

UNITED STATES DISTRICT COURT
OF THE DISTRICT OF CONNECTICUT

CHEN GANG, DOES, 1-3, ZOU
WENBO, 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

**Amended Complaint for Torture; Arbitrary Arrest and Detention; Crimes Against
Humanity; Violation of the Rights to Life, Liberty, and Security of Person and
Peaceful Assembly and Association; Wrongful Death; Intentional Infliction of
Emotional Distress; and Negligent Infliction of Emotional Distress**

CLASS ACTION

Plaintiffs, on behalf of themselves and others in the designated class 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 who visited the People's Republic of China and were subjected to torture and 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 traditional spiritual practice and religion that draws upon aspects of Taoism, Buddhism, and the meditation techniques of qigong, based upon the teachings of Li Hongzhi. Falun Gong 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 persecution 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 conspiracy with other high-level individuals in the Chinese Communist Party, as well as with various state media instrumentalities and "Office 610", the extrajudicial persecutory organization established unofficially by Chinese Communist Party leaders, to carry out the campaign of persecution 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* persecution

campaigns has been the mental “transformation” of target groups through torture, aimed at forcing members of such groups to renounce their ideologically disfavored religious beliefs.

3. 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 in collaboration with others, mobilized, instigated, ordered, aided and abetted police, labor camp, and other security forces to commit the abuses suffered by Plaintiffs and persons similarly situated in China. These abuses took place as a result of his production, broadcast and dissemination of authoritative propaganda material calling for and intensifying the *douzheng* persecution campaign occurring nationwide, and particularly in his own jurisdiction of Wuhan.

4. 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 by police and other security personnel to “transform” Falun Gong practitioners. 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 and violence to “transform” Falun Gong practitioners, and aided in so doing. 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. Defendant Zhao had command or superior responsibility over, controlled or aided and abetted such persons in their commission of such abuses. He 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.

5. The acts alleged herein against Plaintiffs were carried out in the context of the nationwide *douzheng* crackdown against Falun Gong practitioners. 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 and systematic campaign against Falun Gong practitioners, marked by a pattern and practice of violations including media-related propagation of ideological hatred and calls for violence, suppression, persecution, torture, and, if necessary, extrajudicial killing, as well as other crimes against humanity. 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 *douzheng* persecution of the Falun Gong religion and torture of its adherents until the eradication of the former and the total ideological submission of the latter.

II. JURISDICTION AND VENUE

6. This Court has jurisdiction over the claims brought by Plaintiffs by virtue of 28 U.S.C. section 1350, incorporating provisions of the Alien Tort Claims Act and the Torture Victims Protection Act, which provide for federal jurisdiction and a cause of action for any civil action by an alien for torts committed in violation of the law of

nations or a treaty of the United States, as well as for acts of torture committed abroad against either U.S. citizens or citizens of other nations. Under the guidelines established by *Sosa v Alvarez-Machain et al*, 542 U.S. 692 (2004), claims which rest on "norms of international character accepted by the civilized world and defined with specificity," such as those alleged herein are within the parameters of the jurisdictional standards spelled out under the Alien Tort Claim Act.¹

7. 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, 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. Among the specific human rights treaty standards violated by the Defendant are the

¹ In its opinion in *Sosa v Alvarez-Machain*, the Supreme Court found that a legal basis existed under ATCA for specific types of violations of customary international law and treaties signed by the United States that are cited as the basis for this case, including torture and genocide. No. 03-339, slips op. at 34-35 (U.S. June 29, 2004). Although the Court found the terms of the statute jurisdictional only, it make it clear that the ATCA remained a viable basis for seeking tort claim relief, "with a potential for personal liability," for established norms of customary international law. *Id* at 30. While the opinion concluded that *Sosa's* arbitrary arrest could not be the basis for an ATCA claim because it was not a violation of a sufficiently well-established standard of international law, that problem does not exist for such violations as torture and genocide, cited in the case at bar.

Convention Against Torture, the International Covenant on Civil and Political Rights, and the Genocide Convention. 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 and his co-conspirators to the detriment and injury of the Plaintiffs, is described and explained preliminary in the text of the complaint, below, beginning with paragraph thirty-six. These violations of international law, together with injuries inflicted upon the alien Plaintiffs as a result of these violations, place this legal action within the parameters of the jurisdictional standards spelled out in 28 U.S.C. sections 1350 embodying the provisions of the Alien Tort Claims Act and the Torture Victims Protection Act.

8. 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.

9. 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

10. 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 on the primary nationwide Communist Party television organ, CCTV. As Executive Director of Wuhan Radio and Television Bureau (WRTB), his areas of responsibility included implementing directives and policies of the Party in the area of radio and TV propaganda, managing the radio and propaganda activities of Wuhan, as well as the production of radio and TV programs, overseeing the formation and dissolution of radio and TV broadcasting and programming organizations, determining broadcast authorization for programs, and ensuring ideological content of broadcast programming. In addition, as Director of WTV, his areas of responsibility included 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, to sign important contracts and to select, appoint, remove, discipline, and supervise WTV management.

11. Since November 2000, Defendant has been a key member of the Standing Committee of the Executive Council of the China Anti-Cult Association (CACA), a private, not-for-profit association, devoted to the 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. 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

12. 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

13. 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

14. 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.

The Plaintiff Class

15. Plaintiffs 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 creed and practice.

16. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the individual Plaintiffs identified 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.

17. 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.

IV. STATEMENT OF FACTS

18. Does 1-3 and Zou Wenbo were all severely tortured in the city of Wuhan by Wuhan police, 610 and other security officers acting *ultra vires* 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. Plaintiff Zou Wenbo graduated from Jiangnan University School of Law in 1989. He suffered severe "transformation"-related torture and brainwashing from 1999 through the year 2001. 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 Jiangnan 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 Jiangnan 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.

24. 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 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.

V. GENERAL ALLEGATIONS

25. The Politburo of the Chinese Communist Party began to implement a national *douzheng* campaign of ideological persecution 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 former Party

Chairman, Jiang Zemin. in an ideological speech cum announcement calling for *douzheng* against Falun Gong, issued on July 19, 1999.² A transcript of this announcement was later promulgated throughout the Communist Party ranks as an order in all but name to eradicate Falun Gong as religious practice and to force adherents into abandoning their spiritual beliefs. At the meeting during which this policy announcement was first issued, Jiang and other architects of the crackdown first watched Defendant Zhao's ideological attack against Falun Gong calling for a persecutory *douzheng* campaign against the religion, "Li Hongzhi—The Man and His Deed". This program provided the template for the nationwide propaganda offensive against Falun Gong. All available information indicates that this video-format invective was the longest and most prominent policy "speech" at the decisive meeting.

26. 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 persecute 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* "(ideologically) struggle against," "(ideologically) persecute," *jiepi* "(ideologically) criticize and expose (as an

² The mass campaign waged against Falun Gong practitioners and other groups targeted for elimination are always comprise the creation of an environment of fear, hostility and hatred that facilitates the torture and abuse used to physically crush or suppress the target. The Chinese *douzheng* encapsulates mass campaigns defined by the two elements of propaganda and systematic violence. *Douzheng* is the term of art that is used within the Party and the societies it permeates to identify, isolate, mobilize persecutory campaigns. Such campaigns were waged against the intellectuals, jurists, pro-democracy students and countless others.

enemy of the Party),” and others, were used intensively during the Cultural Revolution as a means of ordering, inciting, and ideologically justifying persecution campaigns against those viewed as anathema to the prevailing Maoist orthodoxy.

27. The persecution 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. 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 persecution in modern Chinese history.

28. Since the beginning of the Party’s *douzheng* against Falun Gong, on the national level it is estimated by sources among that religion’s adherents, 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.

29. The extent and seriousness of the persecution 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).

30. 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 (at page 133).

31. The continued application of these persecutory practices to those who refuse to renounce their Falun Gong faith has been affirmed in successive U.S. Department of State human rights reports. The U.S. Department of State 2006 Human Rights Country Report (accessible at: <http://www.state.gov/g/drl/rls/hrrpt/2006/78771.htm>) had this to say about the ongoing nature of the torture and persecution of detainees in China, including especially those of the Falun Gong religion or faith:

Police continued to detain current and former Falun Gong practitioners and place them in reeducation camps. Police reportedly had quotas for Falun Gong arrests and targeted former practitioners, even if they were no longer practicing. The government continued its use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to reeducation-through-labor camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

The abusive nature of the campaign against Falun Gong is also made clear by the U.S. Department of State's International Religious Freedom Report for 2006, where, for

example, it notes emphatically that “Falun Gong practitioners continued to face arrest, detention and imprisonment, and there have been credible reports of deaths due to torture and abuse. Practitioners who refuse to recant their beliefs are ... subjected to harsh treatment in prisons, reeducation through labor camps, and extra-judicial “legal education” centers, while some who recanted returned from detention.”

32. Defendant Zhao actively and extensively contributed 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 legitimization for and mobilization of security forces operating outside of the scope of their duties to persecute Falun Gong adherents, Zhao also worked through the organizations under his control, WTV, WRTB, and CACA, to specifically direct that adherents like Plaintiffs in this matter be subjected to ideological “transformation” practices. Section I, below, will outline Defendant’s roles in the Communist Party, Wuhan’s local government, and his status as an independent source of ideological authority. Section II will examine Defendant’s symbiotic relationship with Wuhan city security forces, and Defendant’s ability to influence these forces to persecute Falun Gong. Section III will outline Defendant’s intent to eliminate Falun Gong and particularly to bring about the kind of “transformation” torture suffered by Plaintiffs. Section IV will examine the specific details of Defendant’s substantial assistance to harms suffered by Plaintiffs.

**A. Defendant's Roles—A Leader Within the Chinese Communist Party,
an Agenda-Setting Propagandist, and an Extra-Governmental
Authority in Wuhan**

33. 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 intellectual and ideological capital at his disposal for labeling ideas or social actors as anti-scientific, and thus subject to ideological suppression. Id.

34. As Defendant Zhao himself attests, he had been the Director of Wuhan Television Station (WTV) and also the chief of the Wuhan Radio and Television Bureau (WRTB) 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. In 2000, Defendant was prominent and influential enough to be a founding member of the Party-sponsored China Anti-Cult Association (CACA), and to be one of its leading Standing Committee members. Defendant's political and ideological influence within the Party and upon the state is further manifested in that CCTV—a major media entity that often functions as the Party's official vehicle for propaganda, and which functions either as or in close conjunction with various instrumentalities of the state—"often" rebroadcasted materials made under Zhao's direction or which he personally scripted. Id. Defendant Zhao, through his operation of WTV, WRTB, and CACA coordinated with Party leaders, state media, state security, and/or labor camp officials, all acting *ultra vires*,

as part of a collaborative effort that was mutually beneficial to Defendant Zhao and the low level state actors pursuing a common plan formed in order suppress and persecute Falun Gong.

35. Defendant Zhao makes explicit that, as a TV station director, he was “not a government official.” Declaration of Zhao Zhizhen ¶ 20. However, this does not speak to his influence upon the state, and his mutually beneficial relationship with the state actors involved in Plaintiffs’ claims; more relevant is his ideological and political sway as a highly important official in the Communist Party. Indeed, all candidates for high-level officials in media organizations must meet 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.

36. 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.

37. 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.

38. 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 "frontpaged (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.

39. 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.

40. 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.

41. 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.

42. 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 persecution 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.

43. The China Anti-Cult Association was founded by Defendant Zhao and others on November 13, 2000 to effectuate the suppression of Falun Gong. In addition to his role as founder and agenda-setter 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.

44. 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.

45. 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 (accessible at: <http://cpfd.cnki.com.cn/Article/CPFDTOTAL-ZGFT200412002029.htm>); See also, publicly available website registration information.

46. 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 persecution of Falun Gong, remaining in his roles of WTV Director, and key CACA Standing Committee member, at all times relevant to this complaint. In that time, he has continually used his ideological influence to instigate Cultural Revolution-

style *douzheng* against Falun Gong practitioners, as well as to intensify existing ideological conversion and other practices.

B. Defendant Had a Symbiotic Relationship with the Security Personnel of Wuhan and other State Actors, Allowing Him to Influence Their Treatment of Falun Gong

47. Due to his reputation, connections, positions, and influence, Defendant was well situated as the local “point person” for implementing and orchestrating the Party’s anti-Falun Gong strategies in the city of Wuhan. Defendant’s relatively low-level, regional, and limited-in-scope position in the hierarchy of government was in stark contrast to his great influence and power within the extra-governmental Communist Party hierarchy. However, his position as the local government official heading WRTB, with titular authority over all media production, and especially over the ideological content of all media created or broadcast in the city of Wuhan, allowed him free reign to shape the local anti-Falun Gong propaganda environment. Defendant was thus able to ensure that his many influential productions aimed at demonizing, inciting violence against, and “transforming” or eradicating Falun Gong would be used extensively and exclusively.

48. In a quid-pro-quo relationship typifying symbiosis between private and state actors, security forces acted on the anti-Falun Gong propaganda created by Defendant, thus further legitimizing that propaganda and Defendant’s own role as an “anti-Falun Gong crusader”. The mutual benefit and advantage created by this symbiotic exchange facilitated ever-increasing intensification of both the anti-Falun Gong rhetoric created by Defendant, and the techniques used to persecute Falun Gong by security forces acting

ultra vires. Defendant's propaganda efforts promoted and legitimated security forces' role as empowered actors with an ideological mandate and motive for detention and torture, while security forces' actual practice of detaining and torturing Falun Gong enhanced his platform and created a façade of institutional legitimacy for Defendant's production of widely disseminated and highly-regarded propaganda works advancing the anti-Falun Gong ideological campaign.

49. Above all, Defendant instigated security forces to utilize the illegal practices of violence and torture suffered by Plaintiffs. These patently illegal and brutal practices are, in today's China, punishable when used against the average citizen charged with a non-political crime, but security forces may use them with impunity against those targeted for ideological or political crackdowns. Without Defendant Zhao creating and maintaining the media environment of constant anti-Falun Gong ideological invective in the city of Wuhan, and without his personal provision of propaganda and vilification materials to the police and security forces of Wuhan, Plaintiffs would either not have suffered the torture and brutality inflicted upon them, or would not have suffered so intensely.

50. In particular, the "transformation" torture practices inflicted upon Plaintiffs by Wuhan state security personnel, acting *ultra vires* and in contradiction to Chinese law, relied upon two predicated factors, both supplied by Defendant Zhao: 1) "Transformation" torture required a clear ideological mandate to utilize brutal, illegal methods aimed at forcing a targeted individual to abandon their religious beliefs; and 2) such torture also required copious propaganda and indoctrination materials to be used in denigrating the target's pre-existing beliefs and replacing them with orthodox ideology. Defendant fulfilled the first requirement by producing or overseeing ubiquitous,

prominent, and authoritative anti-Falun Gong polemics in the form of news, television, articles, and the entire activities of the CACA, as well as by using his Wuhan regulatory role to exclude any dissenting views. He then fulfilled the second requirement by supplying key items of such propaganda to security forces, both through his own WTV productions and through the intensive efforts of the CACA, especially its website, which specifically aimed to supply materials assisting in “transformation” of Falun Gong adherents. As we will see below, Defendant clearly and continuously manifested the intent to eradicate Falun Gong and to have its adherents subjected to brutal treatment, especially that aimed at forcing their abandonment of their religious beliefs. Such manifestations of intent are examined below in Section C, and are followed by an examination of Defendant’s substantial assistance to the harms suffered by Plaintiffs, in Section D.

C. 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.

51. Defendant Zhao’s intent to subject Falun Gong practitioners to a violent persecution 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 ideological persecution 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 *jiepi*, 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.

i. Defendant personally used Cultural Revolution-style operative language in order to specifically direct that Falun Gong believers be subjected to ideological persecution

52. 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.

53. 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 *jiepi*, 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 Chinese society as "a political *douzheng* launched by hostile forces domestically and overseas in order to fight against our Party for the masses and territories." See Jiang Zemin's July 19, 1999 Speech) attached to Plaintiffs' Opposition Brief, as Exhibit F.

54. 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 persecute 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."

55. 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."³

³ Plaintiffs' translation is available by request.

56. 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 persecutory 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.

57. 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.

58. 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. See Initial Disclosures, disclosure X: CACA Website Work Report (*supra* at ¶ 45).

59. As will be further explored below in part (iii), that significant portions of the design, structure, and operation of this website were under Defendant’s personal direction is 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.

ii. The Defendant further manifested his intent to persecute Falun Gong practitioners via Cultural Revolution-style tactics of blatant dehumanization and incitement to violence, in his own speech and in that under his direction

60. Perhaps most striking, among Defendant Zhao’s many statements and propaganda directives manifesting his intent to completely suppress 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).

61. 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.” “Falun Gong’s Cult Index”. See www.anticult.org. (last downloaded November 2004).

62. 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.

63. 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”. See Id.

64. 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 that “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.

65. 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.

66. 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.

67. 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, persecutory rhetoric in order to achieve his aims.

68. 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 *jiapi* themselves to mark targets of suppression, the use of dehumanizing imagery against these

targets worked towards the same goal of effecting persecution 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.

69. As Defendant Zhao attests, he had personal experience of the Cultural Revolution’s political persecution 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.”

iii. 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.

70. 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.

71. 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 *jiēpī* of Falun Gong, escalating the persecution against the religion's believers, and actively facilitating their subjection to torture, arbitrary detention, and the full range of Plaintiffs' claims.

72. 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 produced 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.

73. 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*, is represented by articles explicitly labeling Falun Gong as "the evil cult" and using imperative speech calling for *jiepi*, or to *douzheng* Falun Gong. These articles also call for the *zhuanhua* 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.

74. 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.

75. A second category of articles is represented by reports posted to the CACA website by or concerning Party authority figures' practical implementation of the Party's policy to *jiepi* 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 persecution, 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”. See www.anticult.org. (last downloaded November 2004).

76. 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. See id.

77. 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”.

78. 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.

79. 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."

80. 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".

81. "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!"

82. 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.

83. 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 *jiēpi* and *douzheng* 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.

84. 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 ideologically persecute Falun Gong, and eradicate it from Chinese society, was manifested in the station under his control.

85. "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, accessible at URL: <http://www.kaiwind.com/xlzt/wgzx/200706/t39294.htm>.

86. "Why did [Li Hongzhi] not foresee Falun Dafa's utter collapse and shameful exit [from society] in 1999?" Id. at Part Two, accessible at URL: <http://59.151.27.202:82/gate/big5/www.kaiwind.com/xlzt/wgzx/200706/t39293.htm>.

87. "Just like all ghosts and demons shy away from the sunshine, Li Hongzhi is especially afraid of science." Id. at Part Three, accessible at URL: <http://www.kaiwind.com/xlzt/wgzx/200706/t39292.htm>.

84. "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 hat we can establish the position of science in China." Id.

85. "[Falun Gong seeks to] mobilize the mass under the flag of demons" Id. at Part Four, accessible at URL: <http://www.kaiwind.com/xlzt/wgzx/200706/t39291.htm>.

86. "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, accessible at URL: <http://www.kaiwind.com/xlzt/wgzx/200706/t39290.htm>.

87. "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.

88. 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.

89. 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”.

90. 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.

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

i. Defendant provided training manuals and anti-Falun Gong propaganda to labor camps and prisons to aid in the torture and persecution of Falun Gong.

91. 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* ¶ 11. This organization has been a central component to the Chinese regime's persecutory campaign against Falun Gong. Through Defendant's work with CACA, he participated in a joint criminal enterprise with Chinese Communist Party officials, state media instrumentalities, and officers at labor camps and prisons with the criminal purpose of persecuting and eradicating Falun Gong. This substantial assistance and participation is detailed below.

92. The Defendant personally founded and managed the CACA's website, discussed *supra* ¶¶ 11, 20-25, 30-44. 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 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 prisons and labor camps across China in collaboration with the Chinese Communist Party and prison and labor camp officials.

93. 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.

94. 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, strategies for “transforming” Falun Gong practitioners, and advocacy of the persecution 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.

95. Since 2002, under the approval 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* ¶ 56, CACA conference presenters have commented that prison and labor camp officers “are not using enough creativity in transformation work.”

96. 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 persecution 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.

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

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

98. 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 Falun Gong practitioners who were transported to a police station 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.

99. 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 persecution. 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.”

100. 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* ¶¶ 45-55. 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 persecution.

101. 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.

102. 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 persecute Falun Gong. Thousands of practitioners were detained in labor camps and detention centers and were severely tortured. Id. Party sources have indicated to journalists that “[t]he immolations [propaganda] had a huge effect ... [p]reviously, most Chinese thought the crackdown was stupid, [n]ow many agree that it’s an evil cult.” The same official was quoted by the Washington Post as saying that “[e]ach aspect of the campaign is critical ... [p]ure violence doesn’t work. Just studying doesn’t work either. And none of it would be working if the propaganda hadn’t started to change the way the general public thinks. You need all three.” Torture Is Breaking Falun Gong: China Systematically Tries to Eradicate the Group, accessible at URL: <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A33055-2001Aug4¬Found=true>.

103. 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 persecution.

104. 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.

105. Comments on CACA website articles reveal how CACA’s anti-Falun Gong propaganda helped incite deep anti-Falun Gong hostility and persecution 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 persecute Falun Gong practitioners. This widespread anti-Falun Gong sentiment has been essential to the survival of the persecutory campaign against Falun Gong, and to its intensity as the most severe ideological persecution in China since the Cultural Revolution. The persistence and severity of the overall crackdown, and especially the systematic 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. SPECIFIC CLAIMS FOR RELIEF CONSTITUTING VIOLATIONS OF CUSTOMARY INTERNATIONAL LAW

106. The following specific abuses, involving the most serious forms of intentionally prohibited physical and mental suffering and injury, were inflicted upon the Plaintiffs as a direct result of the actions of the Defendant and those with whom he acted

in concert to carry out the practice of persecuting, punishing and intimidating Falun Gong practitioners and suppressing their spiritual belief system. Each of these types and forms of abuse constituted violations of international law embodied in treaties and in customary international norms, binding on both the United States and the Government of the People's Republic of China as indicated and explained in each paragraph below, thereby bringing these abuses and torts within the terms of the Alien Tort Claims Act and the Torture Victims Protection Act. They were carried out by the Defendant and the other Party officials and state media instrumentalities with whom he conspired, acting under color of law, with the specific intent and purpose of suppressing Plaintiffs' religion, mobilizing Chinese society, including security personnel acting *ultra vires*, to persecute and torture Falun Gong adherents, and forcing individual Plaintiffs to abandon their religious beliefs.

A. FIRST CLAIM FOR RELIEF: TORTURE

107. The allegations set forth in Sections I through V of this Complaint are realleged and incorporated by reference as if fully set forth herein.

108. 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.

109. 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.

110. 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.

**B. SECOND CLAIM FOR RELIEF: ARBITRARY ARREST AND
DETENTION**

111. The allegations set forth in Sections I- through V of this Complaint are realleged and incorporated by reference as if fully set forth herein. 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.

112. 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.

113. 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 systematic arbitrary detention and “dealing with” Falun Gong cases outside of the judicial system.

D. THIRD CLAIM FOR RELIEF: CRIMES AGAINST HUMANITY

114. The allegations set forth in Sections I- through V of this Complaint are realleged and incorporated by reference as if fully set forth herein. 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, enslavement, deportation or forcible transfer, torture, rape or other inhumane acts, committed as part of a widespread [or] systematic attack directed against a civilian population. *Presbyterian Church Of Sudan v. Talisman Energy, Inc.*, 582 F.3d 244, 257 (2d Cir. 2009) (internal citation and quotation omitted).

115. The abuses committed against Plaintiffs described herein also constitute persecution against an identifiable group based on political, cultural, or religious status, and were committed in the context of a widespread or systematic attack against a civilian population. Defendant Zhao planned for, instigated, ordered, authorized and incited police, and other security personnel, municipal or provincial government officials, state media instrumentalities and Defendant's fellow Party cadres to commit the abuses suffered by Plaintiffs. 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 or systematic attack against the civilian population comprising the Falun Gong religion.

116. *Inter alia*, the acts described above placed Plaintiffs in imminent fear for their lives, and caused them to suffer severe mental and physical pain and suffering. Propaganda tied intricately to a program of extermination is a form of aggression that destroys 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 citizenry of China, as well as to create and produce the harm and injuries alleged, as evidenced in part by the acts of persecution, torture, and extermination which directly followed and were linked to his propaganda activities.

117. Zhao's propaganda, in conjunction with the "transformation" techniques developed and disseminated by the CACA to *inter alia*, "transformation" centers, labor camps, and police stations, provided the requisite motivation, justification, and incitement, as well as the means necessary to achieve the "final solution"—the eradication of the

belief in or extermination of the adherents of Falun Gong. Plaintiffs' injuries, e.g. execution through torture, are directly attributable to the orders and 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.

**E. FOURTH CLAIM FOR RELIEF: VIOLATION OF THE RIGHTS TO LIFE,
LIBERTY AND SECURITY OF PERSON AND PEACEFUL ASSEMBLY AND
ASSOCIATION**

118. The allegations set forth in Sections I through V of this Complaint are realleged and incorporated by reference as if fully set forth herein.

119. 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. 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 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.

120. 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.

F. FIFTH CLAIM FOR RELIEF: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

121. The allegations set forth in Sections I through V of this Complaint are realleged and incorporated by reference as if fully set forth herein.

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

123. 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.

124. 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.

125. 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, and dehumanization associated with Defendant's *douzheng* ideological campaign.

G. SIXTH CLAIM FOR RELIEF: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

126. The allegations set forth in Sections I through V of this Complaint are realleged and incorporated by reference as if fully set forth herein.

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

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

129. 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, and dehumanization associated with Defendant's *douzheng* ideological campaign.

130. 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.

VII. PRAYER FOR RELIEF

131. 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:

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

2. 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;

3. 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;

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

5. 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 16th day of August 2011 by:

THE PLAINTIFFS CHEN GANG, FANG LIN, LU FENG AND DOES

By:

s/Terri E. Marsh

Terri E. Marsh (ct. 26141)

Admitted Pro Hac Vice

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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed postage prepaid on this 16th day of August 2011 to:

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A copy of the foregoing was also emailed to Bruce S. Rosen, Esq. at
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/s/ Terri E. Marsh
Terri E. Marsh