

UNITED STATES DISTRICT COURT
OF THE DISTRICT OF CONNECTICUT

CHEN GANG, DOES, 1-3, ZOU
WENBO, DOE 4, NING YAN, ERH
BOON TIONG, CHARLES LEE, AND
OTHERS SIMILARLY SITUATED.

PLAINTIFFS,

V.

ZHAO ZHIZHEN, & DOES, 1-5
INCLUSIVE

DEFENDANTS

TORT CIVIL LIABILITY CLAIM

Civil Action No. 3:04CV01146(RNC)

JURY DEMAND

Third Amended Complaint

CLASS ACTION

Plaintiffs, on behalf of themselves and others in the designated classes of injured parties similarly situated, complain and allege as follows:

I. PRELIMINARY STATEMENT

1. This is a civil action for compensatory and punitive damages for torts committed in violation of international and domestic law, that is instituted

pursuant to the Alien Tort Claims Act (28 U.S.C. section 1350) and the Torture Victims Protection Act (106 Stat. 73 (1992)), as detailed below. Plaintiffs in this action include individually identified residents of the People's Republic of China, or refugees from that country now living in different nations around the world, including the United States, or aliens and citizens who were subjected to torture and/or other major human rights abuses as visitors to China, as well as other past and current residents and citizens of the People's Republic of China, together with their immediately affected family members, as well as all others in the designated class who are similarly situated or affected. All are practitioners of Falun Gong (also known as Falun Dafa, "Great Path of the Wheel of Law"), a peaceful religion based on the tenets of truthfulness, compassion, and tolerance (*zhen, shan, ren*). The religion is practiced by individuals of all backgrounds, and in all walks of life, both in China and abroad. The religion has no hierarchical structure, financial commitments, or indeed set form of organization whatsoever, subsisting instead solely in the shared beliefs and individual lifestyle practices of its adherents.

2. All such adherents in Mainland China have, since 1999, endured and been threatened with the most severe forms of violent suppression and abuse violative of their fundamental human rights. Such abuse has occurred with the authorization, support, specific direction, and substantial assistance of the named Defendant acting under color of law in China, in conspiracy with other high-level individuals in the Chinese Communist Party, CACA, the core media elite, and "Office 610", the extrajudicial suppressive organization established unofficially by Chinese Communist Party leaders, to carry out the campaign of suppression against Falun Gong practitioners. Such a campaign is termed in post-Cultural Revolution Communist Party parlance a "*douzheng*", or "struggle campaign", for Party authorities to totally eradicate and suppress an alternative ideological system. A key prerogative of such *douzheng* campaigns has been the mental

“transformation” of target groups through violence and propaganda, aimed at forcing members of such groups to renounce their ideologically disfavored religious beliefs.

3. In full collaboration with cohorts at the highest levels of the Chinese Communist Party and Party-controlled entities, the Defendant additionally instigated Chinese security and civilians throughout China to isolate, hunt down and deprive of human and civil rights any Falun Gong adherents they could find, causing deprivation of rights and acts of violent suppression. This second form of influence occurred as a form of “persecution” targeting Falun Gong adherents for violence, intimidation, and deprivation of rights, was also carried out in the United States.¹

4. This action is instituted against Defendant Zhao Zhizhen, who founded and has served as a leading Standing Committee Member of the Executive Council of the China Anti-Cult Association (CACA) since November 2000, and as the former Chief of Wuhan Radio and TV Broadcasting Bureau (WRTB), as well as the former Executive Director of Wuhan Television Station (WTV), both from 1986 until at least 2003. During his tenure in these offices and these capacities, and at all times relevant to this Complaint, Defendant Zhao personally, and collaboratively with others, instigated, ordered, instructed, directed and/or aided and abetted police, labor camp, other security forces, members of local communities in China and the United States to commit the abuses suffered by Plaintiffs. These abuses took place as a result of his personal and collaborative instigating and intensifying the *douzheng* campaign occurring in China and particularly in his own jurisdiction of Wuhan. The action taken by Zhao and his

¹ Under International law “persecution” designates the systematic or widespread intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity. Here the term includes systematic or widespread rights deprivations taking the form of Party-controlled private organizations like the CACA, formal or informal neighborhood associations in addition to Chinese security (acting under color of law), to intentionally eradicate Falun Gong.

cohorts in China additionally and intentionally gave rise to severe widespread rights deprivation/ persecution in China (as well as in the United States).

5. CACA, a not-for-profit association, was created on November 13, 2000, by Defendant Zhao and other Communist Party members, to develop and disseminate anti-Falun Gong propaganda, and torture and interrogation methods and techniques for use (1) by police and other security personnel to “transform” and suppress Falun Gong practitioners in China and (2) by individuals and entities overseas to suppress believers especially in the United States. Defendant’s activities included direction of and participation in training conferences, lectures, and classes, publication of books, manuals, and reports that stressed the need to use torture, forced conversion techniques and other methods to “transform” and suppress Falun Gong practitioners everywhere, and aided in so doing. In China, Defendant promoted, aided, and collaborated with those who conducted the “transformation” by the arbitrary arrest, detention, torture and/or extra judicial killing of practitioners of Falun Gong. In the United States, Defendant similarly promoted, aided and collaborated with those who furthered the rights deprivations/persecution and other abuses carried out against practitioners of Falun Gong. In China and the United States, he had command or superior responsibility over, controlled or aided and abetted such persons in their commission of such abuses; and was aware of the ongoing nature of these illegal acts and had both the duty and responsibility to prevent (or attempt to prevent) their occurrence.

6. The acts alleged herein against Plaintiffs were carried out in the context of a global suppressive campaign of extermination against Falun Gong practitioners in China and in the United States. In China, police, labor camp and re-education center guards and personnel, members of the media as well as high ranking party cadres engaged in this widespread campaign against Falun Gong practitioners, marked by a pattern and practice of violations including media-related

propagation of ideological hatred and calls for violence, persecution, torture, and, if necessary, extrajudicial killing, as well as other crimes against humanity. Zhao and his colleagues/ subordinates in the CACA, its Website, the Party propaganda apparatus, and others involved in the plan to suppress Falun Gong additionally instigated, carried out, and furthered the suppression and denials of rights to Falun Gong believers residing in the US. More generally, Defendant used and continues to use his position as an influential figure in Chinese society, with a mandate of ideological authority from the Chinese Communist Party, to call for sustained suppression of the Falun Gong religion and *douzheng* campaign of its adherents until the eradication of the former and the total ideological submission of the latter.

II. JURISDICTION AND VENUE

7. This Court has jurisdiction over this case pursuant to the Alien Tort Statute, 28 U.S.C. § 1350; the Torture Victims Protection Act, 28 U.S.C. § 1350 note; 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity); and 28 U.S.C. § 1367 (supplemental jurisdiction).²

8. In this case, the actions of the Defendant and those with whom he conspired constituted violations of the most deeply held and universally acknowledged human rights that are enshrined in a number of widely ratified international treaties, as well as being firmly accepted parts of customary international law. These include the right to not be arbitrarily arrested,

² Plaintiffs assert that the presumption against extraterritoriality, as discussed in *Kiobel v. Royal Dutch Petroleum*, 569 U.S. ____ (2013), is not a question of subject matter jurisdiction – something never discussed in its opinion – but rather “whether the court has authority to recognize a cause of action” under the set of facts presented. (Slip op. at 8). The *Kiobel* opinion invokes *Morrison v. Nat’l Australia Bank Ltd.*, 130 S. Ct. 2869 (2010), which held that the Court of Appeals erred in considering the question of extraterritoriality as “a question of subject matter jurisdiction, thus allowing dismissal under Rule 12(b)(1).” *See Morrison*, 130 S. Ct. at 2877 (“to ask what conduct [a statute] reaches is to ask what conduct [it] prohibits, which is a merits question”). Even if this court views the question of extraterritoriality as jurisdictional, Plaintiffs assert that their claims involve sufficient domestic conduct to avoid the presumption or to “touch and concern the territory of the United States . . . with sufficient force to displace the presumption against extraterritorial application.” *Kiobel*, 569 U.S. ____ (slip. op. at 14).

imprisoned and deprived of life; the right to not be subjected to torture and arbitrary arrest and detention; the right to hold and exercise views and beliefs freely and without interference; the right to liberty and security of the person; and the right to associate with others and to practice religious and spiritual beliefs without restriction. The exercise by the Plaintiffs of these internationally recognized human rights, enshrined in both treaty and customary international law, and universally recognized as part of the law of nations, has been seriously and maliciously abridged by the policies and actions of the Defendant and his co-conspirators (acting under color of law in China). Among the specific human rights treaty standards violated by the Defendant are the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Many of these same standards are embodied in customary international law as articulated in the Universal Declaration of Human Rights. Each of these standards, and how they have been violated by the actions of the Defendant personally and in concert with others to the detriment and injury of the Plaintiffs, is described and explained preliminary in the text of the Complaint, below.

9. The fact that the Defendant is not a citizen nor permanent resident of the United States, but is in this country only as a temporary visitor, does not deprive the Court of jurisdiction, since the very nature of the Alien Tort Claims Act and Torture Victims Protection Act provisions authorizing this type of civil action in federal court recognize that many defendants or potential defendants in these cases, as aliens committing torts abroad that involve violations of international law, will be in the United States and subject to the jurisdiction of our federal courts only on a temporary basis.

10. Venue is properly vested in the Federal District Court for the District of Connecticut pursuant to the requirements of 28 U.S.C. sections 1391(b) and (d) as

a location within the United States where the Defendant will be personally located during his current visit to this country, and can be personally served with process regarding the initiation of this lawsuit pursuant to the requirements of Rule 4 (c) (1) and (e) of the Federal Rules of Civil Procedure.

III. PARTIES

Defendant

11. Defendant Zhao is a citizen of the People's Republic of China. At all times relevant to this complaint, Defendant Zhao was Executive Director of Wuhan Radio and Television Bureau (a government media regulatory body), Director of the Wuhan Television Station, and Chief Editor of the well-known TV series, "Light of Science," broadcast not only on WTV, but also daily in China and overseas on the primary Party-controlled television station, CCTV. His areas of responsibility include authority to set editorial and programming policy and directives, to produce and control the content and selection of such media programs, manage local and national broadcasting and publication of such programs, and to select, appoint, remove, discipline, and supervise WTRB management and Communist Party officials at WTRB and all media organizations in Wuhan.

12. Since November 2000, Defendant has been a key member of the Standing Committee of the Executive Council of the China Anti-Cult Association (CACAA), a private, not-for-profit association, devoted to the *douzheng* (false imprisonment, ideological conversion, and torture), suppression, and persecution of Falun Gong believers everywhere via various means. Those means include development and dissemination of anti-Falun Gong brainwashing training material that emphasizes the need to use torture as a means of "transforming" practitioners of Falun Gong; the instigation of acts of violence and rights deprivations against Falun Gong adherents by those coming into contact with them in their local communities; and the widespread denial of civil and human rights to Falun Gong adherents via

harassment, threats, and ostracism based on their group identity. His areas of responsibility include the authority to set policy, to supervise all CACA activities, including the CACA website and “transformation”-related activities, as well as the authority to select, appoint, and remove high ranking CACA officials, to initiate, annul, and terminate CACA projects, when appropriate.

Plaintiffs

Plaintiff Chen

13. Plaintiff Chen is a citizen of the People’s Republic of China, currently residing in the United States. Plaintiff Chen resided in Beijing during the period between 1999 and 2003, where he was unlawfully imprisoned for more than 18 months in various detention facilities and forced labor camps in Beijing. Plaintiff is a practitioner of Falun Gong.

Plaintiff Does 1-3

14. Does 1-3 are citizens of the People’s Republic of China. Doe 1 files on behalf of the estate of a family member, who was tortured to death in the city of Wuhan by the police because of her refusal to relinquish her belief in the principles of Falun Gong. Doe 2, who files on her own behalf, has resided in the city of Wuhan from 1999 through 2004, where she was sent to brainwashing classes repeatedly, and was tortured nearly to death several times because of her refusal to relinquish her belief in the practice of Falun Gong. Doe 3 has resided in the city of Wuhan from 2003 through 2004, where he was detained arbitrarily, brainwashed and tortured severely because he refused to relinquish his belief in and practice of Falun Gong in China.

Plaintiff Zou Wenbo

15. Zou Wenbo has a law degree from Jiangnan University Law School, and now resides as a permanent resident in Canada, after obtaining United Nations asylum status in Thailand. He resided in the Wuhan Province from 1999 through 2001, where he was detained arbitrarily, subjected to brainwashing -- including

severe degradation, torture, and brainwashing regarding his Falun Gong beliefs.

Plaintiff Charles Lee

16. Charles Lee is a U.S. citizen and resident of New Jersey. He is a Falun Gong practitioner who went to China to visit friends and family in 2003. He was apprehended on his arrival at the airport and tortured, force-fed, and detained until 2006. The Defendant's anti-Falun Gong propaganda and other activities calling for the *douzheng* of all Falun Gong instigated and resulted in these violations. Charles Lee brings this action against Zhao Zhizhen, under the Torture Victims Protection Act, 28 U.S.C. § 1350, note.

Plaintiff Ning Yan

17. Plaintiff Ning Yan is a citizen of the People's Republic of China, currently residing in Stamford, Connecticut. In China, she was detained arbitrarily, subjected to brainwashing -- including severe degradation, torture, and brainwashing regarding her Falun Gong beliefs. In the United States, she has encountered severe hostility and animus from members of the local Chinese community influenced by Defendant's anti-Falun Gong activities.

Plaintiff Doe 4

18. Plaintiff Doe 4 is a citizen of the People's Republic of China and a native of Wuhan City. In China, she was detained arbitrarily, subjected to ideological conversion – including severe degradation, torture, and brainwashing regarding her Falun Gong beliefs. In the United States, she has been harassed, verbally assaulted, and threatened by individuals associated with Defendant, on the basis of her Falun Gong affiliation.

Plaintiff Erh Boon Tiong

19. Plaintiff Erh Boon Tiong is a citizen of Singapore and has been living in the New York City region of the United States since 2007. Mr. Tiong has been verbally and physically assaulted by individuals associated with the CACWA,

and other CACA-linked anti-Falun Gong groups, solely on the basis of his Falun Gong beliefs and affiliation.

The Plaintiff Classes

20. Plaintiffs Chen, Zou Wenbo, and Does 1-3 represent a designated class of Falun Gong practitioners who have resided in the past, or are currently residing in the People's Republic of China, or have visited the People's Republic of China, and have been subjected to various forms of persecution and abuse, amounting to serious violations of their human rights, as a result of the policies and actions of the Defendant and other officials with whom he has conspired, under color of law, aimed at transforming or exterminating the Plaintiffs for their Falun Gong beliefs and practices, preventing them from engaging in these practices, and eliminating Falun Gong as a spiritual religion and practice.

21. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the individual Plaintiffs identified at ¶¶ 13-15 above are joined in this complaint by other members of the class of adversely affected individuals whom they represent, namely past or present residents of the People's Republic of China, or visitors to that country, during the period that Defendant exercised authority over media and related brainwashing and propaganda activities of the People's Republic of China for purposes of inciting, instigating, and implementing the harsh repression, suppression and eradication of Falun Gong and its practitioners. Plaintiffs are practitioners or believers in the Falun Gong spiritual creed and practice, who, because of those beliefs and associations have either been subjected to grave abuses of their internationally recognized human rights (including arbitrary arrest, imprisonment, torture, and persecution), or have been threatened with such violations, through the actions of the Defendant and other officials with whom he has conspired to carry out these acts and objectives.

22. Other members of the class of adversely affected individuals have been joined through this class action, pursuant to the requirements of Rule 23(a),

because the class is too numerous to permit joinder of all members, there are questions of law and fact common to the class, the claims of the representative parties are typical of the claims of the class, and the representatives parties will fairly and adequately protect the interests of the class. Moreover, pursuant to the requirements of Rule 23(b) separate actions would create a risk of inconsistent adjudications affecting the interests of all members of the class, and the nature of the circumstances is such that there are common questions of law and fact that predominate over any questions affecting only individual members, making a class action the appropriate method for adjudicating the issues presented. In addition, the physical location and circumstances of many members of the class, namely their being located in China, and the fact that many of them currently are being held in arbitrary and unlawful detention in China, as well as the threat to their and their families' safety associated with identifying them as individual Plaintiffs, make their joinder as individual and named Plaintiffs impractical if not impossible.

23. Plaintiffs Ning Yan, Doe IV, and Erh Boon Tiong represent a designated class of Falun Gong practitioners who reside in the United States and have been subjected to various forms of persecution, organized and widespread assault or intimidation, and verbal and/or physical abuse on the basis of their religion, amounting to serious violations of their human rights, as a result of the policies and actions of the Defendant and other officials with whom he has conspired, aimed at violently suppressing and denying rights to Falun Gong believers in the United States and China.

24. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the individual Plaintiffs identified above at ¶¶ 17-19 are joined in this complaint by other members of the class of adversely affected individuals whom they represent, namely present residents of the United States, during the period that Defendant

exercised authority over media and related brainwashing and propaganda activities etc.

25. Other members of the class of adversely affected individuals have been joined through this class action, pursuant to the requirements of Rule 23(a), because the class is too numerous to permit joinder of all members, there are questions of law and fact common to the class, the claims of the representative parties are typical of the claims of the class, and the representatives parties will fairly and adequately protect the interests of the class. Moreover, pursuant to the requirements of Rule 23(b) separate actions would create a risk of inconsistent adjudications affecting the interests of all members of the class, and the nature of the circumstances is such that there are common questions of law and fact that predominate over any questions affecting only individual members, making a class action the appropriate method for adjudicating the issues presented.

IV. STATEMENT OF FACTS

26. Does 1-3 and Zou Wenbo were all severely tortured in the city of Wuhan by Wuhan police, 610 and other security officers in police stations, “transformation” classes or otherwise at brainwashing centers for such “transformation” – all located in the city of Wuhan, where the Defendant produced, scripted or aired anti-Falun Gong television shows and news reports inciting, encouraging and supporting acts of torture and other major human rights abuses against the Plaintiffs. They comprise such anti-Falun Gong propaganda as, “About Li Hongzhi, the “Tiananmen Square Self-Immolation,” and the “Fu Yibin Murder Story,” which like so much of the anti-Falun Gong propaganda—including that which appears on the national CACA website under Defendant’s direction and control—characterize practitioners of Falun Gong as violent and dangerous criminals and murderers, vermin or “demons” who must be eradicated, and ideologically defective “hostile elements” to Communist Party rule.

27. Similarly, Plaintiff Chen suffered his injuries in the city of Beijing, where the WRTB Beijing subsidiary aired much of the same anti-Falun Gong material as was aired by the Wuhan main office of the WRTB. The CACA website, moreover, as a semi-official database source, reference and medium for the display of all anti-Falun Gong material, is also viewed and used by police and other security forces not only in the cities of Beijing and Wuhan, but also in China at large. Finally, all of the named Plaintiffs, and others similarly situated, have been subjected to torture as a means of “transformation,” per instructions and guidelines provided by CACA training classes, manuals, lectures, books, and conferences, all under the Defendant’s supervision and control.

28. Jane Doe 1 was born and raised in the city of Wuhan in the People’s Republic of China. She files on behalf of her family member who repeatedly refused to write a statement renouncing her belief in the principles of Falun Gong. Due to her family member’s refusal to renounce her belief in Falun Gong, to avoid illegal arrest and torture, her family member had no choice but to leave her home and remain incognito, and on the run, until April of 2004, when she was arbitrarily detained by the Wuhan city police, and sent to a District Police station in the city of Wuhan. In that facility, while in the control and detention of police officials, according to witnesses, she was repeatedly electrically shocked with electric batons, and then beaten to death by police in an *ultra vires* torture session aimed at “transforming” her.

29. Jane Doe 2 resides in a district in the city of Wuhan. Since the onset of the persecution, she has been repeatedly harassed by security forces who have tried in various ways to force her to give up the practice of Falun Gong. In October of 1999, she was taken to a brainwashing “transformation” class for 15 days. Because she refused to sign a letter renouncing her belief in Falun Gong, she was taken from the transformation class to an unofficial “prison” facility and more intensive “transformation” center in the city of Wuhan, where she was detained

for three months. In this center, and under the direction of police and prison officials, she was beaten by criminal inmates to such an extent that her legs could no longer support her body. A month after her release she was again sent to the same “transformation” center, this time for six months. A short while after her release—when even after six months of severe torture, she still refused to relinquish her belief in Falun Gong—she was sent (again without trial or due process) to the same brainwashing “transformation” center for eighteen months, where she was again subjected to very severe beatings, solitary confinement, and an array of other painful and degrading forms of physical torture, in the attempt to force her to abandon her religious beliefs. Again after her release, in November of 2003, because of her repeated refusal to renounce her belief in Falun Gong, she was sent to the “transformation” center, where she was forced to watch media programs including those produced or aired by the Defendant as part of the mental abuse deployed to force her to give up her belief in Falun Gong. When Plaintiff objected to such sessions, she was subjected to even more severe physical torture, including being handcuffed to two beds, with each hand cuffed to a different bed, wherein her body was stretched in two diametrically opposite directions. She was then hung from the ceiling, while still left handcuffed to the two beds over a period of six days. Whenever the security personnel pulled the beds away from one another, she suffered severe pain and nausea. Her bones cracked and her nerves became badly injured. Various security personnel and Office 610 (Falun Gong Control Office) officials took turns torturing her – each for two hours at a time. Throughout the torture process, they continually pressured her to sign a statement relinquishing her belief in Falun Gong. The more she refused, the more severely they retaliated. Her hands were disabled because of nerve damage from the hanging. She could not take off or put on her pants without assistance. Such assistance was not provided unless she cursed Mr. Li Hongzhi, the spiritual leader of Falun Gong. When she refused she was pushed

out of the restroom without her pants. In her own words (translated from Chinese), she could never have imagined that people could be so cruel.

30. John Doe 3 was harassed and monitored by security forces in his hometown in the city of Wuhan, who continually attempted to persuade him to relinquish his belief in Falun Gong. When it became clear that he was not going to be “transformed” by mere encouragement, in May of 2003, he was taken by security personnel to a brainwashing “transformation” class where, in his words, “cruel methods were used to torture [him].” He was kept awake for days on end while being forced to watch videos demonizing all who practice Falun Gong, including repeated viewings of Defendant’s video “Li Hongzhi—The Man and His Deed”. When he refused even then to write a letter recanting his beliefs, he was hung from the ceiling with hands cuffed above his head for over 30 hours. To escape the torture, he jumped out of a high window and broke many of the bones in his body. Once a healthy person, he is now a near invalid unable to work, and suffering, with his family, from severe financial difficulties.

31. Plaintiff Zou Wenbo graduated from Jiangnan University School of Law in 1989. He suffered severe “transformation”-related torture and brainwashing and other forms of rights deprivations from 1999 through the year 2001. Throughout this period, a neighborhood association member monitored him, threatened and interrogated him in order to force him to renounce his religious Up through January of 2000, he was harassed, monitored, and detained by the Wuhan City Criminal Investigation Unit, where the police, beat, kicked, and illegally interrogated him. He defended his constitutional right to freedom of belief and freedom of appeal. Such legal appeals were futile. He was released temporarily, only to be taken this time to the local police station, where he was insulted and beaten severely. Because of his refusal to renounce Falun Gong, he was sentenced to fifteen days of detention. Again in July of 2000, after he participated in a peaceful and legal protest of the persecution of Falun Gong in China, he was

taken to a police station – this time in Beijing – where he was beaten and interrogated. Because of his refusal to relinquish his beliefs yet again, he was sent to the brainwashing center in the Jiangan district of Wuhan city. He endured torture and degradation in the brainwashing center, and in spite of his refusal to renounce Falun Gong was released after his family paid 1,000 Yuan, in exchange. In late November, the 610 (anti-Falun Gong) office of Jiangan District put him in another brainwashing “transformation” class, where he was subjected to similar treatment—including the viewing of propaganda videos produced and aired by Defendant as a form of mental abuse aimed at forcing him to renounce Falun Gong. In January of 2001, the police asked him again to sign a document renouncing his belief in Falun Gong. When he refused, once again, he was kicked in his genitals and forced to remove his clothes and stand in a degrading posture for days on end. He was handcuffed to the cold metal bars of the windows, which were left open in the freezing cold of winter for days on end. Cold water was poured on his body to add to the pain and suffering. In late 2001, he escaped to Thailand, where he obtained United Nations asylum status. In March of 2004, through the aid of the Canadian government, he came to Toronto, Canada where he now resides.

32. Plaintiff Chen was born in Beijing, China and is a citizen of the People’s Republic of China. He resided in Beijing, where between July 1999 and June 2000, he was monitored, interrogated, threatened and abused by Party-controlled neighborhood association individuals who forced him to attend brain washing classes. During these classes, he was forced to watch Zhao’s “Li Hongzhi” video polemic. In Beijing, Chen was further deprived of his fundamental rights when he was arrested and detained several times and tortured heavily because of practicing Falun Gong. In July 2000, he was transferred to a transitional police facility, where torture was inflicted on a regular basis. There he was forced to bow his head all the time. Whenever he attempted to lift his head one bit, he would be

violently beaten and shocked by electric batons at sensitive parts of his body. While he was there, Plaintiff was also subjected to forced labour for 15-20 hours a day, as well as deprivation of sleep. A month later, Plaintiff was transferred Tuanhe Forced Labour Camp in the suburb of Beijing. He was allowed to sleep only 2 to 4 hour a day. During the daytime, Plaintiffs was frequently shocked by electric batons and tortured, and was forced to remain in a squatting position for long periods of time. In addition to forced labour, Plaintiff was forced to watch media programs including those made by Defendant as part of the mental abuse deployed to force Plaintiff to give up his beliefs in Falun Gong. Prominent among such continually-repeated “transformation” programming was “Li Hongzhi—The Man and His Deed”. If Plaintiff objected to such sessions, the guards would shock him with as many as eleven electric batons. Plaintiff’s firm belief in Falun Gong was used to further persecute him. He was labelled in the forced labour camp as “out of clear consciousness” and was repeatedly slapped in the face, beaten and kicked by the guards. On one occasion, Plaintiff was handcuffed and ordered to remain in a squatting position. He then was shocked by electric batons all over the body, including head and chest, which was prohibited by Chinese Government security regulations dealing with the use of electric batons. Such torture would resume each time the Plaintiff refused to denounce Falun Gong. On another occasion, Plaintiff refused to read hate propaganda and was sent to a special group as punishment. For 15 consecutive days, Plaintiff was deprived of any sleep. During the daytime, Plaintiff was forced to squat, with all of his body weight on one foot, for the entire day. As a result of one severe beating, Plaintiff’s face was permanently deformed. At times, his feet and legs were tied together, with his arms tied to the back, and the neck tightly bundled to his legs. Plaintiff’s back was almost broken and for the following 2 weeks he could not walk. Plaintiff Chen endured mental and physical torture in imprisonment for over 18 months

because of his refusal to relinquish his spiritual belief in the principles and practice of Falun Gong.

33. Plaintiff Charles Lee was born and educated in China. He later came to the United States and became a U.S. citizen. He now lives in New Jersey. In 2003, he flew to China to visit with friends and family. Upon his arrival at the airport, Public Security officers placed him under arrest. At a sham trial, he was convicted of using the Chinese media for Falun Gong-related activity. He was not permitted to challenge the legality of the charges against him and was not allowed to present evidence or defend himself as “not guilty.” He was sentenced to a prison term of three years, from January 2003 to January 2006, at Nanjing Prison. During this time, he was frequently subjected to interrogation and forced conversion practices similar to the customized process recommended by the CACA in the torture training manuals it provided to prisons and detention centers across China. He was forced to attend brainwashing classes on a daily basis in which he was surrounded by ten to fifteen guards and fellow inmates who subjected him to constant insults and verbal abuse regarding his practice of Falun Gong. He was routinely forced to watch the Defendant’s “Li Hongzhi” video. Security guards reiterated Zhao and the CACA’s characterizations of Falun Gong often using the exact same language, i.e, by referring to him as mentally imbalanced, deluded, subhuman and characterizing his beliefs as “laughable, insane and poisonous.” Lee was called a “traitor” for his U.S. citizenship. He was told “we can make your living worse than death.” Charles Lee was not permitted to interact with other prisoners and oftentimes not permitted to read. He was permitted to see his mother only twice during the last two years of her life and not permitted to attend her funeral. In addition, he was frequently tortured. He was regularly forced to stand or sit in the same position for hours at a time on a daily basis, sometimes for up to seven weeks in a row. He suffered from severe mental trauma and physical damage to his heart while in prison. He was forced to attend military drills, and

when he refused he was dragged across the grounds for hours at a time. He went on nine hunger strikes over the course of his detention, one for fifty days. Chinese security officers force-fed him on four occasions. On one of these occasions, security officers tied him down and placed a tube down his throat for feeding, which was kept there for thirty-three hours. In January 2006, Charles Lee was released. He returned to the United States and continues to be severely disturbed by the aftermath of the torture in the prison.

34. Plaintiff Ning Yan is a citizen of the People's Republic of China from Tianjin City. Soon after the persecution of Falun Gong began in July 1999, she traveled to Beijing to appeal to the authorities. However, she was arrested by Chinese security agents, taken to the Beijing Dongcheng police station where she was detained for 29 days. Soon after returning home, she was required by the local Party-controlled neighborhood association to view several anti-Falun Gong propaganda including Li Hongzhi: The Man and His Deeds. Neighborhood association members surveilled and monitored her for the next five years, routinely reporting her Falun Gong religious activities to Chinese security. As a result, in December 2001, she was arrested by police officers from home and sentenced to 18 months of re-education through labor at the Tianjin Female Labor Camp, where she suffered both physical and mental torture, including forced labor for 15-20 hours a day, as well as deprivation of sleep. In March 2007, Plaintiff was taken away from her home at night, and sentenced to another 18 months of re-education through labor Tianjin Female Labor Camp where she was again subjected to strenuous and excessive forced labor. She was subjected to transformation and torture, including being forced to view and read the transcript of "Li Hongzhi: The Man and His Deed". She was subjected to ongoing verbal assaults reiterating the language used by Zhao and his cohorts at CACA. The torture was so severe that she signed a paper against her will denouncing her deeply held belief in Falun Gong. Since coming to the United States in 2008, she

has been subjected to dehumanizing insults, severe hostility and abuse from members of the local Chinese community influenced by Defendant's anti-Falun Gong propaganda.

35. Plaintiff Doe 4 is a native of Wuhan City and a former instructor from the Central China Normal University. Soon after the persecution of Falun Gong began in July 1999, in January 2000, Plaintiff traveled to Beijing to appeal to the authorities. On Tiananmen Square, she and other Falun Gong practitioners were brutally beaten by Chinese policemen using electric batons and rods all over her body, and taken to a local detention center. In 2001, she was threatened, interrogated, monitored, "detained," and deprived of her salary by the University's private anti-Falun Gong association. In May 2001, Plaintiff was arrested in Wuhan and sentenced to three years of re-education through labor at the Guangdong Sanshui Female Labor Camp where she was forced to stand for prolonged periods of time and slave labor. In 2004, Plaintiff traveled to Beijing again to appeal to the authorities, but was arrested and detained at the Beijing Haidian Detention Center. Security guards at the center reiterated Zhao and the CACA's characterizations of Falun Gong often using the exact same language, i.e, by referring to her as mentally imbalanced, deluded, and subhuman. For nearly ten months at the detention center, Plaintiff also suffered severe physical torture including being stripped naked in winter, having four limbs being cuffed apart onto four pillars for long periods of time, and severe beatings. She was then sentenced to three years of re-education through labor at the Wuhan Female Labor Camp, where she was forced to perform slave labor. However, because of her ailing health, the labor camp soon became afraid that she might die in prison, and released her approximately seven months later. She moved to the United States in 2009. Upon arriving in the United States in 2009, she was further harassed, verbally assaulted, and threatened by individuals associated with Defendant, on the basis of her Falun Gong affiliation. Since her arrival, Plaintiff volunteered at

the Global Service Center for Quitting the Chinese Communist Party in Flushing, NY, steps away from the Chinese Anti-Cult World Alliance. Members of the Alliance routinely harassed her, taunting her and calling her Falun Gong religion an “evil cult.” Once, a member of the Alliance began taking close pictures of her, and shouted profanities so loudly as to draw a large crowd. Plaintiff felt constantly threatened and fearful as a result. These incidents caused her intense fear as to her physical safety and effectively denied her the right to openly practice her religion or participate in civil life in her community.

36. Plaintiff Erh Boon Tiong is a citizen of Singapore and has been living in the New York City region of the United States since 2007. On the morning of May 20, 2008, he was in Flushing, New York, in order to join other local Falun Gong believers for a peaceful religious celebration and protest of recent acts of violence committed against Falun Gong believers in the area. Mr. Tiong was among a small group of Falun Gong believers surrounded by a large crowd, who were angrily shouting anti-Falun Gong slogans and threats. The individuals in this crowd were associated with the CACWA as volunteers and other CACA-linked anti-Falun Gong groups and their statements and actions linked them with Zhao and his cohorts’ common plan. Just a few among the many threats and anti-Falun Gong statements shouted by the gathering crowd were “I’ll kill you. I’m not kidding. I will really kill you”, “Heaven will eliminate Falun Gong”, and “Eliminate the evil cult”. As soon as Mr. Tiong took a photo of the crowd, members began to rush at him and beat him. Though he tried to escape their blows, Mr. Tiong was surrounded by up to six people at a time, striking him and tearing at his clothing. Mr. Tiong feared for his life during this altercation, but did not return the blows of his assailants. During the incident, the individuals beating him continuously stated that they were doing so out of animus against Falun Gong. One or more blows struck Mr. Tiong’s right ear, causing it to tear and bleed heavily. He suffered severe blows to his head and torso and was later

admitted to a hospital where a doctor told him he had suffered an abrasion to the side of his head. During this incident, members of the CACWA-linked crowd also spat on Mr. Tiong and pelted him with eggs. This and subsequent incidents caused Mr. Tiong to fear for his physical safety and effectively denied him the right to openly practice his religion or participate in civil life in his community.

V. GENERAL ALLEGATIONS: CHINA

37. The Politburo of the Chinese Communist Party began to implement a *douzheng* campaign of suppression against the Falun Gong religion on July 20, 1999. This dramatic shift in Party ideology required the authorization of the highest levels of Party leadership, and such authorization was provided by Jiang Zemin in an ideological speech cum announcement calling for *douzheng* against Falun Gong, issued on July 19, 1999. A transcript of this announcement was later promulgated throughout the Communist Party ranks as an order in all but name to persuade or, where needed, force Falun Gong adherents into abandoning their religion. At the meeting during which this policy announcement was first issued, Jiang and others who would lead the crackdown on Plaintiffs' religion first watched Defendant Zhao's pre-existing program ideologically attacking Falun Gong and calling for a *douzheng* campaign against the religion, "Li Hongzhi—The Man and His Deed". All available information indicates that this video-format invective was the longest and most prominent policy "speech" at the decisive meeting.

38. Defendant, along with other high-ranking Party officials, supervised, managed, directed, and implemented a campaign of propaganda vigorously supporting and elaborating upon this call to crack down on and violently suppress Falun Gong. Adherents of the religion were portrayed as a serious social and political threat to Chinese society, as an inhuman pestilence infesting China, and as ideologically defective, hostile, even "demonic" elements, which had to be eliminated from Chinese society. Much of this invective, moreover, relied upon

Cultural Revolution-style ideological terminology with specialized meanings in modern China. Such terms, including *douzheng* “(violent) struggle against,” “(ideologically) suppress,” *jiepi* “(ideologically) criticize and expose (as an enemy of the Party),” and others, were used intensively during the Cultural Revolution as a means of ordering, inciting, and ideologically justifying suppressive campaigns against those viewed as anathema to the prevailing Maoist orthodoxy.

39. The suppressive campaigns, themselves often also referred to as “*sixiang*” or “*zhengzhi douzheng*,” “ideological” or “political struggles,” resulted in ostracism, hatred, physical abuse, torture, and extrajudicial killing of literally countless victims. While Communist Party usage in this context predates the Cultural Revolution, with “Anti-Rightist *douzheng*” occurring in the earliest years of the Party and featuring similar abuses, the Cultural Revolution period saw such practices suffuse the entirety of Chinese society. Notably, the government per se was a total and ineffectual bystander to these periodic political suppressions, which depended instead upon a perceived ideological mandate from the core of the Party leadership—regardless of whether, as Mao did during the height of the Cultural Revolution, such leaders operated outside of the state. To any Chinese citizen alive today, the terms used by Defendant and other Party leaders to call for the eradication of Falun Gong are unmistakably redolent of the greatest excesses of ideological hatred and violent suppression in modern Chinese history.

40. Since the beginning of the Party’s *douzheng* against Falun Gong, on the national level it is estimated by first-hand Falun Gong sources, and confirmed in major part by the U.S. Department of State in its annual Country Reports on Human Rights Practices, that over 100,000 practitioners have been arbitrarily and unlawfully arrested and detained. Such detentions have often occurred in ad-hoc, unofficial detention facilities, converted from hospitals, hotels, or clinics, or in other locations well outside the scope of the Chinese judicial system. It is

estimated that more than 500 of these detainees have been sentenced to prison terms of up to 18 years, with 1,000 more improperly assigned to mental hospitals to eradicate their spiritual beliefs by the use of involuntary administration of psychotropic drugs in order to “transform” their ideological consciousness—a practice that has been widely condemned by the international medical community, and that violates specific provisions of international human rights treaties. Over 20,000 are estimated by Falun Gong sources to have been illegally sent to reeducation-through-labor camps without trial. According to Falun Gong sources, at least 3,427 deaths have been confirmed, with many deaths due to torture aimed at “transforming” the victims. The United States Department of State’s Annual Report on International Religious Freedom for 2001 confirms reports of over 100 such deaths of Falun Gong practitioners while in detention and subject to the authority of police and prison officials.

41. The extent and seriousness of the violent suppression and abuse that is targeted against Falun Gong practitioners at both the national level, and in local provinces, have been confirmed and extensively documented by the U.S. Government in its Country Reports on Human Rights Practices, and most especially in its Annual Reports on International Religious Freedom, as well as in reports issued by non-governmental human rights monitoring groups such as Amnesty International and Human Rights Watch. For example, the Annual Report on International Religious Freedom for 2001, issued by the U.S. Department of State in December of 2001, has numerous specific references to the major human rights abuses and violations being committed against Falun Gong practitioners. The report describes the crackdown against Falun Gong as tied to the Jiang regimes’ efforts to control, regulate or eradicate religious groups to prevent the rise of groups or sources of authority outside the control of the Chinese Communist Party and the state. (P.122).

42. This same State Department report notes that “approximately 100 or more Falun Gong adherents have died in detention since 1999” (p.122); that many of their bodies reportedly bore signs of severe beatings and/or torture; that many thousands of individuals are serving sentences in reeducation-through-labor camps; that hundreds of adherents have been confined to mental hospitals; that police often used excessive force when detaining peaceful Falun Gong protesters, including some who were elderly or who were accompanied by small children; and that torture (including by electric shocks, beatings, and by having hands and feet shackled and linked with crossed steel chains) was widely reported (page 131). The State Department Report notes that in September 2000 the Secretary of State designated China a country of particular concern under the International Religious Freedom Act for particularly serious violations of religious freedom, including its treatment of Falun Gong practitioners. (p. 133).

43. Defendant Zhao has made extensive personal contributions to the abuses inflicted upon Plaintiffs as part of the nation-wide *douzheng* campaign of propaganda and repression against Falun Gong, which he also had a prominent role in instigating. In addition to his ideological authorization for and mobilization of security forces operating outside of the scope of their duties to violently suppress Falun Gong adherents, Zhao also worked through the organizations under his control, WTV and CACA, to specifically direct that adherents like Plaintiffs in this matter be subjected to ideological “transformation” practices.

44. In particular, the CACA organization Zhao co-founded in 2000 was explicitly founded in order to deal with remaining “staunch Falun Gong members” who still had not renounced their religion after initial crackdown in 1999, and required more serious means to be implemented. Such means were provided in large part by CACA itself, and especially its website, under Defendant’s personal control, which collected, created, and disseminated

“transformation” manuals to aid in the very torture processes suffered by Plaintiffs. Notably, these torture processes also featured the use of video programming created by Defendant in his role at WTV. As official media reported upon CACA’s establishment in 2000, “the purpose of setting up the association is to mobilize social forces to wage *douzheng* against Falun Gong.” In this, it has largely succeeded, in no small part due to co-founder, Standing Committee member, and content-creator Zhao’s diligent efforts.

45. The suppressive campaign that was carried out by security forces acting under color of law to subject Falun Gong to torture, extrajudicial killing, disappearance, forced labor and other abuses also occurred in non-custodial contexts, taking the form of civilians acting to persecute Falun Gong.

A. Defendant’s Roles—A Leader Within the Chinese Communist Party, an Agenda-Setting Propagandist

46. During all periods relevant to this matter, Defendant Zhao Zhizhen has been and continues to be a prominent figure within the Chinese Communist Party. More specifically, at the time that this action was initiated he had spent 18 years working under the Party’s Department of Propaganda (*xuanchuan bu*), and, by his own admission, has had great success within that system. Declaration of Zhao Zhizhen ¶¶ 5-7. In particular, he has had great political and ideological capital at his disposal for labeling ideas or social actors as anti-scientific, and thus subject to ideological suppression. Id. Moreover, he has defined his efforts in this regard as “[p]art of [his] personal mission, which is without any influence from the Chinese government.” Id. ¶ 13.

47. As Defendant Zhao himself attests, he had been the Director of Wuhan Television Station (WTV) for 18 years when served with the initial Complaint in this matter, and in that time had received numerous domestic awards conferred by organizations connected with the Party. His political and ideological influence within the Party is further manifested in that CCTV—the Party’s primary

television propaganda organ—“often” rebroadcasted materials made under Zhao’s direction or which he personally scripted. Id. Defendant Zhao, through his operation of WTV, coordinated with CCTV and other Party and labor camp officials as part of a joint criminal enterprise to eradicate and suppress Falun Gong.

48. While Wuhan Television Station, like other television stations in China, is a subsidiary of a government instrumentality, it is administered outside of government, as an appendage of the Chinese Communist Party Propaganda Department. Defendant Zhao likens the relationship of WTV to government as “equivalent to a PBS affiliate.” “The Truth Can Be Harmed, But Not Shamed”. He also makes explicit that, as a TV station director, he was “not a government official.” Declaration of Zhao Zhizhen ¶ 20. Moreover, candidates for high-level officials in media organizations must meet not the government, but the Communist Party’s ideological qualifications, and their appointments must be reviewed and approved by the Party’s Organization Department. Appointees must be “politically reliable” to serve as heads for newspaper or TV stations. The Party’s official managing regulations and guidelines for media organizations require them to persistently follow the basic principles of serving Party ideology and propagating the policies of the CCP—a “one voice” system. Affidavit of Qinglian He. Even the Party’s own publications often recognize this monopoly on discourse—albeit always with the caveat that the system must remain in place in terms of excluding outmoded, “feudalistic thinking”. See, e.g. “Why Is It So Difficult To Move Away From ‘One Voice’?” People’s Daily, October 11, 2004.

49. Particularly influential was the daily WTV program he had a “central role in creating”, wrote many scripts for, and maintained close editorial control over, “Light of Science”. Strikingly, this program received such Party endorsement that it became “the only program that is produced by a local TV station that is broadcast on CCTV every day.” Declaration of Zhao Zhizhen ¶ 6.

50. The Party's Department of Propaganda exercises total control over all public media in China, especially journalism, and vigilantly exercises ideological supervision over all journalistic output. Affidavit of Professor Eugene Perry Link, Jr. ¶ 2. Because of Zhao's undeniable success in rising to a high position within the Party-controlled media system, he had clearly developed "an ability to manipulate words with more attention to whether they are politically correct than to whether they are true." Id. ¶ 4. Moreover, Zhao's superiors in the Chinese Communist Party required that he utilize this ability, and his editorial control over various forms of media, to protect their political power and the hegemony of the Communist Party as a whole. Id. ¶ 7.

51. In February 1996, Zhao was honored at the first National Science Popularization Work Conference, jointly administered by the State Commission on Science and Technology and the Chinese Communist Party Propaganda Department. Zhao's program "Light of Science" was the only news "work unit" (*danwei*, a Communist Party term indicating a Party-controlled work environment) honored as an "Advanced Collective in Science Popularization." His lengthy speech accepting the honor was then published in its entirety in the *People's Daily* newspaper, the primary Party propaganda organ in the print medium. In a strong indication of Zhao's continued sway within the Party, his speech was "front-paged (sic) in the science and technology pages of *People's Daily* and carried in conspicuous positions in [other high-circulation newspapers]." Declaration of Zhao Zhizhen, Exhibit A at 11.

52. In 1999, Zhao was once more honored, at the second-ever Party Propaganda Department-administered National Science Popularization Work Conference, as a "National Advanced Science Popularization Individual", and ranked first on the list of such individuals. The speech he delivered upon being conferred the honor was again "solemnly published by the *People's Daily* on its New Millennium Edition." Id. at 15. These awards and honors, administered

through the Department of Propaganda, are only a small representative sample indicating the degree to which Zhao had accrued a favorable ideological profile within the Party, and specifically within its propaganda apparatus.

53. Further reinforcing this prominent intra-Party ideological role, Defendant Zhao received the rare honor of a lionizing biographical feature in “the most authoritative paper in China[,] the *People’s Daily*,” entitled “Devoted to Screen Popular Science—About Director of Wuhan TV Station Zhao Zhizhen”. Id. at 17. This endorsement was only the most prominent of the many such press features praising Zhao Zhizhen and promulgating his work, which were “published in newspapers and periodicals [] all over the country,” and all of which required vetting or initiation by the Chinese Communist Party Propaganda Department at various levels. Id.

54. In June 1999, Defendant Zhao directed and exercised editorial control over the making of a documentary seeking to discredit and defame the founder of Falun Gong and eradicate the religion, entitled “Li Hongzhi—The Man And His Deed”. His station, WTV, dispatched a team to the distant city of Changchun (Li’s birthplace) in order to make the anti-Falun Gong polemic. At the time, Jiang Zemin had not yet initiated the nationwide Party crackdown against the religion, but it was in its planning stages at the Party’s highest levels. Zhao relied on Cultural Revolution-style violent political crackdowns to explicitly call for such a campaign, in Chinese termed a “*douzheng*”, against Falun Gong.

55. In an unmistakable sign that Zhao and his work were playing a key role in the initiation of the nationwide *douzheng* campaign, “Li Hongzhi—The Man And His Deed” was played at a key, private July 19, 1999 meeting at which the core Party leadership announced the start of widespread *douzheng* against the religion. Yu Guangyuan. “My Personal Feelings About Pseudo-Science”, accessible at <http://www.huajun.com/zhaohua/article383.html>. All available facts indicate that Zhao’s film proposing to *douzheng* Falun Gong was, in effect, the longest and

perhaps most prominent presentation given by a Communist Party leader at this meeting. Id.

56. The China Anti-Cult Association was founded by Defendant Zhao and others on November 13, 2000 to effectuate the suppression and eradication of Falun Gong. In addition to his role as founder and thought-leader for this explicitly hate-based organization, Defendant Zhao belonged to its influential leadership Council, responsible for day-to-day operations of the CACA, as well as electing and recalling all officials of the organization, including directors, vice-directors, and secretaries general, planning national conferences, decide on approval or removal of individual CACA members, “leading work of all departments in [CACA],” setting up internal management of the organization, and “deciding on other significant issues.” Bylaws of the China Anti-Cult Association, Articles 17-18.

57. Not only was Zhao a member of CACA’s leading Council, he was one of the few members of the Council’s supreme Standing Committee, responsible for meeting every quarter and consisting of leading members, elected from within the Council. *Id.* Article 21-25. In Chinese parlance, particularly in any context related to Communist Party authority or ideological influence, “Standing Committee” members are the supreme authority over a movement or organization. The Politburo Standing Committee of the Chinese Communist Party is universally recognized as the Party’s highest authority, and the same trend is repeated in organizations throughout China, including CACA. As noted, Zhao’s responsibilities and authority as a Standing Committee member also clearly reiterate this role of leadership and guidance over CACA, and all of its activities.

58. On November 13, 2000, Defendant Zhao attended the CACA’s opening ceremony in Beijing. His WTV employee Liu Changsheng was also present. Zhao and Liu had worked together to establish WTV’s website, the earliest TV station website in China, which was quite influential. At the meeting, Defendant

Zhao personally proposed that the newly established China Anti-Cult Association, of which he was a leader, must establish a website. He raised four detailed points in support of this proposal, which called in strong terms for intensified *douzheng* against Falun Gong, and the need to make use of the Internet for these purposes. The CACA as a whole entrusted WTV, under Zhao's direction, to build, design, and operate the website. The site was then registered under WTV. [See CACA Website Work Report; Registration Report attached as Exhibit I to April 14 2005 Marsh Decl.

59. As noted, all of the positions occupied by Zhao have required immense intra-Party ideological, political, and personal capital (a combination sometimes denoted as “*guanxi*” or “connectedness”). He has continued to enjoy the use of that capital in the years since the initial crackdown of Falun Gong, remaining in his roles of WTV Director, and key CACA Standing Committee member, up through and after his initial service in this matter. During that time, he has continually used his ideological authority to order Cultural Revolution-style *douzheng* against Falun Gong practitioners, as well as the intensification of existing practices. He has used his role as an ideological and intellectual agenda-setter to help design and instigate the “thought transformation” torture process suffered by the Plaintiffs in this matter. As seen below, he consistently manifested the purposeful intent to achieve these extremes of ideologically motivated violence.

B. Defendant Possessed and Continues to Possess the Same Purposeful Intent to Persecute and Eradicate Falun Gong Practitioners as the other Main Architects of the Campaign.

60. Defendant Zhao's intent to subject Falun Gong practitioners to a violent suppressive campaign, including the practice of “thought transformation” through torture, is patent. It is often evidenced in his use of the same Cultural Revolution-style invective as the other main architects of the anti-Falun Gong *douzheng*, to

facilitate the subjection of Falun Gong believers to forced conversion (*zhuanhua*) and eradication. This is manifested in Defendant's personal speeches, articles, and scripted programs, and most particularly in his repeated use of such ideologically specific Chinese terms as *douzheng* and *jiēpi*, noted above, as well as *xie jiao* ("evil cult"), and *mi xin* ("blind superstition"), as well as the tactic of dehumanization. The same intent is also explicitly manifested in the various other propaganda productions of WTV and the CACA website, produced under his editorial control and at his instigation.

1. Defendant personally used Cultural Revolution-style operative language in order to specifically direct that Falun Gong believers be subjected to violence suppression.

61. Defendant's intent to eradicate Falun Gong, and specifically to effect adherents' "thought transformation" through torture, is evident in his own statements and actions. In various settings, starting before Jiang Zemin's official Party orders to launch the crackdown, and continuing through the years since, Defendant Zhao has indicated his intent for a full-scale crackdown to eliminate Falun Gong from Chinese society.

62. In his statements to this effect, Zhao has consistently and intentionally used the operative ideological language of the Cultural Revolution—"performative utterances", in linguistic theory, which have instrumental use in effecting real-world consequences. Such terms include the already-noted *douzheng* and *jiēpi*, in addition to the vitally important "*zhuanhua*" ("transformation", the euphemism used for forced conversion through torture), among others. Importantly, the Chinese terms used by the Defendant reiterate the precise formulations used by Jiang Zemin, Luo Gan, Zhou Yongkang, and other perpetrators in speeches intended to signal the beginning, and then the subsequent intensification, of the persecutory campaign. In Jiang Zemin's July 19, 1999 speech formally inaugurating the Party's crackdown against Falun Gong, the

then-Party Chairman declares that “we must implement a *douzheng* strategy, in order to split apart and disintegrate [the religion], we must make adequate preparations, rather than fight a war without preparation.” He describes the very existence of the Falun Gong religion in China as “a political *douzheng* launched by hostile forces domestically and overseas in order to fight against our Party for the masses and territories.” See, i.e., Jiang Zemin’s July 19, 1999 Speech to the Politburo. January 16, 2012 Marsh Decl. Exhibit F.

63. Defendant states that he first heard of Falun Gong after a number of believers’ large-scale April 25, 1999 silent vigil outside of Zhongnanhai. This appears unlikely, given the extent of media coverage and popularity that the religious practice had achieved up to that point—with the Chinese government itself estimating the number of practitioners nationwide at 70 million in 1999. Regardless of this claim, however, Defendant had clearly made up his mind to eradicate the practice by June of 1999, when he personally oversaw the creation of the anti-Falun Gong video piece “Li Hongzhi—The Man And His Deed.”

64. This video culminated with a call for a “serious ideological and political *douzheng* to *chuli* (“handle”, “dispose of”) and solve the Falun Gong problem,” further elaborating to audiences that “[e]ach one of us should improve our understandings, clearly recognize Li Hongzhi’s real appearance and Falun Gong’s social harm, [and] clearly recognize the importance of this *douzheng*.” See “Li Hongzhi—The Man And His Deed” Script Translation, available upon request.

65. At the National Popular Science Work Conference for 1999, the Defendant explicitly touted the success of “Li Hongzhi—The Man And His Deed” in that it promoted the suppressive campaign against Falun Gong “by providing a crucial reference point to the central Party leadership to enact the *chuli* of Falun Gong.” Excerpt from People’s Daily, January 1, 2000, page 9.

66. In the same keynote speech, Zhao further stated that “Li Hongzhi—The Man And His Deed” and others of his programs were aimed at, among other

things, the “*jiēpi*”, (“[ideological] criticism and exposure [as an enemy of the Party]”) of Falun Gong. Id. While “*chuli*” may be used as a general euphemism for killing or various other forms of human rights abuse, *jiēpi* has a highly specialized meaning as the inaugural step in a violent Cultural Revolution-style *douzheng* campaign. “Ideological criticism” is necessary to discredit the target as politically undesirable, ideologically malevolent, and subject to the hostility of the Party and society without any protections of due process. Such criticism is followed by “exposure,” or the widespread dissemination of propaganda indicating the ideological necessity of persecuting and abusing the *jiēpi* target. See, e.g. Tiewes, Frederick C. Politics and Purges in China: Rectification and the Decline of Party Norms, 1950-1965.

67. Such usage is repeated and intensified at the November 13, 2000 inaugural meeting of the CACA, at which Defendant Zhao proposed and took personal responsibility for the CACA website. In making this detailed proposal, Zhao outlined the need to “broaden our means of propaganda and increase the efficiency of our *jiēpi* of Falun Gong.” He also declared that “the war flames of *douzheng* against the evil cult have spread to the Internet. Therefore, we also must use Internet technology to conduct a spear-to-spear *douzheng*” against Falun Gong. CACA Website Work Report, January 16, 2012 Decl. Exhibit I.

68. As will be further explored below in part (c), the entire design, structure, and operation of this website under Defendant’s personal direction was an unmistakable indicator of his intent to *douzheng* Falun Gong through torture, arbitrary detention, and the full range of harms suffered by Plaintiffs in this matter.

2. The Defendant further manifested his intent to suppress Falun Gong practitioners via Cultural Revolution-style tactics of blatant dehumanization and incitement to violence, in his own speeches and in those under his direction

69. Perhaps most striking, among Defendant Zhao’s many statements and propaganda directives manifesting his intent to completely exterminate Falun

Gong from Chinese society, are his oft-repeated attempts to dehumanize the religion's adherents, and call for their wholesale slaughter. One tactic for such dehumanization was portraying the religion's followers as mentally subhuman, diseased, or pestilential—thus removing any humane reservations to their treatment by Chinese authorities. In this vein, Defendant repeatedly invoked demeaning and animal-related imagery, at times making such explicit statements as that Falun Gong believers' "mental state is not far from that of animals." "Our Body and Soul." OCTOBER MAGAZINE, 2003 (article written by Defendant).

70. Zhao was also a frequent user of disease-related imagery to depict Falun Gong. In his opinion piece "Falun Gong's Cult Index", which he wrote and posted prominently on the CACA website that he also directed, he refers to Falun Gong as an "extreme psychological epidemic." See, "Falun Gong's Cult Index" attached as Exhibit I to January 16 2012 Marsh Decl.

71. In another piece written by Zhao and placed favorably on the CACA site, he reiterates the importance of thought "transformation work", such as that suffered by Plaintiffs in this matter. He states that such work was necessary in order to "prevent[] the spread of this psychological epidemic [Falun Gong]." "More Thoughts On Falun Gong's Cult Index". See id.

72. In yet another such opinion piece, this one attacking U.S. legislators for nominating Li Hongzhi for a Nobel Prize in 2002, Zhao describes "a gang of U.S. Congressmen and Senators who 'are men who chase after the most foul-smelling thing of all'"—that "foul-smelling thing" being Falun Gong. In the same piece he labels Li Hongzhi "the evil cult's demon leader," and refers to Falun Gong as China's "ulcer." "Li Hongzhi And The Nobel Prize".

73. In 2007, well after his initial service in this matter, and thus certainly on full notice of all of the abuses already committed against Plaintiffs and those similarly situated in China, Defendant Zhao was still repeating much of his invective. On October 25, 2007, he writes "those who take China's ulcer as

treasure will only bring disaster to themselves.” “The Truth Can Be Harmed, But Not Shamed”, accessible at <http://english.kaiwind.com/Feature/lofg/200710/t67780.htm>. This imagery of disease and the demonic not only dehumanizes, it does so in the most grotesque possible fashion.

74. As Defendant Zhao was aware, and as he intended, such dehumanizing imagery is effectively an argument for stripping Falun Gong adherents from any consideration as rights-bearing Chinese citizens protected under Chinese or international laws. Previously, this tactic had been successfully employed by leading propagandists, similarly situated to Defendant Zhao, in the genocides conducted against Jews and other groups in Nazi Germany, in the Rwandan genocide of 1994, and in Serbian ethnic cleansing campaigns in the former Yugoslavia.

75. Julius Streicher, a similarly agenda-setting propagandist for the Nazi regime, and who sought to portray the Jewish individual as “a germ and a pest, not a human being, but a parasite, an enemy,” was tried and convicted for genocide for his Zhao-like dehumanizing invective. The Trial of German Major War Criminals, Proceedings of the International Military Tribunal, Nuremberg, Germany, vol. 22, 1949, p. 501.

76. In the same manner, “Hutu leaders described Tutsis as cockroaches and also as snakes. Slobodan Milosevic referred to Bosnian Muslims as ‘black crows.’” Susan Benesch. “Inciting Genocide, Pleading Free Speech” World Policy Journal, Summer 2004. At the International Criminal Tribunal for Rwanda, Hassan Ngeze, Ferdinand Nahimana, and Jean-Bosco Barayagwiza, all media leaders similarly situated to Defendant, were found liable for incitement to genocide for their consistent use of similar invective. Defendant Zhao was likely aware of these precedents, as well as their illegality under international law, and

yet decided regardless to use this genocidal, dehumanizing rhetoric in order to achieve his aims.

77. This tactic of dehumanization is also extremely significant in the context of Chinese Communist Party ideology, and particularly in the operation of *douzheng* campaigns during the Cultural Revolution. Like the use of the terms *douzheng* and *jiēpi* themselves to mark targets of suppression, the use of dehumanizing imagery against these targets worked towards the same goal of effecting violent suppression and eradication or “transformation” of the undesirable group. Thus “the official media referred to class enemies as ‘cow ghosts and snake spirits,’ ‘monsters and demons,’ ‘parasites,’ and ‘vermin.’ The Red Guards called them ‘pigs,’ ‘dogs,’ and ‘vampires.’ These dehumanizing metaphors permeated Chinese spoken and written discourse [during the Cultural Revolution].” Lu, Xing. “Rhetoric of the Chinese Cultural Revolution” P. 190.

78. As Defendant Zhao attests, he had personal experience of the Cultural Revolution’s *douzheng* campaigns. Declaration of Zhao Zhizhen ¶ 4. It is thus certain that he knew precisely the effect of using dehumanizing imagery, especially when combined with the other operative, instrumentalized language of ideological *douzheng*. That he decided, nonetheless, to utilize his position of influence in order to do so manifests his intent to wholly eradicate Falun Gong as a religion by subjecting its practitioners to ideological “transformation”: to give them “Cultural Revolution treatment.”

3. Defendant’s purposeful intent is further demonstrated by the constant use of Cultural Revolution-style invective in the materials promulgated under his direction of the China Anti-Cult Association Website and the productions of Wuhan Television.

79. As noted above, Defendant Zhao was a founding member of CACA and its Standing Committee. As noted in Part I, above, the Defendant also proposed, took personal responsibility for, controls, and manages the CACA website. The website itself is registered under WTV, Defendant’s television station. Both of

these organizations have followed Defendant's lead and, subject to his control and guidance, engaged in the use of operative language and dehumanization to call for ideological *douzheng* against Falun Gong.

80. Neither of these two propaganda apparatuses under Defendant's control simply joined in the anti-Falun Gong invective that began spreading throughout Party media in July of 1999. Rather, each was a leader in calling for the *douzheng* and *jiēpi* of Falun Gong, escalating the violent suppression of the religion's believers, and actively facilitating their subjection to torture, arbitrary detention, and the full range of Plaintiffs' claims.

81. Defendant Zhao directed the CACA website to "encompass all information related to anti-cult work, and report on anti-cult strategies and actions in China," as a prerequisite for its work of "spear-to-spear *douzheng*" against Falun Gong. CACA Website Work Report. Some of these anti-Falun Gong materials were authored by staff of the website and others gathered from outside media sources. When Plaintiffs downloaded an index of a website's content in 2004, it consisted of 3,400 total articles in seven categories, in the following respective quantities: 1) "Focus": 7 articles, 2) Comprehensive Reports: 182, 3) "Evil Falun Gong": 565, 4) Condemned Worldwide: 943, 5) "Help and Transformation": 875 6) The Evil Cult Overseas: 254, and 7) Advocating Civilization: 564. This organization and content matches perfectly with the plan Zhao outlined when first proposing the website's creation—it matches well with his stated intent to *douzheng* Falun Gong.

82. Not all of the 3,400 articles downloaded have yet been translated—but based on preliminary research, Plaintiffs' counsel have identified four primary categories of anti-Falun Gong invective, reiterating Defendant's strategies of Cultural Revolution-style ideological crackdown, as well as dehumanization and incitement to violence. The first category, of explicit appeal for *douzheng*, can be represented by articles explicitly labeling Falun Gong as "the evil cult" and using

imperative speech calling for *jiēpi*, or to *douzheng* Falun Gong. These articles also call for the *zhuānhua* or “transformation” the religion’s believers such that they give up their belief, after being subjected to precisely the same torture process suffered by Plaintiffs.

83. A representative editorial for category one is “People’s Editorial: There Is Danger Just Beside Us” (人民时评：危险就在我们身边). This editorial exhorted that “[w]e must consciously enter into the *douzheng* process against Falun Gong!...[T]hose who observe from the side, the people who hesitate, those who have all sorts of thoughts about the *douzheng* against Falun Gong, it is time to wake up, time to take action: When an evil demon threatens every person’s survival, then it’s every person’s conscious responsibility and social duty to *douzheng* against the evil demon.” “People’s Editorial: There Is Danger Just Beside Us”, May 14, 2002.

84. A second category of articles can be represented by reports posted to the CACA website by or concerning Party authority figures’ practical implementation of the Party’s policy to *jiēpi* or *douzheng* Falun Gong practitioners in various locales. In one article, Qin Yuhai, Party Secretary for the City of Jiaozuo, writes that Jiaozuo City is currently waging two wars: one against SARS, a fatal epidemic that broke out in 2003, and the other against Falun Gong. Switching from the military idiom to that of domestic ideological suppression, Qin then describes this “war against Falun Gong” as a “serious political *douzheng*.” He then encourages readers to be confident and keep up a fighting spirit to “win the two wars; the one against SARS and the *douzheng* against Falun Gong.” Another article praises the effort of a Communist Party “Anti-Cult” Office in the City of Xixia, for successfully transforming 300 Falun Gong practitioners in the period of three years. The article reported that the Office had been awarded as a “Pioneer Collective” of the province in its aiding of *douzheng* against Falun Gong.

“Commemorating Xixia City’s Education And Transformation Of ‘Falun Gong’ Practitioners”.

85. The third category consists of dehumanizing depictions of Falun Gong believers, and other such incitements to violence supporting the website’s overall call for *douzheng* and transformation. A representative example might be gleaned from the following five anti-Falun Gong cartoons prominently posted on Zhao’s CACA website.

86. In “Jackals Of The Same Tribe”, (一丘之貉) Falun Gong believers are depicted among other supposed “cults”, worshipping a swastika, and labeled as “jackals”.

87. In “Completely Root Out / Exterminate The Poison Fungus Of The Evil Cult, And Its Breeding Soil” (彻底铲除邪教毒菌滋生的土壤), a giant shovel is uprooting soil marked “blind superstition,” “fake science,” and “ignorance,” from which is growing an anthropomorphized mushroom with a horrified facial expression, marked “Falun Gong.” This “Falun Gong mushroom,” or titular “poison fungus,” is about to be killed.

88. The cartoon “Golden Monkey (Sun Wukong) Wrathfully Swings His Massive Cudgel” (金猴奋起千钧棒) is illustrated with Sun Wukong, a Chinese mythological folk hero, beating a grotesque demonic figure marked “Falun Gong”. The title and imagery come directly from Mao Zedong’s *douzheng*-themed poem “Reply to Comrade Guo Moruo—Inscription On A Picture Taken By Comrade Li Qin, a Qi Lü Poem in November 17, 1961”, which ends with the lines “We praise great Sun Wukong today / Just because the demon-mist is rising once more.”

89. In “Sweep Them Away Totally” (大扫除) a giant broom bearing the words “promote science, wipe out the evil cult” is striking a dead or dying insect, on whose thorax is written “Li Hongzhi”.

90. “Eat Your Own Mad Ravings” (自食狂言): In the first panel, a Falun Gong practitioner sits meditating; in place of a human head, he has a book marked

“Falun Gong”, with the facial imprint of a skull. He faces a giant anthropomorphic representation of the planet Earth, who holds a broom. The practitioner says “The world is a heap of garbage,” and the Earth responds “No, *you* are garbage!” In the second panel, the practitioner / book-creature holds a flame, shouting “The apocalypse of the Earth has come!” The Earth wields its broom to violently sweep away the Falun Gong-creature, declaring “The apocalypse for the evil cult has come!”

91. Under Defendant’s direction and guidance, the CACA website also directly collected and created a fourth category of content; “transformation manuals” and other such forms of direct, practical assistance to “thought transformation”-through-torture centers. The scope of “transformation”-related materials which the CACA website contains is not only vast—counting 875 articles and also other, non-article content—but also explicitly calls for the eradication of Falun Gong believers’ existing beliefs and replacement with Party ideology. Demonstrating Defendant Zhao’s intent to “transform” Falun Gong adherents through torture, such “transformation” content is one of the most prominent categories on the CACA website.

92. Under Defendant’s direction and guidance, Wuhan Television also broadcasted various anti-Falun Gong TV shows specifically to enable the suppression of Falun Gong in China. Aside from “Li Hongzhi—The Man And His Deed,” WTV also aired various programs in the “Light of Science” series devoted to the *jiēpī* and *douzhenɡ* of Falun Gong. One of them called explicitly for “the utter extermination” of Li Hongzhi and Falun Gong believers twice in a single 50-minute show. “Criticizing Li Hongzhi’s Scriptures”. In addition to the “Light of Science” series, Wuhan TV also broadcasted other anti-Falun Gong TV shows including “The Fu Yibin Murder Story,” “Tiananmen Square Self-Immolation,” and “The Zhejiang Beggar”. These TV programs have all provided the Chinese Communist Party with important materials for policy making to

further the *douzheng* against Falun Gong—as recognized by the station personnel themselves in describing their program on the WTV website.

93. Various “Light of Science” scripts show Zhao’s editorial influence, guidance, and direction in repeating his Cultural Revolution phrasings calling for eradication of Falun Gong through ideological *douzheng*, and dehumanizing practitioners in order to facilitate that *douzheng*. The following excerpts from the script to “Criticizing Li Hongzhi’s Scriptures” indicates the extent to which Zhao’s intent to violently suppress Falun Gong, and eradicate it from Chinese society, was manifested in the station under his control.

94. “Today we are cleansing the Earth of Li Hongzhi’s corruption and garbage, precisely so that we may have a healthier and more beautiful human society.”
“Criticizing Li Hongzhi’s Scriptures” at Part One.

95. “Why did [Li Hongzhi] not foresee Falun Dafa’s utter collapse and shameful exit [from society] in 1999?” Id. at Part Two.

96. “Just like all ghosts and demons shy away from the sunshine, Li Hongzhi is especially afraid of science.” Id. at Part Three.

97. “Shall we strengthen our country with science or with crossed-legs? We must thoroughly expose the anti-science nature of Li Hongzhi and his Falun Dafa, so that we can establish the position of science in China.” Id.

98. “[Falun Gong seeks to] mobilize the mass under the flag of demons” Id. at Part Four.

99. “Today, in China, Falun Gong has been uprooted and destroyed. But we must treat the root cause while taking care of the symptoms. Ridding the soil that bears Falun Gong and many types of feudal superstitions is a long and difficult task.” Id. at Part Five.

100. “The old tunes will be reused, and the war is not over. We must use Li Hongzhi as a counter-teacher, to clean up thoroughly the spiritual epidemics of Falun Dafa and their likes, so that they will never reappear in China.” Id.

101. Again, Defendant’s own Declaration to the Court is instructive in deciphering his intent: He was “a famous person in charge of a TV station,” who indeed “fulfilled ... the various responsibilities of the whole station” while working to promote science to an extent “unprecedented in China.” Moreover, this work was part of a “magnificent and ambitious plan.” Declaration of Zhao Zhizhen, Exhibit A at 17.

102. Zhao indicates, however, that this plan was to advance the cause of science—when in fact it was to protect the Party’s ideological monopoly over the category of “science”, and to *douzheng* its ideological opponents. As he says in a prominent anti-Falun Gong editorial in 2007, “when we chant ‘*douzheng* on behalf of science’, we should know it is not just a phrase; a *douzheng* always has its target.” “The Truth Can Be Harmed, But Not Shamed”.

103. However, Defendant Zhao’s continuing intent to *douzheng* Falun Gong does not mean that he is without regrets. He goes on in the same piece to lament that “[i]f I have any regret about past mistakes, it is that in confronting such an evil cult built upon feudalistic superstition and false science, we haven’t done enough.” Id. Plaintiffs, and thousands of other similarly situated victims of well-documented torture, arbitrary detention, sexual abuse, and extrajudicial killing, respectfully disagree.

C. Defendant Provided Substantial Assistance to the Violations Committed Against Plaintiffs

1. *Defendant provided training manuals and anti-Falun Gong propaganda to labor camps and prisons to aid in the torture and violent suppression of Falun Gong.*

104. Defendant’s intent to persecute and *douzheng* Falun Gong, described above, was consummated in the case of Plaintiffs. The abuses they suffered in labor camps and prisons, in particular, were substantially aided by Defendant’s work through CACA, and especially its website. CACA was founded by the Defendant as a key member of its governing Standing Committee. *See supra* ¶ 12.

This organization has been a central component to the Party's suppressive campaign against Falun Gong. Through Defendant's work with CACA, he participated in a joint criminal enterprise with Chinese Communist Party officials, Party-controlled media apparatus officers, civic association members, and officers at labor camps and prisons with the criminal purpose of suppressing and eradicating Falun Gong. This substantial assistance and participation is detailed below.

105. The Defendant personally founded and managed the CACA's website, discussed *supra* ¶¶ 12, 26-27, 44, 58. This website provided handbooks and manuals to its members as well as officers at labor camps and prisons. One of these handbooks is titled "Anti-Cult Work: Theory and Practice." This handbook details the use of "methods used to transform Falun Gong addicts." The book includes, among other things, a list of "key points to take note of in the transformation process" and "major difficulties and breakthrough solutions in conducting transformation work." Other books teach neighborhood associations and officers at prisons and labor camps how to make effective counterarguments against Falun Gong practitioners, discussing the perceived absurdity of Falun Gong's teachings. These materials are routinely distributed by the CACA to private associations, prisons and labor camps across China in collaboration with the Chinese Communist Party and prison and labor camp officials.

106. The CACA also hosts specialized conferences such as the CACA Re-Education and Transformation Discussion Conference and other conferences for anti-cult work conducted in corporations, community organizations, schools and elsewhere. The CACA website contains reports, papers and essays written and presented at these conferences.

107. These conference papers discuss a wide range of topics related to "transforming" Falun Gong practitioners. For example, they discuss analysis of Falun Gong practitioners' psychology, criticisms of Falun Gong's teachings, and

strategies for “transforming” Falun Gong practitioners, and advocacy of the widespread suppression of Falun Gong practitioners. In particular, these reports call for (1) forcing Falun Gong practitioners to embrace Marxist, Maoist and other favored political ideologies; (2) converting Falun Gong practitioners to atheism, and specifically to renounce their faith in Falun Gong’s Buddhist epistemology; (3) working with local councils, senior citizen associations, women’s associations, educational institutions, and so forth to conduct anti-Falun Gong propaganda using various media channels; (4) providing rewards to citizens who report Falun Gong practitioners to authorities; (5) local Anti-Cult Associations to work with the Ministry of Public Security to get more Falun Gong practitioners sent to labor camps or prisons; (6) monitoring Falun Gong practitioners who have been released from prisons or labor camps; (7) severely cracking down on Falun Gong practitioners who refuse to transform.

108. Since 2002, under the direction of the national CACA, local Anti-Cult Associations across China have collaborated with labor camps by providing thousands of training manuals, books and other materials to labor camp and prison officers. Local ACA’s also send staff regularly to prisons and labor camps to assist in transformation work. Echoing Zhao’s lament about not having yet “done enough” to eliminate Falun Gong, *supra* ¶ 103, CACA conference presenters have commented that prison and labor camp officers “are not using enough creativity in transformation work.”

109. In addition to the training manuals and other material provided by the CACA to prisons and labor camps, anti-Falun Gong propaganda produced by the Defendant was used in prisons and labor camps. One transformation method employed in the prisons and labor camps is to hold forced viewings of anti-Falun Gong propaganda, including programs scripted, directed, or produced by the Defendant, for Falun Gong detainees. The means by which these videos were utilized to facilitate the process of torture and forced conversion of Falun Gong

adherents in prisons or labor camps were both varied and prevalent, as is noted in the subsequent section—and as personally experienced by Plaintiffs during their own “transformation” torture sessions.

2. *The Defendant’s anti-Falun Gong speech and propaganda efforts instigated anti-Falun Gong suppression, particularly through “transformation” through torture.*

110. The Defendant’s anti-Falun Gong propaganda, described above in section II, played a key role in the *douzheng* campaign against Falun Gong. This propaganda, comprising Defendant’s own speech and that he directed through CACA and WTV, instigated the crackdown of Falun Gong practitioners across China, including Plaintiffs.

111. The program “Li Hongzhi—The Man And His Deed,” which Defendant scripted, produced and directed, has been used by Chinese police. On July 21, 1999, police arrested several thousand Falun Gong practitioners who were transported to and confined in stadiums, detention centers, and police stations in Beijing. The following day, “Li Hongzhi—The Man And His Deed” was aired on all local networks throughout China. The same day, the police forced the arrested Falun Gong practitioners to watch the program several times. The police officers also watched the program. After doing so, according to one of the Falun Gong practitioners arrested at the time, the police officers treated the Falun Gong practitioners as though they were dangerous criminals. The practitioners were not permitted to sleep. Some were beaten and not allowed to eat.

112. Many media outlets in China have documented how programs such as “Li Hongzhi—The Man And His Deed” have been used to incite anti-Falun Gong hostility and repression. In 2000, the *People’s Liberation Army (PLA) Daily* reported on the use of anti-Falun Gong programs to teach the population that Falun Gong is an enemy cult. The article cites “Li Hongzhi—The Man And His Deed” as one of the programs that have helped people “see clearly the nature of

the struggle (*douzheng*) with Falun Gong.” A 2001 article from the *PLA Daily* reported that a group of military soldiers and officers were organized to watch “Li Hongzhi—The Man And His Deed.”

113. In addition to “Li Hongzhi—The Man And His Deed,” which the Defendant personally scripted and directed, the Defendant also produced and aired other anti-Falun Gong programs on the Wuhan television station, which he directed. Defendant’s anti-Falun Gong productions as Director of WTV are described *supra* ¶¶ 46-59. These programs included other episodes of the “Light of Science” series, such as the episode “Criticizing Li Hongzhi’s Scriptures,” as well as special programs on topics such as the “Tiananmen Square Self-Immolation” and the “Fu Yibin Murder Story.” Much like “Li Hongzhi—The Man And His Deed,” these programs also instigated anti-Falun Gong suppressive campaign.

114. On or around January 2001, “Tiananmen Square Self-Immolation” was aired on all local and national television stations. Immediately after the program was aired, the attitude toward Falun Gong practitioners changed. According to one Falun Gong practitioner, “Even my family treated me differently.” Affidavit of Wang Bin. Falun Gong became widely considered to be a terrorist organization. At the request of the Chinese Communist Party, professors screened “Tiananmen Square Self-Immolation” for students to teach that Falun Gong practitioners were terrorists. Id.

115. Before the airing of “Tiananmen Square Self-Immolation,” many Chinese police officers questioned the treatment of Falun Gong by the Chinese Communist Party. Following its airing, almost all Chinese police and security officers began taking stronger measures to control and wipe out Falun Gong. Thousands of practitioners were detained in labor camps and detention centers and severely tortured.

116. In addition to the Defendant's television propaganda, the Defendant founded the China Anti-Cult Association (CACA), an anti-Falun Gong organization. The Defendant managed the CACA's website, which spread anti-Falun Gong propaganda and documented CACA's role in inciting anti-Falun Gong hostility and violent suppression.

117. The CACA website documents meetings hosted by CACA across China for members of various local communities. These meetings entailed the viewing of anti-Falun Gong propaganda and the holding of seminars and discussions. At the end of these meetings, the groups in attendance issued recommendations that the government employ measures punishing or even eradicating Falun Gong practitioners. These meetings, and the articles documenting them on the CACA website, describe Falun Gong as a terrorist "evil cult" that engages in violent crime.

118. Comments on CACA website articles reveal how CACA's anti-Falun Gong propaganda helped incite deep anti-Falun Gong hostility and violent suppression in China. Comments on CACA articles from readers of the website include statements describing Falun Gong as "human garbage" and "terrorists" and call for authorities to "attack," *douzheng*, or in other ways to suppress Falun Gong practitioners. This widespread anti-Falun Gong sentiment has been essential to the survival of the repressive campaign against Falun Gong, and to its intensity as the most severe ideological suppression in China since the Cultural Revolution. The persistence and severity of the overall crackdown, and especially the widespread use of torture to effect "thought transformation" in Falun Gong adherents, has been and continues to be facilitated by the Defendant's anti-Falun Gong propaganda, as well as his "transformation" training materials, and projection of ideological validation and protection for those committing abuses.

VI. ZHAO'S CONDUCT EXTENDED INTO AND PROXIMATELY CAUSED VIOLATIONS IN THE UNITED STATES

119. In China, Zhao's actions and those of his cohorts exerted influence over low-level security officers in various regions, instigating them to violently suppress Falun Gong under color of law (see *supra*, especially § V) in addition to exerting influence over local communities throughout China at the grassroots, instigating members of such communities to identify and deprive of human and civil rights any Falun Gong adherents they could find, causing deprivation of rights and sometimes also acts of violent suppression. The second form of influence over Party-controlled private organizations, neighborhood associations or individuals targeting local Falun Gong adherents for violence, intimidation, and deprivation of rights (designated herein as "persecution" as a crime against humanity) was also extended to the United States.

120. Many of these acts were initiated, instigated, and carried out pursuant to the joint criminal enterprise/conspiracy that included Zhao as a prominent agenda-setter, leader and participant (as discussed *infra* at ¶¶ 218-24); many were carried out through Zhao's aiding and abetting of the alleged violations (as discussed *infra* at ¶¶ 203-217); others were furthered by Zhao's subordinates acting directly under his leadership, guidance and objectives (¶¶225-226).

A. The Formation of the Joint Criminal Enterprise and Conspiracy

121. On or around 1997, former Chinese Communist Party Secretary General Jiang Zemin and Party security chief Luo Gan initiated a plan to eliminate the Falun Gong religion from China by a massive campaign of violent suppression (i.e. *douzheng*). Because all major Party decisions require internal struggle and compromise between different factions, Jiang and Luo could not immediately begin to suppress Falun Gong. Rather, they had to develop a set of tactics for convincing other Party leaders of the necessity of doing so. Luo began this process in 1997 by launching a Communist Party "investigation" into Falun Gong in order to determine whether it was a threat to the Party. The investigation sought to assert that Falun Gong was an "evil cult" (*xie jiao*), a conclusion that under

traditional Party practice would entail immediate violent suppression. However this conclusion was opposed by others within the Communist Party, who defended Falun Gong adherents' rights to practice their faith.

122. In the period between 1997 and mid-1999, Jiang and Luo managed to successfully solicit numerous anti-Falun Gong reports and statements from media controlled by the Party propaganda apparatus. As a high-ranking member of the Party's media elite, Zhao was among those successfully solicited to produce and disseminate a rhetoric of slogans and propaganda geared specifically to lend legitimacy to and instigate the global campaign to suppress Falun Gong. Zhao's agreement to script and produce his "Li Hongzhi" video polemic cemented his role as a major participant in the joint effort to suppress and eliminate Falun Gong.

123. To this end, and in collaboration with Jiang, Luo, media apparatus leadership, and other Party leaders, in April of 1999, Zhao began work on the "Li Hongzhi" video polemic to demonize the religious group specifically to instigate and justify the violent suppression that would follow.

124. Between April and June, 1999, Jiang and Luo intensified their calls for the Party to violently suppress Falun Gong. They increasingly solicited prominent anti-Falun Gong statements from figures in the Party's propaganda apparatus, including an influential attack on Falun Gong by He Zuoxiu, Luo Gan's brother-in-law and a prominent Party propagandist. In April of 1999, Jiang Zemin circulated a letter to Communist Party leader seeking support to violently suppress Falun Gong. This letter was distributed to audiences of high-level Party figures including Zhao due to his prominent status within the Party. In May of 1999, Jiang followed up this letter with a more detailed Memorandum (May 1999 Memorandum) circulated among the key Party leadership, as is evidenced by its transmission from the Central Committee of the Party (in Beijing) to the governing body of the Party in the Province of Hebei, which in turn transmitted it to the governing body of the Party in Langfang City in Hebei Province. As

evidenced by “Circulation Procedures for the Central Committee of the Chinese Communist Party, this Memorandum was similarly circulated to high-level Party bodies throughout China including Zhao. In his May 1999 Memorandum, Jiang again characterized Falun Gong as a serious threat to security and stability and used Communist Party persecution terminology to call for the violent suppression of Falun Gong.

125. At the June 7, 1999 meeting of the Politburo Jiang delivered his well-known speech, entitled “Swiftly Handle and Solve the Falun Gong Problem.” In this speech, where Jiang Zemin formally initiated the Party’s conspiratorial campaign to suppress Falun Gong believers everywhere, Jiang framed the issue as a global problem with roots in both China and the United States.

126. Providing the global framework for the violent suppression of Falun Gong, this speech defined the purpose of the plan and gave intra-Party authority to Luo Gan and Li Lanqing to form the “Leadership Team to Handle Falun Gong” (“Leadership Team”), responsible for developing specific strategies and methods for its immediate implementation. The Leadership team then formed the “6-10 Office” responsible for practical implementation of the Party’s conspiracy to enact the violent suppression and denial of rights of Falun Gong especially in China and the United States.

127. In addition to what Zhao learned from his collaborative meetings with other Party proponents of the global campaign, as the recipient of a copy of Jiang Zemin’s April 1999 Letter, his May 1999 Memorandum, and his June 1999 Politburo speech from the Printing Office of the Central Committee of the Party, Zhao was put on notice as to the persecutory objectives of the joint effort, its geographical reach, and the violent methods that would be used to carry out and further its implementation.

128. Fully aware of the consequences of his acts, Zhao continued to play a key role in the initiation of the Party’s global *douzheng* campaign, in July 1999 when

his “Li Hongzhi—The Man And His Deed” was played at a key, private July 19, 1999 meeting at which the core Party leadership announced the start of the global persecution against the religion. *See supra*, ¶ 55.

129. During this early period and in the years to follow, Zhao used his rank within the Party and its media apparatus to broadcast and disseminate his anti-Falun Gong message calling for the suppression of the religious group in China and overseas. Promulgating the identical anti-Falun Gong narrative shared by all members of the joint enterprise that was to a large extent created initially by and under the direction of Zhao, his anti-Falun Gong polemic reached Chinese audiences in the United States.

130. As evidenced by the shared purpose and collaborative efforts of Zhao and core Party leaders of the Falun Gong *douzheng* crackdown, including Jiang Zemin, Luo Gan, Bo Xilai, Zhou Yongkang, core leaders of the Party-controlled media apparatus, and core leaders of the Party’s CACA and Office 610, the Defendant participated in the joint effort to isolate, dehumanize, and forcibly convert (*zhuanhua*) Falun Gong adherents worldwide, with an explicit, special focus on both China and the United States, where the religion was and is headquartered, where the founder of the practice Mr. Li Hongzhi resides, and where the world’s largest concentration of openly practicing adherents reside, as does the religion’s founder.

B. The Defendant Called for the Suppression of Falun Gong in the US

131. The CACA’s Bylaws, enacted and implemented under Zhao’s direction as a founder and Standing Committee member, called for the *douzheng* of Falun Gong as an essential part of its mission through, among other things, “anti-cult lectures, forums, exhibits,” the “publication of anti-cult magazines and books” with a special focus on the “strengthen[ing] of relations with similar organizations overseas, and active launch of overseas discussions and other forms of exchange.” The CACA and its members were specifically required to seek out like-minded

anti-Falun Gong groups overseas, especially in the United States, in order to more effectively “actively wage war [*douzheng*] on evil cult organizations.” The creation of CACA delegations, branch offices and affiliates was carried out by CACA leaders and staff pursuant to the CACA mission as set forth in its Bylaws and related official CACA statements.

132. Accordingly, Zhao’s personal CACA website statements, anti-Falun Gong video polemic, and editorial specifically call for the suppression of Falun Gong believers everywhere overseas with special emphasis on the United States. For example, in a prominent place on the CACA website, Zhao makes clear that the campaign he is endorsing against Falun Gong was designed “to raise an emergency alarm to the entire world” in an attempt to influence the U.S. as a whole, but especially Chinese communities within the U.S., to treat the religious group as if they were terrorists. (Marsh Decl., Exhibit I at 5-6.). See *supra* at ¶58, referencing the summary of Zhao’s November 13, 2000 remarks at the CACA’s opening ceremony where he personally proposed that the newly established CACA, of which he was a leader, establish a website calling for an intensified *douzheng* against Falun Gong and the need to use the Internet for this purpose.

133. Several CACA leaders in addition to Defendant Zhao have emphasized the need to conduct the campaign against Falun Gong internationally. In a July 2001 speech delivered at an anti-Falun Gong conference in Beijing, the Secretary General of the CACA, Wang Yusheng, characterized the campaign as an “international endeavor” and instructed the CACA membership to “let the world know” of China’s hatred for Falun Gong. In one of its yearly reviews, the CACA leadership similarly instructed CACA membership to expand their “communication and cooperation with anti-cult workers and civil organizations internationally.” (See, “CACA Ten Year Work Review and Thoughts for Looking Forward (Summary),” available at www.cnfxj.org/html/nianhui/2013-

[3/4/221916428_9.html](#).) Importantly, the CACA called for the expanded implementation of the global campaign to reach and influence anti-Falun Gong organizations around the world, Chinese students studying abroad, as well as the broader Chinese diaspora in order to conduct effectively the “comprehensive suppression overseas.”

134. For over a decade, Zhao himself and in concert with others has directed their activities towards and created a continuous presence in Chinese communities in the U.S., via (1) his anti-Falun Gong propaganda materials on his website (which provides a vast and ever-growing library of anti-Falun Gong hate materials seeking to convince their audiences that Falun Gong is a dangerous, subhuman threat to society) that are specifically directed towards the US and cited and disseminated on a daily basis in the US by anti-Falun Gong hate groups; (2) his CACA organization, which regularly sends anti-Falun Gong delegations to the United States; (3) his CACA domestic branch offices and affiliates, which carry out anti-Falun Gong activities on a regular basis (providing “boots on the ground” for anti-Falun Gong activities and instigation of hate rallies, violent assaults, threats and intimidation), often directly quoting from, distributing, and otherwise making use of Zhao’s personally-created or compiled anti-Falun Gong materials. They follow his plan, serve under him, repeat his words, and attack his “enemies” in the peaceful Falun Gong religion.

C. The Defendant Called For and Carried Out the Plan to Suppress US Falun Gong in Collaboration with and through the CACA Founded, Directed and Created by Him for this Purpose.

135. Acting in accordance with the CACA mission as reflected in the above referenced speeches and reports and CACA Bylaws enacted to ensure the world wide suppression of Falun Gong, Zhao worked directed and closely with CACA colleagues and staff to further the suppression of Falun Gong in the US with and through the CACA website, CACA delegations, branch offices and affiliates.

1. CACA Website

136. By founding, hosting, managing, directing and personally proposing the CACA website, Zhao acted as an important leader, agenda-setter and participant in the anti-Falun Gong campaign specifically directed towards Falun Gong citizens and residents in the United States (among other places). Accordingly, the CACA Bylaws specifically mandate and require the targeting of overseas Falun Gong through overseas affiliates. See, e.g., Art. 6 (§5): “Strengthen relations with similar organizations overseas, actively launch all sorts of discussions, panels and other forms of exchange.”

137. Zhao’s personal Website statements disclose his unwavering dedication to the formation of a website geared to designate Falun Gong as threats to and enemies of all states, including in particular the United States: “I once had a deep discussion with my American friends. . . . Those who harbor prejudice and take China’s malignant tumor (i.e. Falun Gong) as treasure will only bring disaster to themselves.” (Marsh Decl., Exhibit I at 5-6.) Similarly, in Zhao’s “There Is Danger Right Beside Us,” Zhao tells audiences in the United States: “[when the devil [referring back to Falun Gong individuals] threatens the survival of every person, everyone has a social responsibility to self-consciously *douzheng* against the devil.”). January 16, 2012 Marsh Decl. Exhibit I.

138. In an equally prominent place on the CACA website, Zhao makes clear that the campaign he is endorsing against Falun Gong was designed “to raise an emergency alarm to the entire world” as noted in ¶ 132.

139. In another piece authored by Zhao no less conspicuously posted on the website, Zhao acknowledges his strong interest in instigating anti-Falun Gong activities overseas via his Website. See, e.g., “CACA Website Work Report” (Id. at page 13) (“Since the launch of the CACA website, from inspecting visitor’s IP addresses, we can see that visitors come from across China as well as overseas; in this way the website helps to aggregate together a group of people, both from

within and outside China, who are dedicated to anti-cult work. Indeed, since the launch of the CACA website four years ago, it has become a potent force in China's anti-cult work.”)

140. Accordingly, three entire sections of the website are specifically directed towards and devoted to the repression of overseas believers and especially those residing in the United States.

141. One of these sections, i.e., “Condemned Worldwide,” compiles and builds into a hate-based anti-Falun Gong narrative any and all US commentary about the religion or its adherents that can be construed as negative, including even moderate out-of-context criticism by any prominent figure or entity in the U.S., in order to present the anti-Falun Gong polemic as the subject of international consensus to convey support for violently suppressing Falun Gong and deprive its adherents of their rights to speech, belief, assembly, and affiliation. A second section, “Evil Cult Overseas,” analogizes the Falun Gong religion to other especially US “deviated religions” not only to stigmatize Falun Gong and associate it with any alleged evil acts carried about other so called deviated religions. This included false comparisons of Falun Gong with groups that have been subjected to the use of deadly force by the US government based on their violent, anti-social activities. The third section, “Laws and Strategies in Anti-cult work in Other Countries,” provides examples of the violent measures adopted in China to suppress Falun Gong. These narratives are presented as guidelines to be adopted by other nations including especially influential leaders in the anti-Falun Gong movement in the United States.

142. Other Website sections include content developed specifically to suppress Falun Gong in the United States. These include calls for violence against the founder of the religion who resides in the United States. Other specifically named individuals are identified as key targets for the CACA's overall modus operandi for the effective (violent) suppression of the group. Once targeted, individual

Falun Gong are subjected to ostracism, intimidation, death threats, acts of violence and/or other forms of public condemnation.

143. Numerous other sections feature explicit calls for the elimination of Falun Gong's digital temple that is also located in the United States.

144. Other sections of the Website Zhao founded, hosted and managed to cover up the human rights abuses against Falun Gong in China and abroad through euphemisms and misleading language to build anti-Falun Gong support in the US. The website creates a comprehensive media environment that presents the violent suppression of Falun Gong as acts of kindness and love intended solely for the benefit of the religion's adherents.³ Within this environment, hatred and violence against Falun Gong are mislabeled and presented as normal, are encouraged, and even presents as a basic obligation of all Chinese people everywhere the adoption of the Party's virulent anti-Falun Gong stance and the demonstration of this position through violent acts against Falun Gong.

145. More broadly, the site Zhao founded and managed creates, additionally compiles, and disseminates vast amounts of anti-Falun Gong material directly instigating Chinese communities in the United States to violently suppress Falun Gong and deny adherents the enjoyment of such fundamental rights as freedom of religion, conscience and belief. As the central data hub for all anti-Falun Gong activities, Zhao deliberately designed the CACA website to flood Chinese communities in the United States, with calls for the violent conversion of believers that characterize the peaceful practice of the religion as a criminal activity, a "demonic" threat to society (see, e.g., ¶¶ 26, 38, 72, 77, 83, 88), akin to a 911 style terrorist threat (at ¶¶ 114, 117-18, 132), and even uses dehumanizing imagery to further degrade the religion and its adherents to deprive them of

³ This function of the website is especially prominent in the sections "Laws and Strategies in Anti-Cult Work in Other Countries" (January 16, 2012 Marsh Decl., Exhibit I at 3, 11), as well as in the section "The Evil Cult Overseas," (referenced *supra* at ¶ 81), and the section "Condemned Worldwide" (with a special focus on the U.S.). (*Id.*).

human dignity and fundamental human/civil rights. See, *supra* at ¶ 26, 77, 86- 90, 100 where believers are characterized as poisonous fungus, vermin, viruses, an epidemic, garbage, jackals and other animals. See also, January 16, 2012 Marsh Decl. Exhibit I.

146. Since China's institutionalized censorship regime, often considered the most comprehensive and technologically sophisticated such program in the world, blocks by default all Falun Gong-related content and especially large volumes of such content—particularly to server requests originating outside of China. Zhao and his associates had to use their influence within the Communist Party to ensure a permanent, special exception to this rule so that his CACA Website and all associated content (constituting thousands of articles) would be the only dedicated Mainland Chinese information source related to Falun Gong that could remain permanently accessible both within and outside China.

147. In addition to the special efforts required to facilitate the availability in the US, the website was promoted through Chinese news reports, references in anti-Falun Gong media productions and other materials relied upon and routinely accessed by members of Chinese communities across America. Thus Zhao acknowledges (even brags) that the Website was not only available in the United States but was also accessed routinely by visitors from overseas for at least four years since its launch in 2000. See *supra* at ¶ 139.

148. Importantly, CACA website material are not only accessed directly from the website by individuals in the US, but broadcasts as well as written and visual material have been printed out and distributed in the streets of U.S. Chinese communities by CACA's U.S. subsidiaries and employees in attempts, often successful, to intimidate U.S. Falun Gong adherents, subject them to humiliating and degrading treatment, to mobilize acts of violence against them and more generally create a hostile fear-based environment that, as discussed below, deprived them of their dignity and other fundamental rights.

149. CACA branch office personnel and other individuals have distributed these materials en masse since at least 2008, distributing them every day in US Chinese communities. These materials include a cartoon depicting a specific act of violence against US resident Li Hongzhi, i.e. being crushed by a boot, and instigates all those in the US Chinese community in which it was distributed to perform the kinds of violent acts depicted, including targeting Falun Gong adherents with beatings and intimidation. This was just one of a number of cartoons promulgated by the CACA Website to local Chinese communities in the U.S. Another cartoon depicts Li Hongzhi about to be stabbed by a giant, sharp-pointed pen, on which is written “Marxist-Leninist Ideology”, and indicating that violence should be committed against Falun Gong adherents. Yet another cartoon features Li Hongzhi roasted as a pig, or as an insect being stabbed to death with a pickaxe. All these cartoons and other propaganda were distributed to people in Chinese communities, resulting in violent assaults and threats against Falun Gong practitioners.

150. These materials also include a lengthy CACA-produced brochure distributed to individuals residing in or visiting Chinese communities in the United States. In Flushing New York, this brochure, entitled “Endangering the Nation and Causing Disaster for the People: Falun Gong”, is displayed prominently on tables for visitors and residents to read. Replete with dehumanizing characterizations of Falun Gong adherents and calls to deprive them of their rights to religious affiliation and belief, and even to violently suppress them, the brochure’s success in convincing Chinese communities in the U.S. that Falun Gong is a dangerous threat has resulted in increased social animus, hatred, and acts of intimidation and violence targeting Falun Gong adherents.

151. In addition to being produced and disseminated in the U.S., these materials were at all times electronically available in the U.S. and had electronic data cached on servers in the U.S. As indicated above (¶146) the Website’s presence

in the U.S. was a highly rare exception to the total censorship of all Falun Gong related web content requiring Zhao to take deliberate steps (making use of his influence and intra-Communist Party social capital and reputation) to ensure the Website's delivery to and use by overseas Chinese communities.

152. Zhao's Website has continually "reported" on incidents of anti-Falun Gong hate rallies, speeches, and acts of intimidation or violence, while presenting these incidents as normal and desirable means of dealing with Falun Gong within Chinese communities. The Website sought to promote and further inflame acts of violence and discrimination against Falun Gong by falsely reporting Falun Gong adherents as the aggressors in these incidents, and furthermore falsely asserting that the targeted adherents had expressed reprehensible opinions such as pleasure over the deaths of children in natural disasters. While spreading such misinformation, the Website also called for reinforcements and for increased effort in violently suppressing Falun Gong believers. This same method of seeking to intensify existing acts of violence has been repeated on the Website with regard to its reporting on other incidents of anti-Falun Gong hate activities.

2. CACA Delegations

153. As a direct result of the plan to suppress Falun Gong, CACA leadership with Zhao's support/endorsement and collaborative participation sent a series of CACA delegations to the United States to promote the CACA agenda against Falun Gong citizens and residents in the United States. Delegations were sent to the American Family Foundation at various times to solicit the group's assistance in vilifying Falun Gong and calling for its suppression. The practice began as early as 2002 when the CACA sent a delegation to the U.S. to attend the American Family Foundation Conference in part to present their successes in ideologically converting and brainwashing Falun Gong believers in China.

154. During late June 2002, another delegation including Bi Shu (Deputy Secretary General of Beijing CACA), Zhou Jianhua (Director of Shanghai

CACA), Shao Xingui (Deputy Secretary General of Shandong CACA), and Hong Jieliang (Secretary General of Tianjin ACA), presented at a CSCIOP (Committee for the Scientific Investigation of Claims of the Paranormal) Conference in Los Angeles California. The presentations included, among others, “Analysis of Problems in the Transformation [“*zhuanhua*”] of Falun Gong Addicts” and “Why Intellectuals Are Addicted to Falun Gong.” These presentations offered detailed methods to effectively convert Falun Gong believers based on differences in temperament, circumstances, and related indicia.^{4 5}

155. In October, 2002, another delegation consisting of Cheng Ningning (Deputy Secretary General of CACA), Wang Yusheng (Secretary General of CACA), and Wang Wenzhong (Director, Beijing CACA) arrived in the U.S. to attend an American Family Foundation conference and met with AFF President Herbert Rosedale in New York, who had visited China a year earlier.⁶ According to a Chinese Academy of Sciences bulletin, they also visited U.S. cult rehabilitation centers, were interviewed by U.S. media, and shared the “successful experiences of the Institute of Psychology of the Chinese Academy of Sciences’ in transforming [“*zhuanhua*”] Falun Gong practitioners.”⁷

156. At another AFF Conference held in Connecticut in October 2003, a CACA delegation including Wang Wenzhong (Director, Beijing CACA) was scheduled to present on “Using Group Counseling to Help Cult Victims,” while others in the same CACA delegation also spread Zhao’s anti-Falun Gong message: A close collaborator and personal associate of Zhao’s named Zixian Deng, who served as the delegation’s “Coordinator” gave a presentation on “The Emergence of New Religious Movements in China” and delegation members Shen Zhenyu and Wan

⁴ http://www.cast.org.cn/n35081/n35668/n35743/n36689/n39405/10205776_1.html

⁵ CACA delegations also attended other CSICOP conferences in 2000 (Australia) and 2004 (Italy). Id.

⁶ http://www.zhuichaguoji.org/sites/default/files/record/2013/01/26824-guan_yu_zhong_gong_zai_li_lun_yan_jiu_fang_mian_po_hai_fa_lun_gong_de_diao_cha_bao_gao_report.pdf

⁷ <http://web1.psych.ac.cn/CN/tongxun/2002year/200212.doc>

Yan Hai also gave presentations, “Historical Review of the Growth of Falun Gong” and “On Evil”, respectively.

157. At an International Cultic Studies Association Conference in Orange County, CA in June 2003, Zhao’s close collaborator, personal associate, and CACA delegation coordinator Zixian Deng gave another presentation defending and promulgating Zhao’s anti-Falun Gong hate campaign. Mr. Deng explicitly acknowledges his personal ties to Zhao, his participation in Zhao’s campaign to deprive Falun Gong of their rights to freely practice their religion, and has even attended and subsequently publish journalistic accounts of hearings in the present litigation, which he has described himself as attending “as the representative of Zhao Zhizhen.” (See 2003 ICOSA Conference, Orange, CA; “Special Report by Deng Zixian Representing Zhao Zhizhen,”

<http://www.peacehall.com/forum/boxun2005b/250614.shtml>).

158. In July, 2010, a CACA delegation including Wang Wenzhong (Director, Beijing ACA), Cheng Ningning (Deputy Secretary General of CACA) and Chen Qingping (Shaanxi Provincial ACA) attended another AFF conference in Fort Lee, NJ. The delegation presented an introduction to transformation methods used in China and pictures of “care and compassion” societies. The latter included a picture of one such society, located at 17-2 Tangshan Rd, Xiaguan District, Nanjing City, where Falun Gong practitioners are routinely tortured and transformed.

159. Accordingly, Fang Zhouzi, another anti-Falun Gong ideologue who promulgates hatred and discrimination towards Falun Gong, and who had also spoken about Falun Gong at a 2000 AFF conference in Seattle, said that he had received invitations from the AFF to attend its conferences every year since “Falun Gong had been designated as a topic of discussion by the AFF in 2000,” and since then “the CACA and AFF have had many exchanges, they have also

visited each other bilaterally [AFF to China and CACA to the United States].”

http://www.xys.org/xys/netters/Fang-Zhouzi/religion/da_ji_yuan.txt.

160. Defendant, who states that he has been to the United States 10 times as of 2007, played a significant role in at least one of these delegations as a proposed speaker who failed to appear for unknown reasons. In the US, Defendant gave a speech via a Chinese television network and spoke to “World Congress of Science Producers” on the issue of terrorism – which he equates with the purge of Falun Gong. He has also personally called on his American contacts to oppose Falun Gong during visits to the US and/or via online communication. Upon information and belief, Zhao called for the violent suppression of Falun Gong and/or its being targeted as a terrorist group and dangerous threat to society during his 2001 speeches in the U.S. and during several of his other visits up to 2007.

3. CACA Branch Offices and Affiliates

161. The call for the suppression of Falun Gong in the United States has taken several forms, including, as indicated *supra*, the dissemination in the US of the identical virulent anti-Falun Gong polemic by the Defendants with and through the CACA website, CACA delegations, and CCTV channel 4 in the United States. Another format adopted by Zhao and his collaborators at CACA has been the circulation of CACA reports specifically advocating the creation of anti-Falun Gong activities overseas in addition to providing funding in ways that directly violate US law, anti-Falun Gong materials and other collaborative support. This included two organizations created in the US as CACA branch offices or affiliates: the Chinese American Citizen’s Anti-Cult Association (CACACA) and the Chinese Anti-Cult World Alliance (CACWA); and reiterates in detail activities that the CACA already engaged in overseas.

162. These CACA reports call on local branch offices to do the work of “[a]ctively conducting *douzheng* overseas.”⁸ In particular, the reports instructs local CACAs to “assume the identity of an expert or scholar, or as a member of the religious community” of Falun Gong whenever “foreign personnel” or media want to understand the group. The local CACAs are further instructed to use this deception to “say what would be inconvenient for officials to say” and persuasively “expose” the “harms of Falun Gong.”

163. The CACACA is characterized on the CACA website as one of several CACA branch offices or affiliates established in U.S. Chinese communities, with the full support and endorsement if not direction and control of the CACA and its governing body, to actively disseminate, distributed, and invoke Zhao’s materials to mobilize anti-Falun Gong hate rallies and posses, in all cases seeking to threaten and intimidate local adherents and suppress the religion. Founded in New York City in 2001 months after the CACA was founded by Zhao in China, it was created for the purpose of launching a *douzheng* against Falun Gong. CACACA fliers utilize information from the CACA website and repeat often verbatim Defendant’s calls for a “spear-to-spear *douzheng* against Falun Gong” to “expose the ‘evil cult nature’ of Falun Gong. Also emphasized as a main focus of the organization is the “reeducation and transformation [*zhuanhua*]” of Falun Gong adherents in the United States.

164. At an anti-Falun Gong forum in New York City, speakers spoke of the integral role of the CACACA in New York as “one of the main battlegrounds in the *douzheng* against Falun Gong.” See, www.people.com.cn/GB/shizheng/19/20010721/517059.html. The CACACA was set up to “fully support” the *douzheng* mission of the CACA, putting “emphasis” on the “re-education and *zhuanhua* of Falun Gong addicts in the younger generation.” In other words, the

⁸ See, e.g. CACA Suggestions on Solemnly Studying and Implementing the Sprit of the Party’s Seventeenth National Congress (2007).

CACACA readily admits that its goal is the forced ideological conversion of young Falun Gong adherents in the US, in furtherance of the common plan.

165. The CACACA has actively disseminated, distributed, and invoked Zhao's materials to mobilize anti-Falun Gong hate rallies and posses, in all cases seeking to threaten and intimidate local adherents and suppress the religion. These materials include the Chinese Anti-Cult World Alliance's distribution of the "Anti-Cult Work Manual" on the streets of New York. The manual, written by CACA leaders, is regularly distributed throughout US Chinese communities.

166. Physical attacks against Falun Gong adherents by individuals within the Chinese communities where the CACACA is active are not only direct foreseeable results of the above but are carried out by the CACA and its related branches, subordinates, or associates pursuant to the common plan that Zhao approved and helped to formulate and implement. These include violent assaults on Falun Gong adherents in New York. See, e.g., Moynihan, Colin, "Longtime Anti-Beijing Protests Provoke a Sudden and Angry Backlash," NY Times, May 30, 2008. By information and belief, these also include death threats accompanied by assaults against Falun Gong believers during a widespread protest of the persecution in China in Flushing New York. These assaults and other anti-Falun Gong activities have been carried out in large part by the Chinese Anti-Cult World Alliance (CACWA), a group that is supported and endorsed if not directed and controlled by the CACA, as one of its local branches. The CACA branch office CACWA, in connection with the also CACA-affiliated "Chinese Descent Civil Rights Research of New York, U.S.A. Corp." distributed/posted in Flushing a poster threatening and warning to Falun Gong adherents in the Chinese communities where the poster was displayed that the same violence used against adherents in China would be used against them in the U.S. Li Huahong, the chief of the local CACA branch office in New York CACWA, committed several violent assaults against Falun Gong adherents in

New York's Flushing Chinese community, a global center for both Falun Gong and the Chinese diaspora as a whole. She was tried and sentenced guilty for one such assault.

D. Zhao Implemented the Common Plan in the US with and through Media Apparatus Leadership

167. The Communist Party under Jiang Zemin required constant, close agreement between propaganda apparatus and those responsible for major ideological decisions. In particular, whenever Party authorities decide to "*douzheng*" a group, eliminating the target from Chinese society via violent suppression, the propaganda apparatus was required to constantly and in minute detail repeat and promulgate the Party's decision to *douzheng* a new target group, usually in the form of virulent hate polemics and calls to violence. In his order to carry out the *douzheng* against Falun Gong, at the June 10, 1999 Politburo meeting and a subsequent Party-wide order issued immediately after the Party's viewing of Zhao's "Li Hongzhi" video polemic on July 19, 1999, Jiang again specifically relied on this practice when he called for Party propaganda organs to work in close agreement with the general plan to suppress Falun Gong.

168. Soon thereafter, the Party's media apparatus formally joined the shared effort towards accomplishing the common plan and adopted the same tactics to dehumanize, vilify and incite hatred and violence against Falun Gong believers globally as were pioneered by Zhao in his influential video and subsequent anti-Falun Gong narratives.

169. These included: 1. Misquoting or deliberately misconstruing the teachings of the Falun Gong religion including via falsely attributed quotations (e.g., about apocalyptic predictions); 2. The prominent publicizing of fake "cases" many of which were invented by Zhao, such as suicides or crimes alleged without evidence to have been committed against Falun Gong believers; 3. The practice of covering up the human rights abuses committed against Falun Gong believers by

Office 610 and other Party controlled agents and officers; and 4. The use of specific ideological terminology/commands used by Zhao in his late 1999 anti-Falun Gong productions, such as “*jiēpī*”, “*douzhenɡ*”, and other examples calculated to instigate the violence suppression of Falun Gong outside (and inside) China.

170. These tactics were implemented through the close collaboration among all media, which included a series of collaborative agreements between Zhao’s Wuhan Television Station and CCTV, as the official voice of the Party. For example, Zhao’s Li Hongzhi video was produced with the support of CCTV with the latter providing resources, dissemination nationally via CCTV Channel One (in China) and internationally via CCTV Channel Four (in the US).

171. Zhao, CCTV and other media participants inundated U.S. Chinese communities with the programs Zhao scripted including his “Li Hongzhi” polemic and his Light and Science anti-Falun Gong programs. The entire library of anti-Falun Gong rhetoric aired in China that was also simulcast in the US present a well-coordinated narrative that depict all Falun Gong as violent and dangerous criminals and murderers who must be eradicated. Through these simulcasts, Zhao’s directive that Falun Gong be suppressed everywhere and especially in the US was furthered with his knowledge and support.

172. The very same deliberate steps required to broadcast the CACA website material in the United States were also required to simulcast anti-Falun Gong documentaries broadcast here as authoritative statements of the Party’s stance on Falun Gong.⁹ By information and belief, Zhao played a major role in this effort.

173. The prominent publicizing of fake “cases” has been especially effective in turning public opinion against Falun Gong. By viewing people who commit terrorist acts and other unspeakable crimes as Falun Gong practitioners in Party

⁹ The broadcast of these programs in the United States required special approval and practices in light of the Party’s tight control of all information and especially of information about Falun Gong that is allowed to be disseminated overseas.

produced news reports, documentaries and special interview shows, by witnessing (albeit through the medium of the news) mentally ill persons and psychopaths who have committed horrendous crimes pose as practitioners, and being told (via the news media) that unsolved mass murders were committed by Falun Gong, persons living in Chinese communities in America have been manipulated into equating Falun Gong with the network of lies about Falun Gong the Defendant created in concert with the media apparatus for this purpose.

174. The impact of these programs on Chinese audiences has been well-documented on Zhao's CACA website and is well reflected by viewers December 17, 2000 response to a viewing of the "Fu Yibin" incident aired on Wuhan Television, CCTV (China) and CCTV (USA). According to a reporter from Hangzhou, after listening to the Fu Yibin's confession to the murder of his father and mother and his insistence that he did it based on his practice of Falun Gong (a statement for which he received a more lenient sentence from the court),¹⁰ viewers said (in words like these) "[b]ecause Falun Gong followers trample on life and harm society, we should severely attack them." See, <http://www.anticult.org/article.html?id=35-2>.

175. Like their counterparts in China, many Chinese people living in the US regard the communist party affiliated media as accurately determining (as distinct from producing) accepted social definitions of "truth" especially as regards to defining the social mainstream against groups depicted as dangerous, hostile and subhuman, but also CCTV is the only the recognized voice of the party and by far the most influential Chinese language television station in operation in the United States.

176. According to several US Falun Gong believers, including Erping Zhang, the practice of Falun Gong that had been viewed positively in the United States up through late 1999 shifted as more and more anti-Falun Gong programs and

¹⁰ Cite to source

polemic were aired on the all Chinese CCTV Channel four that simulcasts in the US the exact same programs aired in China on Zhao's Wuhan Television and CCTV Channel one.

177. According to Zhao's CACA website, since the onset of the persecution, US Chinese media have reported on this widely and won the support of the Chinese diaspora and visiting student communities in the United States.

178. That Zhao's "Li Hongzhi" video polemic achieved its intended effect of manipulating views of Falun Gong within US Chinese communities is also clear from other Website reports. For example, at an anti-Falun Gong conference in New York in November 1999, after Li Yihe (who later became the spokesperson for the CACA affiliate CACACA) launched a tirade against Falun Gong practitioners based solely on Zhao's fabrications with phraseology and substance quoting sections of the polemic, the audience began to condemn Li Hongzhi with the same vehemence as evinced in Zhao's "Li Hongzhi", even going so far as to demand that the US government to return him to China notwithstanding his valid legal status within the United States.

179. Based on the anti-Falun Gong polemic Zhao promulgated in the US directly and collaboratively with the media elite (and others), thirty-eight US-based Chinese community associations wrote an open letter addressed to China and the Chinese People supporting the Party's stance on Falun Gong and vigorously calling upon Chinese authorities to more severely *douzheng* Falun Gong believers. In the same letter, these associations brag about their effective US-based anti-Falun Gong activities, including forums, meetings, conferences, face-to-face confrontations and publication of materials denigrating US religious believers. This letter also includes threats directed towards US-based Falun Gong believers, reiterating some of the same language used by Zhao in his agenda-setting anti-Falun Gong materials.

180. Zhao exerted the above forms of influence by enlisting the support of members of local Chinese communities based on their sense of solidarity with and loyalty to Party-defined Chinese “identity.”

E. Falun Gong were Deprived of their Rights Based on their Group Identity as a Direct Result of the Anti-Falun Gong Activities Carried Out by Zhao Directly and in Concert with and through the CACA and other JCE/Conspiracy Participants.

181. Zhao, working together with others in pursuit of the common plan, successfully deprived Falun Gong practitioners in China of their right to freedom of religious belief, the right to the freedoms of association and expression, and the right to live without fear of harassment, hate based intimidation, and the threat of violence or death. The actions taken by Zhao and his cohorts in the common plan to violently suppress Falun Gong in China also targeted and gave rise to different, but related, forms of such violent suppression in the United States.

182. Zhao’s actions and those of his cohorts exerted influence over local communities of Chinese in the United States, instigating members of such communities to target and deprive of human and civil rights any Falun Gong adherents they could find, causing deprivation of rights and sometimes also acts of violent suppression (see *supra* at ¶¶ 145, 147-52, 161-66, 178-79). Chinese community associations (affiliated with or serving as branch offices of CACA) not only acknowledge but openly commend themselves for their injurious treatment of Falun Gong believers in the United States. This treatment has taken the form of “spear-to-spear” (i.e. directly confrontational) anti-Falun Gong forums, meetings, conferences; face-to-face confrontations; and the publication of materials denigrating US religious believers in the same language used by Zhao in his pivotal agenda setting materials.

183. Plaintiffs’ deprivation of rights as detailed in the two subsections below took place as the direct result of the perpetration of the common plan under

Zhao's control, with his direct collaboration, participation and support, and/or following his directives.

1. Campaign of Violence and Intimidation

184. As the result of the common plan Zhao directed, engineered and helped implement, Falun Gong citizens and residents have endured severe discrimination in every meaningful aspect of their civil lives; their digital temple has been subjected to the ongoing suppressive campaign endorsed by Zhao (see *supra* ¶143); their religious gatherings have been disrupted by violent threatening mobs (adherents have even been physically assaulted while meditating in the Buddhist lotus position with eyes closed and have been physically isolated and surrounded while taking part in religious activities); their lives and physical safety have been routinely threatened and jeopardized; they have been publicly humiliated, ostracized and dehumanized through comparisons to pests, diseases, or demonic evil creatures; have been targeted by hate literature posing as investigative journalism (videos on website); and have been terrorized and live in a state of constant alarm, especially in Chinese diaspora communities. As a result, they have been deprived of their fundamental rights to religious freedom and the freedoms of belief, association, assembly, and self-expression. Because these acts have occurred in a widespread fashion, they rise to the level of persecution as a crime against humanity.

185. Falun Gong adherents are targeted in the very U.S.-Chinese communities where they live, as Zhao and his cohorts (in the CACA and its local branches or affiliates) have organized dozens of hate rallies and disseminated hundreds of violence-inducing speeches, posters, videos, et al. U.S. Falun Gong adherents have been subjected to severe ostracism, hate-based violence, and various forms of physical and psychological abuse in U.S.-Chinese communities.

186. The extent to which adherents were persecuted based on their religion extended from beatings and dehumanizing insults to being refused participation in

community parades and events, and routine ostracism and vilification as a social pariah group. In addition, adherents in the U.S. have been continually verbally, and often physically assaulted, at the immediate instigation of materials and personnel representing the CACA under Zhao's direction and control, and particularly the CACA's entire library of content specifically targeting the United States. Anti-Falun Gong mobs explicitly link their acts depriving adherents of rights to Zhao and his cohorts' global plan, e.g. by distributing materials supporting the campaign of violent suppression against Falun Gong in China, calling on Chinese everywhere to collaborate with the campaign in China to rid the world of Falun Gong, and by making use of the exact same phrases and materials as those promulgated by Zhao and his cohorts in carrying out the anti-Falun Gong campaign in China.

187. On May 17 2008, Falun Gong adherents in Flushing, New York held a rally of condolence for the victims of the recent earthquake in Sichuan, China. During this rally, a large mob of angry members of the Chinese community, including CACWA volunteers and other with ties to the CACA, began to verbally and physically attack the Falun Gong adherents. These assailants numbered in the hundreds, and many had been standing ominously nearby even before the Falun Gong event began. The assailants showed signs of working in unison per a previous plan or agreement, as they had congregated in the area and had posed as normal passersby, before beginning in tandem to attack the Falun Gong adherents holding the event. The attack involved physical blows against dozens of Falun Gong adherents, including blows to the head, some of them severe, as well as blows from thrown objects such as glass bottles, eggs, and other objects. The assailants also shouted threats and dehumanizing comments such as "I'll kill you, I'm not joking, I will kill you," "You are all animals," "[We will] eradicate Falun Gong," et al. Video evidence is available of this mass assault instigated by anti-

Falun Gong hate propaganda, especially that of Zhao and his cohorts in the CACA and its branches or affiliates.

188. Shortly after this incident, other violent assaults and threats — including death threats—were made by CACWA volunteers and those with ties to the CACA who were instigated by and routinely referenced the anti-Falun Gong hate propaganda promulgated in the US by Zhao in collaboration with the core media elite and CACA leadership.

189. In dozens of incidents, Falun Gong activities such as rallies, prayer, meditation, and parades have been continuously surveilled by anti-Falun Gong groups under the CACA or otherwise affiliated with Zhao and his co-conspirator's global campaign. Falun Gong adherents in U.S. Chinese communities, who seek to participate in such religious activities as group meditation outdoors or the dissemination of religious materials, live with a constant experience of hate-based discrimination, ostracism, harassment, and the threat of violence. This disruption to religious activities is akin to a Catholic Mass, or Muslim evening call to prayer, being interrupted and prevented by gangs of hostile individuals shouting threats and violent calls to exterminate the celebrant religious group, while also engaging in beatings and physical intimidation to prevent the celebration of the worship activity and furthermore recording the images of all those present to identify individuals for future violence and intimidation, and to discourage participation via the threat of the acts *supra*.

190. U.S. Chinese community anti-Falun Gong hate-based groups affiliated with or belonging to the CACA, such as the CACACA and CACWA, explicitly and expressly endorse and repeat the above dehumanizing characterizations of Falun Gong adherents in their local communities. They amplify and broadcast this dehumanizing rhetoric and inundate local Chinese communities with it, as is especially apparent in New York's Flushing Chinatown since 2008 (where

subjection to such dehumanizing invective is an unavoidable “daily” experience for local Falun Gong adherents).

191. This same phenomenon is found to varying degrees in Chinese communities worldwide, but is especially prominent in the large urban Chinese communities of the U.S. Dozens of acts of violence similar to those carried out by CACA branches or affiliates in New York have also been carried out by Chinese community members in other cities, especially San Francisco, where the CACA and Zhao’s materials calling for violent acts against Falun Gong are also ubiquitous in Chinese communities.

192. Individuals or groups attacking Falun Gong in such incidents invariably explicitly link their acts to Defendant and the common plan to violently suppress Falun Gong, and constantly surveil Falun Gong rallies, prayer, meditation, and parades in the US in order to identify perpetual targets for anti-Falun Gong violence. As a result of the common plan’s “organized attempts” to prevent Falun Gong adherents from practicing their faith, Falun Gong adherents in U.S.-Chinese communities live with a constant experience of hate-based discrimination, ostracism, harassment, and the threat of violence.

2. Campaign of Demonization and Dehumanization

193. Due to Zhao's and his co-conspirator's common plan, entailing the creation and dissemination of anti-Falun Gong hate propaganda and the other specific anti-Falun Gong activities described *supra*, Falun Gong adherents in Chinese communities in the United States are not treated as equal members of society. In many cases, they are not even treated as human beings worthy of dignity or respect. Rather, adherents are referred to and treated as inhuman, dangerous, or pestilential, just as they are described in Zhao's vast library of anti-Falun Gong materials. Zhao's tireless efforts to define Falun Gong adherents as an "epidemic", "demon", "ulcer", "enemy", "insane", "criminal", or "terrorist" threat, and the violent example set by his own 610 Office (in China) and CACA (in the U.S) co-

conspirators, have deprived U.S.-based Falun Gong adherents of even the most basic guarantees of safety or the freedom to openly believe in the faith of their choice.

194. Falun Gong adherents are continuously portrayed in China and in U.S. Chinese communities targeted by Zhao and his collaborators as a serious social and political threat to Chinese society, as an inhuman pestilence infesting Chinese communities worldwide, and as ideologically defective, hostile, even “demonic” elements, which have to be eliminated from Chinese society. *See, e.g., supra* ¶ 38. Demonization and dehumanization were major tactics used successfully in Zhao’s efforts in China and the U.S., in part as the result of Zhao’s own direct, personal statements achieving the effects described in this section. *See supra* ¶¶ 69-73.

195. Falun Gong adherents were also demonized by numerous narratives and “reports” promulgated by Zhao and the CACA under the common plan, which falsely attributed to Falun Gong adherents various specific acts of violence and moral turpitude. Many of these false claims of violence and demonic or psychopathic behavior attributed to Falun Gong adherents originated with Zhao’s anti-Falun Gong video materials, and these videos were the starting point for the systematic demonization of the religion based on these fraudulent grounds. Zhao himself has explicitly reiterated and/or originated many of these narratives attributing violence and insanity to Falun Gong, for example in his “Li Hongzhi” video Zhao creates a detailed, falsified narrative asserting that Falun Gong adherents have cut open their stomachs, hung themselves, and self-mutilated or committed suicide in other ways in order to carry out their religious practice.

196. The supposed acts of insanity and violence committed by Falun Gong adherents, promulgated by Zhao and his cohorts in the campaign against Falun Gong, have also included detailed, falsified narratives of an individual in China murdering his elderly parents due to his Falun Gong religious beliefs (a claim supported by no evidence that could only be carried out in violation of the

religion's tenets of non-violence and harmony with others); another "report" promulgated by the CACA attributing to Falun Gong adherents the serial killing of homeless people on the streets of major Chinese cities (an act carried out by a person with a lengthy history of criminal conduct who was given a lighter sentence in exchange for his "false confession"); and finally false claims attributing to members of the peaceful spiritual practice of Falun Gong acts of bizarre and/or depraved violence that are not backed up by any evidence convincingly tying them to Falun Gong, or indeed proving that such acts occurred in the first place. Despite the unpersuasive nature of such propaganda materials, the detailed and authoritative presentation by Zhao and his cohorts in the CACA and Party media apparatus have caused Chinese worldwide to believe that they are true. *See supra* at ¶¶ 170-180.

197. Other representative dehumanizing statements include the statements defining Falun Gong as an "evil demon threaten[ing] every person's survival," a "psychological epidemic," "the most foul-smelling thing of all"—as well as defining Li Hongzhi as "the evil cult's demon leader," and repeatedly referring to Falun Gong as China's "ulcer" or "tumor." *See supra* ¶¶ 72, 73, 137.

198. In accordance with Zhao's description, the CACACA, serving under him in the CACA's organizational structure and also collaborating with him to disseminate his materials and advocate their call to violence against Falun Gong, also describe Falun Gong adherents as an "ulcer" (or tumor) on Chinese society, including their local Chinese communities in the U.S. CACA branch and/or affiliate staff in the U.S. similarly, frequently repeat the other anti-Falun Gong demonizing and dehumanizing terms above, such as that Falun Gong is "demonic" or an "evil cult", "disease", et al.

199. Zhao via the CACA and its website created and distributed large numbers of cartoons and other related content depicting Falun Gong followers as subhuman, demonic, pestilential, and monstrous, and deserving of death or violent

suppression. , Such materials depict Falun Gong founder Li Hongzhi and/or the adherents of Falun Gong as pigs (about to be roasted to death), insects (being stabbed with a shovel by an “ordinary” working class laborer or crushed beneath a boot representing the CACA), as being covered with insects and reptiles, as being tools or weapons wielded by “anti-China forces”, and as being murderers, terrorists, and violent threats to society. (See CACA Website, Section “Cartoon Gallery” <http://www.cnfxj.org/Html/jpflgbsbh/index.html>). At the same time, CACA affiliated groups or individuals in San Francisco and other large Chinese communities have also continuously repeated many of the same characterizations.

200. Zhao and his cohorts in the CACA and its local branches or affiliates in the U.S. have intentionally and continuously worked to spread and promote the above dehumanizing and/or demonizing designations of Falun Gong adherents. The CACA branch or affiliate CACACA has continuously designated Falun Gong as a subhuman or pestilential threat to society since its founding in 2001. Other CACA affiliated groups have done the same, in an interview in 2006, a spokesman for the CACACA told reporters from Chinese news agencies that Falun Gong was a “malignant tumor” on Chinese society, and that it was necessary for local Chinese communities to “strike severely” against and “eradicate” Falun Gong. The CACACA has repeated this demonization and instigation of violence on many other occasions through its regular anti-Falun Gong forums, meetings, and related local community activities.

201. Zhao’s cohorts in the CACA branch or affiliate CACWA have similarly repeated and disseminated demonizing characterizations of Falun Gong adherents and related calls to target them with violence and intimidation. The CACWA has also distributed large amounts of materials characterizing Falun Gong as a “malignant tumor”, “poisonous fungus”, and “demon”, “diseased”, “evil” and “insane.” Since its founding in 2008, the CACWA has also distributed large amounts of materials, created and targeted towards Chinese communities by Zhao

and the CACA via the CACA website, repeating the characterizations above and at times including graphic, explicit calls to violence.

202. As the result of the combined activities described *supra* and carried out pursuant to Zhao et al.'s common plan, Falun Gong adherents in Chinese communities around the United States are commonly viewed in their own communities as subhuman or demonic threats to society, and must encounter this characterization, the assaults on their dignity, and the inevitably ensuing violence and hatred that results from it, every day. They are incapable of enjoying their human and civil rights to peaceful self-expression, assembly, affiliation, and practice of their religion. Falun Gong adherents in such communities are frequently ostracized, stigmatized, subjected to hate speech, intimidation, and violence, and are barred from participating in civic activities such as parades, festivals, and even the free use of public space, and are generally denied the right to enjoy free civic life.

F. Zhao Perpetrated the Domestic Abuses as an Aider and Abettor

203. Zhao specifically intended to suppress Falun Gong believers in the US via his propaganda related activities and to that end provided substantial assistance.

1. Intent

204. Zhao specifically intended the aforementioned anti-Falun Gong materials to target the religion and its adherents worldwide, and especially in the United States. In many of his speeches, editorials, scripted materials, and other personal statements, Zhao explicitly calls on Chinese people everywhere to exterminate Falun Gong believers and to deny them their rights worldwide, not just in the United States. See, e.g. § VI. B.

205. At the time that Zhao made all such calls, as now, Falun Gong was and is centered on its base area of New York, U.S.A, which is a place of sacred importance to the religion and the center of all of its worldwide activities. The religion's founder, its physical and digital (online) temples, and the world's

largest community of openly practicing adherents reside there. In calling for the religion to be exterminated and its followers deprived of rights or violently suppressed, Zhao had to intend that such actions be carried out in large part in the United States.

206. In June 1999, Zhao created his first anti-Falun Gong polemic seeking to bring about the violent suppression of the group as a whole and of individual adherents, the video "Li Hongzhi: The Man and His Deed". In this and subsequent videos scripted and produced by the Defendant, Zhao calls for Chinese everywhere in the world to publicly revile, ostracize, and attack the founder of Falun Gong and the religion's adherents. Specifically targeting an individual living in New York City and his many religious followers there as well as in China, Zhao calls for Chinese everywhere to ban and suppress Falun Gong and to forcibly convert its adherents. As indicated above, this video played a pivotal role in the repression of Falun Gong in the U.S as it did in China. *See, e.g.*, at ¶¶ 176-79.

207. Zhao himself has explicitly noted his specific purpose to extend the violent suppression and deprivation of the rights of Falun Gong adherents to the United States. Zhao has publicly stated in his anti-Falun Gong editorials that he has asked his "American friends" to work towards forming "an alliance against terrorism", so as to criminalize, eliminate and purge the world of Falun Gong. Zhao has also told Chinese audiences in the United States that Falun Gong is a "psychological epidemic" dangerous to the U.S. and to Chinese people everywhere, that Falun Gong is an "ulcer" on society, and that it is a terrorist group. He calls on Chinese everywhere to fight and violently suppress the "demon" that is Falun Gong, which is a mortal "threat" to them. He seeks the total elimination of Falun Gong worldwide by any means available (violent or otherwise), including especially in the United States. *See, e.g., supra* at ¶¶ 38-39, 60-62, 130-34. He has even called for the extermination of its founder, and that a

persecutory campaign be waged against the Falun Gong Temple (Minghui website) and the Falun Gong adherents associated with it. *See supra* at ¶¶ 54, 92, 142-43, 199. He has specifically criticized U.S. politicians who show any form of support for Falun Gong or sympathy for its violent suppression by Zhao's cohorts and co-conspirators in the worldwide plan to violently suppress Falun Gong. *See supra* at ¶ 72.

208. Zhao's personal statements, editorial and scripted material further manifest his intent to subject Falun Gong believers in the US to suppression, i.e., through their deprivation of rights ...through his carefully selected use of Cultural Revolution-style invective (*see supra* at II. A) and Cultural Revolution-style tactics of dehumanization (*See* II. B) specifically calculated to instigate violent suppression of Falun Gong and the deprivation of rights of believers. As the Affidavit of He Qinglian makes clear, such terminology is not mere rhetoric, but rather constitutes an order to Chinese everywhere to violently suppress the target in order to win favor with the Party or avoid becoming its enemy.

209. In addition, Zhao was one of the founding leaders of the CACA, and the creator and chief director of its website, when both directed their activities to the U.S. to bring about the persecution of Falun Gong through the Cultural Revolution-style language and tactics to instigate violence, rights deprivation, and intimidation against all US citizens who happen to believe in the tenets of Falun Gong. As one of the leading, if not the leading figure in the CACA and especially its web activities (the mobilization of anti-Falun Gong *douzheng* / violent suppression worldwide, with a special focus on the United States), Zhao intended and could foresee that his acts would proximately result in exactly what he said would result: the rights deprivation and (often violent) suppression of Falun Gong in the U.S. and its being targeted by Chinese communities in the same manner as any other "psychological epidemic", "terrorist ... threat", or "demon". On the CACA website he proposed, founded, directed, and wrote content for, Zhao

created an entire section devoted to instigating the violent suppression and deprivation of rights of Falun Gong adherents overseas, with a special focus on the United States.

210. Defendant's intent is further demonstrated in his use of inflammatory language as set forth *supra* in § II. B.

211. Zhao's intent to deprive US Falun Gong believers of rights, basic human dignity, liberty and security is similarly manifest in other ways, including via his exercise of control over and collaboration with the media apparatus and party in China to ensure that the Chinese Diaspora in the US received the very same anti-Falun Gong vitriol as was received by all Chinese people in China to ensure the suppression of FG everywhere and especially in the US and China. See *supra* at, e.g., ¶¶ 134-52.

212. As one of the initial participants Zhao's role cannot be overstated. But for his conduct, at the very outset of the formation of the joint effort to suppress Falun Gong and throughout the most important phases of its implementation in the US and in China, the suppressive campaign would not have occurred with a vast a nexus of conduct, effects and other connections to the United States.

2. Substantial Assistance

213. As noted *supra* at sections VI (B) and VI (C), Zhao has substantially assisted the deprivation of rights of Falun Gong adherents in in the U.S., via 1) his anti-Falun Gong propaganda materials (cited on a daily basis by anti-Falun Gong hate groups); 2) his CACA organization (which has branch offices in the U.S. to provide "boots on the ground" for anti-Falun Gong activities and instigation of hate rallies, violent assaults, threats and intimidation); 3) his personally founded and directed CACA Website (which provides a vast and ever-growing library of anti-Falun Gong hate materials seeking to convince their audiences that Falun Gong is a dangerous, subhuman threat to society); and 4) through the constant physical presence in Chinese communities of his direct subordinates in the CACA

hierarchy, who carry out anti-Falun Gong hate instigation on a regular basis, often directly quoting from, distributing, and otherwise making use of Zhao's personally-created or compiled anti-Falun Gong materials while doing so.

Widespread abuses against Falun Gong adherents in China or the U.S. only began after Zhao's and his cohorts' campaign started in 1999. Falun Gong adherents in U.S. Chinese communities are not the victims of some centuries-old prejudice or cultural animosity; they are in large part the victims of the collaborative vendetta.

214. The assistance Zhao provided was specifically directed towards the widespread deprivation of rights of Falun Gong adherents in the US. Zhao through and with the Party propaganda apparatus directed dozens of anti Falun Gong forums, rallies, and other such hate-based events, which separately and cumulatively disseminated throughout U.S. Chinese communities the "call to arms" against the group and the need to target it for violent suppression (*douzheng*). Zhao created the CACA and directed its anti-Falun Gong activities to the U.S. progressively instigating acts against Falun Gong of violence, ostracism, dehumanization, definition as "demons", "epidemic", or "threats", Zhao also formed CACA-led groups in local Chinese communities in the U.S. to harass, assault, and intimidate Falun Gong adherents; these groups also targeted prominent individual Falun Gong adherents with targeted acts of intimidation and violence. Zhao was at the top of the hierarchy in the CACA committing such abuses, and he also directly provided those committing these abuses with their motivation, cover-up / justification, and a library of materials to use in building support within the Chinese community and motivating others to help them attack Falun Gong adherents.

215. As noted *supra*, some of Zhao directed some of his anti-Falun Gong activities on US soil. Zhao's attempt to lead a 2003 delegation of the CACA to the U.S. in order to promote anti-Falun Gong activities both in China and the U.S., including particularly the violent suppression of the group in Chinese

communities was thwarted. However, Zhao made similar attempts on a number of other occasions, often visiting the U.S. and giving speeches and presentations seeking to instigate the violent suppression of Falun Gong. As a self-described celebrity and prominent Communist Party agenda-setter, Zhao's influence over U.S. Chinese communities was extremely great and his remarks were widely disseminated by local media and word of mouth.

216. Zhao's personal founding, direction, and control over the CACA and its website and Wuhan Television, also provided the essential means by which CACA branch organizations in U.S. Chinese communities organized their anti-Falun Gong activities. The website provided guidance, direction, objectives, direct orders, and the library of materials and methods used by anti-Falun Gong CACA branch offices, especially the CACACA and CACWA described *supra*. Since at least 2001, these groups have continually demonstrated their reliance upon the CACA website (which also posts detailed information about their activities and lists them as affiliates, and posted notices of their founding declarations) by printing out and distributing CACA website materials and instigating anti-Falun Gong rallies and other activities in which CACA website materials and/or language is the basis for coordinated intimidation of Falun Gong adherents.

217. Zhao's anti-Falun Gong propaganda, including specific acts of slander/libel falsely attributing crimes of moral turpitude to Falun Gong adherents, his extensive dehumanizing rhetoric and instigation of acts of violence, as well as the CACA activities of organizing anti-Falun Gong demonstrations and violent assaults/confrontations, were (and continue to be) essential to the injuries suffered by Falun Gong believers on US soil including their deprivation of rights within Chinese communities. Zhao's materials successfully instigate anti-Falun Gong animus, his organization (CACA) coordinates that animus into specific incidents

of violence and intimidation, and promulgates his materials throughout Chinese communities.

G. Defendant Perpetrated the U.S. Abuses with other Co-Conspirators/ JCE Collaborators Pursuing the Common Plan

218. Zhao and his collaborators and/or subordinates in the CACA, its Website, the Party propaganda apparatus, and other core Party leaders involved in the common plan to violently suppress and deny rights to Falun Gong adherents, all targeted their efforts toward the U.S. as well as China. The participants in this common plan jointly and successfully brought about the violent suppression of and denial of rights to Falun Gong adherents in the U.S. *See, e.g. supra* at ¶¶ 181 (“The actions taken by Zhao and his cohorts in the common plan to violently suppress Falun Gong [] targeted and gave rise to different, but related, forms of such violent suppression in the United States”).

219. The common plan to deny rights to and violently suppress Falun Gong in the United States, as well as in China, included Jiang Zemin, Luo Gan, other major Party figures, Zhao, other major CACA participants (Standing Committee members), CCTV high level management, and other major leadership figures or entities in the upper echelons of the Communist Party propaganda apparatus (including, e.g. leaders of the Party’s own Propaganda Bureau). Zhao worked in collaboration with other Standing Committee Members of the CACA to pursue the common plan, and at the same time he also worked through CACA subordinates. U.S. CACA branches and/or affiliates furthered and/or carried out the common plan of Zhao and the other Party leadership figures listed above with their knowledge, approval and support. *See, e.g. supra* at ¶¶ 127-30,161-66.

220. The common plan by Zhao and his cohorts was enacted by various means, requiring full participation and cooperation by all parties. In particular, Zhao’s contribution was crucial to the success of common plan. *See, e.g. supra* at ¶ 161 (“The call for the suppression of Falun Gong in the United States has taken

several forms, including [...] the dissemination in the US of the identical virulent anti-Falun Gong polemic by [Zhao] with and through the CACA website, CACA delegations, and CCTV channel 4 in the United States”). *See also*, §§ VI B, C, D.

221. Zhao’s US accomplices including CACACA and similar related groups furthered and carried out the common plan to violently suppress and deny rights to Falun Gong believers through widespread acts of physical violence and intimidation, such as death threats and constant harassment in U.S. Chinese communities. *See supra* at ¶ 166 (“Physical attacks against Falun Gong adherents by individuals within the Chinese communities where the CACACA [and similar/related groups are] active are not only direct foreseeable results of the above but are carried out by the CACA and its related branches, subordinates, or associates pursuant to the common plan that Zhao approved and helped to formulate and implement. These include violent assaults on Falun Gong adherents in New York”).

222. Zhao’s anti-Falun Gong materials, created by himself personally or under his direction by CACA staff/subordinates and/or compiled and promulgated on its Website, played a key role in bringing about the intended effects of the common plan, viz. the denial of rights to, intense social animus against, and targeting with violence of Falun Gong adherents in U.S. Chinese communities. The methods central to the common plan were in large part carried out under Zhao’s personal direction or control, or with his direct collaboration. Deliberate misconstruing of the teachings of the Falun Gong religion, covering the abuses through the use of euphemistic language, demonization, and other commonly practiced methods are set forth in detail in ¶ 169.

223. Zhao’s and his co-conspirators’ common plan, to flood U.S. Chinese communities with anti-Falun Gong invective that would instigate persecution and violence, was carried out through the collaborative efforts of Zhao, the CACA, and the Party propaganda apparatus. Without the joint efforts of these three

parties, in addition to the wide-ranging support of the central Communist Party leadership under Jiang Zemin and co-conspirators Luo Gan, Zhou Yongkang *et al.*, the massive inundation of anti-Falun Gong materials needed to ensure violence and persecution against the religion in U.S. Chinese communities could not have occurred. *See, e.g. supra* at ¶171 (“Zhao, CCTV and other media participants inundated U.S. Chinese communities with the programs Zhao scripted including his “Li Hongzhi” polemic and his Light and Science anti-Falun Gong programs. The entire library of anti-Falun Gong rhetoric aired in China that was also simulcast in the US present a well-coordinated narrative that depict all Falun Gong as violent and dangerous criminals and murderers who must be eradicated. Through these simulcasts, Zhao’s directive that Falun Gong be suppressed everywhere and especially in the US was furthered with his knowledge and support.”)

224. As indicated above, the Defendant entered into an agreement with Party leaders who initiated and carried out the persecution of Falun Gong believers everywhere, with specific emphasis in the United States: He worked for Party-operated and Party-sponsored institutions, such as the CACA and WTA, he was the recipient of awards from the Party for his devotion to the anti-Falun Gong “cause”, he agreed to author and authored the agenda-setting “Li Hongzhi” video polemic that defined the purpose of the joint effort in addition to many other agenda-setting anti-Falun Gong materials essential to the anti-Falun Gong global enterprise. This agreement is also demonstrated by the shared purpose, methods and modus operandi mentioned and used by Zhao and other participants in the anti-Falun Gong enterprise. *See, e.g., supra* at ¶ 223.

H. Zhao perpetrated the U.S. Abuses through agents, alter-egos and subordinates

225. As indicated *supra*, Zhao perpetrated relevant acts of violence and rights deprivation in the United States through subordinates, agents and/or alter egos in

the US including: Communist Party media/propaganda apparatus staff who simulcast and otherwise repeatedly broadcast and disseminated their Communist Party superior, Zhao's, anti-Falun Gong propaganda materials in the United States; CACA delegations dispatched on various occasions to act as "boots on the ground" in promoting anti-Falun Gong animus in the U.S. (*see, e.g.* ¶¶ 153-160); and the U.S.-based members of the CACACA, CACWA, and other branches and/or affiliates of the CACA who promoted and put into practice in local U.S. Chinese communities the CACA's and Zhao's directives calling for violent suppression and deprivation of rights of Falun Gong believers.

226. Zhao was fully aware of, and had previously specifically called for and directed, the specific actions of his agents, alter egos, and subordinates in each of the entities described above. Zhao's role in forming and carrying out the common plan (*see* ¶¶ 135-180) extended to his use of personal influence and authority within the Party media/propaganda apparatus, the CACA, and CACA branches and/or affiliates in the U.S., whose anti-Falun Gong activities, including all harms committed against Plaintiffs, were carried out under Zhao's direction and control. Members of these organizations carried out fully within the scope of their duties as subordinates of Zhao, and other Communist Party leaders involved in the common plan, all relevant acts constituting deprivation of rights against Falun Gong believers in the U.S., including flooding U.S. Chinese communities with anti-Falun Gong propaganda, and violence and intimidation against individuals such as Plaintiffs Doe 4 and Erh Boon Tiong.

VII. CLAIMS

FIRST CAUSE OF ACTION

(Torture under the Alien Tort Statute (ATS))

227. The Convention Against Torture, which came into effect internationally on June 26, 1987, and was ratified by the United States on October 21, 1994 and

implemented and given domestic effect by Congress through legislation adopted in 1994 and 1998, and ratified by the Government of China on October 4, 1998, prohibits the intentional infliction of severe pain or suffering, whether physical or mental, for any purpose, including but not limited to punishment, intimidation or coercion. The infliction of torture was the first type of human rights violation that U.S. courts recognized as authorizing the granting of relief under the Alien Tort Claims Act, in the landmark case of *Filartiga v. Pena-Irala*, 630 F.2d 876 (2d Cir. 1980) (“[T]orture perpetrated under color of law violate[s] universally accepted rules of international law.”) The abusive practices imposed upon the Plaintiffs and other Falun Gong practitioners by the Defendant’s aiding, abetting and conspiring with the perpetrators of the torture of Plaintiffs and other Falun Gong practitioners, as described by Plaintiffs in this Complaint, constitute severe mental and physical pain and suffering under the meaning of the Convention Against Torture and other international instruments, and thereby constitute violations of international law under the terms of the Alien Tort Claims Act and the Torture Victims Protection Act, 28 U.S.C. section 1350. Congress’ adoption of the Torture Victims’ Protection Act provides even more direct statutory authority for ATCA coverage of torture abuses.

228. As has been extensively documented by the U.S. Department of State in its Country Reports on Human Rights and its Reports on International Religious Persecution, Communist Party participants in the suppression campaign against Falun Gong have engaged in a consistent and widespread practice of subjecting Falun Gong practitioners to torture while in detention. Plaintiffs have provided specific examples of how they have been subjected to torture, and have suffered physical and psychological injuries as a result of practices that the Defendant and other officials with whom he has conspired have promoted and supported.

229. Defendant’s role in the “transformation” torture practices suffered by Plaintiffs is especially egregious. He not only utilized state public media

instrumentalities to call for the widespread use of these Cultural Revolution-era practices, but also personally supplied the ideological indoctrination material, which Plaintiffs were repeatedly forced to view and endure. In addition, through the CACA and particularly its website, he provided “transformation” manuals and other material designed to facilitate and improve the effectiveness of torture practices used in the process of forced conversion. Such materials and other forms of assistance were specially tailored and customized for use in “transforming” victims of various ages and backgrounds, education levels, and other factors relevant in ideological indoctrination. Defendant acted under color of law in his position as a TV station director, as well as chief of the WRTB state media regulatory instrumentality which oversees all websites registered in Wuhan and has a mandate for ideological oversight, to ensure that CACA could serve its function of implementing and enhancing the “transformation” torture of Plaintiffs and those similarly situated.

SECOND CAUSE OF ACTION
(Extrajudicial Killing under the ATS)

230. The allegations set forth in the above paragraphs are re-alleged and reincorporated by reference as if fully set forth below.
231. Doe1’s daughter’s extrajudicial killing not authorized by a lawful judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
232. This extrajudicial killing was in violation of international law and was contrary to the laws of China.
233. Defendant is liable for the harm suffered by Doe 1 herself and on behalf of her daughter, and class members similarly situated, in that Defendant either directly or through his agents knowingly and purposefully aided and abetted or entered into a conspiracy or joint criminal enterprise with the Party and Public Security officers in the unlawful conduct that led to the death of the

daughter of Doe 1.

THIRD CAUSE OF ACTION
(Crimes against Humanity under the ATS)

234. The allegations referenced above in ¶¶ 227-233 are incorporated here as constituting violations of the norm prohibiting crimes against humanity.

235. Crimes against humanity constitute violations of an accepted norm of customary international law in the Second Circuit. “Customary international law rules proscribing crimes against humanity ... have been enforceable against individuals since World War II.” Flores v. Southern Peru Copper Corp., 343 F.3d 140, 151 (2d Cir.2003). While definitions of this norm vary slightly at the international level, the Second Circuit has identified a number of conditions, which suffice to meet it. These include murder/extrajudicial killing, torture, and persecution, in addition to other inhumane acts, committed as part of a widespread or systematic attack directed against a civilian population. Khulumani v. Barclay Nat. Bank Ltd., 504 F.3d 254, 286 (2d Cir. 2007); United States v. Yousef, 327 F.3d 56, 105 (2d Cir. 2003); Presbyterian Church Of Sudan v. Talisman Energy, Inc., 582 F.3d 244, 257 (2d Cir. 2009) (internal citation and quotation omitted).

236. Widespread torture and murder/extrajudicial killing are alleged as forms of crimes against humanity committed against Plaintiffs Chen Gang, Zou Wenbo, Does 1-4, and Ning Yan in connection with the widespread attacks instigated and carried out by Zhao and his cohorts against all Falun Gong believers.

237. The abuses committed against all Plaintiffs described herein also constitute persecution against an identifiable group based on religious status, and were committed in the context of a widespread attack against the civilian population of Falun Gong believers. Defendant Zhao planned for, instigated, ordered, authorized and incited police, and other security personnel, party-controlled entities including private organizations, neighborhood associations and individuals and Defendant’s fellow Party cadres to commit the rights deprivations

alleged herein and suffered by Plaintiffs in China and the U.S. Defendant Zhao variously conspired with, controlled, or aided and abetted such forces in their commissions of such abuses, and knew and intended that such acts or omissions were committed in the context of a widespread attack against the civilian population comprising the Falun Gong religion.

238. *Inter alia*, the persecution described above placed Plaintiffs in imminent fear for their lives, and caused them to suffer severe mental and physical pain and suffering. Defendant's activities, tied intricately to the global campaign of suppression, has destroyed the dignity and, in many instances, the lives of those in the group under attack. Like the virulent acts of the Hutu toward the Tutsi in Rwanda, the virulent programs of Defendant Zhao, as well as his incendiary broadcasts, functioned to condition the residents of China and Chinese communities in the U.S. to create and produce the harm and injuries alleged, as evidenced in part by the acts of persecution, torture, and extrajudicial killing/murder which directly followed and were linked to his anti-Falun Gong activities.

239. The "transformation" and "re-education" techniques and strategies developed and disseminated by Zhao and the CACA to *inter alia*, "transformation" centers, labor camps, and police stations in China and anti-Falun Gong associations in the U.S. provided the requisite motivation, justification, and incitement, as well as the means necessary to suppress all adherents of Falun Gong. The widespread, torture, extrajudicial killing/murder and/or persecution of Plaintiffs and the classes they represent are directly attributable to the directives, guidance, planning, assistance and other activities of Defendant Zhao and those with whom he conspired to produce these abuses. These injuries were also substantially and purposefully aided by Zhao's preparation of "transformation" materials, "mobilization of social forces" against Falun Gong, and continued call for intensified *douzheng* against the human beings he so often described as

“animals,” “demons,” “an epidemic,” “an ulcer,” and, in short, not deserving of the most basic rights and liberties whether in the U.S. or China.

FOURTH CAUSE OF ACTION

(Prolonged and Arbitrary Detention under the ATS)

240. The allegations set forth above in this Complaint are realleged and incorporated by reference as if fully set forth herein.

241. The arbitrary arrests and detention of Plaintiffs in this matter were illegal and unjust, and in violation of customary international law. Plaintiffs were placed in fear for their own lives and safety, were deprived of their freedom, separated from their families and forced to suffer severe physical and mental abuse, without the benefit of a trial, formal charges in the Chinese judicial system, or any of the other elements of due process.

242. The acts described herein constitute arbitrary arrest and detention in violation of the Alien Tort Claims Act, customary international law, the common law of the United States, the statutes and common law of Connecticut, the laws of China, and the international treaties, agreements, conventions and resolutions described herein.

243. Defendant is liable for said conduct in that Defendant directed, ordered, confirmed, ratified, and/or conspired with state media instrumentalities and security officials, of the extrajudicial “610” organization or government security officials acting *ultra vires*, in bringing about the arbitrary arrests and detention suffered by Plaintiffs. Defendant’s proclamation of a *douzheng* ideological campaign against Falun Gong adherents, including Plaintiffs and those similarly situated, resulted in a resumption of the Cultural Revolution-era practice of widespread arbitrary detention and “dealing with” Falun Gong cases outside of the judicial system.

FIFTH CAUSE OF ACTION

Violation of the rights to life, liberty and security, peaceful assembly and association (under the ATS)

244. The allegations set forth above in this Complaint are realleged and incorporated by reference as if fully set forth herein.

245. The arrests, detention and torture of Plaintiffs in this matter were violations of their rights to life, liberty and security of person and peaceful assembly and association, for which Defendant Zhao is liable.

246. The acts described herein constitute violations of Plaintiffs' rights to life, liberty and security of person, and to peaceful assembly and association, in violation of the Alien Tort Statute, customary international law, the common law of the United States, the statutes and common law of Connecticut, the laws of China, and the international treaties, agreements, conventions and resolutions described herein.

247. Defendant is liable for said conduct in that Defendant directed, ordered, confirmed, ratified, and/or conspired with the state media instrumentalities, extrajudicial and *ultra vires* security operations, and other influential Communist Party members in bringing about the herein-described violations of the rights to life, liberty and security of person and peaceful assembly and association.

SIXTH CAUSE OF ACTION

*Violation of Freedom of Thought,
Conscience and Religion, and to Associate Freely (under the ATS).*

248. The right to freedom of thought, conscience and religion, and the right to hold opinions without interference and to associate with others freely, are enshrined in Articles 18, 19 and 20 of the Universal Declaration, and Articles 18, 19 and 22 of the International Covenant on Civil and Political Rights. As enumerated in the preceding sub-paragraphs, and in the U.S. Department of State Reports on International Religious Freedom and Country Reports on Human Rights, these internationally recognized rights and protections have been seriously infringed by the Party's policy and practice seeking the global repression, punishment and intimidation of Falun Gong believers practitioners. This harsh

and unremitting campaign against Falun Gong has included assigning many thousands to re-education through labor camps and other facilities specifically established to rehabilitate practitioners who refuse to recant their belief voluntarily. (p. 129-131, State Dept. Report on International Religious Freedom for 2001). This campaign has also included the deprivation of rights of believers in China and the United States. The programs produced, aired, and disseminated by Defendant were viewed by security personnel in police stations, labor camps and re-education centers across China, including those in Wuhan Province and the city of Beijing. They were also viewed by individuals residing in Chinese communities across the United States. Defendant helped to prepare and disseminate these programs; indeed he intentionally created such programs to incite and promote the violence toward and eradication of Falun Gong in the US and China. Defendant's CACA brainwashing activities provided the methods and means to accomplish the violence such videos incite. Defendant's propaganda instigated and fomented the hostility required to treat Falun Gong believers as pariahs in the United States and China. Each of the identified Plaintiffs in this case have indicated how their treatment, including torture, took place because of their adherence to Falun Gong beliefs or practices, and their refusal to give up these beliefs.

SEVENTH – NINTH STATE CLAIMS

Wrongful Imprisonment, Assault and Battery and Wrongful death

249. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

250. The acts described above constitute wrongful imprisonment, assault and battery, and wrongful death under Connecticut state law and any applicable law of any foreign jurisdiction. In China, Defendant's co-conspirators, agents, and/or cohorts intentionally detained Plaintiffs in holding facilities without due process of law for extended periods of time lasting up to several years. Before, during,

and after such detention, Defendant's cohorts physically abused Plaintiffs in order to force them to abandon their Falun Gong beliefs and affiliation. Such physical abuse extended to beatings, intentional exposure to extreme cold, forced nudity and humiliation, and other forms of touch intended to bring about extreme physical and mental discomfort. The above process resulted in the death of Doe 1's decedent due to physical harms inflicted by Defendant's cohorts, as well as resulting in the non-lethal but also extremely grievous physical and mental harms suffered by other Plaintiffs.

251. Defendant not only called for, conspired toward, directed, and supported these acts of detention, physical abuse, and killing, he supported them by providing ideological support, propaganda covering up the abuses and describing them in positive terms, and also by providing "transformation" manuals that gave step by step instructions for how to make the process of physical and mental abuse most effective in forcibly converting detained Falun Gong adherents including Plaintiffs.

252. Plaintiffs were identified and targeted for such treatment solely on the basis of their religious affiliation and practice of Falun Gong.

253. Defendant is liable for said conduct in that Defendant directed, ordered, confirmed, ratified, and/or conspired with the state media instrumentalities, extrajudicial and *ultra vires* security operations, and other influential Communist Party members in bringing about the herein-described violations constituting wrongful imprisonment, assault and battery, and wrongful death, and also directly furthered these violations in the manner described above.

254. Defendant also called for similar acts of physical and mental abuse to be committed against Falun Gong believers in the United States, and flooded U.S. Chinese communities with such calls. He directed, ordered, confirmed, ratified, and/or conspired with members of U.S. Chinese communities who sought out Falun Gong believers and targeted them with beatings, the tearing of hair and

clothing, thrown projectiles, spitting, and other forms of unwanted and harmful touch, as well as threats and intimidation intended to produce fear of imminent harm.

TENTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

255. The allegations set forth above in this Complaint are realleged and incorporated by reference as if fully set forth herein.

256. The acts described herein constitute outrageous conduct in violation of all normal standards of decency and were without privilege or justification.

257. These outrageous acts were intentional and malicious and done for the purposes of causing Plaintiffs to suffer humiliation, mental anguish and extreme emotional and physical distress.

258. As a result of Defendant's acts, Plaintiffs were placed in great fear for their lives and were forced to suffer severe physical and psychological abuse and agony.

259. Defendant is liable for said conduct in that he directed, ordered, confirmed, ratified, and/or conspired with the state media instrumentalities, extrajudicial and *ultra vires* security operations, and other influential Communist Party members in bringing about the herein-described environment of ideological persecution, constant fear of detention and torture, rights deprivation and dehumanization associated with Defendant's anti-Falun Gong ideological campaign.

ELEVENTH CAUSE OF ACTION
Negligent Infliction of Emotional Distress

260. The allegations set forth above in this Complaint are realleged and incorporated by reference as if fully set forth herein.

261. The actions of Defendant constituted a negligent infliction of emotional distress upon said Plaintiffs.

262. Defendant carelessly and negligently inflicted said emotional distress through a wanton and reckless campaign of harassment and intimidation.

263. Defendant is liable for said conduct in that he directed, ordered, confirmed, ratified, and/or conspired with the state media instrumentalities, extrajudicial and *ultra vires* security operations, and other influential Communist Party members in bringing about the herein-described environment of ideological persecution, constant fear of detention and torture, rights deprivation and dehumanization associated with Defendant's ideological campaign.

264. As a direct and legal result of Defendant's wrongful acts, Plaintiffs have suffered and will continue to suffer significant physical injury, pain and suffering and extreme and severe mental anguish and emotional distress.

TWELTH CAUSE OF ACTION

42 U.S.C. § 1985 (3)

265. The allegations set forth above this Complaint are realleged and incorporated by reference as if fully set forth herein.

266. Defendant Zhao conspired with the CACA including its foreign subsidiaries and employees, the 610 Office, media apparatus, and leaders of the overseas diaspora community in discriminating, harassing, threatening, “transforming” and assaulting members of the Falun Gong community within the United States, with the goal of depriving Falun Gong practitioners in the United States of their civil rights, freedom of belief, freedom of association and equal protection under the U.S. Constitution, federal law, and Connecticut state law in violation of 42 U.S.C. § 1985(3).

267. Defendant Zhao and his co-conspirators took overt steps to advance the objective of the conspiracy by broadcasting Zhao's video *Li Hongzhi: The Man and His Deeds* in the United States via media channels, setting up foreign branches of the CACA in the Chinese diaspora community in the United States, distributing anti-Falun Gong materials authored by the CACA in the United States, and instigating hatred, discrimination, harassment and violence towards U.S. Falun Gong practitioners.

268. Defendant Zhao's actions were based on his strong animus towards Falun Gong, which he has routinely referred to as "animals," "demons," "an epidemic," "an ulcer" undeserving of fundamental rights and liberties. As a result, plaintiffs Doe 4, Ning Yan, Erh Boon Tiong and the class they represent have been deprived of their civil rights, freedom of belief, freedom of association, and equal protection of the laws.

THIRTEENTH CAUSE OF ACTION

(Torture under the TVPA)

(Charles Lee)

255. The allegations set forth in the above paragraphs are re-alleged and reincorporated by reference as if fully set forth below.

256. Plaintiff Charles Lee suffered from torture inflicted knowingly and intentionally in order to, among other things, retaliate against him and induce a forced confession and public renunciation of his religious beliefs.

257. Plaintiff Charles Lee suffered severe mental and physical injuries as a result of the abuse inflicted while in custody.

258. Such conduct was in violation of the Torture Victim Protection Act, 28 U.S.C. § 1350 note.

259. Defendant Zhao is liable for the harm suffered by plaintiff Charles Lee in that he directly or through his agents, knowingly and intentionally aided and abetted or entered into a conspiracy or joint criminal enterprise with high-level Party leaders, CACA and Propaganda apparatus leadership, and other Party-controlled entities in Public Security officers in the unlawful conduct that led to the torture he endured.

VIII. PRAYER FOR RELIEF

269. Based on the above facts, jurisdictional claims and legal arguments, Plaintiffs, on behalf of themselves and others similarly situated, ask for judgment against the Defendant as follows:

270. For compensatory damages according to and consistent with the injuries described, the extent of which will be demonstrated according to evidence to be presented;

271. For punitive and exemplary damages according to and consistent with the extraordinary and gross nature of the Defendant's conduct and the injuries it produced, the extent of which will be demonstrated according to evidence to be presented;

272. For a declaratory judgment confirming the unlawful nature of the pattern and practice of gross violations of human rights that have taken place, and that the Defendant has played a material part, in concert and conspiracy with other high-level officials in China, in planning and carrying out these policies and practices, with the result of serious and permanent injury of the Plaintiffs;

273. For such other relief as the Court may deem suitable and necessary; and,

274. For reasonable attorney's fees and costs associated with these proceedings, including service of process and the completion and presentation of evidence providing proof of the tort actions committed and the injuries they have produced.

DEMAND FOR JURY TRIAL

Pursuant to the requirements of Rule 38(b) of the Federal Rules of Civil Procedure, a jury trial is demanded for this case.

Respectfully submitted this 11th day of October 2013 by:

THE PLAINTIFFS

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