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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

DOE I, DOE II, Ivy HE, DOE III, DOE IV, DOE V, DOE VI, ROE VII, Charles LEE, ROE VIII, and LIU Guifu, and those individual similarly situated,

Plaintiffs,

vs.

CISCO SYSTEMS, INC., John CHAMBERS, Thomas LAM, Owen CHAN, and DOES 1-100,

Defendants.

Case No. **CV 11-02449**

**PSG**

**CLASS ACTION COMPLAINT FOR:**

- 1. TORTURE [28 U.S.C. § 1350];
- 2. TORTURE [28 U.S.C. § 1350 note];
- 3. CRUEL, INHUMAN, OR DEGRADING TREATMENT;
- 4. FORCED LABOR;
- 5. PROLONGED AND ARBITRARY DETENTION;
- 6. CRIMES AGAINST HUMANITY;
- 7. EXTRAJUDICIAL KILLING;
- 8. ENFORCED DISAPPEARANCE;
- 9. VIOLATION OF 28 U.S.C. § 2512(1);
- 10. BATTERY;
- 11. ASSAULT;
- 12. FALSE IMPRISONMENT;
- 13. WRONGFUL DEATH;
- 14. UNFAIR BUSINESS PRACTICES

**DEMAND FOR JURY TRIAL**

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
N.D. CALIF. SAN JOSE  
*09*



- 1 5. Doe I is a resident of China. The Golden Shield was the essential means through  
2 which she was monitored, tracked, detained and eventually subjected to arbitrary and  
3 prolonged detention, torture, forced labor and public humiliation.
- 4 6. Doe II is a resident of China. The Golden Shield was the essential means through  
5 which she was monitored, tracked, detained and eventually subjected to arbitrary and  
6 prolonged detention, torture, forced labor and public humiliation.
- 7 7. Ivy He is a resident of Canada. The Golden Shield was the essential means through  
8 which she was monitored, tracked, detained and eventually subjected to arbitrary and  
9 prolonged detention, torture, forced labor and public humiliation.
- 10 8. Doe III brings this action through his next friend, Roe III. Doe III is currently in  
11 prison in China. He was arrested in 2006 for engaging in Falun Gong activities on the  
12 Internet. The Golden Shield was the essential means through which he was monitored,  
13 tracked, detained and eventually imprisoned, kept in isolation, and subjected to torture  
14 including by means of force-feeding.
- 15 9. Doe IV brings this action through his next friend, Roe III, who is also next friend  
16 for Doe III. Doe IV was arrested for engaging in Falun Gong religious activities on the  
17 Internet. The Golden Shield was the essential means through which he was monitored,  
18 tracked, detained and eventually subjected to arbitrary and prolonged detention, forced  
19 conversion, torture.
- 20 10. Doe V is a resident of China. The Golden Shield was the essential means through  
21 which she was monitored, tracked, detained and eventually imprisoned for three years,  
22 following a show trial where she was denied an opportunity to challenge the charges  
23 against her, where she was deprived of sleep and subjected to beatings and other forms of  
24 torture.
- 25 11. Doe VI is a resident of China. The Golden Shield was the essential means through  
26 which he was monitored, tracked, detained and eventually sent to a reeducation through  
27 labor camp without trial where he was subjected to torture and forced labor.
- 28 12. Roe VII, a resident of China, brings this action as the representative of Doe VII.

1 Doe VII disappeared in the summer of 2006 while imprisoned as a result of her Falun  
2 Gong activities. The Golden Shield was the essential means through which she was  
3 monitored, tracked, detained and eventually imprisoned. Both before and during her  
4 imprisonment, Doe VII was subjected to torture, including the forcible administration of  
5 drugs that left her unable to stand or speak during a sham trial.

6 13. Charles Lee is a U.S. citizen and resident of New Jersey. He is a Falun Gong  
7 practitioner who used the Internet to contact other practitioners in China. In 2003, he went  
8 to China to visit with friends and family. He was apprehended on his arrival at the airport  
9 and tortured, force-fed, and detained until 2006. The Golden Shield was the essential  
10 means through which he was monitored, tracked, and detained. Charles Lee brings this  
11 action under the Torture Victims Protection Act, 28 U.S.C. § 1350, note.

12 14. Roe VIII, a resident of China, brings this action as the survivor of Doe VIII. Doe  
13 VIII was detained as a result of his Falun Gong activities and was tortured to death. The  
14 Golden Shield was the essential means through which he was monitored, tracked and  
15 eventually tortured to death.

16 15. Liu GUIFU is a resident of New York. She is a Falun Gong practitioner who was  
17 detained in China on multiple occasions and was subjected to arbitrary and prolonged  
18 detention and torture. The Golden Shield was one of the means through which she was  
19 monitored, tracked and persecuted.

20 B. Defendants

21 16. Defendant Cisco Systems, Inc. ("Cisco") is a multinational corporation  
22 incorporated in California with its principal place of business in San Jose, California.

23 17. In 1998, Cisco created Cisco Systems China Network Technology Corporation  
24 ("CNTC") as well as a network technology laboratory in Beijing for the purpose of  
25 designing, manufacturing, and implementing the Golden Shield.

26 18. At all relevant times, the China Research and Development Center ("CRDC") was  
27 a wholly owned subsidiary to manufacture Cisco's products, including those utilized as  
28 part of the Golden Shield in China, and acted as an agent of Cisco over which Cisco had

1 direct oversight.

2 19. Cisco maintained an agency relationship over CRDC by prior authorization of all  
3 acts and by subsequently ratifying their actions, including by failing to disavow their  
4 wrongful conduct and by attempting to cover them up.

5 20. Cisco is comprised in part of Cisco China Networking Technologies, Ltd.  
6 (“CNT”), a wholly owned subsidiary of Cisco, which directly reports to Cisco and  
7 operates under the supervision and control of Cisco as the agent of Cisco. Cisco created  
8 CNT for the purpose of increasing its sales presence in the Chinese market, which  
9 included Golden Shield development, implementation and maintenance. CNT was created  
10 to be the public face of Cisco in China with no clear demarcation between Cisco and  
11 CNT. Executives employed by Cisco and its Asia Pacific branch performed supervisory  
12 functions at CNT, as is indicated by the role and composition of the China Strategy Board,  
13 a division of Cisco.

14 21. Cisco operated an Asia Pacific branch headquartered in Singapore until 2010. It is  
15 not separately incorporated. In 2010, Cisco restructured its Asia Pacific branch, dividing it  
16 into three theaters: a Greater China Theater for the People’s Republic of China, Hong  
17 Kong, and Taiwan; a Japan Theater for Japan; and an Asia Pacific Theater for all  
18 remaining countries in the Asia Pacific region. These theaters continue to operate as  
19 branches of Cisco’s San Jose headquarters and are not separately incorporated.

20 22. Executive officers in Cisco’s Asia Pacific branch reported directly to Senior Vice  
21 Presidents based in Cisco’s San Jose headquarters and to Defendant John Chambers,  
22 Cisco’s Chief Executive Officer (“CEO”), until 2010, when the Asia Pacific branch was  
23 divided into three theaters, including the Greater China Theater.

24 23. Cisco’s sales and marketing in China was conducted primarily through Asia Pacific  
25 branch offices until 2010, when the Asia Pacific branch was divided into three theaters,  
26 including the Greater China Theater, while supplemental work is performed by Cisco  
27 subsidiaries.

28

1 24. Employees of Cisco's Asia Pacific branch and Cisco's Chinese subsidiaries worked  
2 together directly and share responsibilities and workloads with each other. Employees of  
3 Cisco's Greater China Theater continue to work together directly and share  
4 responsibilities and workloads with Cisco's Chinese subsidiaries.

5 25. Defendant John Chambers ("Chambers") is a resident of California, who is and at  
6 all relevant times has been the CEO of Cisco. Chambers directs and supervises Cisco's  
7 operations in China.

8 26. As Cisco's CEO, Chambers signs or authorizes the signature of all certificates,  
9 contracts, and other instruments of Cisco. Significant Cisco sales operations in China are  
10 reported to its U.S. headquarters, and major localization efforts in China require executive  
11 decisions by Defendant Chambers and others. Under his direction, Cisco's specific intent  
12 to meet the requirements of the CCP's purpose to identify, track and thereby abuse and  
13 eliminate Falun Gong practitioners pursuant to *douzheng* methods was expressed in  
14 marketing presentations.

15 27. Defendant Chambers also oversees the China Strategy Board ("CSB"), established  
16 in 2008 for the purpose of devising Cisco strategy in China. Since then, Cisco's Chinese  
17 operations have been controlled primarily by the CSB, which is composed of high-level  
18 executives working at Cisco's San Jose headquarters, at its Asia Pacific branch (until  
19 2010, when the Asia Pacific branch was divided into three theaters, including the Greater  
20 China Theater), and at its Chinese subsidiaries. It is chaired by Cisco Senior Vice  
21 President Jim Sheriff.

22 28. Chambers also met with Jiang Zemin – the founder of the persecutory campaign  
23 against Falun Gong – during the same month he created the subsidiary CNT and a  
24 technical support center in Beijing to facilitate the suppression of Falun Gong and other  
25 dissident groups in China. Chambers continued to meet Jiang Zemin during the early  
26 design and development phases of the Golden Shield.

27 29. At all relevant times, Chambers knew of China's campaign of torture and  
28 persecution of Falun Gong practitioners, as outlined in the factual allegations herein, and

1 knew that China intended to use the Golden Shield to facilitate and carry out that  
2 campaign. As CEO of Cisco, Chambers not only was in a position to prevent Cisco's  
3 tortious conduct in relation to the Golden Shield in all factual allegations herein, but also  
4 purposefully authorized, participated in, and ratified Cisco's participation in the Golden  
5 Shield project as delineated in all factual allegations herein, including especially the  
6 specific conduct alleged in sections B.-F. of the Statement of Facts below.

7 30. Defendant Owen Chan ("Chan") is and at all relevant times has been a top-level  
8 executive of Cisco. Upon information and belief, Chan, as a top-level executive for Cisco  
9 China, routinely travels to California to conduct business at Cisco's San Jose headquarters  
10 relating to Cisco's implementation and sourcing of technology for the Golden Shield.

11 31. In his various roles as a top-level executive working on Cisco's China operations,  
12 Defendant Chan directly participated in, authorized, and controlled Cisco's actions alleged  
13 herein, in concert with the other individually named Defendants. Chan acted on behalf of  
14 Cisco and worked in concert with Chinese Public Security. The positions Chan filled at  
15 Cisco from the late 1990's to the present day required him to be intimately involved, from  
16 a position of authority, in Cisco's marketing, design and implementation of the Golden  
17 Shield in China. From 1999 to 2002, Chan was Cisco's Vice President in charge of Cisco  
18 Business Solutions Consulting and Service Support in the Asia Pacific region. From 2002  
19 to 2005, he became Senior Vice President of Asia Operations. Since that time he was  
20 promoted to President of Cisco's Asia Pacific Theater and then to President and CEO of  
21 the Greater China Theater. The Asia Pacific Theater and subsequently the Greater China  
22 Theater are the divisions of Cisco which primarily oversaw the management of operations  
23 in China, including and especially all marketing and sales to Chinese Public Security for  
24 the design, implementation, and technical support for the Golden Shield. All of the Cisco  
25 engineering and marketing teams working with Public Security on the Golden Shield  
26 ultimately reported to Chan through a chain of command. Chan authorized or approved  
27 the actions of Defendant Lam as alleged in paragraphs 34 and 35 below.

28

1 32. Defendant Chan exercises supervisory authority and personal direction over all  
2 Golden Shield-related marketing and training activities directly or in concert with others.  
3 Defendant Chan participated in business development, marketing and customer support in  
4 the Asia Pacific region; participated in Cisco's sale of high-level Golden Shield design,  
5 training and customer support services to Public Security and 610 officers; facilitated a  
6 transition from having the mainland China, Hong Kong and Taiwan markets under the  
7 purview of the Asia Pacific branch to having them under a "Greater China" division of the  
8 corporation, allowing for a greater focus on China operations, including and especially the  
9 Golden Shield; and exercises significant control over the selection, appointment and  
10 removal of Cisco management including the Cisco Golden Shield engineers, marketing  
11 personnel and Public Security team. Under his direction, Cisco's specific intent to meet  
12 the requirements of the CCP's purpose to identify, track and thereby abuse and eliminate  
13 Falun Gong practitioners pursuant to *douzheng* methods was expressed in marketing  
14 presentations. At all relevant times, Chan knew of the campaign of torture and persecution  
15 of Falun Gong practitioners in China, was in a position to influence Cisco's tortious  
16 conduct during the development of the Golden Shield, and nevertheless purposefully  
17 authorized, participated in, and ratified Cisco's participation in the Golden Shield project  
18 as delineated in all factual allegations herein, especially the specific facts alleged in  
19 sections B-F. of the Statement of Facts. At all relevant times, Chan aided and abetted and  
20 conspired with Chinese Public Security by entering into an agreement to commit wrongful  
21 and tortious acts contained herein and participated in or committed a wrongful act in  
22 furtherance of said conspiracy which resulted in injury to the Plaintiffs.

23 33. Defendant Thomas Lam ("Lam") is and at all relevant times has been a top-level  
24 executive of Cisco. Upon information and belief, Lam, as a top-level executive for Cisco  
25 China, routinely travels to California to conduct business at Cisco's San Jose headquarters  
26 relating to Cisco's implementation and sourcing of technology for the Golden Shield.

27 34. In his roles as a top-level executive working on Cisco's China operations, Lam  
28 directly participated in and controlled Cisco's actions alleged herein, in concert with the

1 other individually named Defendants. Lam acted on behalf of Cisco and worked in  
2 concert with Chinese Public Security. Lam directly authorized much of Cisco's Golden  
3 Shield operations, under the authority of Chan and Chambers. Lam is a high level Cisco  
4 executive who was and continues to be directly involved in Golden Shield operations in  
5 China. From 1998 to 2002, he was Vice President of the Enterprise Line of Business for  
6 China. From 2002 to 2005, he was Vice President of the Customer Advocacy  
7 Organization in the Asia Pacific branch. From 2005 to 2009, he was President of China  
8 Operations, and he currently serves as Vice Chairman of Cisco Greater China. In each of  
9 these roles, all major Golden Shield operations in China were authorized by, reported to,  
10 and approved by Lam, who reported to Chan for his authorization and approval.

11 35. Defendant Lam directly oversaw many of the technology infrastructure projects in  
12 China. He attended meetings focused specifically on Cisco's "action plan" for the  
13 development of Chinese Public Security's information technology infrastructure. Under  
14 his direction, Cisco's specific intent to meet the requirements of the CCP's purpose to  
15 identify, track and thereby abuse and eliminate Falun Gong practitioners pursuant to  
16 *douzheng* methods was expressed in marketing presentations. Lam has also played an  
17 active role in both CNT and CRDC, authorizing and directing their dealings with Chinese  
18 Public Security and working to ensure that the Golden Shield achieved the goal of aiding  
19 the persecution of Falun Gong. At all relevant times, Lam knew of the campaign of torture  
20 and persecution of Falun Gong practitioners in China, was in a position to influence  
21 Cisco's tortious conduct during the development of the Golden Shield, and nevertheless  
22 purposefully authorized, participated in, and ratified Cisco's participation in the Golden  
23 Shield project as delineated in all factual allegations herein, especially the specific facts  
24 alleged in sections B through F of the Statement of Facts. At all relevant times, Lam aided  
25 and abetted and conspired with Chinese Public Security by entering into an agreement to  
26 commit wrongful and tortious acts contained herein and participated in or committed a  
27 wrongful act in furtherance of said conspiracy which resulted in injury to the Plaintiffs.

28

1 36. The true names and capacities, whether individual, official, corporate, associate, or  
2 otherwise, or precise participation of Defendants, DOES 1 through 100, inclusive, are not  
3 known to Plaintiffs herein at the time of the filing of this Complaint and, therefore, these  
4 Defendants are being sued by such fictitious names, and Cross-Complainant will seek  
5 leave to further amend this Complaint to show their true names and/or capacities and  
6 precise participation when the same have been ascertained. Each Defendant designated  
7 herein as a DOE was responsible intentionally, negligently, or in some other actionable  
8 manner, for the events and happenings referred to herein which directly caused damages  
9 and injury to Plaintiffs within this Complaint.

10 37. At all relevant times, Cisco, directly and through its agents, knowingly and  
11 purposefully aided and abetted and/or entered into a conspiracy or joint criminal  
12 enterprise with the Chinese Communist Party officers and/or Chinese Public Security  
13 officers working for the Public Security Chinese government agency, by bidding for,  
14 building, designing, constructing, customizing, installing, and servicing the Golden Shield  
15 surveillance system that was used by China to enable Public Security and CCP officers to  
16 identify and persecute Falun Gong practitioners, including Plaintiffs, and commit  
17 numerous human rights abuses against them, including detention without trial or other  
18 forms of arbitrary detention, torture and cruel, inhuman, or degrading treatment, forced  
19 labor, crimes against humanity, and extrajudicial killing.

20 38. All Defendant named were the agents, servants and/or employees of each and the  
21 other, and were at all times acting within the course and scope of such agency, service,  
22 and/or employment, and acted as the actual or ostensible agent of each and the other.

23 **JURISDICTION AND VENUE**

24 39. This Court has jurisdiction over this case pursuant to the Alien Tort Statute, 28  
25 U.S.C. § 1350; the Torture Victims Protection Act, 28 U.S.C. § 1350 note; 28 U.S.C. §  
26 1331 (federal question); 28 U.S.C. § 1332 (diversity); and 28 U.S.C. § 1367  
27 (supplemental jurisdiction).

28

1 40. Venue is proper in this court under 28 U.S.C. § 1391(b), because a substantial part  
2 of the events or omissions giving rise to Plaintiffs' claims occurred in this District, Cisco  
3 is incorporated in and doing business in this District, and Chambers is the CEO of Cisco  
4 in this District. Upon information and belief, Chan and Lam routinely travel to California  
5 to conduct business at Cisco's San Jose headquarters in this District.

6 **STATEMENT OF FACTS**

7 A. Background of China's Persecution of Falun Gong

8 41. Falun Gong practitioners, in provinces and regions across China, cannot be  
9 distinguished from other Han (ethnic Chinese) apart from their religious activity that  
10 occurs almost entirely on the Internet. Falun Gong practitioners typically utilize the  
11 Internet to practice their religion. They regularly access the "Minghui" website due to its  
12 central role in the worldwide Falun Gong community and its status as a place of  
13 congregation for members of the religion.

14 42. The Falun Gong religion is based on the tenets of Zen Shan Ren (Truthfulness,  
15 Compassion, and Tolerance). It developed in China in or around 1992. By early 1999, the  
16 New York Times and Associated Press estimated that there were 70-100 million people  
17 practicing Falun Gong in China.

18 43. In June of 1999, several leading members of the Chinese Communist Party  
19 ("CCP") created a plan to purge China of Falun Gong.

20 44. The leaders of the CCP authorized the use of various measures to forcibly convert  
21 Falun Gong practitioners through reeducation techniques that included brainwashing  
22 classes, intense interrogation, and torture. For those who refused to abandon their  
23 religious beliefs, far harsher legal sanctions were leveled including lengthy jail terms,  
24 forced labor and torture.

25 45. "Reeducation Through Labor" is a system of administrative detention in China,  
26 which is imposed without judicial review and may be imposed by police officials or an  
27 administrative committee. Persons identified as Falun Gong are typically subject to  
28 reeducation through labor as an initial method to force them to abandon their religion.

1 46. The Chinese verb *douzheng* is the term of art used by the CCP to mobilize  
2 persecutory campaigns against so-called hostile elements, e.g., the intellectual left during  
3 the Cultural Revolution and pro-democracy students during the Tiananmen crackdown.  
4 By 1999, it had become the term of art used by CCP operatives to mobilize the  
5 persecution and suppression of Falun Gong practitioners in China.

6 47. The Office 610 was created by the Central Committee of the CCP as a subdivision  
7 of the CCP in 1999 to persecute and suppress, i.e., *douzheng*, Falun Gong practitioners in  
8 China.

9 48. Neither Office 610 nor the CCP has the statutory authority to act on behalf of the  
10 state.

11 49. Chinese Public Security officers are responsible for the prevention, suppression  
12 and investigation of criminal and dissident activities in China.

13 50. Public Security officers collaborated with Office 610 party agents to detect the  
14 Internet activities of Falun Gong practitioners to suppress Falun Gong.

15 51. The ongoing campaign to persecute Falun Gong practitioners in China through use  
16 of the Golden Shield has been widely reported in Western media outlets since 1999, and  
17 has been documented and universally condemned, beginning in 1999, by the U.S.  
18 Department of State, the U.S. Congress, and a number of international human rights  
19 organizations.

20 B. Defendants' Marketing of Technology and Design Solutions to Facilitate the  
21 Persecution of Falun Gong

22 52. During the late 1990s, the CCP's desire to monitor and control the Internet traffic  
23 of Falun Gong practitioners and other Chinese dissidents led to plans for the creation of  
24 the "Golden Shield," a comprehensive Internet censorship and surveillance system which  
25 would be used to identify, track, and target Falun Gong members for the sole purpose of  
26 subjecting them to *douzheng* methods of persecution.

27 53. When it came to purchases of Internet technology, Chinese buyers were primarily  
28 concerned with whether it could stop the Falun Gong, not whether it would increase

1 productivity.

2 54. As early as 1998, Defendants competed aggressively to win contracts to design and  
3 develop the Golden Shield, with full knowledge and purpose that it was to be used for the  
4 suppression of the Falun Gong religion and the persecution, arbitrary detention, forced  
5 labor and torture of Falun Gong practitioners.

6 55. Before it entered into contracts to design the Golden Shield, Defendants knew and  
7 intended that the products and services Cisco designed for the Golden Shield would be  
8 used to commit human rights violations.

9 56. Defendants marketed several high-level design solutions, e.g., integration of  
10 application designs, at trade shows and sales presentations that show Public Security  
11 officers and Party agents how to *douzheng*, i.e., isolate and suppress, "hostile elements" in  
12 China, and especially Falun Gong.

13 57. The high-level design solutions marketed by Cisco included a Filter and Security  
14 Management System that could log, identify and track Falun Gong Internet behavior  
15 across provinces/regions in real time and transfer the tracked information to public  
16 security personnel and 610 special agents at central and local levels. This system is also  
17 referred to as the log/alert/notification system.

18 58. These high-level designs also featured a first-of-its-kind integration of the  
19 log/alert/notification system with anti-Falun Gong databases to facilitate the storage,  
20 analysis and profiling of Falun Gong related behavior, biometric data, and other  
21 identifying features to enable their identification, interrogation, apprehension, isolation  
22 and suppression.

23 59. Cisco's Golden Shield designs cemented Cisco's place as one of the top foreign  
24 technology providers in the Chinese market.

25 C. Defendants' Customization of the Golden Shield To Specifically Facilitate  
26 the Repression of Falun Gong

27 60. In collaboration with Chinese authorities, Defendants designed and developed the  
28 Golden Shield to incorporate advanced information and communication technologies into

1 security enforcement with the primary goal of creating a comprehensive online  
2 surveillance system specifically geared to enable and facilitate the suppression of  
3 dissident activity in China, specifically Falun Gong.

4 61. Prior to the implementation of the Golden Shield, it was not possible for the CCP  
5 or security authorities to detect, identify, or track Falun Gong religious activities online.

6 62. The Golden Shield was designed and developed by Defendants to operate through  
7 a variety of different pieces of specialized hardware and software, all of them acting in  
8 conjunction with one another to enable Chinese Public Security officers to monitor and  
9 control all Internet activity in China, including especially the Internet activity of  
10 practitioners of Falun Gong.

11 63. Defendants specifically designed and developed the Golden Shield apparatus  
12 (including hardware, software) with the scale, complexity and capacity required to enable  
13 the Chinese Public Security officers and Office 610 agents to monitor, identify, track, and  
14 eventually detain and torture Falun Gong practitioners such as Plaintiffs and persons  
15 similarly situated.

16 64. In particular, Defendants developed the Golden Shield technology with a wider  
17 scale, complexity and capacity than any previous network, involving multi-tiered network  
18 platforms connecting Public Security and 610 officers to the network from almost  
19 anywhere in China, thereby enabling the authorities to catch and suppress the Falun Gong  
20 who live across all regions of China and are primarily discernible only on the Internet.

21 65. Without the far wider scale, complexity and capacity that Defendants designed and  
22 developed for the Golden Shield, it would not have been possible for 610 special agent  
23 and Public Security officers to obtain sensitive information such as home and work  
24 addresses, purchases, contact with other Falun Gong members, past Falun Gong activities,  
25 IP addresses, and family information (used for illegal interrogation purposes), from almost  
26 anywhere in China, thereby enabling the Chinese authorities to locate, investigate,  
27 apprehend, and persecute Falun Gong members without having to search homes, ransack  
28 their offices and homes for evidence, or detain and interrogate them for more information.

1 66. The Golden Shield required extensive customization from Cisco engineers or  
2 engineers Defendants trained and/or charged with implementing the customization  
3 necessary to surveil, apprehend and/or in other ways *douzheng* practitioners of the Falun  
4 Gong religion in China.

5 67. The need for specialized high-capacity hardware and software that is able to handle  
6 large amounts of data being transmitted through a small number of entry points was  
7 unprecedented. Technology that had the ability to simultaneously block and track  
8 information without prohibitively slowing down general Internet traffic required extensive  
9 testing and specialized equipment, which Defendants provided.

10 68. The need to integrate functionalities that could both censor and surveil, apprehend  
11 and in other ways *douzheng* dissidents and especially Falun Gong practitioners was also  
12 unprecedented and specifically developed by Defendants directly or in collaboration with  
13 Cisco partners to isolate and persecute dissident groups in China and especially Falun  
14 Gong.

15 69. Defendants played a major and significant role in the implementation of many  
16 other solutions in major provinces and regions in China that were customized solely or  
17 primarily to achieve the primary purpose of the Golden Shield, i.e., to *douzheng* Falun  
18 Gong. These likely included the customization of network and security related software to  
19 provide real time monitoring, event correlation and notification based on Falun Gong's  
20 Internet traffic patterns, behaviors, and anti-blockage tool usage with Falun Gong  
21 triggering thresholds, key word identification, and pattern matching to meet *douzheng*  
22 Golden Shield requirements to facilitate the suppression of the religious group; and the  
23 integration of all Falun Gong-related designs and software configuration with the high-  
24 performance core network and security architecture to facilitate the suppression of the  
25 religious group.

26 70. The Golden Shield also required post-product maintenance, training and support,  
27 which Defendants provided to Public Security and, by information and belief, 610  
28 officers.

1 71. All of the Falun Gong features of the Golden Shield relied on Defendants' ongoing  
2 support in order to function properly.

3 72. Upon information and belief, Cisco sent engineers from its San Jose headquarters  
4 to China in connection with the Golden Shield project.

5 73. By the end of 2006, Cisco had completed the construction of the Golden Shield in  
6 the provinces of Yunnan (completed in 2001), Shaanxi (completed in 2002), Anhui  
7 (completed in 2003), Fujian (completed in 2004), Guangdong (completed in 2004),  
8 Hainan (completed in 2004), Zhejiang (completed in 2004, and Heilongjiang (completed  
9 in 2006), as well as the cities of Beijing (completed in 2002) and Shanghai (completed in  
10 2005).

11 74. By 2007, Defendants had played a major role in the high-level design,  
12 implementation and post-production support of the Golden Shield in provinces and  
13 regions across China. Defendants designed and developed the Golden Shield with  
14 solutions specifically tailored to isolate, surveil, and suppress Falun Gong practitioners in  
15 China. These included:

16 (1) An international Internet gateway system with a small number of physical  
17 entry points into the Chinese network, called "gateways," and the high level of  
18 capacity required to keep the Chinese Internet up and running while identifying and  
19 tracking Falun Gong behavior across regions in real time and transferring the  
20 tracked information to public security personnel and 610 agents to profile,  
21 apprehend, isolate and suppress Falun Gong;

22 (2) An internal multi-tiered nationwide network of sufficient scale and  
23 sophistication to enable Public Security officers and Office 610 agents to identify  
24 and track Falun Gong practitioners who, unlike most other dissident groups, reside  
25 in all regions across China;

26 (3) An IP address blocking system that maintains a blacklist of IP addresses  
27 frequented by Falun Gong practitioners in China, used to deny or interrupt access  
28 and to identify, track, apprehend, interrogate and suppress those Falun Gong

- 1 practitioners who visit blocked Falun Gong websites or services;
- 2 (4) A Domain Name System hijacking procedure that redirects Internet users by
- 3 monitoring users' domain name requests and supplying the user with a false reply
- 4 if their request is for a blocked site, while also identifying and tracking users who
- 5 attempt to visit these sites, including Falun Gong practitioners engaging in Internet
- 6 activity related to Falun Gong;
- 7 (5) National- and provincial-level information centers that host the Falun Gong and
- 8 other databases and which are embedded in the multi-tiered network to facilitate
- 9 the storage, analysis and profiling of Falun Gong Internet traffic patterns to enable
- 10 their detection, apprehension, arrest and persecution;
- 11 (6) Similar security features to identify and track Falun Gong practitioners through
- 12 the use of non-Internet surveillance devices such as cell phones and street cameras
- 13 by integrating voice, video and data systems;
- 14 (7) Training and customer service customized to ensure that Public Security
- 15 officers and Office 610 agents were able to use the Golden Shield effectively and
- 16 that any technical problems were addressed;
- 17 (8) Hardware and software that enabled the encrypted transfer of information
- 18 between Public Security and Office 610.

19 75. Because a typical router's default configuration does not have these content  
20 filtering and blocking features enabled, Defendants customized them onto the router at the  
21 specifications of the Chinese authorities in order to enable the tracking of the Falun Gong  
22 practitioners.

23 76. Because a typical router's default configuration does not have these content  
24 filtering and blocking features enabled, Defendants customized them onto the router at the  
25 specifications of the Chinese authorities in order to enable the tracking of the Falun Gong  
26 practitioners.

27 77. In addition, most IP addresses are "static" and do not change and are therefore easy  
28 to block or track. But because many Falun Gong practitioners employ "dynamic" IP

1 addresses to circumvent the IP blocking system described in item (3) of paragraph 74  
2 above, the Golden Shield had to be customized, through the use of specialized Cisco  
3 technology.

4 78. By information and belief, Defendants managed the design and implementation  
5 phases of the Golden Shield through an "Advanced Service team" which tested and  
6 verified all Falun Gong-related features to meet Public Security and CCP officers' intent  
7 and specification to suppress Falun Gong.

8 D. Defendants' Collaboration with CCP and Public Security Officers to  
9 Persecute and Suppress Falun Gong

10 79. Defendants publicly admitted on Cisco's Chinese-language website in 2004 that it  
11 constructed the Golden Shield in "full collaboration" and "partnership" with Public  
12 Security Bureau officials in the Shanxi province of China. Other statements on Cisco's  
13 Chinese-language website from as early as 1999 discuss Defendants' collaboration in  
14 constructing the Golden Shield with Public Security Bureau and division officials across  
15 China.

16 80. In 1999, Cisco entered into an agreement with Chinese Public Security officials at  
17 the national level to construct the backbone of the Golden Shield.

18 81. After the development and launch of the Golden Shield in 2000, Defendants  
19 entered into a series of further agreements with Public Security officers at regional levels  
20 to develop and construct additional features of the Golden Shield. These included  
21 agreements to provide the software, hardware and infrastructure to link major cities and  
22 provinces in China to the Golden Shield backbone; agreements to train Chinese Public  
23 Security officers in surveillance techniques; and agreements to upgrade Golden Shield  
24 infrastructure and to provide information centers to host the central Falun Gong databases  
25 (on or around 2006).

26 82. The CCP Central Committee's Commission for the Comprehensive Management  
27 of Social Security, a body which is in charge of monitoring dissident activity, was at least  
28 one of the organizers listed at one or more of the web technology trade shows where Cisco

1 displayed and sold its Golden Shield products.

2 83. In 2003, Huang Ju, a ranking member of the Communist Party's Politburo and  
3 Executive Vice Premier, was selected to run the Golden Shield and serve as its chief  
4 technical expert.

5 84. As a result of its marketing and sales efforts, by the early 2000s, Cisco was the  
6 main foreign provider of network security technology for the Golden Shield, enabling the  
7 CCP's persecution and suppression of Falun Gong.

8 E. China's Use Of The Golden Shield To Track, Identify, And Persecute Falun  
9 Gong

10 85. Beginning as early as 2001, Public Security officers, CCP officials, and Office 610  
11 agents monitored and analyzed information on Falun Gong practitioners gained through  
12 the Golden Shield and shared this information with other state agents to facilitate their  
13 identification, tracking, detention, torture and suppression.

14 86. Public Security officers monitored Nanjing train entrances and exits, looking for  
15 Falun Gong practitioners attempting to travel to Beijing. The officers were equipped with  
16 mobile laptop computers that were connected to the Golden Shield network and which  
17 allowed the officers to identify suspected Falun Gong practitioners through the use of  
18 Golden Shield databases storing information on Falun Gong practitioners. This type of  
19 monitoring in Nanjing was common practice across China.

20 87. Public Security officers and Office 610 agents used Golden Shield technology sold  
21 by Defendants to identify, track, and detain Falun Gong practitioners, and to compile  
22 information on Falun Gong practitioners in databases used for information-sharing and  
23 profiling purposes.

24 88. By 2007, Defendants directly and/or through its agents had completed the  
25 construction of the Golden Shield in numerous provinces and cities in China.

26 89. Beginning around 2001 and continuing through at least 2006, Cisco employees  
27 trained Public Security officers and, upon information and belief, Communist Party  
28 officials to use Cisco equipment to monitor and arrest Falun Gong practitioners and

1 provided customer service.

2 90. The scale, capacity, complexity, hardware and “intelligence” of the sophisticated  
3 Golden Shield dragnet enabled 610 agents and Public Security officers to monitor, track,  
4 locate, apprehend and suppress a group of practitioners because, unlike all other groups in  
5 China, their religious practice was tied to their Internet use.

6 F. Defendants’ Intent to Use the Golden Shield to Commit Crimes Against  
7 Falun Gong

8 91. Cisco has admitted publicly that it agreed to meet Public Security’s objectives  
9 during its work on the Golden Shield, which, as Cisco has noted in its internal documents,  
10 include the suppression of Falun Gong.

11 92. As alleged above, Defendants knew that Public Security officers and CCP officials  
12 intended to use the Golden Shield to persecute Falun Gong practitioners, and specifically  
13 recommended new technologies to achieve that purpose and designed and developed  
14 those technologies.

15 93. Defendants recommended to Public Security and CCP officials features that could  
16 contribute to achieving the Golden Shield’s objectives and that were essential to the  
17 suppression of Falun Gong.

18 94. Defendants’ expressed willingness to meet the requirements of the CCP’s purpose  
19 to identify, track and thereby abuse and eliminate Falun Gong practitioners pursuant to  
20 *douzheng* methods, was intended to and did result in the award to Cisco of the contracts to  
21 develop the Golden Shield.

22 95. Between 2000 and 2003, Defendants participated in several web technology shows  
23 in China where it advertised Cisco surveillance products that would enable the CCP to  
24 suppress Falun Gong.

25 96. The sales and marketing programs that Defendants presented at one or more of  
26 these technology events included brochures acknowledging that a major purpose of the  
27 Golden Shield is to persecute Falun Gong practitioners.

28 97. At one trade show, a key member of Cisco’s sales team in China described the

1 features of Cisco surveillance equipment to author Ethan Gutmann, stating that the  
2 Golden Shield "Policenet" technology Cisco had developed included the bandwidth,  
3 capacity and other technology needed to monitor "suspicious" surfing history and email,  
4 and remotely access sensitive information about the suspect's political behavior, family  
5 history and "footprints."

6 98. At the same trade show, the Cisco booth featured high-tech Internet surveillance  
7 footage that was accented by sound bites from CEO John Chambers.

8 99. As early as 2002 and until at least 2006, Defendants provided private training and  
9 marketing sessions for Cisco employees in regions and provinces across China with  
10 PowerPoint presentations that specifically reference Falun Gong and stated that Cisco's  
11 products and services will meet the CCP and Public Security officers' plan to persecute  
12 and suppress Falun Gong practitioners in China.

13 100. During the same time frame, Defendants provided "skill training" and "technical  
14 training" to Public Security officers and Office 610 agents to enable them to use the new  
15 technologies to eradicate Falun Gong.

16 101. In 2002, in internal files, Defendants acknowledged that the purpose of the Golden  
17 Shield Policenet is to eradicate Falun Gong and described this goal as a lucrative business  
18 opportunity for the company.

19 102. In 2004, Cisco announced on its Chinese website that it had designed and  
20 implemented an upgrade to the Golden Shield network in order to improve the capability  
21 of Public Security to "fight [] against crime" and "maintain social stability." The latter  
22 phrase was understood by Defendants to refer to the suppression of dissident activity in  
23 China, including Falun Gong.

24 103. In 2003, Cisco bragged on its Chinese website that Cisco agreed to meet Public  
25 Security's objectives during its work on the Golden Shield, which, as stated by  
26 Defendants elsewhere, includes the suppression of Falun Gong.

27 104. On October 4, 2005, a resolution by Cisco shareholders calling for an investigation  
28 of Defendants' complicity in the crimes alleged herein was presented to high-level

1 officials, including Defendant Chambers, detailing how Cisco's Golden Shield technology  
2 and services were being used in China to facilitate the persecution of Falun Gong. Well  
3 after this point, Defendants continued to help CCP and Public Security officers suppress  
4 Falun Gong through the Golden Shield Policenet applications and features Defendants had  
5 developed to further the alleged crimes.

6 105. In sum, Defendants internally (a) admitted that a major purpose of the Golden  
7 Shield project is to persecute Falun Gong practitioners; (b) featured in training materials  
8 information centers hosting Falun Gong and other databases linked to surveillance  
9 cameras, mobile phone devices, and police computers, supported by digital voice  
10 recognition technology and other network applications; (c) marketed to the Public  
11 Security a unique, first-of-its kind network of sufficient scale and capacity to facilitate the  
12 blocking, identifying, tracking, and eventual detention and torture of Falun Gong; (d)  
13 demonstrated how Cisco's network technology would allow Public Security officers to  
14 share information with detention centers in China; (e) made statements describing the  
15 persecution of Falun Gong as a lucrative business opportunity for Defendants; (f) pledged  
16 to strictly follow the Golden Shield design, a major purpose of which is the persecution of  
17 Falun Gong; and (g) described specifications for the Chinese market, such as the gateway  
18 entry points into China, national- and regional-level information centers hosting  
19 "centralized database suites" with databases specifically designed for Falun Gong, and  
20 multiple levels of network platforms in part to accommodate the nationwide widespread  
21 activities of Falun Gong practitioners in China.

22 G. The Golden Shield Facilitation of Persecution of and Abuses Suffered by  
23 Plaintiffs

24 106. The Golden Shield has enabled the persecution of Falun Gong practitioners in all  
25 provinces and regions in China where the Golden Shield has been implemented, as the  
26 primary means to identify Falun Gong practitioners who use the Internet in practicing  
27 their religion.

28 107. The Golden Shield is the only system in China that performs large-scale content

1 filtering and surveillance of the Internet.

2 108. Further, the Golden Shield stores sensitive information about Falun Gong  
3 practitioners who have been previously detained and apprehended, thereby enabling  
4 Public Security officers and Office 610 agents to monitor and prove cases against  
5 practitioners subjected to multiple arrests. Office 610 routinely uses the Falun Gong  
6 database to identify Falun Gong practitioners and to assemble evidence of Falun Gong  
7 activities to further their persecution.

8 109. Office 610 officers routinely exchange information with police investigating Falun  
9 Gong cases while they track, apprehend, detained, interrogate, torture and in other ways  
10 forcibly converted members of the religion in China through network functionalities  
11 specifically designed for these purposes by Defendants.

12 110. Office 610 officers across China had access to at least three Golden Shield Falun  
13 Gong databases dedicated to the surveillance of Falun Gong: (1) Falun Gong members at  
14 large, (2) notorious Falun Gong practitioners and contact persons, and (3) captured Falun  
15 Gong whose identities have been unknown.

16 111. The Golden Shield was the essential means through which the following plaintiffs  
17 were tracked, detained and eventually tortured. Without the information collected and  
18 assembled through the Golden Shield, it would not have been possible to carry out the  
19 human rights and other violations against them in the same manner, or at all.

20 112. The 103 Cases. During 2001 in the city of Tianjin, the 610 Office used the Golden  
21 Shield to investigate, apprehend, arrest, detain and torture between sixty and seventy  
22 persons with a history of Falun Gong activities. The 610 Office's internal designation for  
23 this incident was the "103 Case."

24 113. The 610 Office and Public Security officers used the Golden Shield collaboratively  
25 to detect, monitor, interrogate and persecute these Falun Gong practitioners.

26 114. Doe I, Doe II and Ivy He are among the Falun Gong practitioners who were  
27 detained and tortured in the 103 Case through the use of the Golden Shield.

28 115. Doe I. Doe I was one of the individuals identified for arrest and persecution

1 through use of the Golden Shield by Office 610 officers during the 103 Case.

2 116. Beginning on July 1, 2001, Doe I and other Falun Gong practitioners frequently  
3 met to conduct Falun Gong activities including the downloading and distributing of Falun  
4 Gong promotional materials.

5 117. Doe I was arrested and detained along with over 70 other Falun Gong practitioners  
6 in November 2001. In their investigations, Office 610 officers identified her as one of  
7 several "backbone organizers" of the Case 103.

8 118. During their interrogation, the police and special 610 agents subjected Doe I to  
9 severe torture to force her to denounce and renounce her religious beliefs.

10 119. In July 2003, Doe I was charged with raising funds for Falun Gong activities,  
11 downloading Falun Gong materials from the Minghui website, publishing Falun Gong  
12 materials on the Minghui website, and distributing Falun Gong materials. At a purported  
13 "trial", the court accepted a statement from the Internet Controlling and Monitoring  
14 Division of Tianjin Police Bureau that confirmed some of the Internet-related charges.  
15 The police and prosecutors specifically relied on evidence that was collected and analyzed  
16 through Golden Shield Internet applications and functionalities.

17 120. In July 2003, Doe I was sentenced to twelve (12) years of imprisonment and a  
18 three-year deprivation of political rights.

19 121. In prison, Doe I was subjected to severe torture and forced labor.

20 122. Doe I is currently living in China.

21 123. She is under the continued threat that the Chinese authorities can track her religious  
22 activities and that she will be subject to further abuse.

23 124. Doe II. Doe II was one of the individuals identified for arrest through use of the  
24 Golden Shield by an Office 610 officer.

25 125. Between August and September 2001, the Golden Shield was used by Chinese  
26 authorities to identify, monitor and track her online activity as a Falun Gong practitioner.

27 126. In November 2001, Doe II was detained for her activities without notice of the  
28 charges, formal arrest or other procedures. In detention, she was slapped in the face,

1 kicked and beaten.

2 127. On December 20, 2001, Doe II was formally arrested and charged.

3 128. She remained in detention until July 2003, at which point she was put on "trial"  
4 along with several other Falun Gong practitioners. At trial, she was not permitted to  
5 challenge the legality of the charges against her and was not allowed to submit a plea of  
6 "not guilty."

7 129. The trial court convicted Doe II of "utilizing the cult organization to sabotage law  
8 enforcement" and sentenced her to a four-year prison term.

9 130. In prison, she was subjected to public humiliation, torture that included being  
10 severely beaten, and forced to work under harsh conditions that included long hours,  
11 intermittent torture and interrogation and public degradation in order to force her to make  
12 false statements about her religious belief and practice.

13 131. Doe II is currently living in China. She is under continuing threat that the Chinese  
14 authorities can identify her, and she will be subject to further abuse.

15 132. Ivy He. Ivy He was one of the sixty to seventy individuals identified for arrest as a  
16 Falun Gong practitioner in the 103 Case through use of the Golden Shield.

17 133. Ivy He has resided in Canada since December 2006.

18 134. Throughout 2001, Ivy He downloaded Falun Gong materials from the Minghui  
19 Website, communicated by cell phone with other Falun Gong practitioners involved in  
20 Internet-related Falun Gong activities, and in other ways supported these activities while  
21 living in China.

22 135. In November of 2001, Public Security officers went to her home and forced her to  
23 accompany them to the police station.

24 136. She was detained without being advised of any charges against her and was refused  
25 any opportunity to contact family or legal counsel.

26 137. At the police station, Public Security officers interrogated her continuously for  
27 many hours while they poured ice-cold water over her naked body and forced her to stand  
28 in a bucket of ice. She was also kicked and beaten.

1 138. Chinese Public Security officers sent her to a detention center. She was subjected  
2 to continuous interrogation and physical abuse.

3 139. After a month at the first detention center, Public Security officers sent her to a  
4 different detention center. She spent about a month in that center without being formally  
5 charged or permitted access to family or legal counsel.

6 140. In January of 2002, she was sent to a reeducation through labor camp without a  
7 hearing or an opportunity to challenge the legality of her detention and treatment.

8 141. There, she was beaten so severely that she lost consciousness. At one point she was  
9 sent from the labor camp to a hospital, drugged, and was forced to sign a statement  
10 denouncing the Falun Gong religion.

11 142. After about two years of detention and torture, she was released.

12 143. Internet Cases. Between one and five thousand Falun Gong practitioners have been  
13 arrested and charged with Falun Gong-related activity through use of the Golden Shield.  
14 All of the cases below involved Falun Gong practitioners who had downloaded Falun  
15 Gong materials from foreign websites.

16 144. Doe III. Doe III is a Falun Gong practitioner filing this action through his next  
17 friend, Roe III. Doe III is currently in prison in China and cannot file directly.

18 145. Roe III and Doe III became close friends in 1998.

19 146. Between 2003 and 2005, Doe III used the Internet to download a significant  
20 amount of Falun Gong material from the Minghui website which he printed and  
21 distributed to Chinese citizens residing in Shanghai.

22 147. In early 2005, after the Golden Shield had been completed by the Defendant in full  
23 collaboration with Public Security officers and Party agents and was fully operational in  
24 Shanghai, Doe III was taken into custody in Shanghai without being advised of any  
25 charges against him.

26 148. In detention, he was subjected to forced conversion procedures that included  
27 torture.

28 149. A month later, he was transferred to the Detention Center of Qingpu District in

1 Shanghai where political prisoners including but not limited to Falun Gong practitioners  
2 are subjected regularly to torture and persecution.

3 150. In late 2005, Doe III was convicted at a trial for downloading Falun Gong material  
4 online over a two-year period. He was not permitted to challenge the legality of the  
5 charges against him and was not allowed to submit a formal plea of "not guilty."

6 151. He was sentenced to a seven and a half year prison term. While in prison, he was  
7 and continues to be subjected to torture and persecution.

8 152. Doe III is currently still in the Tilanqiao Prison in Shanghai that is well known for  
9 its brutal treatment of Falun Gong practitioners and other dissident group members.

10 Visitors have reported that Doe III is currently very weak and in poor condition due in  
11 part to his subjection to torture and persecution.

12 153. Doe IV. Doe IV is a Falun Gong practitioner filing this action through his next  
13 friend, Roe III, also the next friend for Doe III. Doe IV is currently in China and cannot  
14 file directly.

15 154. Roe IV communicated with Doe IV and Doe IV's family extensively before,  
16 during, and after Doe IV was imprisoned. He maintains a close relationship with Doe IV  
17 and Doe IV's family. Roe IV procured an attorney to represent Doe IV in China, who  
18 represented Doe IV in China until the authorities began to persecute the lawyer.

19 155. In early 2003, Doe IV began to download information about Falun Gong from the  
20 Minghui website. Throughout the year, Doe IV used the Internet to download a significant  
21 amount of Falun Gong material from the Minghui website.

22 156. In October of 2003, a year after the Golden Shield became fully operational in  
23 Beijing with the participation of Defendants, Doe IV was taken into custody in Beijing  
24 without being advised of any charges against him.

25 157. In detention, he was subjected to forced conversion procedures that included  
26 torture. He was shocked with electric batons on his hands, mouth and face on several  
27 occasions, slapped in the face, beaten, deprived of sleep for prolonged periods of time,  
28 and subjected to ice water being poured on his body and clothing without any relief.

1 158. In 2004, Doe IV was convicted at purported trial for constructing a Falun Gong  
2 website, using the Internet to download Falun Gong related material and burning the  
3 information onto CDs and sending mass email about the persecution of Falun Gong in  
4 China.

5 159. He was not permitted to challenge the legality of the charges against him and was  
6 not allowed to submit a formal plea of "not guilty."

7 160. He was sentenced to seven years in prison and in November 2004 was transferred  
8 to Jidong Prison in Tangshan City, Hebei Province.

9 161. While in prison, he was subjected to torture and persecution. He was deprived of  
10 sleep for weeklong periods of time, beaten, and in other ways injured physically and  
11 mentally.

12 162. Doe V. Doe V is a resident of China. Doe V used the Internet and telephone to  
13 engage in Falun Gong-related activities. Her use of the Internet and telephone was  
14 monitored using the Golden Shield.

15 163. In 2004, after the core apparatus of the Golden Shield became fully operational  
16 with the participation of Defendants, she used the Internet to access the Minghui website.  
17 She also used the Internet to download materials about Falun Gong and to produce DVDs  
18 about the nature of the religion and its persecution in China.

19 164. In spring 2004, Public Security officers from the Xingtai Police Department in  
20 Hebei Province entered her residence as she was downloading material from the Minghui  
21 website. They seized laptop computers, printers, other personal property, and funds.

22 165. On the same day, Public Security officers took her to a hotel for interrogation and  
23 torture. They placed her in heavy foot-cuffs and tied her to an iron chair for five days. She  
24 was allowed to be removed from the chair only to go to the restroom and was not  
25 permitted to sleep. During the interrogation, she was tortured and beaten. As a result of  
26 the interrogation, she had severe injuries in the areas in which she had been cuffed and  
27 was covered in bruises and cuts.

28

1 166. Five days later, Doe V was then taken to a detention center in Xingtai where she  
2 was formally charged. At the detention center she faced further abuse. She was forced to  
3 eat spoiled food and to perform hard labor for long hours in unhealthy conditions. The  
4 materials she was forced to work with caused dizziness and vomiting. She was also put in  
5 foot-cuffs, a penalty typically reserved for death-row inmates.

6 167. She was later taken to the Qiaoxi Municipal Court to stand trial. At trial, she was  
7 not permitted to challenge the legality of the charges against her and was not allowed to  
8 submit a plea of "not guilty." She was sentenced to a three-year prison term.

9 168. While in prison she was subjected to further abuse. She was forced to make clothes  
10 for export, often working overnight to complete an order. The work made her dizzy and  
11 she vomited at the end of most days. She was deprived of access to essential hygiene  
12 products and subjected to other forcible conversion practices that included intense  
13 physical abuse.

14 169. Since her release, she continues to suffer from an irregular heartbeat, cold sweats,  
15 and other severe physical and emotional damage.

16 170. Doe VI. Doe VI is a resident of China. During 2007, Doe VI used the Internet to  
17 download Falun Gong flyers from the Minghui website. He shared the flyers and other  
18 information posted on the website with others in China, including Falun Gong  
19 practitioners.

20 171. In spring 2007, more than five years after the Golden Shield was completed and  
21 fully operational in Shandong Province, approximately ten Public Security officers raided  
22 his home in Shandong Province and took him into custody without advising him of any  
23 charges. At the police station, he was beaten and forced to sleep on the floor with his  
24 hands and feet bound with rope and handcuffs.

25 172. The next day, Public Security officers took Doe VI to Weifang City detention  
26 center. While at the detention center, he was subjected to continuous interrogation and  
27 torture to force him to confess to criminal conduct and to abandon the practice of Falun  
28 Gong. He was not formally charged until almost a month later.

1 173. About a month later, a Public Security administrative committee issued a decision  
2 stating that Doe VI had “downloaded, produced, and hid Falun Gong illegal flyers at  
3 home.”

4 174. Based on these facts, the administrative committee sent Doe VI to a reeducation  
5 through labor camp for 18 months without a hearing or any other opportunity to challenge  
6 the legality of the charges and his term of detention. The committee relied on evidence  
7 that Public Security officers and Office 610 agents had collected through use of the  
8 Golden Shield.

9 175. From spring 2007 until early fall 2008, he was detained at Shandong Province No.  
10 2 Labor Camp, where he was physically abused at the hands of the labor camp officers  
11 and made to do forced labor.

12 176. Doe VII. Roe VII files as a representative of her daughter, Doe VII. Doe VII has  
13 disappeared and is believed dead.

14 177. After the Golden Shield had been implemented in the city of Taishin, Doe VII  
15 engaged in Falun Gong-related Internet activity that included the downloading of Falun  
16 Gong information from the Minghui website.

17 178. In the city of Taishan in June 2004, more than two years after the 103 Case had  
18 been prosecuted in that city through use of the Golden Shield, Public Security officers  
19 apprehended Doe VII and took her blindfolded to a police interrogation room where  
20 Public Security officers electrically shocked, beat, and kicked her.

21 179. She was held in a detention center where Public Security officers force-fed her and  
22 subjected her to additional beatings and interrogation.

23 180. In the fall of 2004, after several months of torture, she was injected with a drug that  
24 affected her nervous system so severely that she was unable to speak.

25 181. A few days later, Public Security officers took her to a court in Taian. The officers  
26 had to hold her up by her arms because she was unable to walk or stand unassisted. In this  
27 condition, she was forced to stand trial. Due to her physical condition she was unable to  
28 speak at trial.

1 182. Approximately a week later, the court convicted her for using the Internet to  
2 download Falun Gong-related material although her physical condition prevented any  
3 participation in the trial. The court relied on evidence of Internet use that was collected  
4 and analyzed through use of the Golden Shield. The court sentenced her to more than five  
5 years in prison.

6 183. Before she was taken to the prison to serve her sentence, Public Security officers  
7 injected her again with drugs that affected her central nervous system, rendering her mute,  
8 with a hard and numb tongue and constant salivation.

9 184. In the subsequent two years, her family, including Roe VII, was permitted  
10 occasional prison visits and noted her extremely weak physical condition.

11 185. Since the summer of 2006, Doe VII's family has not had contact with her and  
12 believes she may have been tortured to death while in custody. Her family has been  
13 refused visitation and is unaware of her whereabouts.

14 186. Charles Lee. Charles Lee was born and educated in China. He later came to the  
15 United States and became a U.S. citizen. He now lives in New Jersey.

16 187. While in the United States, he joined an email exchange for those interested in the  
17 persecution of Falun Gong in China. This e-mail exchange involved extensive  
18 correspondence with individuals living in northern China. These e-mails entered China  
19 through its Beijing gateway, where the Golden Shield had by that time been completed  
20 and was fully operational. These e-mails included correspondence with Falun Gong  
21 practitioners in China who had participated in high-profile protest activity. The Golden  
22 Shield was used to monitor and track this email.

23 188. In 2003, he flew back to China to visit with friends and family after corresponding  
24 through e-mail with a small number of friends living in northern China, letting them know  
25 he was coming.

26 189. Upon his arrival at the airport, Public Security officials placed him under arrest.

27 190. One of the officers who arrested him told him that they knew he was coming to  
28 China and had been waiting for him.

1 191. At trial, he was convicted of using the Chinese media for Falun Gong-related  
2 activity. He was not permitted to challenge the legality of the charges against him and was  
3 not allowed to show the evidence or defend himself as “not guilty.”

4 192. He was sentenced to a prison term of three years, from January 2003 to January  
5 2006, at Nanjing Prison. During this time, he was frequently subjected to attempts at  
6 forced conversion.

7 193. He was forced to take classes on a daily basis in which he was surrounded by ten to  
8 fifteen guards and fellow inmates who subjected him to constant insults and verbal abuse  
9 regarding his practice of Falun Gong. He was referred to as mentally imbalanced and his  
10 beliefs were called “laughable, insane and poisonous.” Lee was called a “traitor” for his  
11 U.S. citizenship. He was told “we can make your living worse than death.”

12 194. Charles Lee was not permitted to interact with other prisoners and oftentimes not  
13 permitted to read. He was permitted to see his mother only twice during the last two years  
14 of her life and not permitted to attend her funeral.

15 195. In addition, he was frequently tortured. He was regularly forced to stand or sit in  
16 the same position for hours at a time on a daily basis, sometimes for up to seven weeks in  
17 a row. He suffered from severe mental trauma and physical damage to his heart while in  
18 prison. He was forced to attend military drills, and when he refused he was dragged across  
19 the grounds for hours at a time.

20 196. He went on nine hunger strikes over the course of his detention, one for fifty days.  
21 Prison authorities force-fed him on four occasions. On one of these occasions, authorities  
22 tied him down and placed a tube down his throat for feeding, which was kept there for  
23 thirty-three hours.

24 197. In January 2006, Charles Lee was released. He returned to the United States and  
25 continues to be severely disturbed by the aftermath of the torture in the prison.

26 198. Doe VIII. Roe VIII resides in China and is the surviving family member of a  
27 deceased Chinese citizen, Doe VIII, who was born and resided in China. Roe VIII files  
28 individually as the survivor of Doe VIII.

1 199. Doe VIII accessed the Minghui website on numerous occasions in Shandong  
2 Province after the Defendant had implemented the Golden Shield in Shandong Province in  
3 full collaboration with Public Security officers and CCP agents.

4 200. In the summer of 2002, Public Security officers arrested him and another Falun  
5 Gong practitioner at a bus station in Shandong Province, a province where the Golden  
6 Shield had been completed and was fully operational.

7 201. Following his arrest, he was taken to a detention center where he was interrogated  
8 and severely beaten.

9 202. Sometime between August 21 and August 30, 2002, Doe VIII was beaten to death  
10 at the detention center.

11 203. General Surveillance Cases. Liu Guifu. Liu Guifu was born and raised in the  
12 People's Republic of China. She currently resides in the state of New York.

13 204. Plaintiff Liu Guifu was arrested and persecuted as a result of her participation in  
14 Falun Gong Internet activities in the city of Beijing where Defendants had helped to  
15 construct the Golden Shield in collaboration with Public Security officers and Office 610  
16 agents. Liu Guifu was subject to multiple arrests. The Golden Shield was used to assemble  
17 information about her following her initial arrest. This information enabled subsequent  
18 arrests and detentions. The detailed information used in the interrogation of Liu Guifu  
19 would not have been accessible to the police without use of the Golden Shield.

20 205. In February of 2001, she was taken to the Qing Long Qiao police station where she  
21 was detained and subjected to physical and mental forms of torture.

22 206. On February 25, 2001, public security officers accused her of "making public  
23 statements with others on the Internet" and sent her to a labor camp for a term of eighteen  
24 months. She was deprived of her legal right to a hearing and was not permitted to  
25 challenge the validity of the charges against her.

26 207. At the labor camp, she was kept awake for eighteen days. She was whipped and  
27 beaten until she was unable to walk. Eventually she began to have hallucinations, and she  
28 often lost consciousness.

1 208. Liu Guifu was released on or about August 14, 2002.

2 209. In early 2003, she was taken into custody again by Public Security officers in  
3 Beijing and was accused of sheltering Falun Gong practitioners.

4 210. During her interrogation, the police told her that another practitioner she knew was  
5 wanted for using the Internet to engage in Falun Gong activities. Upon information and  
6 belief, Liu Guifu was identified by her connection to this practitioner through use of the  
7 Golden Shield. She was detained for three weeks.

8 211. In February 2005, Public Security officers again took her into custody. Public  
9 Security officers sent her to a labor camp for two and a half years.

10 212. Liu Guifu was not permitted to challenge the legal or factual validity of these  
11 accusations.

12 213. At the labor camp, she was interrogated. The interrogators repeatedly told her that  
13 someone in her home had downloaded information from the Minghui website and asked  
14 her repeatedly who had used her computer to download the Falun Gong materials.

15 214. She was released in the summer of 2007. Soon thereafter, she left the country and  
16 came to the United States.

17 **NO ALTERNATIVE REMEDIES AND**  
18 **CONTINUING VIOLATIONS OF LAW**

19 215. There is no adequate alternative remedy available in China to Plaintiffs for the  
20 claims asserted here.

21 216. Chinese attorneys have been disbarred, arrested, and persecuted for their attempts  
22 to defend Falun Gong practitioners in Chinese courts. Plaintiffs residing outside of China  
23 cannot return to China without danger of serious reprisals, nor can those residing inside  
24 China bring suit without danger of serious reprisals.

25 217. The Chinese judiciary or legal system does not operate independent of other  
26 branches of government and/or of the CCP in China.

27 218. Plaintiffs still detained continue to suffer from beatings, sleep and food  
28 deprivation, and other forms of torture, cruel, inhuman, or degrading treatment, forced

1 labor, and crimes against humanity.

2 219. Technologies and other measures used to suppress Falun Gong practitioners in  
3 China make it virtually impossible for plaintiffs to bring cases in China without reprisal  
4 and further persecution of them and their families. In addition, it is virtually impossible  
5 for detained Falun Gong practitioners to bring cases in any foreign courts.

6 220. Many Falun Gong practitioners in China have attempted to seek administrative  
7 remedies against responsible Chinese CCP or State officers. This has resulted in further  
8 retaliation against them, including renewed detention and increased persecution.

9 **CLASS ALLEGATIONS**

10 221. **Class Definition.** Plaintiffs bring this action on behalf of themselves individually  
11 and on behalf of all other similarly situated individuals as a class action. This action may  
12 properly be maintained as a class action pursuant to the provisions of Federal Rule of  
13 Civil Procedure 23(a) and (b)(3). The Class which Plaintiffs seek to represent is  
14 comprised of, and defined, as follows:

15 All persons who were identified as Falun Gong practitioners through the use  
16 of the Golden Shield by Chinese authorities and were thereafter subjected to  
17 detention and/or physical abuse and/or torture for their Falun Gong related  
activity, and suffered injury as a result.

18 223. Upon application by Plaintiffs' counsel for certification of the Class, the  
19 Court may be requested after appropriate discovery, to also utilize and certify  
20 subclasses in the interests of ascertainability, manageability, justice, and/or judicial  
21 economy.

22 224. **Ascertainability.** This action may be properly brought and maintained as a  
23 class action because there is a well-defined community of interest in the litigation  
24 and the members of the proposed Class are ascertainable and identifiable.

25 225. **Numerosity.** The class for whose benefit this action is brought is so  
26 numerous that joinder of all class members is impracticable. Plaintiffs believe that  
27 there are many thousands of members of the class as described above, although the  
28 number and identities of individual class members are presently unknown.

1 226. **Typicality** Plaintiffs' claims are typical of the claims of the other members  
2 of the class, since all such claims arise out of Defendants' actions in actively  
3 participating in the development of the Golden Shield through which plaintiffs and  
4 class members were identified and subjected to detention and torture. Plaintiffs  
5 have no interest antagonistic to the interests of the other members of the class.

6 227. **Adequacy.** Plaintiffs are committed to the vigorous prosecution of this  
7 action and have retained competent counsel with extensive experience in the  
8 prosecution of human rights actions and class actions. Accordingly, Plaintiffs are  
9 adequate representatives of the class and will fairly and adequately protect the  
10 interests of the class.

11 228. **Commonality and Predominance.** Common questions of law and fact exist  
12 as to all members of the Class and predominate over any questions solely affecting  
13 individual members of the Class. These common legal and factual questions, which  
14 do not vary from Class member to Class member, and which may be determined  
15 without reference to the individual circumstances of any class member, include, but  
16 are not limited to, the following:

17 a. Whether Defendants intended to design the Golden Shield to specifically  
18 facilitate the persecution of the Plaintiff Class by the Chinese authorities;

19 b. Whether Defendants knew or should have known and intended that the  
20 Golden Shield would be used to target and persecute the Plaintiff Class;

21 c. Whether Defendants gave substantial assistance to the Chinese Public  
22 Security and the Chinese Communist Party in the persecution the Plaintiff Class;

23 d. Whether Defendants specifically intended to aid the Chinese Public Security  
24 and the Chinese Communist Party in the persecution of and commission of other crimes  
25 alleged herein against the Plaintiff Class;

26 e. Whether Defendants' subsidiaries in China acted as agents of defendant  
27 Cisco with regard to the actions which are the subject matter of this complaint;

28 f. Whether Defendants unlawfully manufactured, assembled, possessed,

1 and/or sold to CCP the equipment and devices required to create and operate the Golden  
2 Shield; and

3 g. Whether Defendant Cisco violated Section 17200 of the California  
4 Business and Professions Code.

5 229. **Superiority.** A class action is superior to other available methods for the fair and  
6 efficient adjudication of this controversy. Individual litigation of the claims of all Class  
7 members is impracticable. Even if every member of the Class could afford to pursue  
8 individual litigation, the Court system could not. It would be unduly burdensome to the  
9 courts in which individual litigation of numerous cases involving highly technical issues  
10 would proceed. Further participation in the lawsuit might expose the would-be plaintiffs  
11 to further gross human rights abuses

12 230. By contrast, the maintenance of this action as a class action, with respect to some  
13 or all of the issues presented herein, presents few management difficulties, conserves the  
14 resources of the parties and of the court system, and protects the rights of each member of  
15 the Class and of Defendants. The same evidence, the same witnesses, and the same legal  
16 arguments and explanations will be used to prove that Defendants bear liability for  
17 injuries suffered by members of the Class. Numerous fluid recovery methods exist to aid  
18 the Court in assessing damages on a Class-wide basis. Plaintiffs know of no difficulty that  
19 will be encountered in the management of this litigation that would preclude its  
20 maintenance as a class action.

21 231. Additionally, the expense and burden of individual litigation make it virtually  
22 impossible for the Class members individually to seek redress for the unlawful conduct  
23 alleged herein. The prosecution of separate actions by individual members of the Class  
24 would create a risk of inconsistent or varying adjudications, which would establish  
25 incompatible standards of conduct for the Defendants in this action. There is no other  
26 litigation that has commenced against Defendants regarding this matter.

27  
28

1 232. Defendants have engaged in unlawful and unfair business conduct, which has  
2 affected the members of the Class, thereby making appropriate compensatory relief with  
3 regard to the members of the Class as a whole, as, requested herein.

4 **FIRST CAUSE OF ACTION**

5 *(Torture under the Alien Tort Statute (ATS))*

6 (Plaintiffs Ivy He, Liu Guifu, Does I-VI,

7 and class members similarly situated, against all Defendants)

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

10 234. Plaintiffs suffered from torture inflicted knowingly and purposefully in order to,  
11 among other things, punish the victims and/or induce a forced confession and public  
12 renunciation of their religious beliefs.

13 235. Plaintiffs suffered severe mental and physical injuries as a result of the abuse  
14 inflicted while in custody.

15 236. Such conduct was in violation of international law and was contrary to the laws of  
16 China.

17 237. Defendants are liable under the Alien Tort Statute for the harm suffered by  
18 plaintiffs Ivy He, Liu Guifu, Does I through VI, and class members similarly situated.  
19 Defendants, directly or through their agents, knowingly and purposefully aided and  
20 abetted or entered into a conspiracy or joint criminal enterprise with the Chinese  
21 Communist Party and/or Chinese Public Security officers in the unlawful conduct that led  
22 to the torture they endured as a result of the Golden Shield.

23 **SECOND CAUSE OF ACTION**

24 *(Torture under the TVPA)*

25 (All Plaintiffs, and class members similarly situated,

26 against Defendants Chambers, Chan, and Lam)

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

1 239. Plaintiff Charles Lee suffered from torture inflicted knowingly and intentionally in  
2 order to, among other things, punish him and/or induce a forced confession and public  
3 renunciation of his religious beliefs.

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

6 241. Such conduct was in violation of the Torture Victim Protection Act, 28 U.S.C. §  
7 1350 note.

8 242. Defendant John Chambers is liable for the harm suffered by plaintiff Charles Lee,  
9 and class members similarly situated, in that Defendant Chambers, directly or through his  
10 agents, knowingly and intentionally aided and abetted or entered into a conspiracy or joint  
11 criminal enterprise with the Chinese Communist Party and/or Chinese Public Security  
12 officers in the unlawful conduct that led to the torture he endured as a result of the Golden  
13 Shield.

14 **THIRD CAUSE OF ACTION**

15 *(Cruel, Inhuman, or Degrading Treatment under the ATS)*

16 (Plaintiffs Ivy He, Liu Guifu, Does I-VI,

17 and class members similarly situated, against all Defendants)

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

20 244. Plaintiffs suffered severe mental and physical injuries as a result of the abuse  
21 inflicted while in custody.

22 245. The acts described herein were done with the intent of and had the effect of grossly  
23 humiliating and debasing the Plaintiff Class, forcing them to act against their will and  
24 conscience, inciting fear and anguish, and/or breaking their physical or moral resistance.

25 246. Plaintiffs were placed in great fear for their lives and forced to suffer severe  
26 physical and psychological abuse and agony.

27 247. Such conduct was in violation of international law and was contrary to the laws of  
28 China.

1 248. Defendants are liable under the Alien Tort Statute for the harm suffered by  
2 plaintiffs Ivy He, Liu Guifu, Does I through VI, and class members similarly situated, in  
3 that Defendants directly or through their agents knowingly and purposefully aided and  
4 abetted or entered into a conspiracy or joint criminal enterprise with the Chinese  
5 Communist Party and/or Chinese Public Security officers in the unlawful conduct that led  
6 to the cruel, inhuman and degrading treatment they endured as a result of the Golden  
7 Shield.

8 **FOURTH CAUSE OF ACTION**

9 *(Forced Labor under the ATS)*

10 (Plaintiffs Ivy He, Liu Guifu, Does I-VI,

11 and class members similarly situated, against all Defendants)

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

14 250. Plaintiffs Ivy He, Liu Guifu, Doe VI, and class members similarly situated, were  
15 sent to reeducation through labor camps, where they were forced to work involuntarily  
16 under threat of or as part of a regime of serious harm and physical restraint. At no time  
17 were these plaintiffs charged, convicted or sentenced for a violation of a crime.

18 251. Plaintiffs Does I, II, III, IV and V, and class members similarly situated, were  
19 imprisoned and forced to work involuntarily under threat of or as part of a regime of  
20 serious harm and physical restraint. These plaintiffs were or are political prisoners, and  
21 the application of physical harm and restraint was more severe than that meted out to the  
22 general prison population. In at least some cases, these plaintiffs were segregated into  
23 separate areas specifically designed for Falun Gong practitioners.

24 252. Such conduct was in violation of international law and was contrary to the laws of  
25 China.

26 253. Defendants are liable under the Alien Tort Statute for the harm suffered by  
27 plaintiffs Ivy He, Liu Guifu, and Does I, II, III, IV, V and VI, and class members similarly  
28 situated, in that Defendants directly or through their agents knowingly and purposefully

1 aided and abetted or entered into a conspiracy or joint criminal enterprise with the Chinese  
2 Communist Party and/or Chinese Public Security officers in the unlawful conduct that led  
3 to the forced labor they endured as a result of the Golden Shield.

4 **FIFTH CAUSE OF ACTION**

5 *(Prolonged and Arbitrary Detention under the ATS)*

6 (Plaintiffs Ivy He, Liu Guifu, Does I-VI,

7 and class members similarly situated, against all Defendants)

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

10 255. Plaintiffs Ivy He, Liu Guifu and Doe VI, and class members similarly situated,  
11 were detained in reeducation through labor camps without due process because of their  
12 practice of Falun Gong, during which they were subjected to torture and denied access to  
13 legal counsel. At no point were these plaintiffs convicted for any crime.

14 256. Plaintiffs Does I, II, III, IV and V, and class members similarly situated, were  
15 detained without due process during the period prior to them being charged and tried for a  
16 crime. This pre-trial detention lasted in each case for at least a week and in most cases  
17 several weeks or even months.

18 257. Plaintiffs were injured by prolonged and arbitrary detention in violation of  
19 international law.

20 258. Defendants are liable for the harm suffered by plaintiffs Ivy He, Liu Guifu and  
21 Does I through VI, and class members similarly situated, in that Defendants directly or  
22 through their agents knowingly and purposefully aided and abetted or entered into a  
23 conspiracy or joint criminal enterprise with the Chinese Communist Party and/or Chinese  
24 Public Security officers in the unlawful conduct that led to their prolonged and arbitrary  
25 detention.

26 **SIXTH CAUSE OF ACTION**

27 *(Crimes against Humanity under the ATS)*

28 (Plaintiffs Ivy He, Liu Guifu, Does I-VI, Roes VII and VIII,

1 and class members similarly situated, against all Defendants)  
2 259. The allegations set forth in the above paragraphs are re-alleged and reincorporated  
3 by reference as if fully set forth below.  
4 260. Plaintiffs were injured by crimes against humanity described above, including  
5 extrajudicial killings; torture; cruel, inhuman and degrading treatment; arbitrary and  
6 prolonged detention; forced exile; forcible transfer; and enforced disappearance.  
7 261. Each single act constitutes a crime against humanity because it was committed  
8 within the context of widespread or systematic attacks against a civilian population. These  
9 acts were directed against all plaintiffs because they were Falun Gong practitioners.  
10 262. Such conduct was in violation of international law and was contrary to the laws of  
11 China.  
12 263. Defendants are liable under the Alien Tort Statute for the harm suffered by  
13 plaintiffs Ivy He, Liu Guifu, Does I through VI, Roes VII and VIII, and class members  
14 similarly situated, in that Defendants directly or through their agents knowingly and  
15 purposefully aided and abetted or entered into a conspiracy or joint criminal enterprise  
16 with the Chinese Communist Party and/or Chinese Public Security officers in the unlawful  
17 conduct that led to the crimes against humanity they endured as a result of the Golden  
18 Shield.

19 **SEVENTH CAUSE OF ACTION**

20 *(Extrajudicial Killing under the ATS)*

21 (Plaintiff Roe VIII, and class members similarly situated,  
22 against all Defendants)

23 264. The allegations set forth in the above paragraphs are re-alleged and reincorporated  
24 by reference as if fully set forth below.  
25 265. Doe VIII's death by torture was an extrajudicial killing not authorized by a lawful  
26 judgment pronounced by a regularly constituted court affording all the judicial guarantees  
27 which are recognized as indispensable by civilized peoples.  
28 266. This extrajudicial killing was in violation of international law and was contrary to

1 the laws of China.

2 267. Defendants are liable for the harm suffered by Doe VIII's survivor, Roe VIII, and  
3 class members similarly situated, in that Defendants either directly or through their agents  
4 knowingly and purposefully aided and abetted or entered into a conspiracy or joint  
5 criminal enterprise with the Chinese Communist Party and/or Chinese Public Security  
6 officers in the unlawful conduct that led to Doe VIII's death.

7 **EIGHTH CAUSE OF ACTION**

8 *(Extrajudicial Killing under the TVPA)*

9 (Plaintiff Roe VIII, and class members similarly situated,  
10 against Defendants Chambers, Chan, and Lam)

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

13 269. Doe VIII's death by torture was an extrajudicial killing not authorized by a lawful  
14 judgment pronounced by a regularly constituted court affording all the judicial guarantees  
15 which are recognized as indispensable by civilized peoples.

16 270. This extrajudicial killing was in violation of international law and was contrary to  
17 the laws of China.

18 271. Defendants are liable for the harm suffered by Doe VIII's survivor, Roe VIII, and  
19 class members similarly situated, in that Defendants either directly or through their agents  
20 knowingly and purposefully aided and abetted or entered into a conspiracy or joint  
21 criminal enterprise with the Chinese Communist Party and/or Chinese Public Security  
22 officers in the unlawful conduct that led to Doe VIII's death.

23 **NINTH CAUSE OF ACTION**

24 *(Enforced Disappearance under the ATS)*

25 (Plaintiff Roe VII, and class members similarly situated,  
26 against all Defendants)

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

1 273. Doe VII was forcibly disappeared while in the custody. After being detained and  
2 imprisoned, she was not permitted access to any friends or family members, and has not  
3 been seen or heard from since 2006. Her whereabouts have not been disclosed, and she is  
4 presumed dead by her family.

5 274. This disappearance was in violation of international law and was contrary to the  
6 laws of China.

7 275. Defendants are liable for the harm suffered by Doe VII's representative, Roe VII,  
8 and class members similarly situated, in that Defendants directly or through their agents  
9 knowingly and purposefully aided and abetted or entered into a conspiracy or joint  
10 criminal enterprise with the Chinese Communist Party and/or Chinese Public Security  
11 officers in the unlawful conduct that led to her enforced disappearance.

12 **TENTH CAUSE OF ACTION**

13 *Violation of 18 U.S.C. § 2512(1)*

14 (Plaintiffs Ivy He, Liu Guifu, Charles Lee, Does I-VI,

15 and class members similarly situated, against all Defendants)

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

18 277. Defendants manufactured, assembled, possessed, and sold to CCP the equipment  
19 and devices required to create and operate the Golden Shield.

20 278. Defendants knew of CCP's poor human rights record with respect to Falun Gong  
21 practitioners, and knew of CCP's intent to use the Golden Shield for the purpose of  
22 identifying and tracking Falun Gong practitioners via the surreptitious interception of their  
23 electronic, wire and/or oral communications in order to unlawfully detain, torture, and  
24 harass them as described herein.

25 279. Defendants knew that Chinese authorities intended to commit such acts on Falun  
26 Gong members, and purposefully provided the Golden Shield technology to the Chinese  
27 authorities as the only or primary means by which Plaintiffs could be identified as Falun  
28 Gong and detained by CCP authorities.

1 280. Plaintiffs' electronic, wire and/or oral communications were intercepted, disclosed,  
2 and intentionally used by the Chinese authorities to identify, track, and commit human  
3 rights abuses against them.

4 281. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to  
5 suffer, irreparable harm and compensatory and punitive damages in an amount to be  
6 proven at trial.

7 282. As a legal, substantial and direct result of the above-described conduct, Plaintiffs  
8 are entitled to reasonable attorneys' fees and other litigation costs pursuant to 28 U.S.C. §  
9 2512(1).

10 **ELEVENTH CAUSE OF ACTION**

11 *Battery*

12 (Plaintiffs Ivy He, Liu Guifu, Charles Lee, Does I-VI,

13 and class members similarly situated, against all Defendants)

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

16 284. The CCP and/or Chinese government, through its Public Security officers and  
17 police officers, used the Golden Shield technology developed, implemented and  
18 maintained by Defendants to track the Internet activity of Falun Gong with other state  
19 agents with the intent and as the primary means to facilitate the detention, interrogation,  
20 and torture of Plaintiffs, and in order to submit Plaintiffs to forced public humiliation and  
21 degradation.

22 285. For example, Doe II lost consciousness while being tortured, was slapped  
23 repeatedly, and was forced to stand in a bucket of ice-cold water while ice was poured  
24 over her body. Plaintiff Charles Lee was forced to stand or sit in the same position for  
25 hours at a time on a daily basis, sometimes for up to two weeks in a row. He was forced to  
26 attend military drills, and when he refused he was dragged across the grounds for hours at  
27 a time. Prison authorities force-fed him on four occasions; on one of these occasions,  
28 authorities tied him down and placed a tube down his throat for feeding, which was kept

1 there for thirty-three hours. Other Plaintiffs were beaten, slapped, and force-fed.

2 286. Plaintiffs did not consent to these acts of touching. They were forcibly detained and  
3 sent to reeducation through labor camps, where they were interrogated and tortured,  
4 without being charged or tried. Further, they were also sent to prison camps following  
5 sham trials in which they were not allowed to enter a "not guilty" plea, challenge the  
6 legality of the charges against them, or have counsel be present during interrogations. The  
7 unwanted touching occurred in these camps.

8 287. Defendants knew that Chinese authorities intended to commit such acts on Falun  
9 Gong members, and conspired with the Chinese authorities to purposefully and  
10 intentionally provide the technology of Golden Shield to the Chinese authorities as the  
11 only means by which Plaintiffs could be identified as Falun Gong practitioners and  
12 detained for such acts to be committed on them.

13 288. As a result of Defendants' conduct, Plaintiffs suffered injury, damage, loss, and  
14 harm as a result of these unlawful acts of touching. In particular, Plaintiffs suffer from  
15 severe mental trauma and lingering physical effects such as heart damage and loss of  
16 movement.

17 289. Defendants knew that Chinese government officials intended to use Golden Shield  
18 to identify, track, detain, and commit acts constituting battery against Plaintiffs.  
19 Defendants gave substantial assistance or encouragement to the CCP in carrying out these  
20 acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs.

21 290. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to  
22 suffer, irreparable harm and damages in an amount to be proven at trial.

## 23 TWELFTH CAUSE OF ACTION

### 24 *Assault*

25 (Plaintiffs Ivy He, Liu Guifu, Charles Lee, Does I-VI,

26 and class members similarly situated, against all Defendants)

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

1 292. Chinese CCP and Public Security officers used the Golden Shield technology,  
2 developed, implemented and maintained by Defendants to analyze identities and  
3 movements of Falun Gong practitioners and shared information with other state agents  
4 with the intent and as the primary means to facilitate the detention, interrogation, and  
5 torture of Plaintiffs, and in order to submit Plaintiffs to forced public humiliation and  
6 degradation.

7 293. Chinese Public Security officers and Office 610 officers engaged in such acts. For  
8 example, Doe II lost consciousness while being tortured, was slapped repeatedly, and was  
9 forced to stand in a bucket of ice-cold water while ice was poured over her body. Plaintiff  
10 Charles Lee was forced to stand or sit in the same position for hours at a time on a daily  
11 basis, sometimes for up to two weeks in a row. He was forced to attend military drills, and  
12 when he refused he was dragged across the grounds for hours at a time. Prison authorities  
13 force-fed him on four occasions; on one of these occasions, authorities tied him down and  
14 placed a tube down his throat for feeding, which was kept there for thirty-three hours.  
15 Other Plaintiffs were beaten, slapped, and force-fed.

16 294. Defendants knew that Chinese authorities intended to commit such acts on Falun  
17 Gong members who were detained, and Defendants conspired with those authorities and  
18 intentionally and purposefully provided the technology of Golden Shield to the Chinese  
19 authorities as the only means by which Plaintiffs could be identified as Falun Gong by  
20 CCP authorities, who then committed such acts on Plaintiffs. Such acts constituted an  
21 unlawful touching with the intent to harm or offend Plaintiffs.

22 295. Plaintiffs did not consent to the touching. They were forcibly detained and sent to  
23 reeducation through labor camps being charged or tried. Further, they were also sent to  
24 prison camps following sham trials in which they were not allowed to enter a "not guilty"  
25 plea, challenge the legality of the charges against them, or have counsel be present during  
26 interrogations. The unwanted touching occurred in these camps.

27 296. Plaintiffs suffered injury, damage, loss, and harm as a result of these unlawful acts  
28 of touching. In particular, Plaintiffs suffer from severe mental trauma and lingering

1 physical effects such as heart damage and loss of movement.

2 297. Defendants gave substantial assistance or encouragement to the CCP in carrying  
3 out these acts, and Defendants' conduct was a substantial factor in causing harm to  
4 Plaintiffs.

5 298. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to  
6 suffer, irreparable harm and damages in an amount to be proven at trial.

7 **THIRTEENTH CAUSE OF ACTION**

8 *False Imprisonment*

9 (Plaintiffs Ivy He, Liu Guifu, Charles Lee, Does I-VI,

10 and class members similarly situated, against all Defendants)

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

13 300. The CCP and/or Chinese government, through its Public Security officers and  
14 police officers, used the Golden Shield technology, developed, implemented and  
15 maintained by Defendants to analyze identities and movements of Falun Gong  
16 practitioners and shared information with other state agents with the intent and as the  
17 primary means to facilitate the detention, interrogation, and torture of Plaintiffs, and in  
18 order to submit Plaintiffs to forced public humiliation and degradation.

19 301. Plaintiffs were detained in reeducation through labor camps without an arrest,  
20 charges, or trial for periods of time ranging from several days to several years.

21 302. While being held in reeducation through labor camps without any legal process,  
22 Plaintiffs were subjected to unlawful treatment including torture, public degradation, and  
23 interrogation, and were forced to work long hours in harsh conditions.

24 303. Plaintiffs suffered injury, damage, loss, and harm as a result of being wrongfully  
25 detained without arrest, charges, or trial. In particular, Plaintiffs suffer from severe mental  
26 trauma and lingering physical effects such as heart damage and loss of movement.

27 304. Defendants knew that Chinese authorities intended to commit such acts on Falun  
28 Gong members, and conspired with the Chinese authorities to intentionally and

1 purposefully provide the technology of Golden Shield to the Chinese authorities as the  
2 only or primary means by which Plaintiffs could be identified as Falun Gong and detained  
3 by CCP authorities.

4 305. The use of the Golden Shield to track, identify, detain, and torture Falun Gong  
5 practitioners, directly caused their false imprisonment.

6 306. Thus, Defendants knew that Chinese government officials intended to use Golden  
7 Shield to identify, track, detain, and commit acts constituting false imprisonment against  
8 Plaintiffs. Defendants gave substantial assistance or encouragement to the CCP in  
9 carrying out these acts, and Defendants' conduct was a substantial factor in causing harm  
10 to Plaintiffs.

11 307. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to  
12 suffer, irreparable harm and damages in an amount to be proven at trial.

#### 13 **FOURTEENTH CAUSE OF ACTION**

##### 14 *Wrongful Death*

15 (Plaintiff Roe VIII, and class members similarly situated,

16 against all Defendants)

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

19 309. The CCP and/or Chinese government, through its Public Security officers and  
20 police officers, committed the acts described herein that caused the wrongful death of Doe  
21 VIII. Plaintiff Roe VIII is the surviving relative and representative of the estate of Doe  
22 VIII.

23 310. The use of the Golden Shield to track, identify, detain, and torture Doe VIII,  
24 directly caused his wrongful death.

25 311. Thus, Defendants knew that Chinese government officials intended to use Golden  
26 Shield to identify, track, detain, and commit acts resulting in the wrongful death of Doe  
27 VIII. Defendants conspired with the Chinese government to cause the death of Plaintiff  
28 Roe VIII; and gave substantial assistance or encouragement to the CCP in carrying out

1 these acts. Defendants' conduct was a substantial factor in causing harm to plaintiff Roe  
2 VIII, the surviving relative and representative of the deceased.

3 312. As a result of Defendants' conduct, Plaintiff Roe VIII, and class members similarly  
4 situated, have suffered, and will continue to suffer, irreparable harm and damages in an  
5 amount to be proven at trial. Plaintiff Roe VIII, and class members similarly situated, seek  
6 damages herein for pecuniary loss resulting from loss of society, comfort, attention,  
7 services and support and for the losses suffered by the deceased.

8 **FIFTEENTH CAUSE OF ACTION**

9 *Unfair Business Practices*

10 *(California Business & Professions Code § 17200 et seq.)*

11 (All Plaintiffs, and class members similarly situated,  
12 against all Defendants)

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

15 314. Plaintiffs allege that by engaging in the above-described acts and practices,  
16 Defendants have committed one or more acts of unfair competition within the meaning of  
17 California *Business and Professions Code* §17200, et. seq.

18 315. Defendants' unlawful business acts and/or practices as alleged herein have violated  
19 numerous laws and regulations, and said predicate acts are therefore per se violations of §  
20 17200, et seq. As described in more detail above, these predicate unlawful business acts  
21 and/or practices include, but are not limited to, Defendants' solicitation of the contract to  
22 design, manufacture, build, and supply the Golden Shield system to Chinese government  
23 authorities for the specific purpose of assisting the Chinese government in its intent to  
24 identify, track, unlawfully detain, and torture Falun Gong practitioners including  
25 Plaintiffs; by information and belief, Defendant Chambers' signature or countersignature  
26 on Cisco's contracts in California to design, manufacture, build, and supply the Golden  
27 Shield system to Chinese government authorities as required by Cisco's corporate bylaws;  
28 Cisco's misrepresenting to United States authorities that its manufacture, assembly,

1 possession, and sale of the equipment and devices required to create and operate the  
2 Golden Shield was lawful; and designing the custom surveillance system to be used in  
3 Golden Shield in California.

4 316. Defendants' actions, as alleged herein, gave Cisco an unfair competitive advantage  
5 over its competitors.

6 317. Plaintiffs allege that as a direct result of Cisco's unlawful conduct alleged herein,  
7 Plaintiffs lost income that they could not receive during the period of their detention.  
8 Plaintiffs further lost income to the extent they were not able to continue working after  
9 their release from detention due to the mental and physical injuries they received while in  
10 detention. Plaintiffs are victims of Defendants' unlawful conduct, as herein alleged, and  
11 have suffered injury in fact, and have lost money as a result of Cisco's unfair competition.

12 318. Plaintiffs seek a permanent injunction enjoining Cisco from future unlawful  
13 activity. Plaintiffs allege that the unlawful acts and practices, as fully described herein,  
14 present a continuing threat to members of the public to be misled and/or deceived by  
15 Defendants as described herein. Plaintiffs have no other remedy at law that will prevent  
16 Defendants' misconduct, as alleged herein, from occurring and/or recurring in the future.

17 319. This litigation will result in the enforcement of an important right affecting the  
18 public interest. Plaintiffs are informed, believe, and thereupon allege that this action  
19 confers a significant benefit on the California public who have been misled and/or  
20 deceived by the unlawful businesses practices of Cisco.

21 320. As a legal, substantial and direct result of the above-described pattern of conduct,  
22 Plaintiffs are entitled to reasonable attorneys' fees pursuant to California *Code of Civil*  
23 *Procedure* § 1021.5.

24  
25 **PRAYER FOR RELIEF**

26 WHEREFORE, each and every Plaintiff prays for judgment against each Defendant as  
27 follows:

- 28 (a) For certification of a class pursuant to Fed. R. Civ. P. Rule 23 (a) and (b)(3);

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- (b) For compensatory damages including general and specific damages;
- (c) For punitive damages;
- (d) For injunctive relief enjoining Cisco from future unlawful activity;
- (e) For costs of suit, including attorney's fees;
- (f) For such other and further relief as the Court deems appropriate.

DATED: May 17, 2011

Respectfully submitted,

SCHWARCZ, RIMBERG, BOYD &  
RADER, LLP

By: K. Lee Crawford-Boyd  
K. Lee Crawford-Boyd  
Attorney for Plaintiffs (Counsel of Record)

Terri E. Marsh (Lead Counsel)  
Attorney for Plaintiffs  
To be admitted *pro hac vice*