of Corruption in the United States*, (Sept. 25, 2018), ¶ 5, <https://home.treasury.gov/news/press-releases/sm495>.

Colombia.²⁹ The indictment alleges that from March 2014 until May 2019, Padrino Lopez conspired with others to distribute cocaine using an aircraft registered in the United States. Padrino Lopez is a senior member of the Cartel of the Suns. Padrino Lopez is a citizen and resident of Venezuela, where he remains a fugitive from justice.

32. Maikel Jose Moreno Perez is currently a Justice (formerly the Chief Justice) of the Venezuelan Supreme Court, a position he has held since February 2017. In May 2017, OFAC sanctioned him for “judicial rulings . . . that have usurped the authority of Venezuela’s democratically-elected legislature.”³⁰ He has been criminally charged in the United States District Court for the Southern District of Miami.³¹ He is charged with conspiracy to commit money laundering and money laundering in connection with the corrupt receipt of millions of dollars and bribes—largely originating from accounts in South Florida—to illegally alter the outcome of dozens of civil and criminal cases in Venezuela. The U.S. State Department has offered a reward of \$5 million for information leading to his arrest and/or conviction.³² He is a citizen and resident of Venezuela, and a fugitive from justice.

33. Defendant Nestor Luis Reverol Torres has held many government positions in Venezuela. He is currently the Minister of People’s Power for Interior Relations and Justice. He

²⁹ See Indictment, *United States v. Vladimir Padrino Lopez*, 19-cr-176 (D.D.C. May 24, 2019), <https://www.justice.gov/opa/page/file/1261721/download>.

³⁰ See Press Release, U.S. Dep’t of the Treasury, *Treasury Sanctions Eight Members of Venezuela’s Supreme Court of Justice*, (May 18, 2017), ¶ 1, <https://home.treasury.gov/news/press-releases/sm0090>.

³¹ See Criminal Complaint, *United States v. Moreno Perez*, 20-cr-2407 (S.D. Fla. March 12, 2020), <https://www.justice.gov/opa/page/file/1261816/download>.

³² See Press Release, U.S. Dep’t of State, *Transnational Organized Crime Rewards Program: Maikel Jose Moreno Perez*, (July 21, 2020), <https://www.state.gov/inl-rewards-program/transnational-organized-crime-rewards-program/maikel-jose-moreno-perez/>.

is the former general director of Venezuela's La Oficina Nacional Antidrogas ("ONA"), which is the Venezuela government agency charged with fighting narcotics production and trafficking (its mission is similar to that of the Drug Enforcement Agency in the United States). On July 26, 2017, OFAC imposed sanctions on Reverol Torres for "undermining democracy" in Venezuela.³³ In 2016, the DOJ unsealed an indictment against Torres for offenses including trafficking and distributing cocaine.³⁴ Defendant Reverol Torres is a senior member of the Cartel of the Sun. He is a citizen and resident of Venezuela and a fugitive from justice.

34. Defendant Tarek William Saab is the *de facto* Attorney General (sometimes called the Prosecutor General) of Venezuela. On July 26, 2017, OFAC sanctioned him for undermining democracy in Venezuela.³⁵ He has been sanctioned by other countries, such as Switzerland, for human rights violations. Tarek William Saab is a citizen and resident of Venezuela.

35. Defendant Diosdado Cabello Rondón ("Cabello Rondón") is the illegitimate president of Venezuela's Constituent National Assembly. Cabello Rondón has also served as President and Vice-President of Venezuela, and is an active member of the Venezuelan Army with the rank of Captain.³⁶ He was sanctioned by OFAC on May 18, 2018, for "exploit[ing] [his] official position[] to engage in narcotics trafficking, money laundering, embezzlement of state funds, and

³³ See Press Release, U.S. Dep't of Treasury, *Treasury Sanctions 13 Current and Former Senior Officials of the Government of Venezuela*, ¶ 1, (July 26, 2017) ("July 26, 2017 OFAC Press Release") <https://www.treasury.gov/press-center/press-releases/Pages/sm0132.aspx>.

³⁴ See Indictment, *United States v. Torres*, 15-cr-20 (E.D.N.Y. Jan. 21, 2015), <https://www.justice.gov/doj/page/file/1261891/download>.

³⁵ See July 26, 2017 OFAC Press Release, *supra* n. 13.

³⁶ Press Release, U.S. Dep't of State, *Diosdado Cabello Rondón – New Target*, (Mar. 26, 2020), <https://www.state.gov/diosdado-cabello-rondon-new-target/>.

other corrupt activities.”³⁷ He is a leader of the Cartel of the Suns.³⁸ He was indicted for narco-terrorism conspiracy in the same indictment in which Maduro was charged, and he remains a fugitive from justice.

36. Defendant Alex Nain Saab Moran (“Alex Saab”) was indicted in the United States District Court for the Southern District of Florida for conspiracy to commit money laundering in connection with a scheme involving \$350 million in wire transfers.³⁹ The Center for a Free Cuba states, “Alex Saab’s money-laundering network facilitated the profits of the Soles Cartel’s cocaine trafficking to the United States.”⁴⁰ Moreover, “Saab has played a key role in establishing and maintaining the illicit financial networks that facilitate corruption, and Maduro reportedly entrusted him with his personal wealth.”⁴¹ Senator Rubio describes Alex Saab as a “financier and money launderer for Maduro.”⁴²

37. Defendants Nicholas Maduro Moros, Vladimir Padrino Lopez, Maikel Jose

³⁷ Press Release, OFAC, *Treasury Targets Influential Former Venezuelan Official and His Corrupt Network*, (May 18, 2018), <https://home.treasury.gov/news/press-releases/sm0389>.

³⁸ Antonio Maria Delgado, *He Does It All: Military Captain, Lawmaker, Alleged Boss of Cartel Drowning U.S. in Drugs*, Miami Herald, (Nov. 28, 2023) (various “former high-ranking regime members, told the Herald in separate interviews that Cabello stands at the apex of the Cartel de Los Soles”), <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article280897188.html>.

³⁹ *United States v. Alex Nain Saab Moran*, 19-cr-20450 (S.D. Fla., July 25, 2019).

⁴⁰ *Cuba Brief: Déjà Vu in Venezuela for Cuba Watchers?*, Center for a Free Cuba, (Dec. 21, 2023), <https://www.cubacenter.org/archives/2023/12/21/cubabrief-deja-vu-in-venezuela-for-cuba-watchers-american-hostages-swapped-for-high-profile-regime-figures-what-will-the-cost-be-in-future-hostages-and-american-lives>.

⁴¹ *Maduro Regime to Shield Alex Saab from Extradition*, Robert Lansing Institute, (June 23, 2021), <https://lansinginstitute.org/2021/06/23/maduro-regime-to-shield-alex-saab-from-extradition/>.

⁴² Press Release, Senator Marco Rubio, *Rubio, Cruz Warn President Against Making Further Concessions to Maduro Narco Regime*, (Oct. 26, 2022), <https://www.rubio.senate.gov/rubio-cruz-warn-president-against-making-further-concessions-to-maduro-narco-regime/>.

Moreno Perez, Nestor Reverol Torres, Tarek William Saab, Cabello Rondón, and Alex Saab are collectively the “Individual Defendants.”

JURISDICTION AND VENUE

38. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because Plaintiffs’ federal Anti-Terrorism Act (“ATA”) claims arise under the law of the United States. This court has supplemental jurisdiction over Plaintiffs’ state-law claims because those claims arise from the same nucleus of operative facts, and are part of the same case or controversy under Article III of the United States Constitution, as Plaintiffs’ ATA claims.

39. Venue properly lies in this forum under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this judicial district, specifically, acts of terrorist financing, the provision of material support to terrorists, and conspiracy to commit terrorism, in violation of the ATA. Proceeds from money laundering and narcotics trafficking that occurred within this District gave Defendants the hard currency that allows them to maintain an iron grip on Venezuela and to fund the kidnapping and torture of innocent civilians, such as the Holts.

40. The Court has personal jurisdiction over the Defendants under the Florida long-arm statute, Florida Stat. § 48.193, and the Due Process Clause of the Constitution because the Defendants personally and/or through their agents committed a tortious act within the State of Florida, giving rise to Plaintiffs’ claims, including that Defendants themselves and/or through agents:

a. Provided material support to terrorists in violation of 18 U.S.C. § 2339B and 18 U.S.C. § 2339C, in that Defendants trafficked cocaine in Florida intending that the monetary proceeds of their cocaine sales be used for acts of terror that included the kidnapping and torture of Josh and Thamy Holt; and

b. Provided material support to terrorists in violation of 18 U.S.C. § 2339B and 18 U.S.C. § 2339C, in that Defendants laundered money in Florida, intending that the proceeds of said money laundering be used for acts of terror that included the kidnapping and torture of Josh and Thamy Holt;

c. Defamed Mr. Holt in Florida by publishing defamatory statements about Mr. Holt, falsely accusing him of a felony he had not committed, on globally accessible media including YouTube, causing those defamatory statements being read, heard and reviewed by numerous third parties in Florida, including members of the large population of Venezuelan expatriates residing in South Florida, with the specific intention of affecting Mr. Holt's reputation in Florida and elsewhere;

41. Defendants' torts against Josh and Thamy were inextricably intertwined with, and a necessary and foreseeable component of, Defendants' trafficking of illegal drugs into and throughout South Florida, and their laundering money throughout South Florida, for their profit and gain.

42. In the alternative, this Court has personal jurisdiction over the defendants under Fed. R. Civ. P. 4(k)(2) because the defendants (a) are not subject to jurisdiction in any state's courts of general jurisdiction and (b) exercising jurisdiction over the defendants in the United States, including in this district, is consistent with the United States Constitution. Defendants themselves and/or through agents committed the following conduct in the United States, giving rise to Plaintiffs' claims:

a. Provided material support to terrorists in violation of 18 U.S.C. § 2339B and 18 U.S.C. § 2339C, in that defendants trafficked cocaine in the United States intending that the monetary proceeds of their cocaine sales be used for acts of terror that included the kidnapping

and torture of Josh and Thamy Holt; and

b. Provided material support to terrorists in violation of 18 U.S.C. § 2339B and 18 U.S.C. § 2339C, in that defendants laundered money in the United States, intending that the proceeds of said money laundering be used for acts of terror that included the kidnapping and torture of Josh and Thamy Holt;

c. Defamed Mr. Holt in the United States by publishing defamatory statements about Mr. Holt, falsely accusing him of criminal acts he had not committed,⁴³ on globally accessible media including YouTube, causing those defamatory statements to be read, heard and reviewed by numerous third parties in the United States, including members of the large population of Venezuelan expatriates residing in South Florida, with the specific intention of affecting Mr. Holt's reputation in Florida and elsewhere;

43. To the extent that this Court requires an additional basis to exercise jurisdiction over any of Plaintiffs' claims against any particular Defendant, this Court may exercise personal jurisdiction to the maximum extent permitted by the Constitution over such claims because Plaintiffs' claims all arise from the same common nucleus of operative fact.

FACTUAL ALLEGATIONS

I. THE MADURO CRIMINAL ENTERPRISE

44. The Maduro Criminal Enterprise is an association that includes, among others, Maduro, the Maduro Regime, the Cartel of the Suns, the FARC Dissidents, and the Individual Defendants.

A. Maduro and the Maduro Regime

⁴³ RED+, *Diosdado Cabello Dijo Que Lo Ocurrido El Helicoide Fue Una Provocacion*, YouTube, (May 17, 2018), <https://www.youtube.com/watch?v=ZrRm9xvafLc>; Luigino Bracci Roa desde Venezuela, *Lo Que Dijo Diosdado Cabello Sobre Joshua Holt: Sí Era un Espía, Por Algo Trump lo Recibió*, YouTube, (May 30, 2018), <https://www.youtube.com/watch?v=6EfascxDpVE>.

1. Maduro’s Illegitimate Authoritarian Control over Venezuela

45. Maduro assumed the Presidency of Venezuela on March 5, 2013, upon the death of then-President of Venezuela Hugo Chavez. Maduro then began to consolidate power to position himself as Venezuela’s dictator.

46. In July 2017, Maduro orchestrated the illegitimate election of the Constituent Assembly, which usurped most legislative functions from the democratically elected National Assembly. In response, on August 18, 2017, the United States “strongly condemn[ed] the assumption of legislative powers by the illegitimate Constituent Assembly,” and explained that “In our view, the democratically-elected National Assembly is the only legitimate legislative body.”⁴⁴

47. Last year, the Eleventh Circuit—citing the above-referenced August 18, 2017 Press Statement from the State Department—explained that “[f]or more than five years, the executive branch has taken the position that the Maduro government is illegitimate.” 65 F.4th at 562. Moreover, under the Political Question doctrine, “[t]he judicial branch is bound to accept the President’s statement that the 2015 National Assembly, not the Maduro government, is the legitimate political authority in Venezuela.” *Id.* at 562-63.

48. The United States has subsequently reaffirmed this position. For example, on May 20, 2018, Venezuela held a presidential election. Although Maduro nominally “won” the presidential election, the election was neither free nor fair. Then-U.S. Secretary of State Michael Pompeo explained, “[s]ham elections change nothing. We need Venezuelan people running this

⁴⁴ See U.S. Dep’t of State, *Department Press Briefing – August 18, 2017*, (Aug. 18, 2017), <https://2017-2021.state.gov/briefings/department-press-briefing-august-18-2017/>.

country.”⁴⁵

49. Notwithstanding the fact that the May 20, 2018 election was illegitimate, on January 10, 2019, Maduro was inaugurated as Venezuela’s president—a result Maduro achieved by the forceful and unlawful suppression of the legitimate government. On January 15, 2019, Venezuela’s freely elected National Assembly declared Maduro a “usurper.”

50. In January 2019, the U.S. State Department implored “Maduro to step aside in favor of a legitimate leader reflecting the will of the Venezuelan people.”⁴⁶ The White House stated that the United States will “continue to hold the illegitimate Maduro regime directly responsible for any threats it may pose to the safety of the Venezuelan people.”⁴⁷

51. In 2020, the State Department’s Country Reports on Human Rights Practices: Venezuela, explained that “While Venezuela is legally a multiparty, constitutional republic, the illegitimate authoritarian regime led by Nicolas Maduro usurped control over the executive, judicial, citizens’ power (which includes the prosecutor general and ombudsman), and electoral branches of government, and stood up a parallel, illegitimate legislative body [the Constituent Assembly] alongside the existing elected one [the National Assembly].”⁴⁸

52. On January 3, 2023, Biden Administration spokesperson Ned Price stated, “Our

⁴⁵ Michael Pompeo (@SecPompeo) (May 20, 2018), <https://twitter.com/SecPompeo/status/998254964408545283>.

⁴⁶ See *Pompeo Calls on Venezuela’s Maduro to Step Down, Urges Support from Military*, Reuters, (Jan. 23, 2019), <https://www.reuters.com/article/us-venezuela-politics-pompeo/pompeo-calls-on-venezuelas-maduro-to-step-down-urges-support-from-military-idUSKCN1PH2HI>.

⁴⁷ See Jeremy Diamond and Boris Sanchez, *Trump recognizes Venezuelan opposition leader as nation’s president*, CNN, (Jan. 24, 2019), <https://www.cnn.com/2019/01/23/politics/trump-juan-guaido-venezuela/index.html>.

⁴⁸ See U.S. Dep’t of State, *2020 Country Reports on Human Rights Practices: Venezuela*, (“Venezuela Country Report”), at 1, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/venezuela/>.

approach to Nicolas Maduro is not changing. He is not the legitimate leader of Venezuela,” rather “We continue to recognize what is the only remaining democratically elected institution in Venezuela today, and that’s the 2015 National Assembly.”⁴⁹

53. As of today, over 50 other recognized and respected countries—including leading western democracies, and excluding pariahs such as North Korea, Iran, Syria and Cuba—have ceased to recognize the Maduro regime as the legitimate government of Venezuela.

54. In short, although Maduro continues to exert authoritarian control over Venezuela, he is no longer the head of state, and he has not been the head of state, or a member of the recognized government of Venezuela, since at least August 18, 2017.

55. The Maduro Regime includes myriad individuals, including many in putative governmental positions, who are beholden to Maduro and who execute unlawful instructions from Maduro and his deputies.

56. A *Washington Post* article captures the essence of the Maduro Regime: “the reality is that the [Venezuelan] regime is less a government — much less a socialist one — than a criminal gang,” in which “the money it is reaping from criminal activity is serving as a prop that allows it to survive U.S. sanctions.”⁵⁰

2. The Maduro Regime’s Anti-Americanism

57. The Maduro Regime is virulently anti-American.

⁴⁹ See U.S. Dep’t of State, *Department Press Briefing – January 3, 2023*, (Jan. 3, 2023), <https://www.state.gov/briefings/departments-press-briefing-january-3-2023/#:~:text=MR%20PRICE%3A%20Well%2C%20Shaun%2C,to%20return%20democracy%20to%20Venezuela>.

⁵⁰ See Jackson Diehl, *The Real Reason Venezuela’s Maduro Survives: Dirty Money*, *Washington Post*, (May 12, 2019), https://www.washingtonpost.com/opinions/global-opinions/the-real-reason-venezuelas-maduro-survives-dirty-money/2019/05/12/ba96413e-7263-11e9-8be0-ca575670e91c_story.html.

58. Among other things, the Maduro Regime blames the United States for a variety of economic failings and social deprivations of the Maduro Regime’s own making. The Maduro Regime accuses the United States of “making threats” “with the sole aim of smothering the Venezuelan economy causing pain, unrest, and suffering to the Venezuelan people all to promote political instability in order to overthrow the legitimate government of President Nicolás Maduro Moros,” and of enforcing a “financial blockade,” which the Maduro Regime describes as “illegal unilateral coercive measures imposed by the United States government.”⁵¹

59. The Maduro Regime further blames non-Venezuelan actors, particularly the United States, for Venezuela’s hyperinflation. And the regime falsely accuses websites (“with servers in Miami, United States”) of “fraudulent and criminal manipulation of the exchange rate.”⁵²

B. The Cartel of the Suns

60. Members of the Venezuelan military became involved in the drug trade in 1990s, largely in the form of accepting bribes to ignore drug traffickers. Around 1992, Hugo Chavez formed a Venezuelan drug cartel, which at the time was known as the “Cartel Bolivariano” or “Bolivarian Cartel.” In 1993, the name changed to the “Cartel of the Suns,” a reference to the sun insignia on the Venezuelan military uniforms of many of the Cartel’s leaders.

61. The Venezuelan government under Hugo Chavez grew the Cartel, affording Venezuelan officials engaged in drug trafficking immunity in exchange for their loyalty to Chavez. In 2005, the Chavez government expelled the U.S. Drug Enforcement Agency (“DEA”) from

⁵¹ See U.N. Human Rights Counsel, *Report of the Independent Expert on the promotion of a democratic and equitable international order on his county visit to the Bolivarian Republic of Venezuela: Comments by State*, ¶ 42(ii), (iv), U.N. Doc. A/HRC/39/47/Add.2, (Sept. 7, 2018), <https://www.unwatch.org/wp-content/uploads/2018/10/Venezuelas-reply-to-De-Zayas-report.pdf>.

⁵² See *Id.* ¶ 42(x).

Venezuela, making Venezuela a more attractive route for drug trafficking. The Cartel of the Suns began coordinating with the former FARC to traffic cocaine. Venezuelan air force bases began to shelter planes loaded with cocaine that arrived from Colombia. Today, the Cartel continues to cooperate with the FARC Dissidents in a similar manner.

62. When Hugo Chavez died in 2013, Maduro stepped up to become one of the leaders of the Cartel. Defendants Reverol Torres, Padrino López, and Rondón Cabello are senior figures within the Cartel.

C. The FARC Dissidents

63. The former FARC was an armed and violent organization based primarily in the Republic of Colombia. From its inception in 1964 and continuing through 2016, the former FARC engaged in armed conflict against the government of Colombia, which is a constitutional, multi-party democracy. In 2016, pursuant to a peace agreement between the former FARC and Colombia, most of the FARC rebels laid down arms. But a significant number of former FARC rebels—including the FARC Dissidents—rejected the peace treaty. The FARC Dissidents continue to fight to derail the peace process and/or control parts of Colombia for themselves, as well as to destabilize all levels of the Colombian government through violence, including murders and hostage takings, threats of violence, and other terrorism-related activities.

64. The former FARC supported itself largely through the trafficking of cocaine. FARC rebels on Colombia's borders, particularly the Venezuelan border, were responsible for transporting cocaine outside of Colombia, and facilitating the exchange of cocaine and cocaine paste for weapons and supplies that the former FARC used to support its acts of international terrorism. The FARC Dissidents have assumed the former FARC's cocaine business, and collaborate with the Cartel of the Suns to traffic cocaine destined for US shores, especially Florida.

1. FARC-EP

65. In November 2021, the United States designated FARC-EP as an FTO. “The FARC-EP seeks to control critical areas of Colombia, particularly those associated with drug trafficking.”⁵³ Its leaders have been linked to drug trafficking.⁵⁴

66. FARC-EP coordinates with the Maduro Regime and the Cartel. “With the long history of [former] FARC presence in Venezuela, it was inevitable that the ex-FARC mafia [aka, FARC Dissidents] would inherit some of this territory and the links with members of the Maduro regime.”⁵⁵

2. Segunda Marquetalia

67. In November 2021, the United States designated Segunda Marquetalia as an FTO. It “seeks to control critical areas of Colombia, particularly those associated with drug

⁵³ Office of the Director of National Intelligence, *Counter Terrorism Guide: Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP)*, (Oct. 2022), https://www.dni.gov/nctc/ftos/farc_fto.html.

⁵⁴ Catalina Oquendo and Santiago Torrado, *Iván Mordisco and the Resurrection of an Armed Group in Colombia*, El Pais, (Apr. 18, 2023), <https://english.elpais.com/international/2023-04-19/ivan-mordisco-and-the-resurrection-of-an-armed-group-in-colombia.html>; Jose Alvarado Covar, *Armed Conflict and the Peace Process in Columbia*, Stockholm International Peace Research Institute (“the most powerful dissident FARC–EP commanders and are said to control large parts of drug-trafficking and illegal mining networks in the southern part of Colombia.”), <https://www.sipri.org/sites/default/files/SIPRIYB20c03sII.pdf>; Laura Gamba Fadul, *Former FARC Leader Ivan Mordisco Killed in Colombia*, AA, (July 16, 2022) (FARC-EP leader wanted in Colombia for “recruiting men and women to help swell the criminal ranks and protect illegal cocaine crops that are grown in the territory”), <https://www.aa.com.tr/en/americas/former-farc-leader-ivan-mordisco-killed-in-colombia/2638149>; Pedro Hurtado Canepa, *Colombia Neutralizes 10 FARC Dissidents*, Diologo Americas, (Oct. 28, 2021) (“According to the Colombian newspaper *La Nación*, there are nearly 2,500 combatants who did not join the 2016 peace agreement and who continue their illicit narcotrafficking, illegal mining, and extortion activities.”), <https://dialogo-americas.com/articles/colombia-neutralizes-10-farc-dissidents/>.

⁵⁵ *Ex-FARC Mafia, Venezuela and the Current International Climate*, Insight Crime, (Nov. 11, 2019) (linking FARC-EP leader Gentil Duarte to Venezuela), <https://insightcrime.org/investigations/ex-farc-mafia-venezuela-international-climate/>.

trafficking.”⁵⁶ Its leaders have been linked to drug trafficking. For example, Ivan Marquez aka Luciano Marin Arango, a FARC dissident who subsequently became a Second Marquetalia leader, and Seuxis Pausías Hernández Solarte, alias “Jesús Santrich,” a founder of Segunda Marquetalia, both were indicted in the same indictment as Maduro. In that indictment, the DOJ explained that under the leadership of Ivan Marquez and Jesus Santrich, among others, the former FARC became “became one of the largest producers of cocaine in the world and perpetrated acts of violence against United States nationals and property.”⁵⁷

68. Segunda Marquetalia coordinates with the Maduro regime and the Cartel.⁵⁸ Surveillance footage of the Segunda Marquetalia compound shows that its assets include high-end trucks with Venezuelan license plates.⁵⁹ Segunda Marquetalia guerillas are permitted to move freely through Venezuela civilian territory, its aircraft are not subject to restrictions in Venezuela airspace, and its leader, Ivan Marquez, had a condominium in Elorza, Venezuela (near the Colombian border) guarded by Maduro’s agents.⁶⁰ In or about July 2019, Defendants Maduro and

⁵⁶ Office of the Director of National Intelligence, Counter Terrorism Guide, *Segunda Marquetalia*, (Oct. 2022), https://www.dni.gov/nctc/ftos/segunda_marquetalia_fto.html.

⁵⁷ Maduro Indictment, <https://www.justice.gov/opa/page/file/1261806/download>.

⁵⁸ Carlos Silva, *Ivan Marquez’s Safe House*, El Nacional, (Dec. 20, 2021) (linking Second Marquetalia leader Ivan Marquez (SDGT) to “Venezuelan partners in the Cartel of the Suns.”), <https://www.elnacional.com/opinion/la-casa-segura-de-ivan-marquez/>; *Expelled FARC Dissidents Ally with Gulf Clan to Guard Drug Trafficking Routes*, Diaros Los Americas, (Jan. 18, 2024) (linking Second Marquetalia leader John 40 to the Cartel of the Suns), <https://www.diariolasamericas.com/america-latina/disidentes-expulsado-las-farc-se-alian-clan-del-golfo-cuidar-rutas-narcotrafico-n4110172>.

⁵⁹ Iván Márquez, *Santrich, El Paisa and Romaña are in Venezuela with Maduro’s permission: they reveal images of the camp and its movements*, Infobae, (Feb. 6, 2021), <https://www.infobae.com/america/colombia/2021/02/06/ivan-marquez-santrich-el-paisa-y-romana-estan-en-venezuela-revelan-imagenes-del-campamento-que-estaria-bajo-proteccion-de-maduro/>.

⁶⁰ *Id.*

Rondón Cabello attended a videotaped press conference in which Maduro announced that FARC Dissident leaders Ivan Marquez and Jesus Santrich were welcome in Venezuela.⁶¹

II. THE MADURO CRIMINAL CONSPIRACY

69. Members of the Maduro Criminal Enterprise have conspired and agreed to commit a wide variety of interrelated crimes (the “Maduro Criminal Conspiracy”), including (a) narcotics trafficking and narco-terrorism against the United States; (b) unlawful funding and provision of material support to terrorists from within the United States; (c) money laundering to, through and within the United States; and (d) torture, arbitrary detention, torture and murder of U.S. citizens.

70. Each of Maduro Criminal Enterprise’s criminal endeavors is intrinsic to, and necessary to the functionality of, the overall criminal enterprise. Put differently, each line of criminal wrongdoing supports and reinforces the ability of the Maduro Criminal Enterprise to commit each of the other criminal wrongdoing in which the Maduro Criminal Enterprise engages.

a. For example, a central objective of the Maduro Criminal Enterprise and the Maduro Criminal Conspiracy is to assist Maduro to retain authoritarian control over Venezuela. By ensuring that Maduro unlawfully controls the Venezuelan state, the Maduro Criminal Enterprise ensures that it can continue to commit profitable crimes—such as narcotics trafficking—with impunity and without interference from legitimate law enforcement.

b. Conversely, the Maduro Criminal Enterprise, through its earnings from profitable crimes such as narcotics trafficking, obtains wealth with which Maduro purchases the loyalty of Maduro Criminal Enterprise’s leaders and loyalists, thereby cementing Maduro’s authoritarian control over Venezuela. “A key to Maduro’s resilience has been the loyalty he has retained among most Venezuelan security forces. For years, military leaders and other officials

⁶¹ Maduro Indictment, <https://www.justice.gov/opa/page/file/1261806/download>.

have enriched themselves through corruption, drug trafficking, and other illicit industries.”⁶² In other words, dirty money is the lifeblood of the Maduro Criminal Enterprise and the Maduro Criminal Conspiracy. As the *Washington Post* explains, “each year [the Cartel of the Suns] flies hundreds of tons of Colombian cocaine from Venezuelan airfields to Central America and the Caribbean for eventual distribution in the United States and Europe — and that [Cartel of the Suns] includes some of the most senior officials in the Maduro regime. These men are not clinging to power because they are true believers in socialism They hang on because, in spite of Venezuela’s economic implosion, they are still reaping millions.”⁶³

c. And, through acts of terrorism and human rights abuses, the Maduro Criminal Enterprise suppresses opposition to its narcotics trafficking, public corruption, and Maduro’s authoritarian control of Venezuela.

71. Because the foregoing crimes are interrelated, because each type of criminality furthers the other types of criminality, and because the Maduro Criminal Enterprise conspicuously engages in each type of criminality, each and every co-conspirator in the Maduro Criminal Conspiracy has knowingly and intentionally agreed to all types of criminality in which the Maduro Criminal Enterprise engages.

72. The key lines of criminal conduct in which the Maduro Criminal Enterprise engages are discussed in more detail below.

A. The Maduro Criminal Enterprise’s Narcotics Trafficking Into, and Narco-Terrorism Against, the United States—Especially Florida.

73. For at least 20 years, and continuing through today, Maduro, along with a cadre of

⁶² See Congressional Research Service, *Venezuela, Background and U.S. Relations*, (Dec. 6, 2022), at 5, <https://fas.org/sgp/crs/row/R44841.pdf>.

⁶³ *Id.*

his Venezuelan loyalists that include the Individual Defendants, as well as the former FARC (and now, the FARC Dissidents), has run a vast narco-terrorism conspiracy, and through it, has intentionally inundated the United States with tons of cocaine, not only to enrich Maduro himself along with the other members of the Maduro Criminal Enterprise, but also to harm the United States and its citizens. Every year, much of the illegal narcotics (especially cocaine) trafficked by the Maduro Criminal Enterprise lands by plane or boat in South Florida.

74. “Drug trafficking can exist for purposes other than profit. That is especially true when we consider Venezuela’s Bolivarian Revolution that from the outset was dedicated to the development and deployment of illicit drugs for the purpose of asymmetrical warfare against the United States.”⁶⁴ Indeed, the concept of using “drugs as a weapon is an idea originated by [former Cuban President] Fidel Castro, to intoxicate the American people,” according to Luis Fleischman, a sociology professor at Palm Beach State University in Florida.⁶⁵ “The harm that is done by a ton of cocaine is almost incalculable. The lives affected, the families affected, the communities affected by drugs of that type and that volume is staggering.”⁶⁶

75. As of 2022, “the Venezuelan regime and its infamous Cartel of the Suns distribute about 450 tons of cocaine out of the global cocaine market of about 1,800 tons. This would mean that the Cartel of the Suns went from a 1 percent portion of the global market in 2010 to about 25

⁶⁴ *Weaponized Drug Trafficking: How Venezuela Built a Super Cartel to Attack the United States*, Center for a Secure Free Society, (Sept. 22, 2022), <https://www.securefreesociety.org/research/weaponized-drug-trafficking/>.

⁶⁵ *Venezuela Built Drug ‘Super Cartel’ to Attack US, Think Tank Says*, Dialogo Americas, (Apr. 3, 2023), <https://dialogo-americas.com/articles/venezuela-built-drug-super-cartel-to-attack-the-us-think-tank-says/>.

⁶⁶ *United States v. Pelagio Suarez*, 16-cr-453 (S.D.N.Y.), Dkt. No. 160, Tr. 27.

percent today.”⁶⁷ “The most recent report of nongovernmental organization Transparencia Venezuela states that drug trafficking is the number one illicit economy in the country,” accounting for “profits of more than \$5 billion in 2022, equivalent to 8.5 percent of the country’s Gross Domestic Product.”⁶⁸

76. On March 26, 2020, the DOJ unsealed indictments charging myriad crimes against Maduro, other Venezuelan leaders, and their former FARC (now FARC Dissident) co-conspirators, for narcotics trafficking and narcoterrorism. Summing up the charges, then-U.S. Attorney General William P. Barr explained that “[t]he Venezuelan regime, once led by Nicolás Maduro Moros, remains plagued by criminality and corruption. . . . For more than 20 years, Maduro and a number of high-ranking colleagues . . . conspired with the FARC, causing tons of cocaine to enter and devastate American communities.”⁶⁹

77. The United States Attorney for the Southern District of New York, Geoffrey S. Berman, further explained how Maduro and his cronies leveraged their authoritarian power in

⁶⁷ *Venezuela Built Drug ‘Super Cartel’ to Attack US, Think Tank Says*, Dialogo Americas, (Apr. 3, 2023), <https://dialogo-amicas.com/articles/venezuela-built-drug-super-cartel-to-attack-the-us-think-tank-says/>.

⁶⁸ *Id.*

⁶⁹ See DOJ Press Release, *supra* n. 6, ¶ 1; Julieta Pelcastre, *Investigation Lays Out Deep Involvement of Maduro in Drug Trade*, Dialogo Americas, (Dec. 20, 2023) (“The management of cocaine trafficking in Venezuela is not something new,” Euclides Tapia, a senior lecturer in International Relations at the University of Panama, told *Diálogo* on November 26. “Since Maduro took control, he has been identified as the main person responsible for this illegal and money-laundering mechanism.”); <https://dialogo-amicas.com/articles/investigation-lays-out-deep-involvement-of-maduro-regime-in-drug-trade/>; *Venezuela Built Drug Super Cartel to Attack the US, Think Tank Says*, Dialogo Americas, (Apr. 3, 2023) (“Drug trafficking can exist for purposes other than profit,” the report indicates. “That is especially true when we consider Venezuela’s Bolivarian Revolution that from the onset was dedicated to the development and deployment of illicit drugs for purposes of asymmetric warfare against the United States.”), <https://dialogo-amicas.com/articles/venezuela-built-drug-super-cartel-to-attack-the-us-think-tank-says/>.

Venezuela to support their narcoterrorism and narcotics trafficking conspiracy:

Today we announce criminal charges against Nicolás Maduro Moros for running, together with his top lieutenants, a narco-terrorism partnership with the FARC for the past 20 years. . . ***The scope and magnitude of the drug trafficking alleged was made possible only because Maduro and others corrupted the institutions of Venezuela and provided political and military protection for the rampant narco-terrorism crimes described in our charges.*** As alleged, Maduro and the other defendants expressly intended to flood the United States with cocaine in order to undermine the health and wellbeing of our nation. Maduro very deliberately deployed cocaine as a weapon. While Maduro and other cartel members held lofty titles in Venezuela’s political and military leadership, the conduct described in the Indictment wasn’t statecraft or service to the Venezuelan people. As alleged, the defendants betrayed the Venezuelan people and corrupted Venezuelan institutions to line their pockets with drug money.⁷⁰

78. Then-Attorney General Barr further explained the role of FARC Dissidents in the conspiracy: “there is a dissident group of about 2,500 FARC members, and they have taken up on the border between Venezuela and Colombia. These FARC dissidents continue to be involved in drug trafficking and armed insurgency. They have obtained the support of the Maduro regime, which is allowing them to use Venezuela as a safe haven from which they can continue to conduct their cocaine trafficking and their armed insurgency.”⁷¹

79. Then-Attorney General Barr further explained: “There is an area right on the border

⁷⁰ See DOJ Press Release, Dep’t of Justice, *Nicolás Maduro Moros and 14 Current and Former Venezuelan Officials Charged with Narco-Terrorism, Corruption, Drug Trafficking and Other Criminal Charges* (Mar. 26, 2020), <https://www.justice.gov/opa/pr/nicol-s-maduro-moros-and-14-current-and-former-venezuelan-officials-charged-narco-terrorism#:~:text=Berman.,crimes%20described%20in%20our%20charges> (emphasis added).

⁷¹ See Press Release, Dep’t of Justice, *Attorney General William P. Barr Delivers Remarks at Press Conference Announcing Criminal Charges against Venezuelan Officials*, (Mar. 26, 2020) (“AG Barr Remarks”), <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-press-conference-announcing-criminal>; see also Douglas Farah and Caitlyn Yates, *MADURO’S LAST STAND Venezuela’s Survival Through the Bolivarian Joint Criminal Enterprise with the FARC*, IBI Consultants LLC, 5 (May 2019) (“This alliance of the [Maduro Regime] together with the FARC have coalesced into . . . a consortium of criminalized states and non-state actors working in concert with shared objectives”), available at https://www.ibiconsultants.net/_pdf/maduros-last-stand-final-publication-version.pdf.

in Colombia, Norte de Santander, which is one of the primary cocaine producing areas remaining in Colombia. FARC gets this cocaine over into Venezuela and then is given safe haven by the regime to fly this cocaine from an area called Zulia, near Lake Maracaibo, up into Central America. Since 2016 [the year that the former FARC agreed to a peace treaty with Colombia], this air bridge has been established and has grown fivefold in just those four years. In addition, the regime is allowing these drug traffickers to take drugs by a maritime route into the Caribbean. We estimate that somewhere between 200 and 250 metric tons of cocaine are shipped out of Venezuela by these routes per year.”⁷²

80. In a background call on February 5, 2020, a senior White House official told journalists that Maduro “has turned Venezuela into a narco state, which has become a primary point of narcotics trafficking to Central America, Mexico, therefore the United States.”⁷³ The Cartel of the Suns and the FARC Dissidents traffic a significant portion of this cocaine in Florida.⁷⁴

81. As set forth in the Maduro indictment, Segunda Marquetalia leader Jesús Santrich, “in or about 2017, after purporting to negotiate peace agreements with the Colombian government,” “agreed to provide a multi-ton quantity of cocaine to DEA confidential sources so that the drugs could be imported into the United States. The sources purported to work for Rafael Caro Quintero, a Mexican drug trafficker who participated in the 1985 torture and murder of DEA Agent Enrique ‘Kiki’ Camarena. During a recorded meeting, [the Segunda Marquetalia leader] referred to the murder of Kiki Camarena by characterizing Caro Quintero as the person who had

⁷² *Id.*

⁷³ Geoff Ramsey and David Smilde, *Beyond the Narcostate Narrative, What U.S. Drug Monitoring Data Says About Venezuela*, WOLA, (Mar. 2020), <https://www.wola.org/wp-content/uploads/2020/04/Narcostate-memo-EDITED.pdf>.

⁷⁴ See Nat’l Drug Intelligence Center, Fla. Drug Threat Assessment, (July 2003), <https://www.justice.gov/archive/ndic/pubs5/5169/overview.htm>.

killed the ‘son of the bitch of the DEA.’”⁷⁵

82. U.S. Attorney Berman explained the role of the Cartel of the Suns in the conspiracy.

He stated that Maduro and the Individual Defendants:

called their cartel the ‘Cartel of the Suns.’ The name they chose reflects the Cartel’s identity and operations. It is a direct reference to the sun-shaped stars that Venezuelan military officers wear on their uniforms. Indeed, three former military officers of the highest rank are charged in this indictment. At the direction of Maduro, and in pursuit of their own personal profits, these officers: negotiated drug sales; protected the FARC’s transportation of coca leaves from Colombia; provided safe haven in Venezuela for cocaine manufacturing facilities; and supplied authorization codes and cover for the planes and boats that transported the shipments as they began their journey to the United States.⁷⁶

83. Assistant Attorney General Brian A. Benczkowski explained the role of Defendant

Padrino Lopez in the narco-trafficking conspiracy:

[The Venezuelan] military—led by Padrino Lopez—was responsible for interdicting suspected drug traffickers flying through Venezuelan air space. But as Minister of Defense, Padrino Lopez instead wielded his power to allow drug traffickers to use Venezuela as a transshipment route for narcotics destined for the United States. Padrino Lopez allegedly accepted bribes from drug trafficking organizations to allow them free passage to fly through Venezuelan air space. So long as he was paid off, cocaine-filled aircraft could get by and avoid interdiction. Far from stopping drug traffickers, the military – for the right price – gave safe passage to drug traffickers, terrorists, and other criminals.⁷⁷

84. The United States Attorney’s Office for the Eastern District of New York has charged Defendant Torres (the former general director of Venezuela’s DEA) for his role in the Maduro Criminal Enterprise’s narcotics trafficking. According to the indictment, Torres

⁷⁵ Maduro Indictment, *supra* n. 4, ¶ 15(p).

⁷⁶ See Press Release, Dep’t of Justice, *U.S. Attorney Geoffrey S. Berman Announces Charges in U.S. v. Maduro et al.*, New York, N.Y., (Mar. 26, 2020), <https://www.justice.gov/opa/page/file/1262756/download>.

⁷⁷ See Press Release, Dep’t of Justice, *Assistant Attorney General Brian A. Benczkowski Delivers Remarks at Press Conference Announcing Criminal Charges Against Venezuelan Officials*, (Mar. 26, 2020), <https://www.justice.gov/opa/speech/assistant-attorney-general-brian-benczkowski-delivers-remarks-press-conference-announcing>.

“receive[d] payments from narcotics traffickers in exchange for assisting the narcotics traffickers in conducting their illicit drug trafficking business.”⁷⁸

85. In exchange for payments from narcotics traffickers, Torres, among other things, (a) alerted narcotics traffickers to future drug raids or locations of law enforcement counter-narcotics activities so that the narcotics traffickers could change the storage locations of narcotics or alter transportation routes or times and thus avoid detection by law enforcement; (b) stopped or hindered ongoing narcotics investigations or counter-narcotics actions so that vehicles loaded with narcotics could depart from Venezuela; (c) arranged for the release of individuals detained for narcotics violations or for suspicion of narcotics trafficking activities; (d) arranged for the release of seized narcotics or narcotics-related currency; and (e) prevented the arrest or deportation of individuals sought for prosecution in foreign countries, including the United States.

86. The indictment of Defendant Diosdado Cabello—which charges him as a leader of the Cartel of the Suns and a co-conspirator, along with Maduro, in the narcoterrorism conspiracy against the United States—explains that Diosdado Cabello, among other things, “worked with other members of the Cartel de Los Soles to coordinate” “a 5.6 ton cocaine shipment from Venezuela on a DC-9 jet bearing a United States registration number.”⁷⁹

87. In 2017, two of Maduro’s wife’s cousins, Efrain Antonio Campo Flores and Franqui Francisco Flores, were convicted of conspiracy to smuggle cocaine into the United States and sentenced to 18 years in prison. The Acting Manhattan U.S. Attorney explained that the crime was motivated, in part, by a desire to enhance Maduro’s political power at home: “In part to fund

⁷⁸ See Indictment, *United States v. Torres*, 15-cr-20 (E.D.N.Y. Jan. 21, 2015), ¶ 4, <https://www.justice.gov/doj/page/file/1261891/download>.

⁷⁹ Maduro Indictment ¶ 15.d, <https://www.justice.gov/opa/page/file/1261806/download>.

an election campaign for the First Lady of Venezuela, Efrain Antonio Campo Flores and Franqui Francisco Flores de Freitas devised a plan to work with the FARC terrorist organization to send literally tons of cocaine to the United States.”⁸⁰

88. As well, numerous Maduro Criminal Enterprise operatives have been indicted in Miami for their unlawful trafficking of narcotics:

a. Pedro Luis Martin-Olivares, the former Chief of Economic Intelligence for Venezuela’s secret police (SEBIN), was indicted in Miami for distributing more than five kilograms of cocaine for import into the United States and possessing with the intent to distribute more than five kilograms of cocaine on board a US-registered aircraft.⁸¹

b. Rodolfo McTurk-Mora, former head of Interpol in Venezuela, was indicted in Miami for conspiring to import more than five kilograms of cocaine into the United States and to corrupt and impede the South Florida federal prosecution of another narcotics trafficker.⁸²

c. Jesus Alfredo Itriago, the former Chief of Counter-narcotics of a main criminal investigative agency in Venezuela, was indicted in Miami for conspiring to import more than five kilograms of cocaine into the United States.⁸³

B. The Maduro Criminal Enterprise Money Laundering to, Through and Within the United States—Especially Florida

89. The Maduro Criminal Enterprise laundered the proceeds of its criminal endeavors

⁸⁰ Press Release, U.S. Dep’t of Justice, *Nephews Of Venezuela First Lady Each Sentenced To 18 Years In Prison For Conspiring To Import Cocaine Into The United States*, (Dec. 14, 2017), <https://www.justice.gov/usao-sdny/pr/nephews-venezuela-first-lady-each-sentenced-18-years-prison-conspiring-import-cocaine>.

⁸¹ See *United States v. Luis Martin-Olivares*, No. 15-cr-20299 (S.D. Fla filed Apr. 24, 2015).

⁸² See *United States v. McTurk-Mora*, No. 13-cr-20930 (S.D. Fla. Filed Dec. 19, 2013).

⁸³ See *United States v. Itriago*, No. 13-cr-20050 (S.D. Fla. Filed Jan. 31, 2013).

through the United States, especially South Florida. “As I drive from my house in Miami to the U.S. Attorney’s Office in downtown Miami, I can literally see the fraud and corruption of Maduro’s regime — from multimillion-dollar condos on Fisher Island owned by corrupt Venezuelan executives and generals, to luxury yachts on Biscayne Bay and private jets owned by Venezuelan officials,” U.S. Attorney Ariana Fajardo Orshan said.⁸⁴

90. To achieve their money laundering objectives, the Maduro Criminal Enterprise has developed an extensive network. At the center of that network sits PDVSA. PDVSA is nominally the Venezuelan state-owned oil company, but in fact is a criminal enterprise controlled by Maduro and his cronies. PDVSA, among other things, launders the judgment debtors’ dirty money. Other “nodes” in the judgment debtors’ vast money laundering and sanctions evasion network, many of which work hand-in-glove with PDVSA, include “testaferros” (front men), shell companies, unethical bankers, corrupt government officials, and other bad actors.⁸⁵

1. PDVSA

91. The Maduro Criminal Enterprise utilizes PDVSA to launder through the United States the proceeds of its drug running.

92. Horacio Medina, a former PDVSA executive who retired after more than 20 years

⁸⁴ Jay Weaver and Antonio Maria Delgado, *Miami Feds Seize \$450 Million — Cash, Condos, Horses — in Venezuelan Corruption Cases*, Diazreus, (Apr. 27, 2020), <https://diazreus.com/miami-feds-seize-450-million-cash-condos-horses-in-venezuelan-corruption-cases/>.

⁸⁵ Government Accountability Office (“GAO”), *Venezuela’s Political Unrest Has Made Drug Trafficking, Money Laundering, and Other Crimes Easier*, (July 20, 2023) (“Criminal organizations, corrupt individuals in the Maduro regime, and others have taken steps to disguise the origins of their illegal activities and commodities. For example, they use shell companies and family or business contacts acting as proxies to hide their assets”) <https://www.gao.gov/blog/venezuelas-political-unrest-has-made-drug-trafficking-money-laundering-and-other-crimes-easier>.

of service and now lives in exile in the United States, explains that Cartel leader Maduro appointed Carlos Erik Malpica Flores (“Malpica”)—the nephew of Venezuela’s First Lady, Cilia Flores, and one of her most trusted advisors—to a position of power at PDVSA.⁸⁶ Thereafter, PDVSA “becam[e] a massive industrial money launderer at the service of narco trafficking.”⁸⁷

93. Indeed, “US authorities have gathered documents and eyewitness testimonies implicating officers of the state-run oil company, *Petróleos de Venezuela S.A. (PDVSA)*, in engaging in transactions and money laundering on behalf of cocaine smugglers within the government.”⁸⁸

94. The Foundation for Human Rights in Cuba elaborates:

According to witnesses who are currently protected by the U.S. government, Cuba received up to 30 percent of the cash amounts brought in from Venezuela [on PDVSA airplanes], in exchange for making transfers to bank accounts in the United

⁸⁶ See Ricardo Guanipa D’erizans, *PDVSA, A Major Money Laundering Operation*, *Dialogo Americas*, (Aug. 3, 2019), <https://dialogo-americas.com/articles/pdvsa-a-major-money-laundering-operation/#.ZD7UwnbMJdg>.

⁸⁷ *Id.*

⁸⁸ Roger F. Noriega, *Venezuela: Rise of a Narcostate*, American Enterprise Institute, (Aug. 11, 2015), <https://www.aei.org/foreign-and-defense-policy/latin-america/venezuela-rise-of-a-narcostate/>; see Exhibit 23 at 2 (PDVSA “launder[s] billions of dollars in illicit proceeds from the sales of cocaine, gold, and other commodities.”), <https://www.atlanticcouncil.org/wp-content/uploads/2020/08/The-Maduro-Regime-Illicit-Activities-A-Threat-to-Democracy-in-Venezuela-and-Security-in-Latin-America-Final.pdf>; Douglas Farah, *The Maduro Regime’s Illicit Activities: A Threat to Democracy in Venezuela and Security in Latin America*, Atlantic Council, (Aug. 13, 2020), (Venezuela Colonel Julio Rodríguez Salas explained how Cartel of the Suns leader General Hugo Carvajal Barrios described the drug trafficking network and how Carvajal was key in the mechanism that allowed billions of dollars from drug sales to be laundered through PDVSA), <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/the-maduro-regimes-illicit-activities-a-threat-to-democracy-in-venezuela-and-security-in-latin-america/>; see also Ricardo Guanipa D’erizans, *PDVSA, A Major Money Laundering Operation*, *Dialogo Americas*, (Aug. 3, 2019) (“The DEA began to suspect that the Venezuelan oil company was also being used to launder profits from narco trafficking.”), <https://dialogo-americas.com/articles/pdvsa-a-major-money-laundering-operation/>.

States, in order to legitimize the money earned from drug trafficking.⁸⁹

95. The American Enterprise Institute similarly explains: “Venezuela’s rampant corruption and money laundering schemes are integral elements of international narcotics trafficking operations. . . . *Testiferos* (front men) outside the government work with officials to launder cocaine profits by,” among other things, “purchasing convertible US-dollar-denominated PDVSA bonds with local currency. . . . Many of these assets are either in the United States or in dollar denominated accounts.”⁹⁰

96. PDVSA, at its peak in the early 2000s, moved more than \$100 billion a year in legitimate oil sales.⁹¹ Douglas Farah, a leading expert on Venezuela transnational crime, explains that the volume of money that PDVSA moved around the world for lawful purposes led the Maduro Regime to use PDVSA as the key hub of a multi-billion dollar money laundering system on behalf of the Maduro and the Cartel.⁹² Because PDVSA was engaging in transactions in petrodollars, its money laundering transactions cleared through the United States.⁹³

97. As PDVSA’s role in money laundering for the Cartel expanded, the Cartel—working hand-in-glove with PDVSA—became a one-stop-shop for narcotics traffickers throughout the region. Narcotics traffickers not only could purchase cocaine from the Cartel, they also could launder their ill-gotten gains through PDVSA, with PDVSA and the Cartel reaping

⁸⁹ Juan Antonio Blanco et al., *Cubazuela: Chronicle of Intervention*, (Apr. 2019), Foundation for Human Rights In Cuba, at 90, <https://www.fhrcuba.org/wp-content/uploads/2019/04/CUBAZUELA-CUBAN-INTERVENTION-English.pdf>.

⁹⁰ *Venezuela: A State Destroyed by Crime and Corruption*, American Enterprise Institute, (June 1, 2017), <https://www.jstor.org/stable/resrep03288.6?seq=4>.

⁹¹ See Declaration of Douglas Farah, *Albán v. Maduro*, 21-cv-20706, (S.D. Fla. Jan. 5, 2024), Dkt. 94-5, ¶ 23.

⁹² *Id.*

⁹³ *Id.*

additional profits for these money-laundering services.

98. Because PDVSA had the backing of Maduro, and was cloaked in the (false) appearance of being a legitimate governmental enterprise, PDVSA was able to offer the Cartel and other regional narcotics traffickers stability and certainty, creating a favorable climate for unlawful business and making its services highly desirable to narcotics traffickers.

99. By 2005 to 2008, laundering drug money had become the primary function of PDVSA. Such laundering has only increased since then, as the Venezuelan economy has continued to deteriorate. During the Maduro regime, PDVSA employed (and continues to employ) numerous schemes to assist in the laundering of drug proceeds (and other criminally derived funds) through the United States.

2. Testaferros

100. Many of the Maduro Criminal Enterprise's testaferros have been charged and/or convicted of money laundering and related offenses in the United States, including in the Southern District of Florida. "Treasury also has taken action against more than 300 individuals and entities related to Venezuela—blocking their assets and generally prohibiting U.S. businesses and financial institutions from dealing with them. The Department of Justice has charge at least 35 people with money-laundering-related crimes connected to Venezuela, securing convictions against some of them."⁹⁴

101. For example, after a years-long, multi-agency investigation, OFAC designated and blocked Tarek El Aissami and his frontman, Samark López Bello ("López Bello"), on February

⁹⁴ GAO, *Venezuela's Political Unrest Has Made Drug Trafficking, Money Laundering, and Other Crimes Easier*, (July 20, 2023), <https://www.gao.gov/blog/venezuelas-political-unrest-has-made-drug-trafficking-money-laundering-and-other-crimes-easier>.

13, 2017.⁹⁵

102. El Aissami was the *de facto* Vice President of Venezuela from 2017 to 2018. From April 2020 through March 2023, he was the Maduro Regime’s Minister of Industries and National Production and Minister of Petroleum. In that most recent role, El Aissami exercised control over PDVSA. OFAC determined that El Aissami, as a senior Cartel of the Suns leader, “facilitated shipments of narcotics from Venezuela, to include control over planes that leave from a Venezuelan air base, as well as control of drug routes through the ports in Venezuela.”⁹⁶ El Aissami also “facilitated, coordinated, and protected other narcotics traffickers operating in Venezuela,” including Walid Makled Garcia, one of the most prolific Venezuelan cocaine traffickers.⁹⁷

103. OFAC further concluded that López Bello was a “key frontman” and money launderer for El Aissami.⁹⁸ As El Aissami’s frontman, López Bello “is used by El Aissami to purchase certain assets,” and López Bello “handles business arrangements and financial matters for El Aissami, generating significant profits as a result of illegal activity benefitting El Aissami.”⁹⁹

104. OFAC also designated as blocked thirteen companies owned by López Bello, including several LLCs registered in Florida: 1425 Brickell Ave 63-F LLC; 1425 Brickell Avenue

⁹⁵ Press Release, U.S. Dep’t of Treasury, *Treasury Sanctions Prominent Venezuela Drug Trafficker Tarek El Aissami and His Primary Frontman Samark López Bello*, (Feb. 13, 2017), <https://home.treasury.gov/news/press-releases/as0005>.

⁹⁶ *Id.*

⁹⁷ *See Venezuelan ‘drug lord’ Walid Makled goes on trial*, BBC, (Apr. 10, 2012), <https://www.bbc.com/news/world-latin-america-17662020>.

⁹⁸ Press Release, U.S. Dep’t of Treasury, *Treasury Sanctions Prominent Venezuela Drug Trafficker Tarek El Aissami and His Primary Frontman Samark López Bello*, (Feb. 13, 2017), <https://home.treasury.gov/news/press-releases/as0005>.

⁹⁹ *Id.*

Unit 46B, LLC; 1425 Brickell Avenue 64E, LLC; Agusta Grand I LLC; and 200G PSA Holdings LLC.¹⁰⁰ Under OFAC regulations, all property owned or controlled by López Bello was already automatically blocked when López Bello was designated by OFAC; however, by individually listing certain properties, OFAC provided additional notice to third parties that might otherwise have engaged in transactions affecting the López Bello properties, in violation of US law.

105. In addition to OFAC’s designating López Bello under the Kingpin Act, the United States indicted López Bello—in the same indictment as Defendant El Aissami—for conspiring with El Aissami to violate and evade the Foreign Narcotics Kingpin Designation Act and the Kingpin Act Regulations, conspiring with El Aissami to defraud the United States, engaging in prohibited transactions in violation of the Kingpin Act and the Kingpin Act Regulations, and evading the Kingpin Act and Kingpin Act Regulations.¹⁰¹ López Bello remains a fugitive.¹⁰²

106. In early 2019, Colonel Luis Miguel Cote, a former Colonel and Chief of Staff of the Colombian Marine Corps, affirmed that El Aissami is a member of the Cartel, which “is the major facilitator and transporter of FARC cocaine through and from Venezuela.”¹⁰³ Based on his extensive experience investigating drug trafficking in Latin America, Colonel Cote explained that “the Cartel of the Suns continues to thrive today under the leadership of Venezuela’s Vice President Tareck El Aissami and his front man Samark López Bello.”¹⁰⁴

¹⁰⁰ *Id.*

¹⁰¹ See Indictment, *United States v. Tareck Zaidan El Aissami Maddah*, 19-cr-144 (S.D.N.Y.), <https://www.justice.gov/usao-sdny/press-release/file/1142126/download>.

¹⁰² See *Samark Jose López Bello*, U.S. Dep’t of State, (Oct. 8, 2020), <https://www.state.gov/samark-jose-Lopez-bello/>.

¹⁰³ *Stansell v. Revolutionary Armed Forces of Colombia*, No. 19-cv-20896 (S.D. Fla. Feb. 12, 2019), ECF No. 17-2 at 10.

¹⁰⁴ *Id.*

107. Similarly, in early 2019, former Drug Enforcement Agency (DEA) Special Agent Paul K. Craine, who worked at the United States Embassy in Mexico and directed narcotics-trafficking investigations involving Colombia, Venezuela, and the former FARC, declared that many high-ranking Venezuelan officials, including El Aissami, are involved in drug trafficking and corruption and associated with the Cartel of the Suns.¹⁰⁵ And Special Agent Craine declared, in turn, that López Bello laundered El Aissami's drug-trafficking profits.¹⁰⁶

108. As a second example, Raul Gorrin Belisario ("Gorrin") is a Venezuelan billionaire businessman who owns Globovision News Network. Luisa Ortega Díaz, the former Attorney General of Venezuela, has identified Gorrin as a "testaferro" for both Maduro and Defendant Moreno Perez.¹⁰⁷

109. On August 18, 2018, the United States Attorney for the Southern District of Florida indicted Gorrin for conspiracy to violate the Foreign Corrupt Practice Act ("FCPA") and to engage in money laundering, based on allegations that Gorrin paid at least \$65 million and \$95 million in bribes to two successive Venezuela national treasurers, in order to obtain rights to carry out foreign currency exchange transactions at favorable rates.¹⁰⁸ Several of the individuals Gorrin bribed have already been convicted in U.S. courts, including Venezuela National Treasurer Alejandro Jose Andrade Cedeno, sentenced by the U.S. District Court for the Southern District of Florida on

¹⁰⁵ See Declaration of Paul Craine, *Pescatore v. Pineda*, No. 19-cv-20811 (S.D. Fla. Mar. 14, 2019), ECF No. 10-3 at 1, 10–11.

¹⁰⁶ *Id.* at 10.

¹⁰⁷ El Pitazo Editorial Team, *Luisa Ortega Diaz: "Gorrin is a Front Man for Maikel Moreno and Nicolas Maduro"*, El Pitazo, (June 30, 2020), <https://www.elpitazo.net/politica/luisa-ortega-diaz-gorrin-es-testaferro-de-maikel-moreno-y-de-nicolas-maduro/>.

¹⁰⁸ See generally Superseding Indictment, *United States v. Raul Gorrin Belisario*, 18-cr-80160 (S.D. Fla Dec. 15, 2020), <https://www.justice.gov/criminal/criminal-fraud/file/1346691/dl?inline>.

November 27, 2018, to 10 years in prison for accepting over \$1 billion in bribes.

110. The Gorrin superseding indictment details how Gorrin laundered millions of dollars through Florida.¹⁰⁹ None of this would be possible absent Maduro’s approval and support, which Maduro provided only because he and the Maduro Criminal Enterprise profited from the scam. As Former Venezuelan Attorney General Díaz explains, Gorrin “accumulated greater economic power under the protection of Nicolás Maduro.”¹¹⁰ Indeed, other beneficiaries of Gorrin’s bribes and dubious largesse are believed to include Defendant Moreno Perez, whom OFAC describes as “a close friend of Gorrin” and Cilia Adela Flores de Maduro, the First Lady of Venezuela, who was designated by OFAC on September 25, 2018.¹¹¹

111. Gorrin remains a fugitive from justice. According to Anthony Salisbury, chief of the Miami office of Homeland Security Investigations (“HSI”), “Raul Gorrin is one of the most wanted money launderers in the world right now.”¹¹² Nor has Gorrin’s 2018 indictment slowed down his misconduct. In June 2020, Miami HSI seized 81 vehicles “that were being exported from South Florida to Venezuela by a smuggling ring including Raul Gorrin.”¹¹³ As HSI explained: “Gorrin was allegedly collaborating with straw buyers and shell companies in South Florida to buy the vehicles and ship them to Venezuela for use by wealthy cronies of the regime

¹⁰⁹ *Id.* at ¶¶ 17, 19, 21.

¹¹⁰ El Pitazo Editorial Team, *Luisa Ortega Diaz: “Gorrin is a Front Man for Maikel Moreno and Nicolas Maduro”*, El Pitazo, (June 30, 2020), <https://www.elpitazo.net/politica/luisa-ortega-diaz-gorrin-es-testaferro-de-maikel-moreno-y-de-nicolas-maduro/>.

¹¹¹ Press Release, U.S. Dep’t of Treasury, *Treasury Targets Venezuela Currency Exchange Network Scheme Generating Billions of Dollars for Corrupt Regime Insiders*, (Jan. 8, 2019), <https://home.treasury.gov/news/press-releases/sm583>.

¹¹² David C. Adams, *“Fleeing Venezuela”: Cars Valued at \$3.2 Million Seized at South Florida Port*, Univision News, (July 8, 2020), <https://www.univision.com/univision-news/latin-america/fleeing-venezuela-cars-valued-at-3-2-million-seized-at-south-flLaurieda-port>.

¹¹³ *Id.*

and the police.”¹¹⁴ Gorrin is also being investigated for misappropriating billions of dollars from PDVSA.¹¹⁵

112. As a third example, in June 2020, Defendant Alex Saab was detained in the Republic of Cabo Verde. On or about October 16, 2020, he was extradited to the United States to face charges, including eight counts of money laundering, accused of moving \$350 million out of Venezuela into accounts he controlled in the United States and other countries.¹¹⁶ While Saab was incarcerated in Miami pending trial, a journalist familiar with these matters explained, “Saab acts as an international broker for Maduro, making him a fundamental builder of the financial architecture used by Venezuela to circumvent sanctions. . . . That world of relationships would be exposed if Saab decides to speak.”¹¹⁷ That risk of exposure caused the Maduro Criminal Enterprise significant concern, and as described further below, the Maduro Criminal Enterprise responded by escalating its terrorist attacks against US citizens.

C. The Maduro Criminal Enterprise’s Use of Terrorist Funding From the United States to Commit Additional Acts of Terrorism Against US Citizens

113. The rich flow of incoming terrorist funding described above (from unlawful

¹¹⁴ *Id.*

¹¹⁵ Press Release, U.S. Dep’t of Treasury, *Treasury Targets Venezuela Currency Exchange Network Scheme Generating Billions of Dollars for Corrupt Regime Insiders*, (Jan. 8, 2019), <https://home.treasury.gov/news/press-releases/sm583>.

¹¹⁶ See Press Release, DOJ, *Colombian Businessman Charged With Money Laundering Extradited to the United States from Cabo Verde*, (Oct. 18, 2021), <https://www.justice.gov/opa/pr/colombian-businessman-charged-money-laundering-extradited-united-states-cabo-verde>.

¹¹⁷ Venezuela Investigative Unit, *Alleged Money Launder Alex Saab Facing US Justice Triggers Fallout from Venezuela*, InSight Crime, (Oct. 19, 2021), <https://insightcrime.org/news/alleged-money-launderer-alex-saab-facing-us-justice-triggers-fallout-from-venezuela/>; Emanuele Ottolenghi, *Corrupt Venezuela Officials Face Impending Extradition to United States*, Foundation for Defense of Democracies, (Sept. 13, 2021) (Saab is a “regime insider” with “intimate knowledge of its shady dealings.”), <https://www.fdd.org/analysis/2021/09/13/venezuelan-officials-impending-extradition/>).

narcotic sales in the United States, the proceeds of which are laundered through the United States), supports additional acts of terrorism by the Maduro Criminal Enterprise, against US persons, in several ways.

114. First, the funding allows the Maduro Criminal Enterprise to continue to exist and function, and thus, to continue to commit acts of terrorism. “[I]n two decades the Cartel of the Suns evolved from a disorganized trafficking network into an elaborate system of clientelism. This system is used to distribute the wealth generated by drug trafficking to those individuals Maduro perceives as critical to sustaining the stability of the regime.”¹¹⁸ In short, “[t]errorism finance has aptly been termed as the lifeblood of terrorism,”¹¹⁹ and the Maduro Criminal Enterprise is no exception.

115. Second, the Maduro Criminal Enterprise commits acts of terrorism against US persons to protect its lucrative criminal franchise. For example, when leading Maduro Criminal Enterprise testafarro Alex Saab¹²⁰—who, as described above, had highly sensitive knowledge that the Maduro Criminal Enterprise did not want him to spill to U.S. law enforcement—the Maduro Criminal Enterprise responded by committing additional acts of terrorism against the United States and its citizens.

¹¹⁸ Julieta Pelcastre, *Investigation Lays Out Deep Involvement of Maduro Regime In Drug Trade*, (Dec. 20, 2023), Dialogo Americas, <https://dialogo-americas.com/articles/investigation-lays-out-deep-involvement-of-maduro-regime-in-drug-trade/>.

¹¹⁹ Vivek Chadha, *Lifeblood of Terrorism: Combatting Terrorism Finance*, *Institute for Defense Studies and Analysis*, Bloomsbury, (2015), https://idsa.in/system/files/book/Book_LifebloodofTerrorism.pdf.

¹²⁰ Jay Weaver, *Alex Saab, The Key Man in the US-Venezuela Prisoner Swap, Made Millions From Maduro Regime*, Miami Herald, (Dec. 20, 2023), 2023 WLNR 43033270 (“In the sordid annals of Venezuelan corruption, he’s known as the ultimate fixer, amassing a fortune off his dealings with the Caracas government while hiding millions in the United States, Europe and other parts of the world, authorities say. Alex Saab, the key man in U.S.-Venezuela prisoner swap, made millions from Maduro regime”).

116. Initially, in response to Saab’s extradition to the United States, the Maduro Criminal Enterprise “re-apprehended six oil executives, including 5 American citizens, who had been under house arrest in Venezuela.”¹²¹ The New York Times explains that “[t]he six oil executives”—known at the CITGO Six—“are generally viewed as negotiating pawns in the antagonistic relationship between the United States and Venezuela. They worked for Citgo Petroleum, a Houston-based subsidiary of the Venezuelan state oil company, and have been held by the Venezuelan government on corruption charges since 2017. But they had been released to house arrest earlier this year.”¹²² After Alex Saab’s extradition, however, members of the CITGO Six were relocated to El Helicoide, a prison notorious (as noted above) for torturous conditions.¹²³

117. Immediately after Alex Saab was extradited to the United States on or about October 16, 2020, the Maduro Criminal Enterprise began a campaign of kidnapping even more U.S. citizens with the goal of obtaining additional human “bargaining chips” to barter for Alex Saab’s release. The included, among others: (1) Los Angeles County Public Defender Eyvin Hernandez (accompanying a friend to the Colombia-Venezuela border when he was intercepted on March 31, 2022, and turned over to Venezuelan security forces), and designated by the U.S. Department of State as wrongfully detained; (2) Texas computer programmer Jerrel Kenemore (accompanying his girlfriend to the Colombia-Venezuela border when he was kidnapped on in March 2022), and designated by the U.S. Department of State as wrongfully detained; (3) Orlando, Florida contractor Joseph Cristella (abducted near Venezuela when visiting his Venezuelan fiancé

¹²¹ Julie Turkewitz, *U.S. Extradites Key Financial Ally of Venezuela’s President, Inciting Retaliation*, New York Times, (Oct. 16, 2021), <https://www.nytimes.com/2021/10/16/world/americas/alex-saab-arrest-venezuela-maduro.html?auth=login-google1tap&login=google1tap>.

¹²² *Id.*

¹²³ *Id.*

in September 2022), and designated by the U.S. Department of State as wrongfully detained; (4) Oakland California businessman Savoi Wright (kidnapped on October 24, 2023 on a tourist trip to Venezuela), and designated by the U.S. Department of State as wrongfully detained; (5) Jason Saad (arrested in Venezuela and accused of being homeless); and (6) Edgar Jose Marval Moreno.

118. Moreover, the Maduro Criminal Enterprise treated these prisoners cruelly. Mr. Hernandez explained, “When you find peace there, they do everything in their power to make you lose that peace and they try to drive you crazy. They have a lot of psychological tactics.”¹²⁴ Mr. Wright, whom the Maduro Criminal Enterprise transferred from prison to prison (each increasingly worse), explained that it is not “safe” to fall asleep in the cells at night.¹²⁵

119. The Maduro Criminal Enterprise’s reason for this spate of kidnappings of Americans was to gain leverage in negotiations with the United States, including to obtain the release of Alex Saab. The number of US persons kidnapped by the Maduro Criminal Enterprise “has swelled over the past year [i.e., 2022] — and U.S. officials are concerned that Caracas is deploying increasingly aggressive tactics to lure and entrap U.S. citizens at its borders, extort their families on the false promise of their return and use them as pawns to draw concessions from Washington.”¹²⁶

¹²⁴ *Americans Imprisoned in Venezuela: “They’re Trying to Drive You Crazy,”* CNN, (Dec. 22, 2023), <https://newsbeezer.com/venezuelaeng/americans-imprisoned-in-venezuela-theyre-trying-to-drive-you-crazy/>.

¹²⁵ CNN, *American Wrongfully Detained in Venezuela Speaks About His Experience in Prison*, YouTube, <https://www.youtube.com/watch?v=4zCGUViaC0A>.

¹²⁶ Michael Wilner, *Extorted and Tortured, and American Prisoner in Venezuela Awaits Action from Biden*, McClatchy Media Network, (Feb. 13, 2023), Floridian trapped, tortured in Venezuela, his family says | McClatchy Washington Bureau (mcclatchydc.com); *see generally* Drew Hinslaw et al., *How Snatching American Citizens Turned Into a Tool of Hostile Governments*, Wall Street

120. The Maduro regime viewed the prisoner exchange through which it obtained Alex Saab's release as an important victory, helpful for ensuring the continued undivided loyalty of agents in the Maduro Criminal Enterprise:

“A key message is from President Maduro towards his own,” said Luis Vicente Leon, president of Datanalisis, a polling and political analysis firm in Venezuela. “By having pushed hard for Saab to be freed, he has made it clear that he will fight for allies.”¹²⁷

121. The Alex Saab case is not the only example of the Maduro Criminal Enterprise unlawfully kidnapping US citizens and then bartering them for the release of criminals incarcerated in the United States. Efraín Antonio Campo Flores and Francisco Flores de Freitas, both nephews of Maduro's wife, were convicted of conspiracy to import 770 kilos of cocaine to the United States, where until recently they were serving lengthy federal prison sentences. In October of 2022, the United States agreed to release both men in exchange for six U.S. citizens (including five of the “Citgo Six”) and one U.S. lawful permanent resident that the Maduro Criminal Enterprise had unlawfully kidnapped.¹²⁸

122. In sum, the Maduro Criminal Enterprise engages in a self-perpetuating and vicious cycle of anti-American terrorism: through narcoterrorism and money laundering, they gain the funds necessary to finance and support their criminal empire, and to protect that criminal empire,

Journal, (Dec. 27, 2023), <https://www.wsj.com/world/american-hostages-hostile-governments-cc7343a8>.

¹²⁷ Elia Ferer Breda, *Venezuela Prisoner Exchange: What Does It Mean*, Forbes, (Dec. 21, 2023), <https://www.forbes.com/sites/eliasferrerbreda/2023/12/21/venezuela-prisoner-exchange-what-does-it-mean/?sh=630535a142c9>.

¹²⁸ Press Statement, U.S. Dep't of State, *The Release of US Nationals from Venezuela*, (Oct. 1, 2022) (“We welcome the release from Venezuela of six wrongfully detained U.S. citizens . . .”), <https://www.state.gov/the-release-of-u-s-nationals-from-venezuela/>; George Wright, *US Frees President Maduro's Relatives in Venezuela Prisoner Swap*, BBC, (Oct. 1, 2022), <https://www.bbc.com/news/world-latin-america-63105944>.

they commit additional acts of terrorism against U.S. persons.

III. THE MADURO CRIMINAL ENTERPRISE'S CRIMES AGAINST MR. HOLT AND HIS FAMILY

A. Josh Holt's Background.

123. Joshua Holt was born to Jason and Laurie Holt in 1992. As a child, he was funny, adventurous, and inclined to “shake it off” when he fell down and got hurt. That positive attitude and innate toughness may well have saved his life in the dark days of captivity in Venezuela.

124. Josh's mom, Laurie Holt, was a powerful figure in the family. She met Josh's father, Jason Holt, when she nudged him to get out of her way at a movie theater. At the moment, Jason Holt knew that he would marry Laurie. Laurie Holt was famous for giving massive bear hugs to her family and the family's friends. Her nickname was “Mama Bear.” Her fiercely loving and protective nature would prove crucial to securing Josh and Thamy's eventual release from captivity in Venezuela.

125. Josh has an older brother Derek Holt and two younger sisters, Katie Jill Holt and Jenna Lee Nammeth. They are an extremely close family. Josh's older brother Derek is very protective of him. Josh's father, Jason Holt, says that “there's always a lot of laughter in our house, especially when all the kids are around; they feed off each other.”

126. In his early twenties, before embarking on a career (possibly as a police officer), Josh Holt applied to serve as an LDS missionary. Josh recalls that when he received his acceptance letter from the Church, he was “ecstatic.” In addition to being an expression of his faith, Josh's missionary service reflects his values: his desire to provide community service and to help others.

127. After being accepted as an LDS missionary, Josh underwent a missionary training program, in which he received a few Spanish lessons. Then, from 2013 through 2015, he served as an LDS missionary in Everett, Washington, where there is a large Spanish-speaking community.

At times Josh was frustrated because his Spanish language skills were not yet up to the task.

B. Thamy Holt's Background.

128. Thamy Holt née Caleño was born in Ecuador and moved to Venezuela at age five. She was raised by a single mother, who worked six days a week, 12 hours a day, to provide for Thamy and her siblings. At 16, Thamy became pregnant for the first time, with M.L, and at the time, M.L.'s father did not play a significant role in raising M.L. Thamy, despite her difficult circumstances, finished high school, skipped maternity leave, and went right back to work after her daughter was born. Then Thamy's mother left home with a new husband, leaving Thamy alone to raise her daughter, and to care for her younger brother, an abusive drug addict.

129. Overcoming these challenges, Thamy continued her schooling, learning to be an instrument technician, based on which Thamy got a job at a hospital. There, she met her first husband. They had Thamy's second daughter, N.C., together. But Thamy's husband had a drinking problem and he was physically abusive, beating Thamy with a belt to the point where nurses she knew at the hospital had to treat her injuries in secret on a regular basis. Thamy suffered the abuse for five years, trying repeatedly and unsuccessfully to kick her husband out. Then, when Thamy was 24, her husband died in car crash. She resumed raising her girls on her own. She prayed to God for a good man in her life.

130. Thamy had always wanted to continue her education, but her abusive husband had kept her from doing so. Once her husband passed away, Thamy enrolled in school study computer science. As part of that program, Thamy needed to learn English. Through the website Mormon.org, Thamy identified several LDS church members who were on missions and who might be able to help Thamy with her English. She reached out to several of them, including Josh Holt.

C. Josh and Thamy Meet and Fall In Love.

131. Following his two-year missionary stint in Washington State, Mr. Holt returned to his family in Utah. Upon returning to Riverton, Utah, Josh had hundreds of Facebook friend requests waiting for him, from people he met while he was on his mission in Washington. He had not been able to accept those requests until he came home, because LDS missionaries are prohibited from using Facebook. Josh began to accept the waiting friend requests once he was back home. He accepted Thamy's friend request thinking she was someone he had met on his mission, but she quickly explained who she was and why she had reached out.

132. Thamy says that Josh was the only person who responded to her Facebook requests. Initially, she thought that she would not be able to communicate with Josh because she did not speak much English, but Josh quickly told her that he spoke some Spanish. Accordingly, in early 2016, the two began to text, which soon evolved into Facetime video calls. Together, they worked on improving Thamy's English and Josh's Spanish. Before long, they were spending hours at a time talking.

133. As the two talked more and more, their feelings for one another blossomed. They found they shared not just a common faith, but also common values and goals. They both enjoy family, dogs, traveling, movies, mountains, telling jokes and sharing a laugh.

134. In May 2016, Josh and Thamy traveled to the Dominican Republic to meet in person. Josh's protective older brother Derek was dubious about the wisdom of Josh's whirlwind romance with Thamy, and said so. Josh's father was a bit skeptical, but felt that it was important for Josh to spread his wings and make his own decisions. By contrast, Josh knew exactly how he felt, and he had no doubts.

135. After just three days in the Dominican Republic, Josh and Tammy got dressed up

in their best clothes and went to visit a picturesque LDS church. There, Josh surprised Thamy when he got down on one knee and proposed. Thamy's godmother captured the proposal on video. Thamy wept so hard, Josh could barely make out her answer: "Sí! Sí! Sí!" Thamy said that she felt at peace when Josh was in her presence, and described him as the answers to her prayers.

136. At the end of the week sojourn in the Dominican Republic, the newly engaged couple said tearful goodbyes at the airport. Then, Mr. Holt returned to Utah and Ms. Caleño returned to Caracas. One month later on June 11, 2016, Mr. Holt travelled for the first time to Venezuela, to marry Ms. Caleño. Josh met Thamy's daughters, who he planned to adopt, and hit it off with them immediately. On June 16, 2016, Josh and Thamy two were married in Caracas. They took a bus to the courthouse, got married in a civil ceremony, and planned to have another ceremony—an LDS ceremony—with Josh's family in Utah.

137. Josh, a native of landlocked Utah, was excited to explore renowned Venezuelan beaches. The couple honeymooned in Coche Island, a beautiful Caribbean island that is part of Venezuela. When they returned to Caracas they took up residence at Thamy's apartment in Ciudad Caribia, a government-owned housing development. Thamy originally was able to get her apartment in Ciudad Caribia because her first husband was a government employee, and they signed up to live there after their prior home in Venezuela was flooded. They were required to pledge to support the Ciudad Caribia community and help the housing project (which was new at the time) to grow and succeed. Josh and Thamy intended to remain in Ciudad Caribia until Thamy received her United States visa. Once the visa arrived, the whole family—Josh Holt, Thamy Holt, and her two young daughters M.L. and N.C., whom Josh adored and viewed as his own—would move to Utah.

D. The Maduro Regime's Kidnapping of Josh and Thamy Holt.

138. On June 29, 2016, Josh and Thamy spent a wonderful day with her family, eating out, bowling, and watching the movie *Finding Dory* with the kids. It was the last such outing they would enjoy for nearly two years.

139. At 5 AM in the morning on June 30, 2016, Thamy shook Josh awake, telling him that “police” were going to all the homes in Ciudad Caribia.

140. As Josh began to shake off his sleep, he realized that he was hearing people screaming, babies crying, and that “something crazy” was going on. In response, he led Thamy in a quick prayer, asking God for protection. Josh then went back to sleep.

141. In fact, the “police” swarming the Ciudad Caribia housing complex where Thamy and Josh were living were Operacion de Liberacion y Proteccion del Pueblo a.k.a. Operation for the Liberation of the People (the “OLP”), a rogues’ gallery assembled from a hodgepodge of military and police agencies.

142. Jose Miguel Vivanco, Americas director at Human Rights Watch, explains the OLP: “In a country where the justice system is used to prosecute opponents instead of to investigate crimes, Venezuelan security forces are taking justice into their own hands, killing or arbitrarily arresting people they say have committed crimes, without showing any evidence.”¹²⁹ Police and security forces have killed nearly 18,000 people in Venezuela in instances of alleged “resistance to authority” since 2016.¹³⁰

143. InSight Crime, a leading think tank and media organization that seeks to deepen and inform the debate about organized crime and citizen security in the Americas, reports on the

¹²⁹ *Venezuela: Extrajudicial Killings in Poor Areas*, Human Rights Watch, (Sept. 18, 2019), <https://www.hrw.org/news/2019/09/18/venezuela-extrajudicial-killings-poor-areas>.

¹³⁰ *Id.*

June 30, 2016 raid of Ciudad Caribia, conducted by dozens, if not hundreds, of masked, armed OLP officers:

On June 30, armed groups began once again pouring into the large neighborhood before dawn. They set up headquarters in a structure built by the community's housing mission.

"Everything was black," recalled a woman who watched the incursion from behind her curtains. "They had black sweaters and vests, camouflaged military trousers, gloves, and their faces were covered with balaclavas." She described seeing white jeeps like those used by the investigative police agency CICPC, dark vans with open backs, vans marked SEBIN for the national intelligence service, and National Guard motorcycles.¹³¹

144. The OLP is Defendant Maduro's brain child, and its paramilitaries are answerable to him.¹³² Residents of the June 30, 2016 attack on Ciudad Caribia described scenes involving illegal raids "by order of Nicolas Maduro," mistreatment and abuses at the hands of authorities, threats and extrajudicial executions.

145. Moreover, as noted above, the OPL officers were cobbled together from a wide range of Venezuelan security forces, including the SEBIN and the National Guard—two organizations closely affiliated with the Cartel of the Suns. Notably, the head of the SEBIN at the time of the events in this Complaint was Gustavo Gonzalez López, who is aligned with Individual

¹³¹ Venezuela Investigative Unit, *Black Ops: The Dark Side of Venezuela's OLPs*, Insight Crime, (Aug. 5, 2016), <https://insightcrime.org/news/analysis/black-ops-the-dark-side-of-venezuela-olp/>.

¹³² Hugo Perez Hernaiz and David Smilde, *Controversy Continues of Venezuela's New Security Operation*, Venezuela Blog, (Aug. 6, 2015), (President Maduro said that the OLP will continue until "criminal gangs and paramilitary practices infiltrated into the country by the right are eliminated." "What we have seen in the past weeks is nothing compared to what we will see in weeks to come. More than 20,000 National Guard officials will graduate next week and they will immediately see action in the OLP. I ask for national unity around the OLP. Enough of these criminals, paramilitaries, assassins, and *sicarios!*"), <https://www.venezuelablog.org/controversy-continues-over-venezuelas-new/>; *Id.* ("While President Maduro has called the OLP 'the perfect instrument for peace' human rights groups suggest it looks more like the highly repressive Plan Union from the 1980's.").

Defendant and Cartel leader Cabello Rondón.¹³³ Similarly, the Venezuela National Guard is closely connected to the Cartel. “The term ‘Cartel of the Suns’ (Cartel de los Soles) came from the golden stars that generals in the Venezuelan National Guard (Guardia Nacional Bolivariana – GNB) wear on their epaulettes.”¹³⁴ Defendant Reverol, a Cartel leader, is currently Commander General of the Venezuelan National Guard.¹³⁵

146. About an hour after Thamy first told Josh that the OLP was storming the complex, OLP officers banged on Josh and Thamy’s door. Thamy answered the door, and the OLP demanded to know if there were any men in the apartment. When Thamy said “yes,” the OLP barged in and woke up Josh Holt by poking him with an AK-47 semiautomatic rifle. “And I woke up to just an AK-47 shoved onto my foot,” Josh remembered later. He looked up, “And there was an AK-47 pointing right in my face.”

147. Initially, the OLP reviewed Mr. Holt’s visa, asked him a few basic questions about why he was in Venezuela and when he would be leaving, and then left. Josh and Thamy were tremendously relieved that the OLP had seemingly left them alone and relatively unmolested. But that relief would prove short-lived. Looking out Thamy’s window, they could see the OLP shooting residents—ultimately, the OLP murdered seven residents that day—and lining up another score of men and handcuffing them together.

¹³³ R. Evan Ellis, *Venezuela: Understanding Political, External and Criminal Actors in an Authoritarian State*, Small Wars Journal, (Jan. 14, 2022), <https://revanellis.com/venezuela-understanding-political-external-and-criminal-actors-in-an-authoritarian-state>.

¹³⁴ Venezuela Investigative Unit, *Drug Trafficking within the Venezuela Regime: the “Cartel of the Suns”*, Insight Crime, (May 17, 2018), <https://insightcrime.org/investigations/drug-trafficking-venezuelan-regime-cartel-of-the-sun/>.

¹³⁵ Sibylla Brodzinsky, *Maduro Promotes Venezuelan General Indicted on Drug Charges in US*, The Guardian, (Aug. 3, 2016), <https://www.theguardian.com/world/2016/aug/03/venezuela-interior-minister-nestor-reverol-drug-trafficking>.

148. About 45 minutes later, there was another pounding on Josh and Thamy's door. As soon as Thamy turned the door knob, more than ten OLP officers barged into Josh and Thamy's modest apartment. The OLP immediately encircled Josh and pointed their guns at him. They asked him: "Where is your suitcase?" The OLP then demanded Josh's phone and told Josh that he was going to have to leave with them.

149. The OLP officer hustling Josh away from Thamy's apartment repeatedly told other OLP officers who asked about Josh, "He's the gringo," to which the response was always, "Ah, OK." The OLP then put Josh into the back of a pickup truck and drove off.

150. While it was whisking Josh away, the OLP told Thamy to stay put. Exhibiting tremendous bravery and love for her husband, she disobeyed. She chased the truck with Josh in it, and when she was unable to keep up, she raced around her neighborhood, asking if anyone knew where the OLP had taken Josh.

151. Meanwhile, instead of driving to a police station, the OLP took Josh to an abandoned construction site. There, the OLP called Josh names, taunted him, accused him of being a racist, and went through his cell phone. Then, alarmingly, the OLP lined Josh up alone against a wall. Opposite Josh, the OLP formed a firing squad consisting of a line of OLP officers, all with their guns pointing at Josh. Then, they fired their guns. It was a mock execution: the guns were not loaded. Josh thought, "this is the point where I'm going to die, one of these police officers is going to have a bullet."

152. Josh's concerns were well-founded. As noted, that day the OLP killed seven people during its raid on Ciudad Caribia.¹³⁶

¹³⁶ Venezuela Investigative Unit, *Black Ops: The Dark Side of Venezuela's OLPs*, Insight Crime, (Aug. 5, 2016), <https://insightcrime.org/news/analysis/black-ops-the-dark-side-of-venezuela-olp/>.

153. By the time that the OLP put Josh back into the bed of their pickup truck, Thamy arrived on the scene, having finally found Josh. She was crying profusely. But she was unable to reach Josh because a ring of about half dozen OLP surrounded the pickup truck. Ultimately, Thamy left and Josh was handed off to a new group of OLP, who put him in a jeep. But before the jeep could drive away with Josh, Thamy—in yet another act of incredible bravery—appeared in the middle of the road, using her body as a barricade to stop the OLP from absconding with Josh.

154. One of the OLP officers then got out of the jeep and asked Thamy what she was doing. Thamy said that Josh was her husband. The OLP asked if Thamy wanted to be with him. When Thamy said yes, the OLP snatched her and threw her into the jeep with Josh. But that was short-lived. Soon, the OLP took Thamy back to her apartment and took Josh away in the jeep.

155. Once back in her apartment, Thamy stood by while the OLP tossed her residence. The OLP demanded to see Josh's suitcase. Thamy emptied Josh's suitcase for the OLP's inspection. There was nothing incriminating or unlawful in the suitcase—at least not yet. The OLP sent Thamy away so that they could “do their job.” Once alone, they planted a grenade in Josh's suitcase. The OLP pointed their guns at Thamy, pulled her hair, threw her on the ground, and demanded to know why she had a grenade. The OLP then arrested Thamy.

E. The SEBIN interrogates and tortures Josh and Thamy Holt

156. The OLP took Josh to a prison known as El Helicoide. El Helicoide, a former 1950s shopping mall turned prison, is run by Maduro's feared secret police, the SEBIN, and is renowned for its brutal treatment of the political prisoners and others held there. The Guardian describes it as a “high-profile prison for political detainees” where prisoners report “people being beaten, electrocuted, hung by their limbs, forced into stress positions and forced to plunge their face into

a bag of feces and breathe in.”¹³⁷ Other El Helicoide prisoners report being forced to eat excrement.¹³⁸

157. In addition, SEBIN agents perpetrate “acts of sexual or gender-based violence against detainees in an attempt to elicit confessions or information implicating others, or to degrade, humiliate or punish them. During interrogation, SEBIN officers threaten[] to rape both male and female detainees using body parts and objects.”¹³⁹

158. Maduro himself “knew of violations and crimes, notably the arbitrary detentions and acts of torture or cruel, inhuman and degrading treatment, including acts of sexual violence, documented in this report and carried out within SEBIN since 2014.”¹⁴⁰ A United Nations mission examining human rights violations in Venezuela further reports that according to a former SEBIN director, “orders to SEBIN came directly from President Maduro himself.”¹⁴¹ In addition, “[d]espite President Maduro’s power over SEBIN . . . Diosdado Cabello also holds significant

¹³⁷ See Emma Graham Harrison, *Downward Spiral: How Venezuela’s Symbol of Progress Became a Political Hell*, *The Guardian*, (Sept. 15, 2017), <https://www.theguardian.com/world/2017/sep/15/el-helicoide-venezuela-caracas-building-symbol>.

¹³⁸ See Rachell Krygier and Joshua Partlow, *In Venezuela, Prisoners Say Abuse Is So Bad They Are Forced to Eat Pasta Mixed with Excrement*, *Washington Post*, (June 24, 2017), https://www.washingtonpost.com/world/the_americas/in-venezuela-prisoners-say-abuse-is-so-bad-they-are-forced-to-eat-pasta-mixed-with-excrement/2017/06/23/39a0c85e-4acb-11e7-987c-42ab5745db2e_story.html.

¹³⁹ See U.N. Human Rights Council [UNHRC], *Detailed Findings of the Independent International Fact-finding Mission on the Bolivarian Republic of Venezuela*, ¶ 286, U.N. Doc. A/HRC/45/CRP.11, (Sept. 15, 2020), (“UNHRC Detailed Findings Report”), https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_45_CRP.11.pdf.

¹⁴⁰ *Id.*

¹⁴¹ See UNHRC, *Detailed Findings of the Independent International Fact-finding Mission on the Bolivarian Republic of Venezuela*, ¶ 269, U.N. Doc. A/HRC/51/CRP.3, (Sept. 20, 2022), FFMV-CRP-3-English.docx (live.com)FFMV-CRP-3-English.docx (live.com); *id.* ¶ 60 (“President Maduro approves and at times also orders the detention of real and perceived Government opponents.”).

power over the agency” and gives SEBIN orders that “include which people to detain, release and/or torture.”¹⁴²

159. A picture of El Helicoide is below.



160. Inside El Helicoide, a SEBIN sergeant met Josh and told Josh that he was in serious trouble. Then, a second SEBIN sergeant came in, and they began to aggressively interrogate Josh, accusing him of being a CIA officer and training anti-Maduro forces in Venezuela. The interrogator also demanded Josh’s bank information and social security number. Josh refused, until his captors began to threaten Josh’s family: “Not my family here in the United States, but my family in Venezuela, my wife, her daughters, her family.” Josh’s tormentors said that he would never see them again, and that they would show Josh photos that would make him sick. At that point, he began to cooperate fully, but not to the point of confessing to crimes he did not commit. The interrogators took Josh’s bank and credit cards, and never returned them. The interrogators also demanded \$10,000 from Josh and Thamy in order not be hurt.

161. After several hours of Josh being interrogated, the OLP brought Thamy to El

¹⁴² *Id.* ¶ 270, 271.

Helicoide. She had been crying. Her eyes were red. She was scared. The SEBIN interrogators took Josh and Thamy to a storage room, full of broken stuff, together with 17 other captives. Everyone was standing against a wall, except for Josh Holt, who was handcuffed to a chair alone in the middle of the room. When people spoke, or at random intervals, SEBIN officers would come into the room and beat them with sticks.

162. Eventually, SEBIN officers took Josh and Thamy to a lobby at the top level of El Helicoide, where their confiscated possessions were laid out on a table. After a series of photographs, the SEBIN officers separated Josh and Thamy. Thamy said to Josh, “Please, don’t forget me,” fearing she would never live to see him again. “And please, don’t forget our children.” Josh looked at her and assured her: “Don’t ever think that way.”

163. Once Josh was alone, then the SEBIN officers resumed his interrogation.

164. At the same time, but in another room, the SEBIN officers asked Thamy the same questions they were asking Josh. They wanted Thamy to sign spurious papers implicating Josh in spying activities and in other attempts to undermine the putative Venezuelan government on behalf of the United States—all of which he never did. The Venezuelan police also accused Mr. Holt of murder and arms possession. They tried to persuade Thamy not to trust Josh, asking “Why do you trust a guy you only just met?”

165. When that did not work, the SEBIN started to torture Thamy. She spent a total of five days handcuffed to a chair while the SEBIN tortured her. Among other things: They put her fingers in a pencil sharpener. Thamy recounts: “I can feel the blades, and they take off my nails.” They punched her in the back of the head and physically assaulted her in other ways. They covered her head with wet newspapers and a black bag, likely either to suffocate her or to cause her to fear that they intended to suffocate her. Sometime during this process, the SEBIN tore Thamy’s

shoulder. Once again exhibiting breathtaking courage, Thamy refused to be swayed by her torture and was unwilling to sign a paper bearing false witness against her husband and falsely condemning him as a “spy” or “murderer.”

F. The Maduro Criminal Enterprise defames Josh and Thamy Holt.

166. About three weeks after the Maduro Criminal Enterprise kidnapped Josh Holt, a member of the Maduro Regime (Gustavo Gonzalez López) appeared on Venezuelan TV, displaying not only the grenade that the OLP had planted in Josh’s luggage, but also other items that Josh and Thamy were accused of having, including an AK-47 and a facsimile M-4, none of which they actually possessed. Gonzalez López noted that Josh and Thamy had not known each other for long, and implied that their marriage was a sham: “the supposed couple established a strange and suspicious relationship on the internet.”

167. Gonzalez López proceeded to denounce American ideals and culture, saying that acts of terrorism based on racism, homophobia, and religious reasons are common in the United States. Gonzalez López then placed Holt in that context, mislabeling Josh as a “CIA terrorist” leading an effort to overthrow the Maduro Regime. He also falsely accused Josh Holt on a televised nationwide simultaneous broadcast on all TV and radio channels of murdering someone in Venezuela in April of 2016, before Josh had even entered the country. Defendants then published these false statements about Mr. Holt on globally accessible media including YouTube – and then reported in the Washington Post (“...To hear Venezuela’s interior minister tell it, Holt is not only an agent of the U.S. intelligence but a dangerous terrorist mastermind...”) - causing their false accusations against Mr. Holt to be read, heard, and reviewed by numerous third parties throughout the United States and in Florida, including members of the large population of

Venezuelan and Cuban expatriates reside in South Florida.¹⁴³

G. The Maduro Criminal Enterprise arbitrarily detains Josh and Thamy in torturous conditions.

1. Josh's inhumane solitary confinement

168. A few days after they was initially kidnapped (ironically, on July 4, 2016), Josh and Thamy attended a brief and farcical court hearing, at which the judge informed them that they would be held for 45 days while the Maduro Regime conducted additional “investigation.”

169. Upon Josh and Thamy's return to El Helicoide, the SEBIN put Josh in solitary confinement.

170. His cell was about the dimensions of a twin bed. The entire cell was covered in hundreds of squirming cockroaches and innumerable flies. It was unfurnished, except for a thin, dirty pad on the floor. The temperature in the cell was sweltering. There was no air flow—there were black plastic garbage bags taped up against the bars of his cell that blocked any possible breeze and few openings about 10 feet above that housed broken fans. Two florescent bulbs flooded the cell with light; those bulbs burned day and night, 24/7.

171. Each day, Josh shook the cockroaches off of his bedding, stripped down to his underwear to try to beat the heat, lay on the “disguising, brown pad” and tried to get some rest. That proved very difficult, given the heat, the bright lights, and the cockroaches that swarmed over his skin. Initially he flicked them off; eventually he gave up and “got used to it.” He had no access

¹⁴³ Ministro González López sobre estadounidense Joshua Holt capturado con armas en Ciudad Caribia, https://www.youtube.com/watch?v=aQLeQSHm_iQ; <https://www.washingtonpost.com/news/worldviews/wp/2016/08/23/a-utah-man-accused-of-being-the-gringo-agent-in-venezuela/>; RED+, *Diosdado Cabello Dijo Que Lo Ocurrido El Helicoide Fue Una Provocacion*, YouTube, (May 17, 2018), <https://www.youtube.com/watch?v=ZrRm9xvafLc>; Luigino Bracci Roa desde Venezuela, *Lo Que Dijo Diosdado Cabello Sobre Joshua Holt: Sí Era un Espía, Por Algo Trump lo Recibió*, YouTube, (May 30, 2018), <https://www.youtube.com/watch?v=6EfasxDPVE>.

to daylight or space to exercise.

172. There was no bathroom for him, other than a 2 liter bottle. He had to pee in the bottle and defecate on newspapers on the floor of the tiny cell. The stench was unbearable. Sweat dripped down his face and rolled burning into his eyes. Left alone to literally stew in his own excretions, Josh's mind raced and he tried to think how to persuade his captors of his innocence. Of course, his innocence was irrelevant the Maduro Criminal Enterprise.

173. The SEBIN provided Josh with only meager rations, typically a single meal with rice and a few grams of meat. The food often was infested with flies and other insects. Josh had no way to keep track of the days, so on Day One of solitary, he created a cache of 45 grains of rice, and threw one grain of rice away each day. He told himself that he could weather 45 days.

2. Thamy's dangerous and overcrowded cell

174. While Josh was being held in solitary, Thamy was placed in a cell with 32 other women. The resources were grossly inadequate. There were only two bathrooms. There were not enough bunks; Thamy had to share a 2-inch mattress on the floor with another prisoner. This aggravated Thamy's shoulder injury from when the SEBIN had tortured her. She requested medical attention to no avail.

175. For the first week, the other women beat Thamy every day, apparently thinking that she was an informant. In response, Thamy shifted her sleep so that she would be awake when the other women were asleep, making it easier for her to avoid them.

176. Thamy gathered water in a 2-liter bottle for herself when she could, but sometimes water would not flow to El Helicoide for up to a week. When it did flow, it was full of sediment that needed to settle before it could be used. When the pipes were down, the SEBIN would sometimes truck in water that was neither especially clean nor safe.

177. During Thamy's arbitrary detention, SEBIN officers continued to pressure her to agree with their false allegations against Josh, saying that he was a bad person and a spy, and threatening her that she would never see her children again unless she signed the paperwork condemning Josh. She held fast and declined.

3. Josh's agonizing untreated medical conditions: Part I

178. After about a week in solitary, Josh felt a familiar pain in his back and side: he had developed a kidney stone. Unlike the last kidney stone he had when he was 16, when his parents took him to the ER, this time there would be no medical care whatsoever. He was in constant agony, laying on the ground, in his underwear, cockroaches swarming him, sweating profusely, and staying that way for days while the stone tore a path from his kidney and downward. "The pain that you feel is just radiating throughout your body, especially in spots where you don't want it to," such as the groin. The SEBIN provided Josh just a liter of water every few days, dehydrating him and exacerbating his efforts to pass his stone.

179. The proper treatment for a kidney stone includes, at the least, pain medicine, additional medicine to open the flow of urine, and large quantities of water. What Josh received, therefore, was exactly the opposite of what his medical needs dictated. Josh screamed in pain and yelled for a doctor. This persisted for around a week and half, while Josh fought through the pain, until he passed the stone. At that point, Josh had still never been allowed to leave his cell to wash or to use the bathroom.

180. Then, Josh learned that his next court date, supposedly scheduled to occur after 45 days, had been deferred indefinitely. It was soul-crushing news.

4. Josh's agonizing untreated medical conditions: Part II

181. After around 6 weeks, Josh was moved into a cell with three other individuals— all

regular criminals (El Helicoide generally houses political prisoners separately from street criminals). His new cellmates including a murderer, nicknamed “The Donut,” considered one of the ten most dangerous street criminals in Venezuela. Josh cautiously set up his thin pad on the floor, away from the Donut. Fortunately, Josh eventually established a delicate friendship with the Donut, who taught Josh the ropes: (1) share generously with other prisoners when asked—in order to cultivate friendships—or be prepared to risk being murdered for something trivial, like toilet paper, (2) learn to read that guards, so you know when they may raid the cells, so that contraband, especially cell phones, can be moved to other locations, and (3) develop a side hustle to make money, if possible.

182. Week after week, Josh watched other prisoners taken out (3 times a week) for a chance to see the sun. But he was not allowed to do the same. “I really wanted to go outside. I just wanted to get Vitamin D inside of me, and I just wanted to feel better.” Josh argued with his SEBIN guard, saying he had the right to go out. Under international law, Josh was correct.¹⁴⁴ The response: “Here in Venezuela, you don’t have any rights.” In the two years that Josh was in El Helicoide, he says, “I could count on one hand the number of times I was able to see the sun.”

183. Before long, Josh developed a cough that would not go away. At times he tasted blood, and he was having a hard time breathing—which was worse because his cellmates smoked and the cell lacked ventilation. He likely had bronchitis or pneumonia. The SEBIN offered no medical care.

184. Nor did the cell have a toilet. Due to the poor diet and resulting constipation, Josh developed a hemorrhoid—a potentially serious issue given the lack of hygiene and risk of infection

¹⁴⁴ See Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, Art. 87 (prohibiting “Imprisonment in premises without daylight”).

in the El Helicoide. This time, the SEBIN allowed Josh to see a medic, who mistreated Josh, breaking the hemorrhoid and causing Josh to bleed profusely for the next three to four days.

185. Due to pressure from Josh's mother, Laurie Holt, and his family in the United States, and with the help of a lawyer they hired in Venezuela, a Venezuelan court ordered that Josh be taken to a hospital, but the SEBIN refused to comply. He never went to a hospital.

186. Josh also suffered from back pain, likely as a result of sleeping on the floor. He was given permission to get a bunk bed, but after using it, he began to itch terribly: it was scabies. Scabies occurs when microscopic mites dig through your skin to lay their eggs underneath. Eventually, Josh was able to obtain an iron from a fellow prisoner to iron his bed and kill the mites living on it.

187. One of the SEBIN guards developed a crush on Thamy, and so decided to make Josh's life as difficult as possible. That guard accused Josh of having a contraband cell phone, and thus, Josh was stripped naked and forced to do calisthenics in the hall while the SEBIN searched his cell. They found Donut's phone, and Donut blamed Josh, creating new dangers for Josh.

5. Josh's agonizing untreated medical conditions: Part III

188. Thamy, through a friendship with a prisoner having an affair with the El Helicoide warden, was able to arrange a meeting between herself, Josh, and the warden. This led to Josh being moved again, this time to a cell with political prisoners, whom El Helicoide houses separately from common criminals. Those prisoners, like Josh, were innocent of any crimes.

189. Then, Josh chipped a tooth. For about four months, he received no medical care. The pain got so bad he began to get headaches on top of the dental pain. At long last, a dentist came to visit, and drilled Josh's tooth without anesthetics. But that shoddy care did not cure the problem. Instead, without any medicine and only dirty brown water to wash his mouth, Josh

developed a raging infection, with pain radiating from his chin to his ear every moment of every day. Each day his gums would fill anew with puss, which he would have to manually excise, “like popping a zit,” on a daily basis.

190. As the days wore on, Josh began to feel hopeless and deeply depressed. He is not sure what pushed him over the edge, but after about 18 months, he began to feel that he was ready to just kill himself. “I didn’t see a light at the end of the tunnel.” Another time, he told his family that he was “sick of being scared out of his mind all the time.” Eventually, Josh managed to lift himself out of depression, thinking of people at home praying for him, and contemplating an article on finding hope while in chains that Thamy’s mother brought to him.

191. Over the two years that Josh was held against his will in Venezuela, he lost sixty pounds.

6. A prison riot endangers Josh and Thamy’s lives.

192. Around February 2018, Josh was moved to a new cell in El Helicoide, where he was housed by himself, and where the conditions were a bit cleaner and air-conditioned.

193. Then, on May 16, 2018, after Josh and Thamy had endured nearly two years in El Helicoide, their situation took a sudden turn for the worse. There was a prison riot, and some of the prisoners saw Josh as their ticket to freedom. Josh explains that these prisoners thought that if they grabbed Josh, bloodied him, and held a knife to his throat, they could barter Josh for their freedom, or at least better conditions. Scared for his life, Josh, along with Thamy and a few friends, barricaded themselves in a cell.

194. The marauding prisoners devised several strategies to extract Josh from his cell so that he could become their hostage for negotiations with the SEBIN. The prisoners threatened Josh that if he did not come out voluntarily, they would break in and kill him, and “throw his blood

on the walls.” Then, they took barbells from the weight room and began to batter down the walls to try to get Josh out.

195. While prisoners screamed threats at Josh and tried to break into the cell, Josh became more scared than he had ever been in Venezuela before. He filmed video in which he told his mom he loved her and pleaded for U.S. intervention to save his life. A portion of his 20-second video is available on YouTube, *see* Associated Press, *Utah man Jailed in Venezuela Pleas for Freedom*, May 17, 2018, <https://www.youtube.com/watch?v=h0Kuq5DAN2g>.

196. As the harrowing confrontation continued to devolve, a prisoner sympathetic to Josh finally intervened and de-escalated the situation.

H. The Holt Family

1. The relentless effort to secure Josh’s release

197. Shortly after Josh and Thamy were taken, Josh’s parents, Laurie and Jason, received a message from Thamy’s mother. At first, the Holts thought it might be a cruel prank—but then they realized it was something worse: the truth. The message said that Josh had been grabbed by the Maduro Regime and was being accused of crimes he had not committed. A follow-up message showed a Venezuelan newspaper account of the accusations against Josh, including pictures of Josh’s personal effects that the OLP had confiscated, such as his library card, his driver’s license, and his passport. Laurie Holt said that the moment she saw those pictures her heart sunk; she knew the problem was real.

198. Laurie and the Holt family immediately began an active, aggressive campaign to free Josh and Thamy. Laurie Holt indisputably was the driving force behind those efforts. She says, “I was his voice. If I wasn’t loud ... I knew I’d never get him home.” Josh Holt’s father, Jason Holt, says, “[y]ou know, we rattled every cage we could, and we had some contacts

throughout the country and throughout the world, really.”

199. But there was no roadmap for Laurie and Josh’s other supporters back in the United States. They had to learn how to help through trial-and-error.

200. Just days after Josh’s kidnapping, Laurie took to the airwaves, advocating for Josh’s release and sharing her pain. In an early interview, she breaks down crying as she describes why she cannot go into Josh’s room; it simply smells too much like him.

201. The Holt family, with Laurie at the helm, was determined and creative. Through a woman who Josh met while on mission, for example, the Holts were able to make a connection with one of Josh’s prison guards. And, by paying for that guard’s cancer treatment, the Holts were able to get information on Josh’s situation that no one, not even the US authorities, was able to obtain.

202. Over time, Laurie Holt built a network of strong supporters for Josh and Thamy’s release. Among others:

a. **Representative Mia Love (R-Utah).** Congresswoman Love, in the Holts’ district, was one of Laurie Holt’s first calls. Representative Love says, “Laurie Holt was scary to me” in that “most of these situations you look at them and you say this couldn’t happen to me, this happens to other people, but Laurie Holt was, in essence, the mother next door. This hardworking, involved mother, active in the church ... she was just this ordinary mom that all of a sudden was fighting for the life of her son.” Ultimately, the two women came to be very close friends. Representative Love released a statement calling on Maduro to release Josh Holt. Although Congresswoman Love was initially optimistic, she soon learned that “when you are dealing with country that has a corrupt regime that is starving their own people, it is a lot more difficult than we thought.”

b. **Senator Orrin Hatch (R-Utah).** Laurie Holt also formed a helpful relationship with Senator Hatch, who began to do regular video updates on the case on YouTube. In February 2018, personnel from the United States embassy in Caracas delivered a letter from Senator Hatch to Josh Holt at El Helicoide. The letter shared with Josh the United States government's commitment and efforts to secure Josh and Thamy's release from prison. Back in the United States, Senator Hatch indicated to the press that his office was attempting to work through diplomatic channels to secure the release.

c. **Senator Marco Rubio (R-Fla.).** Senator Rubio spoke publicly for Josh's release, stating plainly that the Maduro Regime was holding Mr. Holt hostage to extract concessions from the United States. In response, SEBIN threatened Mr. Holt that "as long as Marco Rubio continues talking about [you], the longer that [the SEBIN] will never let [you] go."¹⁴⁵ This, however, was not an isolated incident: public pressure from politicians in the United States often resulted in SEBIN threatening Josh and Thamy. Indeed, almost invariably after every call for their release by Senator Rubio, Maduro agents would come to their cells and tell Josh and Thamy to ask the Senator not to make public statements regarding their confinement.

d. **Senator Dick Durbin (D-Ill.).** Senator Durbin traveled to Venezuela to help secure the release of Josh and Thamy Holt. But what Senator Durbin saw there disturbed him so deeply that he spoke out about what he had seen on the Senate floor, noting, for example, that Venezuela was beset with 13,000 percent inflation, that only one in three Venezuelan citizens enjoys three meals a day, and that the Maduro "charity" food basket went only to his political supporters. "Keeping Josh Holt as a political hostage will just isolate the Maduro Regime," Durbin

¹⁴⁵ Joshua Holt Begs for Help from Inside Venezuela Prison, CBS News, (May 17, 2018), <https://www.cbsnews.com/news/joshua-holt-venezuela-prison-riot-video-help-donald-trump-admin-nicolas-maduro/>.

said. But Senator Durbin's remarks backfired for Josh and Thamy Holt, because Maduro has a thin skin when it comes to overseas' criticisms of Venezuela. One Senate aid, reacting to Durbin's remarks, was "worried we were completely burned to a crisp" on getting Josh Holt's release.

203. As the examples above illustrate, the Holts engaged in a delicate balancing act, in which they obtained support from those who are justly critical of the Maduro Regime, while at the same time trying not to offend the regime. As a family text succinctly put it: "Please DON'T say anything bad about their [Venezuelan] govt. For josh we need to not."

204. At the same time, Josh's friends engaged in a massive fundraising effort, in large part to fund legal fees for Venezuelan lawyers to try to help. Josh's older brother Derek created a GoFundMe account that raised \$25,000, but it was not nearly enough.

205. Another person who purportedly "assisted" Josh and Thamy—but who in fact appears to have had ulterior motives that were unlawful and contrary to the Holts' interests—was Wilmer Ruperti. Ruperti is a Venezuela-born shipping magnate who at the time of Josh's imprisonment controlled a major share of the market for physically exporting oil from Venezuela. One of the richest persons in Venezuela, Ruperti at times has been investigated by the United States for helping Venezuela to evade U.S. sanctions, but has never been sanctioned himself. Ruperti enjoys close ties to the Maduro administration and once gave Maduro's predecessor, Hugo Chavez, gold pistols that had belonged to Simon Bolívar, for which Ruperti paid \$1.5 million.

206. Around November 2017, Ruperti paid a surprise visit to Josh in El Helicoide (an unusual privilege to be granted a civilian with no familial or legal ties to the Holts). Ruperti told Josh that Ruperti would like to serve as Josh's "padrino" (patron) and would like to assist Josh, explaining his motivations as "I am a good person" and "I want to help." But at the same time,

Rupert also was working to free the narco-nephews, i.e., two of Maduro's nephews who were convicted of conspiracy to import 770 kilos of cocaine to the United States and who were serving 18-year sentences in U.S. federal prison. Indeed, Rupert paid the same U.S. lawyers who were representing the narco-nephews in their U.S. criminal proceedings to represent Josh and Thamy, too.

207. Although Rupert visited Josh and Thamy two or three times and arranged for them to enjoy modest additional comforts (e.g., Josh's move to a cell by himself that was air-conditioned; Josh and Thamy's receipt of personal cell phones, delivered by SEBIN guards), Rupert was able to achieve these results through his connections with the Maduro regime, and Rupert did not achieve Josh and Thamy's release. More troubling, Rupert likely was motivated by a desire to curry favor with the United States government and thus minimize his risk of being subjected to U.S. sanctions, and more troubling still, Rupert may have advocated for a prisoner swap of Josh and Thamy for the narco-nephews (who ultimately were released in exchange for *other* U.S. hostages who Venezuela had kidnapped).

2. The pain of Josh's absence

208. A few weeks after the Maduro Criminal Enterprise kidnapped Josh and Thamy Holt, Laurie Holt got a text from Josh—one of his fellow prisoners had snuck him a cell phone in the night, after the SEBIN guards had gone to sleep.

209. Josh's first text said, "Mom." She replied, "Who is this?" He said, "It's Josh." Worried it was a trick, Josh's parents, Jason and Laurie Holt, asked Josh a question that only he would be able to answer: "What was the name of your first truck?" Answer: "The Burrito." From there, Josh and his parents began to communicate quickly. Laurie let Josh know how worried she was, and Josh realized that his family already knew something about his disappearance. Laurie

Holt also told Josh about the family's efforts to free him, and then they had to say goodbye.

210. Relying on cell phones that other prisoners had snuck into El Helicoide, Josh and his family began to talk regularly, often a few hours a day. But it was a mixed blessing. For Josh, it lifted his spirits, but also made him more acutely aware of his predicament. For Laurie Holt, when she was unable to reach Josh (and often she could not, *e.g.*, due to poor reception behind El Helicoide's thick concrete walls, Josh's need to rely on borrowed, contraband cell phones, and the need for secrecy), it elevated her stress levels. The uncertainty was "tearing her up inside."

211. Derek explains that Laurie Holt "hit rock bottom pretty bad" when Josh was being held as a hostage in Venezuela, adding "what parent wouldn't." Josh's friends, who routinely visited Laurie after church, said it was hard to see her suffering, and often crying, on a regular basis.

212. Indeed, all of the family suffered in Josh's absence. At birthdays, Christmases, and other celebrations, he was acutely missed. "The family was never whole," explains Derek Holt. Josh's sister Jenna got married while he was locked up in Venezuela, and his absence cast a pall over the wedding festivities. A photo stood in for Josh himself at the wedding; his relatives wept at the sight of it. "We all just lost it," explains Derek Holt. Jenna was heartbroken at Josh's absence. Jason Holt remember having a father-daughter dance with Jenna, and wiping away a tear, in part in sadness that the whole family could not be together.

213. As things got worse for Josh in Venezuela, he became suicidal. Josh shared his feelings with his family. On one call, Josh said he thought he would kill himself, and that this would be his last call. In response, Derek gave Josh a "tough love" pep talk, got off the phone, and broke down crying. Josh's father, Jason Holt, urged Josh to hang on for the sake of his new wife and kids. Jason Holt did not mince words: "How *dare* you say you are going kill yourself

and leave your wife in *hell*.” And Mama Bear Laurie Holt brought her own brand of tough love as well: “I know you don’t want to go on, but you *have* to.” Josh would cry himself to sleep.

214. Laurie Holt was at work when she heard about the ongoing riot where prisoners were threatening to kill Josh and he feared he would not survive. She was screaming and crying in hallway of her office. Laurie Holt’s supervisor took her cell phone and began to call people on Laurie Holt’s contact list for help, but many were not available, and, from the United States, there was little they could do in any event. In hindsight, Josh Holt wonders if he should have burdened his mother when he thought he was going to die. “But,” he says, “I was a Mama’s boy. I felt she was the person who could save me.” As for Laurie Holt, the feeling was mutual: “If I could change places with him, I would.”

3. Josh and Thamy’s release

215. During the time that Josh and Thamy were captives in Venezuela, the Holt family had many false alarms, in which they were told that Josh and Thamy were going to be released, only to have the rug pulled out from under them.

216. Finally, about a week after Maduro staged his bogus “reelection” on May 20, 2018, a flamboyant Venezuelan politician (a fixer, nicknamed Dracula, with ties to Maduro) told a Senate staffer that if Senator Bob Corker (R. Tenn.) could come to Venezuela, then Maduro might be prepared to let Josh Holt out.

217. Accordingly, Senator Corker and his staff flew to Venezuela to meet with President Maduro. Senator Corker knew that he was taking a political risk in meeting with a rogue leader of an adversarial nation. He said, “I didn’t tell Senator Hatch’s office we were going until we were on the plane in Washington, with the doors locked.” Moreover, he says, he could not offer Maduro anything in exchange for Josh Holt.

218. On May 26, 2018, at the meeting with Senator Corker, Maduro agreed to release Josh Holt. Corker pushed further, and Maduro agreed to release Thamy Holt as well.

219. Why did Maduro release Josh and Thamy Holt? Maduro likely decided there was a political benefit. As Kirk Hawkins, a Professor who on Latin American politics, explains, Josh probably was taken as a “bargaining chip”: “they saw him as someone we can hold here, and maybe there will be a nice moment to let him go, and we can just use him that way. ... He was just sort of a pawn that they could use.”¹⁴⁶

220. After Maduro gave his nod, Gustavo Gonzalez López, the head of the SEBIN, personally lead Josh and Thamy out of El Helicoide. Ironically, just two years earlier, Gonzalez López had gone on Venezuelan television to falsely accuse Josh Holt of terrorist crimes against Venezuela. And by all appearances Gonzalez López fully understood that the “charges” against Josh Holt were bogus, telling Josh Holt upon his release, “I’m sorry you had to go through this.”

221. Josh and Thamy Holt met Senator Corker at a hangar at Simon Bolívar International Airport, where a plane was waiting to take them back to the United States. After a tense and uncertain 10 minutes, another car arrived, this time with Thamy’s older daughter, who had been staying with her father in Venezuela, and now would be coming with Thamy to the United States.

222. After the plane took off, there was one more horrifying incident: the flight turned around and went back to Venezuela. Josh and Thamy were scared that Maduro had changed his mind. Fortunately, it was just an instrument calibration issue. Still, they did not fully relax until they heard the announcement, “Ladies and Gentlemen, we are in US airspace.”

223. From there, Josh and Thamy went to the White House to meet live with President

¹⁴⁶ KLS News Radio, Episode 4 Becky Bruce, *Hope In Darkness: The Venezuela Crisis*, (June 3, 2020), <https://klsnewsradio.com/hope-in-darkness/>.

Trump, who had announced Josh's release on Twitter: "Good news about the release of the American hostage from Venezuela. Should be landing in D.C. this evening and be in the White House, with his family, at about 7:00 P.M. The great people of Utah will be very happy!"

224. Josh and Thamy were reunited with Josh's parents in the White House, right after then-President Trump's personal physician finished examining Josh. Overcome, Laurie Holt cried and gave Josh the biggest hug of his life, saying "You are here, I have you in my arms, I'm never letting you go ever again." Then she hugged Thamy, her daughter-in-law, for the first time. Jason Holt, as always, turned to Josh and said, "I love you bud."

4. The U.S. Government deemed Josh and Thamy Holt's detention to be unlawful.

225. Then-Secretary of State Mike Pompeo, celebrating the release of Josh and Thamy Holt, made expressly clear that the United States viewed their detention as unlawful: "The United States welcomes the release of Joshua Holt and his wife, Thamara, who were *unjustly imprisoned* in Venezuela. We extend our special thanks to Senator Bob Corker, Senator Orrin Hatch, Senator Mike Lee, Representative Mia Love, and all the other members of Congress who have worked on behalf of the Holt family over the past two years and helped to make this day a reality."¹⁴⁷

226. Moreover, although Josh and Thamy were kidnapped and detained prior to the enactment of the Robert Levinson Hostage-Recovery and Hostage-Taking Accountability Act in 2020 (codified under 22 U.S.C. § 1741)—which requires the Secretary of State to expeditiously determine if any U.S. citizen being held abroad is being detained unlawfully or wrongfully, and if so, to take certain actions aimed at obtaining their release—Josh Holt's detention nevertheless met the criteria the Act sets forth to assist the Department of State to evaluate whether a detention is

¹⁴⁷ Press release, U.S. Embassy in Chile, *Long Overdue Freedom for Joshua Holt in Venezuela*, (May 26, 2018), <https://cl.usembassy.gov/long-overdue-freedom-for-joshua-holt-in-venezuela/>.

wrongful. This includes, among other, the following:

a. 22 U.S.C. § 1741(a)(1) (“United States officials receive or possess credible information indicating innocence of the detained individual.”). Here, from the outset, U.S. officials received credible information indicating Josh and Thamy’s innocence of the trumped-up charges made against them.

b. 22 U.S.C. § 1741(a)(2) (“The individual is being detained solely or substantially because he or she is a United States National.”). As set forth above, Josh was detained because he is a U.S. national.

c. 22 U.S.C. § 1741(a)(3) (“the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government”). Here, the Defendants intended to use his detention to influence U.S. Government policy or to secure economic or political concessions from the U.S. Government. Indeed, the Holts’ detention was so clearly meant to influence U.S. Government policy that both the White House and the Secretary of State felt necessary to clarify that, in the wake of the Holt’s release, “U.S. policy toward Venezuela remain[ed] unchanged.”¹⁴⁸

d. 22 U.S.C. § 1741(a)(5) (“the individual is being detained in violation of the laws of the detaining country”). Here, the Holts were detained in violation of the laws of Venezuela, as it was always clear that they were both innocent of the fabricated charges made against them.

e. 22 U.S.C. § 1741(a)(8) (“the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is

¹⁴⁸ See also Press Release, White House, *Statement from Press Secretary Regarding Release of Joshua Holt*, (May 26, 2018), <https://trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-regarding-release-joshua-holt/>.

not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts”). Here, for many years, the Department of State in its annual human rights reports, has listed Venezuela as a country where the judicial system is not independent or impartial, is susceptible to corruption, and/or is incapable of rendering just verdicts.

f. 22 U.S.C. § 1741(a)(9) (“the individual is being detained in inhumane conditions”). Here, the Holts were held in the epitome of inhumane conditions.

5. The Trauma and Years of Suffering Due to Josh Holt’s Kidnapping and Wrongful Imprisonment Caused Laurie Holt’s Death.

227. Josh and Thamy had their wedding ceremony in Utah. At Christmas 2018, they wrapped up some baby shoes in a box and used that present to tell Laurie Holt that Thamy was pregnant. It was one of the last times that Josh would see his mother alive. Laurie Holt would never meet her new granddaughter.

228. When Jason Holt next went to wake Laurie for church, she would not rise. The woman famous for her larger-than-life love had died of an enlarged heart.

229. Josh misses his mother terribly, and he named his new daughter after his late mother. “It helps,” he says.

230. The timing and means of Laurie’s demise, in the wake of the family’s ordeal at the hands of the Maduro Criminal Enterprise, is no coincidence.

231. It is well-known that families of kidnapping victims suffer enormous stress. And as described above, the suffering, stress, and trauma on Laurie Holt was astronomical.

232. “Stress kills you because it damages the heart. Constant or prolonged stress is an important contributing factor to heart disease and the erosion of health in general. Over time the adrenalin released by stress hormones creates a continued state of vigilance with damaging physiological consequences. Stress can kill you as it is known to lead to increased heart rate,

cardiovascular problems, breathing difficulties and high blood pressure.”¹⁴⁹

233. Although the Maduro Criminal Enterprise did not kill Josh and Thamy Holt, it did kill Laurie Holt.

234. Eulogizing Laurie Holt, Senator Hatch said, “She never gave up. She was the true Mama Bear. And I miss her now that she has passed. I think of her often. We all could use a mother like that, let me tell you.”

COUNT I

Violation of the Federal Anti-Terrorism Act, 18 U.S.C. § 2333 (All Plaintiffs against All Defendants)

235. Plaintiffs incorporate by reference all the preceding paragraphs of this Complaint as if fully set forth herein.

236. The Federal Anti-Terrorism Act (“ATA”), 18 U.S.C. § 2333, provides:

Action and jurisdiction.— Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney’s fees.

237. Plaintiffs Josh Holt, Thamy Holt, Derek Holt, Jason Holt, Jenn Lee Nemmeth, and Katie Jill Holt, as U.S. citizens, are nationals of the United States.

238. Plaintiff Josh Holt suffered injury to his person, property and business. Among

¹⁴⁹ *Stress Kills You: What Happens During and Following It*, Fairview Adult Day Care Center, (Mar. 2, 2020), <https://fairviewadc.com/adult-day-care/stress-kills-you/>; Carrie Tayrien, Stacey Wajcik, and Stephen Kang, *Stress Can Increase Your Risk for Heart Disease*, Health Encyclopedia, University of Rochester Medical Center, (2024) (“Even minor stress can trigger heart problems like poor blood flow to the heart muscle. This is a condition in which the heart doesn’t get enough blood or oxygen. And long-term stress can affect how the blood clots. This makes the blood stickier and increases the risk of stroke.”); <https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=2171#:~:text=Even%20minor%20stress%20can%20trigger,increases%20the%20risk%20of%20stroke.>

other things, he suffered from being kidnapped, tortured, and arbitrarily detained for 695 days (from June 30, 2016 to May 26, 2018). Due to the kidnapping of his wife Thamy Holt and the death of his mother, Laurie Holt, he also suffered a loss of solatium, loss of consortium, mental anguish, past and future emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, attention, advice, and counsel.

239. Plaintiff Thamy Holt suffered injury to her person, property and business. Among other things, she suffered from being kidnapped, tortured, and arbitrarily detained for 695 days (from June 30, 2016 to May 26, 2018). Due to the kidnapping of her husband Josh Holt, she also suffered a loss of solatium, loss of consortium, mental anguish, past and future emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, attention, advice, and counsel.

240. Plaintiff Derek Holt suffered injury to his person, property and business. Among other things, he suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of his brother, Josh Holt, and the death of his mother, Laurie Holt.

241. Plaintiff Jason Holt suffered injury to his person, property and business. Among other things, he suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of his son, Josh Holt, and the death of his wife, Laurie Holt.

242. Plaintiff Jenn Lee Nemmeth suffered injury to her person, property and business. Among other things, she suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of her brother, Josh Holt, and the death of her mother, Laurie Holt.

243. Plaintiff Katie Jill Holt suffered injury to her person, property and business. Among other things, she suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of her brother, Josh Holt, and the death of her mother, Laurie Holt.

244. Plaintiffs Josh Holt, Derek Holt, Jason Holt, Jenn Lee Nemmeth, and Katie Jill Holt suffered the injuries described above by reason of acts of terrorism by the Defendants.

245. Under 18 U.S.C. § 2331 (“Definitions”), the term “International Terrorism,” for purposes of the ATA, means activities that:

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

246. The Defendants’ provision of material support to the Maduro Criminal Enterprise through the sale of narco-terrorist sales of cocaine in United States is an act of terrorism that gives rise to liability under the ATA.

a. First, the narcoterrorism is dangerous to human life. It is dangerous to human life in the United States. *See* Maduro Indictment, ¶ 4 (“the Cartel de Los Soles, under the leadership of [Maduro] and others, prioritized using cocaine as a weapon against America”). As well, narcoterrorism is also dangerous to human life in Venezuela, because it funds the Maduro

Regime's terrorism against U.S. citizens in Venezuela, such as Josh Holt.

b. Second, the narcoterrorism violations by the Defendants violate both state and federal law prohibiting narcoterrorism and prohibiting the trafficking of drugs. In addition, because the narcoterrorism violations were intended to fund acts of terrorism by the FARC Dissidents, the Cartel of the Suns, and the Maduro Regime, the Defendants trafficking also violated federal prohibitions against providing material support to terrorists.

i. 18 U.S.C. § 2339B makes it a crime to knowingly provide material support or resources to a U.S. designated foreign terrorist organization ("FTO"). The Defendants violated Section 2339B by knowingly selling narcotics in the United States (including Florida) for the benefit of the FARC Dissidents, and providing the proceeds of narcotics sales from the United States (including from Florida) to the FARC Dissidents, entities that at relevant times were U.S. designated FTOs.

ii. 18 U.S.C. § 2339C makes it a crime to knowingly provide or collect funds with the intention that the funds be used, in full or in part, to cause death or serious injury to a civilian, for the purpose of intimidating a civilian population, or for the purpose of compelling a government to take or refrain from taking an action. The Defendants violated Section 2339C by knowingly collecting funds (through sales of narcotics in the United States, including in Florida) for the benefit of the FARC Dissidents, the Cartel, and the Maduro Regime, and knowingly providing funds (the proceeds of narcotics sales from the United States, including Florida) to the FARC Dissidents, the Cartel and Maduro Regime, intending that (1) the FARC Dissidents would use the funds, in whole or in part, to cause death or injury to a civilian and (2) the Maduro Regime and the Cartel would use the funds, in whole or in part, (a) to cause injury or death to a civilian (e.g., kidnapping US persons) and (b) to compel the government of the United States to provide

various benefits to the Maduro Regime and the Cartel (such as releasing imprisoned Venezuelan drug traffickers who are part of the Maduro Criminal Enterprise).

c. The violations described above appear to be intended:

i. to intimidate or coerce a civilian population, in that a reasonable, neutral observer would conclude that the intention behind the Defendants provision of funds (i.e., the proceeds of cocaine sales) to the FARC Dissidents was to intimidate the civilian population of Colombia; that the intention behind the provision of funds (i.e., the proceeds of cocaine sales) to the Maduro Regime and the Cartel is to intimidate the civilian population of Venezuela; and that the intention behind the narco-terrorist sales of cocaine in the United States is to intimidate or coerce the civilian population of the United States;

ii. to influence the policy of a government by intimidation or coercion in that a reasonable, neutral observer would conclude (a) that the intention behind the Defendants' provision of funds (i.e., the proceeds of cocaine sales) to the FARC Dissidents was to influence the policy of Colombia by intimidation or coercion, with the FARC Dissidents using the funds to force various policy changes in Colombia by violence and (b) that the intention behind the Defendants' provision of funds (i.e., the proceeds of cocaine sales) to the Maduro Regime and Cartel was to influence the policy of U.S. government, with Maduro Regime using the funds to continue narco-terrorism in opposition to U.S. sanctions on Venezuela and to continue to kidnap U.S. citizens to extort concessions from the United States;

iii. to affect the conduct of a government by mass destruction, assassination, or kidnapping, in that a reasonable, neutral observer would conclude (a) that the intention behind the Defendants' provision of funds (i.e., the proceeds of cocaine sales) to the FARC Dissidents was to affect the conduct of Colombia by mass destruction, assassination, or

kidnapping, with FARC Dissidents using the funds to conduct a campaign of violence in Colombia and (b) that the intention behind the Defendants' provision of funds (i.e., the proceeds of cocaine sales) to the Maduro Regime and the Cartel was to affect the conduct of U.S. government by mass destruction, assassination, or kidnapping, with Maduro Regime using the funds to continue narco-terrorism in opposition to U.S. sanctions on Venezuela and to continue to kidnap U.S. citizens to extort concessions from the United States;

d. The acts of terrorism described above transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum, in the (1) the terrorist fund raising begins with narcotics shipments from South America, continues with narcotics sales in the United States, and continues with funds being laundered through the United States and elsewhere around the globe, and ultimately with funds being repatriated to the FARC Dissidents, the Cartel and the Maduro Regime in South America, (2) the perpetrators are based in Venezuela and Colombia and seek refuge in Venezuela and Colombia, while the victims of narco-terrorism are located in the United States, and (3) the perpetrators of kidnapping, arbitrary detention and torture are based in Venezuela, but the concessions and relationships they seek to affect are with the United States.

247. The Defendants' funding of terrorists, including the Maduro Regime, the Cartel and the FARC Dissidents, was the cause of the injuries suffered by Plaintiffs Josh Holt, Thamy Holt, Derek Holt, Jason Holt, Jenn Lee Nemmeth, and Katie Jill Holt.

a. The kidnapping, arbitrary detention and torture of Josh Holt (and Thamy Holt) were entirely foreseeable consequences of the Defendants (1) raising massive amounts of funds to prop up the struggling Maduro Regime and (2) funneling money to the Maduro Regime

knowing that it uses funds to commit acts of terrorism including kidnapping, arbitrary detention and torture against US citizens.

b. The death of Laurie Holt was an entirely foreseeable consequence of the Defendants (1) raising massive amounts of funds to prop up the struggling Maduro Regime and (2) funneling money to the Maduro Regime knowing that it uses funds to commit acts of terrorism including kidnapping, arbitrary detention and torture against US citizens.

248. The kidnapping (and false imprisonment) of Josh Holt was an act of terrorism.

a. First, kidnapping (and false imprisonment) is a crime dangerous to human life.

b. Second, the kidnapping (and false imprisonment) of Josh Holt would be a criminal violation if committed within the jurisdiction of the United States or of any State.

c. Third, the kidnapping (and false imprisonment) of Josh Holt to appears to be intended to affect the conduct of a government by mass destruction, assassination, or kidnapping, in that Maduro directly engaged in hostage negotiations for Mr. Holt's release with US government leaders, Maduro determined how long to hold Mr. Holt based in part of what US leaders were saying publicly about Venezuela, and the Maduro Regime made a practice in engaging in hostage diplomacy with the US government.

d. Fourth, the kidnapping (and false imprisonment) of Mr. Holt transcends national boundaries in that it was funded by international narcoterrorism and international money laundering, and in that U.S. leaders had to travel to Venezuela, and the request of Maduro, to secure Mr. Holt's release.

249. The Defendants kidnapping (and false imprisonment) of Josh was the cause of the injuries suffered by Josh Holt, as well as suffered by Derek Holt, Jason Holt, Jenn Lee Nemmeth,

and Katie Jill Holt due to the absence of Josh Holt while he was arbitrarily detained and due to the death of Laurie Holt.

250. The torture of Josh Holt at SEBIN headquarters at El Helicoide in Caracas was an act of terrorism.

a. First, torture is a crime dangerous to human life.

b. Second, the torture of Mr. Holt would be a criminal violation if committed within the jurisdiction of the United States or of any State.

c. Third, the torture of Mr. Holt appears to be intended to influence the policy of a government by intimidation or coercion, in that Maduro directly engaged in hostage negotiations for Mr. Holt's release with US government leaders, Maduro determined how long to hold Mr. Holt based in part of what US leaders were saying publicly about Venezuela, and the Maduro Regime made a practice in engaging in hostage diplomacy with the US government, including the mistreatment of US citizen prisoners during their captivity.

d. Fourth, the torture of Mr. Holt transcends national boundaries in that it was funded by international narcoterrorism and international money laundering, and in that U.S. leaders had to travel to Venezuela, and the request of Maduro, to secure Mr. Holt's release.

251. The Defendants torture of Mr. Holt was the cause of the injuries suffered by Josh Holt, as well as emotional and other damages suffered by Derek Holt, Jason Holt, Jenn Lee Nemmeth, and Katie Jill Holt.

252. Plaintiffs seek an award of compensatory damages (including treble damages) for the foregoing injuries, plus reasonable attorneys' fees and costs.

COUNT II
Violation of the Florida Anti-Terrorism Act, Fla. Stat. § 772.13
(All Plaintiffs Against All Defendants)

253. Plaintiffs incorporate by reference all the preceding paragraphs of this Complaint as if fully set forth herein.

254. Florida Statute Section 772.13 provides in relevant part:

A person who is injured by an act of terrorism as defined in § 775.30 or a violation of a law for which the penalty is increased pursuant to § 775.31 for facilitating or furthering terrorism has a cause of action for threefold the actual damages sustained and, in any such action, is entitled to . . . reasonable attorney fees and court costs in the trial and appellate courts.

255. Plaintiffs Josh Holt, Derek Holt, Jason Holt, Jenn Lee Nemeth, Katie Jill Holt, Thamy Holt and M.C. and N.C. are “persons.” *See* Fla. Stat. § 1.01(3) (defining “person” to include “individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”).

256. An “act of terrorism” is “[a] violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States,” that “[i]s intended to: 1. [i]ntimidate, injure, or coerce a civilian population; 2. [i]nfluence the policy of a government by intimidation or coercion; or 3. [a]ffect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.”¹⁵⁰

257. The provision of material support to the Maduro Criminal Enterprise through the sale of narco-terrorist sales of cocaine in Florida is an act of terrorism that gives rise to liability under the Florida ATA.

a. First, the narcoterrorism is dangerous to human life in the United States. *See* Maduro Indictment, ¶ 4 (“the Cartel de Los Soles, under the leadership of [Maduro] and others,

¹⁵⁰ <https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/domestic-violent-extremism#:~:text=Domestic%20Terrorism%3A%20Activities%20that%20involve,affect%20the%20conduct%20of%20a>

prioritized using cocaine as a weapon against America”). As well, the narcoterrorism is also dangerous to human life in Venezuela, because it funded the Maduro Regime’s terrorism against U.S. citizens, such as kidnapping victims like Josh Holt and Venezuelans like Thamy Holt.

b. Second, the Maduro Criminal Enterprise’s narcoterrorism was intended to “[i]ntimidate, injure, or coerce a civil population.”¹⁵¹ As set forth above, the purpose of the narcoterrorism was to harm the U.S. civilian population, i.e., to weaponized cocaine to undermine the health of American civilians.

c. Third, the narcoterrorism violations by the Maduro Criminal Enterprise violate both state and federal law prohibiting the trafficking of drugs. In addition, because the narcoterrorism violations were intended to fund acts of terrorism by the FARC Dissidents, the Cartel of the Suns, and the Maduro regime, the Maduro Criminal Enterprise’s trafficking also violated federal prohibitions against providing material support to terrorists.

i. 18 U.S.C. § 2339B makes it a crime to knowingly provide material support or resources to a U.S. designated foreign terrorist organization (“FTO”). The Maduro Criminal Enterprise violated Section 2339B by knowingly selling narcotics in Florida (and elsewhere in the United States) for the benefit of the FARC Dissidents, and providing the proceeds of narcotics sales from Florida (and elsewhere in the United States) to the FARC Dissidents, entities that at relevant times were U.S. designated FTOs.

ii. Section 2339C makes it a crime to knowingly provide or collect funds with the intention that the funds be used, in full or in part, to cause death or serious injury to a civilian, for the purpose of intimidating a civilian population, or for the purpose of compelling a government to take or refrain from taking an action. The Maduro Criminal Enterprise violated

¹⁵¹ 18 U.S.C. § 2331.

Section 2339C by knowingly collecting funds (through sales of narcotics in Florida and elsewhere in the United States) for the benefit of the FARC Dissidents, the Cartel, and the Maduro Regime, and providing funds (the proceeds of narcotics sales from Florida and elsewhere in the United States) to the FARC Dissidents, the Cartel, and the Maduro Regime, knowing that (1) the FARC Dissidents would use the funds, in whole or in part, to cause death or injury to a civilian and for the purpose of compelling Colombia to meet various FARC Dissident demands and (2) the Maduro Regime and the Cartel would use the funds, in whole or in part, to cause injury or death to a civilian, for the purpose of intimidating the US civilian population and to compel the US government to make various concession to the Maduro Regime.

258. The Maduro Criminal Enterprise's funding of terrorists, including the Maduro Regime, the Cartel, and the FARC Dissidents, was the cause of Plaintiffs' injuries.

a. The kidnapping, arbitrary detention and torture of Mr. Holt were entirely foreseeable consequence of the Maduro Criminal Enterprise (1) raising massive amounts of funds to prop up the struggling Maduro Regime and (2) funneling money to the Maduro Regime knowing that it uses funds to commit acts of terrorism including kidnapping, arbitrary detention and torture against US citizens.

b. The death of Laurie Holt was an entirely foreseeable consequence of the Defendants (1) raising massive amounts of funds to prop up the struggling Maduro Regime and (2) funneling money to the Maduro Regime knowing that it uses funds to commit acts of terrorism including kidnapping, arbitrary detention and torture against US citizens.

259. The kidnapping of Mr. Holt was an act of terrorism.

a. The kidnapping of Mr. Holt was a crime of violence that is an act dangerous to human life.

b. The kidnapping of Mr. Holt was in violation of United States law because it occurred pursuant to, and in furtherance of, a narco-terrorism conspiracy designed to flood the United States with cocaine and to launder the proceeds through the United States.

c. The kidnapping of Mr. Holt was in violation of Florida law because it occurred pursuant to, and in furtherance of, a narco-terrorism conspiracy designed to flood Florida with cocaine and to launder the proceeds through the Florida, and acts in furtherance of the conspiracy occurred in Florida. *See Fla. Stat. § 910.005 (State Criminal Jurisdiction)* (“A person is subject to prosecution in this state for an offense that she or he commits, while either within or outside the state, by her or his own conduct or that of another for which the person is legally accountable, if . . . The conduct outside the state constitutes a conspiracy to commit an offense within the state, and an act in furtherance of the conspiracy occurs in the state.”).

d. The kidnapping of Mr. Holt was in violation of Fla. Stat. § 787.01, which prohibits kidnapping, because part of the crime— i.e., Defendants’ intent to “[i]nterfere with the performance of any governmental or political function”—was aimed at political functions in Florida, in that the SEBIN advised Mr. Holt that the more Senator Rubio spoke out about his captivity, the longer the SEBIN would hold him captive.

e. The kidnapping of Mr. Holt was intended to “[i]ntimidate, injure, or coerce a civilian population,”¹⁵² and in fact was part of a pattern of terrorism against the United States (ranging from narcoterrorism to kidnapping) by the Maduro Criminal Enterprise designed to injure the U.S. populace.

f. The kidnapping of Mr. Holt was intended to “[i]nfluence the policy of a

¹⁵² 18 U.S.C. § 2331.

government by intimidation or coercion,”¹⁵³ and in fact was part of a pattern of terrorism by the Maduro Criminal Enterprise designed influence to policies of the government of the United States, which Maduro blamed for Venezuela’s economic disaster, and which Maduro wished to punish for its sanctions against the Maduro Regime.

g. The kidnapping of Mr. Holt was intended to “[a]ffect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy,”¹⁵⁴ in fact, was part of a pattern of kidnapping by the Maduro Criminal Enterprise designed influence policies of the government of the United States, which Maduro blamed for Venezuela’s economic disaster, and which Maduro wished to punish for its sanctions against the Maduro Regime.

260. The torture of Mr. Holt at SEBIN headquarters in El Helicoide in Caracas was an act of terrorism.

a. The torture of Mr. Holt was an act dangerous to human life.

b. The torture of Mr. Holt was in violation of United States law because it occurred pursuant to, and in furtherance of, a narco-terrorism conspiracy designed to flood the United States with cocaine and to launder the proceeds through the United States.

c. The torture of Mr. Holt was in violation of Florida law because it occurred pursuant to, and in furtherance of, a narco-terrorism conspiracy designed to flood Florida with cocaine and to launder the proceeds through the Florida, and acts in furtherance of the conspiracy, including trafficking and sales of cocaine and transfers of ill-gotten gains occurred in Florida. *See* Fla. Stat. § 910.005 (State Criminal Jurisdiction) (“A person is subject to prosecution in this state

¹⁵³ *Id.*

¹⁵⁴ Fla. Stat. § 782.04.

for an offense that she or he commits, while either within or outside the state, by her or his own conduct or that of another for which the person is legally accountable, if . . . The conduct outside the state constitutes a conspiracy to commit an offense within the state, and an act in furtherance of the conspiracy occurs in the state.”).

d. The torture of Mr. Holt was in violation of Florida law because it occurred pursuant to, and in furtherance of, a conspiracy to engage in money laundering the proceeds of narcotics trafficking, and that laundering occurred in Florida.

e. The torture of Mr. Holt was intended to “[i]ntimidate, injure, or coerce a civilian population,”¹⁵⁵ and in fact was part of a pattern of terrorism by the Maduro Criminal Enterprise aimed at US citizens, and ranging from narcoterrorism to kidnapping.

f. The torture of Mr. Holt was intended to “[i]nfluence the policy of a government by intimidation or coercion,”¹⁵⁶ and in fact was part of a pattern of terrorism by the Maduro Criminal Enterprise designed influence to policies of the government of the United States, which Maduro blamed for Venezuela’s economic disaster, and which Maduro wished to punish for its sanctions against the Maduro Regime.

g. The torture of Mr. Holt was intended to “[a]ffect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy,”¹⁵⁷ in fact was part of a pattern of kidnapping by the Maduro Criminal Enterprise designed influence policies of the government of the United States, which Maduro blamed for Venezuela’s economic disaster, and which Maduro wished to punish for its sanctions against the Maduro Regime.

261. The Defendants and/or their agents kidnapped and tortured Mr. Holt.

¹⁵⁵ 18 U.S.C. § 2331.

¹⁵⁶ *Id.*

¹⁵⁷ Fla. Stat. § 782.04.

262. Plaintiff Josh Holt suffered injury to his person, property and business. Among other things, he suffered from being kidnapped, tortured, and arbitrarily detained for 695 days. Due to the kidnapping of his wife Thamy Holt and the death of his mother, Laurie Holt, he also suffered a loss of solatium, loss of consortium, mental anguish, past and future emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, attention, advice, and counsel.

263. Plaintiff Thamy Holt suffered injury to her person, property and business. Among other things, she suffered from being kidnapped, tortured, and arbitrarily detained for 695 days (from June 30, 2016 to May 26, 2018). Due to the kidnapping of her husband Josh Holt, she also suffered a loss of solatium, loss of consortium, mental anguish, past and future emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, attention, advice, and counsel.

264. Plaintiff Derek Holt suffered injury to his person, property and business. Among other things, he suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of his brother, Josh Holt, and the death of his mother, Laurie Holt.

265. Plaintiff Jason Holt suffered injury to his person, property and business. Among other things, he suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of his son, Josh Holt, and the death of his wife, Laurie Holt.

266. Plaintiff Jenn Lee Nemmeth suffered injury to her person, property and business. Among other things, she suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of her brother, Josh Holt, and the death of

her mother, Laurie Holt.

267. Plaintiff Katie Jill Holt suffered injury to her person, property and business. Among other things, she suffered loss of solatium, mental anguish, past and future emotional pain and suffering, and loss of society due to the kidnapping of her brother, Josh Holt, and the death of her mother, Laurie Holt.

268. Plaintiffs Josh Holt, Derek Holt, Jason Holt, Jenn Lee Nemmeth, and Katie Jill Holt suffered the injuries described above by reason of acts of terrorism by the Defendants.

269. Plaintiffs seek an award of compensatory damages (including treble damages) for the foregoing injuries, plus reasonable attorneys' fees and costs.

COUNT III
Defamation *Per Se*
(By Josh Holt against all Defendants)

270. Plaintiffs incorporate by reference paragraphs 1 through 234 as if set forth herein.

271. On October 8, 2018, the Maduro Criminal Enterprise published a false statement about Mr. Holt when he said on Venezuelan television that Mr. Holt was a "CIA terrorist" leading an effort to overthrow the Maduro regime [and that Josh Holt had murdered a Venezuelan].

272. These false statements are defamation *per se* because they accuse Mr. Holt of several infamous crimes (e.g., terrorism) and such a falsehood tends to subject one to hatred, distrust, ridicule, contempt, or disgrace.

273. The Maduro Criminal Enterprise's Venezuelan TV broadcast was published on YouTube, where it remains even today.

274. On information and belief, the Maduro Criminal Enterprise's false statements that Mr. Holt had committed crimes including terrorism were viewed by persons in South Florida including members the large population of Venezuelan expatriates in South Florida, who were

among the Maduro Regime's intended audience. The video also reached the Holts in Utah after it was sent to them by friends who saw it.

275. The Maduro Criminal Enterprise made the false statements that Mr. Holt was a CIA terrorist and murderer, with the specific intent to harm Mr. Holt's reputation. The Maduro Criminal Enterprise wished to suggest that it was justified in arbitrarily detaining Mr. Holt, when in fact it merely wanted to use Mr. Holt as a bargaining chip.

COUNT IV
Conspiracy
(By All Plaintiffs Against All Defendants)

276. Plaintiffs incorporate by reference paragraphs 1 through 234 as if fully set forth herein.

277. All of the Defendants agreed to the Maduro Criminal Conspiracy to perform unlawful acts including (a) narcotics trafficking; (b) narco-terrorism and other terrorism against the United States and its citizens; (c) acts of terrorism including kidnapping and torture against the United States and citizens; and (d) money laundering.

278. The kidnapping, torture and false imprisonment of Josh and Thamy Holt were overt acts in furtherance of that Maduro Criminal Conspiracy.

279. The Maduro Regime's defamation of Mr. Holt was an additional overt act in furtherance of the Maduro Criminal Conspiracy.

280. Plaintiffs seek an award of compensatory damages for the foregoing injuries, the imposition of punitive damages sufficient to deter Defendants from committing such unlawful conduct in the future, and reasonable attorneys' fees and costs.

COUNT V
False Imprisonment
(By Josh Holt and Thamy Holt Against All Defendants)

281. Plaintiffs incorporate by reference paragraphs 1 through 234 as if fully set forth herein.

282. The Defendants, starting from when they kidnapped Josh and Thamy Holt and continuing until Josh and Thamy Holt left Venezuela on a flight with Senator Corker, unlawfully and intentionally restrained Josh and Thamy Holt against their will and through unlawful use of force prevented them from leaving SEBIN custody.

283. As a result of Defendants' misconduct in falsely imprisoning Josh and Thamy Holt, they both were harmed, in that they were unable to leave while Defendants subjected them to captivity and torture. Defendants' false imprisonment of Mr. and Ms. Holt was both a but-for and proximate cause of their injuries.

COUNT VI
Intentional Infliction of Emotional Distress
(By All Plaintiffs Against All Defendants)

284. Plaintiffs incorporate by reference paragraphs 1 through 234 as if set forth fully herein.

285. The Defendants' conduct in torturing Mr. Holt was extreme and outrageous.

286. The Defendants' conduct was intentionally designed to cause, indeed, to maximize, emotional distress to the Plaintiffs. In addition to the torture itself, the outrageousness of Defendants' conduct is further evidenced by, among other things, the fact that the Maduro Regime's method of operation is to terrorize and intimidate innocent US citizens for broader political purposes and the fact that the Maduro regime followed up with false and defamatory statements about Mr. Holt.

287. The Defendants' conduct in torturing Thamy Holt was extreme and outrageous.

288. As a result of the Defendants' conduct, Plaintiffs have suffered severe emotional

distress.

COUNT VII

Wrongful Death, Fla. Stat. § 768.16, *et seq.*

(Derek Holt, as Personal Representative of Laurie Holt against all Defendants)

289. Derek Holt is the Personal Representative of decedent Laurie Holt, and brings this claim in that capacity. *See* Fla. Stat. § 786.20.

290. Derek Holt, as the Personal Representative of decedent Laurie Holt, brings this claim for the benefit of survivors Josh Holt, Derek Holt, Jenn Lee Nemmeth, and Katie Jill Holt, are all of whom are children of decedent Laurie Holt, and Jason Holt is the surviving spouse of decedent Laurie Holt, and therefore are her “survivors” for purposes of the Wrongful Death Act. Fla. Stat. § 768.18(1).

291. The death of Laurie Holt was caused by the wrongful act of Defendants, specifically, the felonious kidnapping of Josh Holt and the tortious intentional inflictions of emotional distress on Laurie Holt.

292. The survivors were damaged by the wrongful death of Laurie Holt, including but not limited to loss of support and services.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that the Court grant:

A. An award of compensatory damages, consequential damages, and treble damages in an amount to be determined by a finder of fact.

B. An award of exemplary and punitive damages in an amount to be determined by a finder of fact.

C. An award of attorneys’ fees, costs, and expenses.

D. A jury trial on all issues so triable.

E. Such other relief as is just and proper.

Respectfully submitted on February 22, 2024.

<p><u>/s/ Jaime D. Guttman</u> Fla. Bar No. 44076 <u>jaime@scale.law</u> Scale Law Partners, LLC 777 Brickell Avenue, Suite 500 Miami, FL 33131 (786) 273-9033 (Main)</p>	<p><u>/s/ Alex C. Lakatos</u> D.C. Bar. No. 453763 <i>Pro Hac Vice forthcoming</i> <u>alakatos@mayerbrown.com</u> Jonathan S. Klein Fla. Bar No. 125254 <u>jklein@mayerbrown.com</u> Mayer Brown LLP 1999 K Street NW Washington, DC 20006 (202) 263-3000 (Main)</p>
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