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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, Fredy CHEUNG, and DOES 1-
100,

Defendants.

Case No. 5:11-cv-02449-JF-PSGx

Assigned to the Hon. Jeremy Fogel

**CORRECTED FIRST AMENDED
CLASS ACTION COMPLAINT [F.R.C.P.
15(a)(1)(B)] 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

DOE I, DOE II, Ivy HE, DOE III, DOE IV, DOE V, DOE VI, ROE VII, Charles LEE, ROE VIII, and LIU Guifu (collectively, "Plaintiffs") hereby allege as follows:

NATURE OF THE ACTION

1. Plaintiffs are U.S. and Chinese citizen practitioners of Falun Gong, a peaceful religious practice that is based on the tenets of "Zhen", "Shan", and "Ren" (Truthfulness, Compassion, and Tolerance). Cisco Systems, Inc. ("Cisco"); its CEO John Chambers; Thomas Lam, Vice-Chairman of Cisco Greater China Theater; Owen Chan, President and CEO of Cisco Greater China Theater; and Fredy Cheung, Senior Vice President for the Greater China Region for Cisco China Networking Technologies, Ltd. (collectively, "Defendants"), aided and abetted and conspired with the Communist Party of China ("CCP") and Chinese Public Security forces by providing substantial assistance to them, knowing that they would use such assistance in the commission of human rights abuses against Falun Gong, listed below, including torture and crimes against humanity.

Defendants knowingly, purposefully and intentionally designed, supplied, and helped to maintain a censorship and surveillance network known as the Golden Shield in collaboration with the Chinese Communist Party and Chinese Public Security officers, knowing and intending that it would be utilized by members of the Communist Party of China and Chinese Public Security officers to eavesdrop, tap and intercept communications, identify, and track Plaintiffs as Falun Gong members for the specific purpose of subjecting them to gross human rights abuses, including arbitrary arrest and detention, torture, extrajudicial killing, and crimes against humanity, all in violation of international, U.S., and California law.

2. Cisco refers to the Golden Shield system in its internal literature as "Policenet."

3. As a direct result of the Defendants' creation, development, and maintenance of the Golden Shield technology with the Chinese authorities, Plaintiffs, Falun Gong practitioners, have suffered severe and gross abuses, including false imprisonment, torture, cruel assault, battery, and wrongful death, for which judicial relief is warranted in the form of compensatory and punitive damages.

PARTIES

A. Plaintiffs

4. Many of the individually named plaintiffs and/or their families in China are likely to suffer retaliation and further human rights abuses if their identities become public, and thus are filing anonymously or through next friends.

5. Doe I is a resident of China. The Golden Shield was the essential means through which she was monitored, tracked, detained and eventually subjected to arbitrary and prolonged detention, torture, forced labor and public humiliation.

6. Doe II is a resident of China. The Golden Shield was the essential means through which she was monitored, tracked, detained and eventually subjected to arbitrary and prolonged detention, torture, forced labor and public humiliation.

7. Ivy He is a resident of Canada. The Golden Shield was the essential means through which she was monitored, tracked, detained and eventually subjected to arbitrary and prolonged detention, torture, forced labor and public humiliation.

8. Doe III brings this action through his next friend, Roe III. Doe III is currently in prison in China. He was arrested in 2006 for engaging in Falun Gong activities on the Internet. The Golden Shield was the essential means through which he was monitored, tracked, detained and eventually imprisoned, kept in isolation, and subjected to torture including by means of force-feeding.

9. Doe IV brings this action through his next friend, Roe III, who is also next friend for Doe III. Doe IV was arrested for engaging in Falun Gong religious activities on the Internet. The Golden Shield was the essential means through which he was monitored, tracked, detained and eventually subjected to arbitrary and prolonged detention, forced conversion, torture.

10. Doe V is a resident of China. The Golden Shield was the essential means through which she was monitored, tracked, detained and eventually imprisoned for three years, following a show trial where she was denied an opportunity to challenge the charges against her, where she was deprived of sleep and subjected to beatings and other forms of

1 torture.

2 11. Doe VI is a resident of China. The Golden Shield was the essential means through
3 which he was monitored, tracked, detained and eventually sent to a re-education through
4 labor camp without trial where he was subjected to torture and forced labor.

5 12. Roe VII, a resident of China, brings this action as the representative of Doe VII.
6 Doe VII disappeared in the summer of 2006 while imprisoned as a result of her Falun
7 Gong activities. The Golden Shield was the essential means through which she was
8 monitored, tracked, detained and eventually imprisoned. Both before and during her
9 imprisonment, Doe VII was subjected to torture, including the forcible administration of
10 drugs that left her unable to stand or speak during a sham trial.

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

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

21 15. Liu Guifu is a Falun Gong practitioner who was granted refugee status in March
22 2009 and who now resides in New York. She was detained in China on multiple occasions
23 and was subjected to arbitrary and prolonged detention and torture. The Golden Shield
24 was one of the means through which she was monitored, tracked and persecuted.

25 B. Defendants

26 16. Defendant Cisco Systems, Inc. (“Cisco”) is a multinational corporation
27 incorporated in California with its principal place of business in San Jose, California.

28 17. In 1998, Cisco created Cisco Systems China Network Technology Corporation

1 (“CNTC”) as well as a network technology laboratory in Beijing for the purpose of
2 designing, manufacturing, and implementing the Golden Shield.

3 18. At all relevant times, the China Research and Development Center (“CRDC”) was
4 a wholly owned subsidiary to manufacture Cisco’s products, including those utilized as
5 part of the Golden Shield in China, and acted as an agent of Cisco over which Cisco had
6 direct oversight.

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

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

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

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

28

1 23. Employees of Cisco and Cisco's Chinese subsidiaries worked together directly and
2 shared responsibilities and workloads with each other and worked together on all aspects
3 of the Golden Shield.

4 24. Cisco, operating out of its San Jose, California, headquarters, was actively involved
5 in the allegations laid out below, participating directly in the design and development of
6 China's Golden Shield. Cisco's Chinese market was a highly significant component of
7 Cisco's overall operations, warranting the parent corporation's active involvement in
8 Cisco's Chinese activities, as evidenced by Defendant CEO John Chambers and other top-
9 level Cisco officers' frequent visits to China for the purpose of overseeing the Golden
10 Shield project. Cisco also directs and manages the Golden Shield project directly or
11 through its agents such as its Cisco Advanced Service Team ("Advanced Service Team"),
12 which had responsibilities for the design and implementation of the Golden Shield project
13 and interface with the clients. Cisco developed software and software upgrades
14 designating unique Falun Gong activities that were used to block and track Falun Gong
15 activity as well as standard features and products that were used in the design and
16 implementation of the Golden Shield. Cisco trained employees at CNT and provided them
17 with skills and knowledge developed by the parent corporation. High-level executives and
18 marketing personnel from CNT attended meetings at least twice a year at Cisco's San Jose
19 headquarters with officers of the parent corporation. Additional teleconference meetings
20 also occurred. Until 2008, Cisco's Chinese customer support, including support related to
21 the Golden Shield, was managed by the parent corporation. This activity by Cisco was
22 essential to and had a substantial effect on the abuses suffered by the Plaintiffs.

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

26 26. As Cisco's CEO, Chambers signs or authorizes the signature of all certificates,
27 contracts, and other instruments of Cisco. Significant Cisco sales operations in China are
28 reported to its U.S. headquarters, and major localization efforts in China require executive

1 decisions by Defendant Chambers and others. Under his direction, Cisco's specific intent
2 to meet the requirements of the CCP's purpose to identify, track and thereby abuse and
3 eliminate Falun Gong practitioners pursuant to *douzheng* methods was expressed in
4 marketing presentations.

5 27. Defendant Chambers also oversees the China Strategy Board ("CSB"), established
6 in 2008 for the purpose of devising Cisco strategy in China. Since then, Cisco's Chinese
7 operations have been controlled primarily by the CSB, which is composed of high-level
8 executives working at Cisco's San Jose headquarters, at its Asia Pacific branch (until
9 2010, when the Asia Pacific branch was divided into three theaters, including the Greater
10 China Theater), and at its Chinese subsidiaries. It is chaired by Cisco Senior Vice
11 President Jim Sherriff.

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

17 29. At all relevant times, Chambers knew of China's campaign of torture and
18 persecution of Falun Gong practitioners, as outlined in the factual allegations herein, and
19 knew that China intended to use the Golden Shield to facilitate and carry out that
20 campaign. As CEO of Cisco, Chambers not only was in a position to prevent Cisco's
21 tortious conduct in relation to the Golden Shield in all factual allegations herein, but also
22 purposefully authorized, participated in, and ratified Cisco's participation in the Golden
23 Shield Project as alleged in sections B through F of the Statement of Facts.

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

28

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

18 32. Defendant Chan exercises supervisory authority and personal direction over all
19 Golden Shield-related marketing and training activities directly or in concert with others.
20 Defendant Chan participated in business development, marketing and customer support in
21 the Asia Pacific region; participated in Cisco's sale of high-level Golden Shield design,
22 training and customer support services to Public Security and 610 officers; facilitated a
23 transition from having the mainland China, Hong Kong and Taiwan markets under the
24 purview of the Asia Pacific branch to having them under a "Greater China" division of the
25 corporation, allowing for a greater focus on China operations, including and especially the
26 Golden Shield; and exercises significant control over the selection, appointment and
27 removal of Cisco management including the Cisco Golden Shield engineers, marketing
28 personnel and Public Security team. Under his direction, Cisco's specific intent to meet

1 the requirements of the CCP's purpose to identify, track and thereby abuse and eliminate
2 Falun Gong practitioners pursuant to *douzheng* methods was expressed in marketing
3 presentations. At all relevant times, Chan knew of the campaign of torture and persecution
4 of Falun Gong practitioners in China, was in a position to influence Cisco's tortious
5 conduct during the development of the Golden Shield, and nevertheless purposefully
6 authorized, participated in, and ratified Cisco's participation in the Golden Shield project
7 as delineated in all factual allegations herein, especially the specific facts alleged in
8 sections B through F of the Statement of Facts.

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

13 34. In his roles as a top-level executive working on Cisco's China operations, Lam
14 directly participated in and controlled Cisco's actions alleged herein, in concert with the
15 other individually named Defendants. Lam acted on behalf of Cisco and worked in
16 concert with Chinese Public Security. Lam directly authorized much of Cisco's Golden
17 Shield operations, under the authority of Chan and Chambers. Lam is a high level Cisco
18 executive who was and continues to be directly involved in Golden Shield operations in
19 China. From 1998 to 2002, he was Vice President of the Enterprise Line of Business for
20 China. From 2002 to 2005, he was Vice President of the Customer Advocacy
21 Organization in the Asia Pacific branch. From 2005 to 2009, he was President of China
22 Operations, and he currently serves as Vice Chairman of Cisco Greater China. In each of
23 these roles, all major Golden Shield operations in China were authorized by, reported to,
24 and approved by Lam, who reported to Chan for his authorization and approval.

25 35. Defendant Lam directly oversaw many of the technology infrastructure projects in
26 China. He attended meetings focused specifically on Cisco's "action plan" for the
27 development of Chinese Public Security's information technology infrastructure. Under
28 his direction, Cisco's specific intent to meet the requirements of the CCP's purpose to

1 identify, track and thereby abuse and eliminate Falun Gong practitioners pursuant to
2 *douzheng* methods was expressed in marketing presentations. Lam has also played an
3 active role in both CNT and CRDC, authorizing and directing their dealings with Chinese
4 Public Security and working to ensure that the Golden Shield achieved the goal of aiding
5 the persecution of Falun Gong. At all relevant times, Lam knew of the campaign of torture
6 and persecution of Falun Gong practitioners in China, was in a position to influence
7 Cisco's tortious conduct during the development of the Golden Shield, and nevertheless
8 purposefully authorized, participated in, and ratified Cisco's participation in the Golden
9 Shield project as delineated in all factual allegations herein, especially the specific facts
10 alleged in sections B through F of the Statement of Facts. At all relevant times, Lam aided
11 and abetted and conspired with Chinese Public Security by entering into an agreement to
12 commit wrongful and tortious acts contained herein and participated in or committed a
13 wrongful act in furtherance of said conspiracy, which resulted in injury to the Plaintiffs.

14 36. Defendant Fredy Cheung, who also goes by his Chinese (Mandarin) name Zhang
15 Sihua, directly oversaw much of Cisco's work on Chinese Public Security-related projects
16 in China, in both a managerial and a strategic role. Cheung joined Cisco in 1999 as
17 Director of Channels in Singapore. Since 1999, Cheung has held numerous high-level
18 positions at Cisco and at CNT. By 2000, Cheung was Asia-Pacific Director for Cisco's
19 Commercial Line of Business Division. By 2002, he was Asia-Pacific Core Technology
20 Director for Cisco and Vice President of CNT. In 2006, he became South China Managing
21 Director at CNT and in 2008, he was promoted to the position of Senior Vice President
22 for the Greater China Region. In this role, Cheung continues to manage the sales and
23 service operation plans for the Greater China region and reports directly to Defendant
24 Thomas Lam.

25 37. Defendant Cheung, who is listed in several online business resources with a Cisco
26 San Jose address, participated in bi-yearly marketing and high-level management
27 meetings at Cisco's San Jose headquarters.
28

1 38. Defendant Cheung directly managed engineers working on the Golden Shield
2 project. He participated directly in the sales process through personal appearances at
3 dinners, meetings, and other functions intending to procure Public Security contracts and
4 advance Cisco's overall goals in China. He has authored or directly overseen the authors
5 of PowerPoint presentations that specifically describe the persecution of Falun Gong as a
6 primary goal of the Golden Shield project and that state that Cisco worked in full
7 collaboration with Chinese Public Security.

8 39. Defendant Cheung directly oversaw much of the coordination of Cisco's Golden
9 Shield-related projects and Cisco's work to meet other Public Security goals, including
10 Cisco's providing its Chinese government customers with "customized solutions"
11 designed to suppress Falun Gong.

12 40. At all relevant times, Defendant Cheung knew of the campaign of torture and
13 persecution of Falun Gong practitioners in China, was in a position to influence Cisco's
14 tortious conduct during the development of the Golden Shield, and nevertheless
15 purposefully authorized, participated in, and ratified Cisco's participation in the Golden
16 Shield project as delineated in all factual allegations herein, especially the specific facts
17 alleged in sections B through F of the Statement of Facts. At all relevant times, Defendant
18 Cheung aided and abetted and conspired with Chinese Public Security in the use of the
19 Golden Shield to persecute the Falun Gong.

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

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

11 43. All Defendants named were the agents, servants and/or employees of each and the
12 other, and were at all times acting within the course and scope of such agency, service,
13 and/or employment, and acted as the actual or ostensible agent of each and the other.

14 **JURISDICTION AND VENUE**

15 44. This Court has jurisdiction over this case pursuant to the Alien Tort Statute, 28
16 U.S.C. § 1350; the Torture Victims Protection Act, 28 U.S.C. § 1350 note; 28 U.S.C. §
17 1331 (federal question); 28 U.S.C. § 1332 (diversity); and 28 U.S.C. § 1367
18 (supplemental jurisdiction).

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

24 **STATEMENT OF FACTS**

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

26 46. Falun Gong practitioners, in provinces and regions across China, cannot be
27 distinguished from other Han (ethnic Chinese) apart from their religious activity that
28 occurs almost entirely on the Internet. Falun Gong practitioners typically utilize the

1 Internet to practice their religion. They regularly access the “Minghui” website due to its
2 central role in the worldwide Falun Gong community and its status as a place of
3 congregation for members of the religion.

4 47. The Falun Gong religion developed in China in or around 1992. By early
5 1999, the New York Times and Associated Press estimated that there were between
6 seventy and one hundred million people practicing Falun Gong in China.

7 48. According to several Resolutions by the U.S. House of Representatives, Falun
8 Gong is a “peaceful and non-violent form of spiritual belief and practice with millions of
9 adherents in China and elsewhere.”

10 49. The State Department estimates that several hundreds of thousands of Falun Gong
11 practitioners have been detained for engaging in Falun Gong practices. The State
12 Department also estimates that a significant percentage and in many cases a majority of
13 Chinese “Reeducation Through Labor” camps are made up of Falun Gong practitioners. A
14 2005 Human Rights Watch report states that detained Falun Gong practitioners receive the
15 “worst treatment” of any detainees, and a 2006 U.N. Special Rapporteur report states that
16 66 percent of the reported torture cases in China were comprised of Falun Gong
17 practitioners. In 2009 The New York Times reported that at least two thousand Falun
18 Gong practitioners have been tortured to death in China.

19 50. In June of 1999, the CCP published a document calling for “struggle” against the
20 Falun Gong religion until its eradication. Laws and regulations were passed banning “evil
21 cult organizations” or religious activities undertaken in order to “disturb social order”,
22 although Falun Gong was not identified or referenced in the legislation.

23 51. The leaders of the CCP authorized the use of various measures to forcibly convert
24 Falun Gong adherents through reeducation techniques that included brainwashing classes,
25 intense interrogation, and torture. For those who refused to abandon their religious beliefs,
26 far harsher legal sanctions were leveled including lengthy detentions, forced labor and
27 torture.
28

1 52. Persons identified as Falun Gong are regularly subjected to “Reeducation Through
2 Labor,” a system of administrative detention imposed without judicial review.

3 53. The Chinese political term *douzheng*, literally meaning “struggle” in the sense of
4 Marxist “class struggle,” has become a term of art in Chinese politics used to designate
5 and implement persecutory campaigns against Party-disfavored intellectuals, jurists, pro-
6 democracy students, religious adherents, and countless others. These campaigns have
7 always been comprised of the twin elements of propaganda and violence.

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

11 55. Neither Office 610 nor the CCP has the statutory authority to act on behalf of the
12 state.

13 56. According to official government documents, the CCP participates in pre-trial
14 discussions with local police, court officers and prosecutors to ensure that there is
15 agreement between CCP representatives and government officials on facts and witnesses,
16 and charges before action is taken by low-level state security or judicial personnel. This is
17 one aspect of a general trend whereby Party and low-level state organs act in concert in
18 order to dispose of individual Falun Gong cases.

19 57. Chinese Public Security officers are tasked with the prevention, suppression and
20 investigation of both criminal and “dissident” activities in China. The latter encompasses
21 assisting in the execution of the widespread campaign to *douzheng* Falun Gong.

22 58. Public Security officers collaborated with Office 610 party agents to detect,
23 investigate and profile the Internet activities of Falun Gong practitioners to suppress Falun
24 Gong.

25 59. The ongoing campaign to persecute Falun Gong practitioners in China through use
26 of the Golden Shield has been widely reported in Western media outlets since 1999, and
27 has been documented and universally condemned, beginning in 1999, by the U.S.
28 Department of State, the U.S. Congress, the United Nations and a number of international

1 human rights organizations, including Amnesty International and Human Rights Watch.

2 B. Defendants' Marketing, Design, Customization, Training and Customer
3 Support for Golden Shield Technology Used to Facilitate the Persecution of
4 Falun Gong

5 60. During the late 1990s, the CCP together with Chinese Public Security planned the
6 creation of the Golden Shield, which includes a database-driven remote surveillance
7 system, which could facilitate the surveillance, apprehension, and suppression of Falun
8 Gong, other religious groups and political activists.

9 61. Prior to the implementation of the Golden Shield, it was impossible for the CCP or
10 security authorities to effectively detect, identify, or track widespread Falun Gong
11 activities online.

12 62. Chinese security forces turned to Western high-tech companies for assistance to
13 fill-in gaps in technological expertise not available within China.

14 63. By 2000, Cisco had created a marketing campaign to win contracts to design and
15 develop the Golden Shield knowing that it would be used in China for the surveillance,
16 apprehension, and suppression of Falun Gong practitioners, through the use of torture and
17 other extreme methods. Cisco developed and marketed specifically for the Golden Shield
18 comprehensive technology tailored to that purpose.

19 64. As part of its sales campaign, Cisco developed and marketed high-level design
20 solutions that demonstrated to Public Security officers and Party agents how they would
21 be able to block, surveil, apprehend and suppress dissident groups in China, and especially
22 Falun Gong.

23 65. These high level design solutions included a multi-tiered Golden Shield network
24 for identification, tracking and information-sharing; national and provincial "Information
25 Centers" with at least one "centralized database" dedicated specifically to Falun Gong
26 practitioners; integration of the Information Centers and Falun Gong databases with the
27 multi-tiered Golden Shield network and related security features—such as the Intrusion
28 Detection and Prevention Systems (IDS/IPS)—capable of monitoring and tracking Falun

1 Gong practitioners.

2 66. The high level design solutions provided by Defendants also featured:

- 3 a. An Internet Surveillance system designed and developed to facilitate the
- 4 repression of Falun Gong practitioners.
- 5 b. Integration of Information Centers and Falun Gong databases with all Public
- 6 Security systems, including the Internet Surveillance system and the Domestic
- 7 Security Bureau housing Office 610, all of which were designed to detect and
- 8 log Falun Gong activity to alert Public Security and Office 610 officials of such
- 9 activity;
- 10 c. The integration of the Internet Surveillance System and the Falun Gong
- 11 databases with (i) intelligence and information analysis systems and (ii) a
- 12 Public Security command center;
- 13 d. A national Falun Gong key personnel information system;
- 14 e. Security features to identify and track Falun Gong practitioners through non-
- 15 Internet surveillance devices;
- 16 f. Mobile police access to Public Security databases and other security
- 17 information; and
- 18 g. Training and long-term customer support to ensure the continued operation of
- 19 Golden Shield technology.

20 67. Many of these features were implemented by Cisco in regions across China,

21 including several cities and regions in China where the plaintiffs and persons situated

22 similarly were detected, apprehended, interrogated and tortured.

23 68. Defendants also developed, with its agents, antivirus software that were used by

24 Public Security and 610 Office agents to identify, block and track Falun Gong users and

25 their Internet activities.

26 69. Many of the features, for example, Information Centers featuring Falun Gong

27 databases integrated with an log, alert and notification system developed specifically for

28 the Golden Shield were first-of-their-kind features that Cisco suggested Chinese security

1 officers use to facilitate the detection, apprehension and interrogation of Falun Gong,
2 knowing that the interrogation of Falun Gong practitioners included and resulted in their
3 torture and further persecution.

4 70. Defendants marketed these features as providing a network that “covers heaven
5 and earth.” As one of Defendant’s engineers describes, to view each of the technologies in
6 isolation is to understate their importance:

7 “[The mobile police technology] didn’t capture the full scope of what Cisco
8 had accomplished. We weren’t just talking about accessing a suspect’s
9 driving record... Cisco provided a secure connection to provincial security
10 databases allowing for thorough cross-checking and movement-
11 tracing...[such that] policemen could remotely access the suspect’s work
12 unit, access reports on the individual’s political behavior ... family history
13 ... [f]ingerprints, photographs and other imaging information The
Chinese police could even check remotely whether the suspect had built or
contributed to a Web site in the last three months, access the suspect’s
surfing history and read his email.”

14 71. Defendants marketed to Public Security officers that its security software was the
15 “only product capable of recognizing over 90% of Falun Gong pictorial information.”

16 72. To achieve such a high success rate, Defendants identified and analyzed Internet
17 activity that is unique to Falun Gong practitioners and used this activity to create unique
18 digital Falun Gong “signatures.” These Falun Gong-specific signatures were incorporated
19 by Defendants into security software upgrades at regular intervals to ensure Falun Gong
20 activity was identified, blocked and tracked.

21 73. In collaboration with Chinese authorities, Defendants designed and developed the
22 Golden Shield to incorporate advanced information and communication technologies into
23 security enforcement with the primary goal of creating a comprehensive online
24 surveillance system specially geared to enable and facilitate the suppression of dissident
25 activity in China, specifically Falun Gong.

26 74. Defendants specifically designed and customized the Golden Shield apparatus
27 (including hardware and software) with the scale, complexity and capacity required to
28 enable Chinese Public Security officers and Office 610 to monitor the Chinese population

1 and identify, track, apprehend, interrogate, detain and torture Falun Gong practitioners,
2 including Plaintiffs and persons similarly situated.

3 75. Without the far wider scale, complexity and capacity that Defendants designed and
4 developed for the Golden Shield, it would not have been possible for Office 610 and
5 Public Security officers to obtain sensitive information such as home and work addresses,
6 purchases, financial information, contact with other Falun Gong members, past Falun
7 Gong activities, IP addresses, and family information (used for interrogation purposes),
8 from almost anywhere in China, thereby enabling the Chinese authorities to coordinate
9 large-scale investigations, locate, track, apprehend, and persecute Falun Gong members
10 from anywhere in China without having to search homes, ransack their offices and homes
11 for evidence, or detain and interrogate them for more information.

12 76. Cisco managed the design, implementation and optimization of key security
13 features of the Golden Shield directly or through its agents such as its Advanced Service
14 Team or in collaboration with partners or affiliates in order to meet Public Security and
15 610 Office agents' specifications to suppress Falun Gong.

16 77. The Golden Shield required extensive customization from Cisco engineers or
17 engineers Defendants trained to implement the customization necessary to surveil,
18 apprehend and in other ways persecute practitioners of the Falun Gong religion in China.

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

24 79. Defendants played a major and significant role in the implementation of an
25 international Internet gateway system with a small number of physical entry points into
26 the Chinese network, called "gateways," and specialized software and hardware capable
27 of handling large amounts of data transmission while identifying and tracking Falun Gong
28 behavior across regions in real time and transferring the tracked information to public

1 security personnel and 610 agents to identify, track, locate, apprehend, interrogate, and
2 eventually suppress Falun Gong, without prohibitively slowing down general Internet
3 traffic.

4 80. Defendants also created routers equipped with blocking and surveillance features
5 that are not typical to a router's default configuration. In addition, the Golden Shield was
6 customized by Cisco created technology to address the use of non-standard, "dynamic" IP
7 addresses by Falun Gong practitioners.

8 81. By the end of 2006, Defendants had completed the construction and
9 implementation of the multi-tier Golden Shield network in the provinces of Yunnan
10 (2001), Shaanxi (2002), Anhui (2003), Fujian (2004), Guangdong (2004), Hainan (2004),
11 Zhejiang (2004) Heilongjiang (2006), as well as the cities of Beijing (2002) and Shanghai
12 (2005).

13 82. Cisco's designs cemented Cisco's place as one of the top foreign technology
14 providers in the Chinese market.

15 C. Defendants' Collaboration with CCP and Public Security Officers to
16 Persecute and Suppress Falun Gong

17 83. Defendants publicly admitted on Cisco's Chinese-language website in 2004 that it
18 constructed the Golden Shield in "full collaboration" and "partnership" with Public
19 Security Bureau officials in the Shanxi province of China. Other statements on Cisco's
20 Chinese-language website from as early as 1999 discuss Defendants' collaboration in
21 constructing the Golden Shield with Public Security Bureau and division officials across
22 China.

23 84. Cisco executives actively sought to cultivate strong relationships with Communist
24 Party and national and regional security authorities. Defendant Jim Sherriff described
25 Cisco's China strategy as a "grave commitment" to expansion in China, and his view of
26 China as "a very relationship-intensive society". To ensure future business opportunities,
27 Cisco collaborated extensively with authorities in the campaign persecute Falun Gong.

28 85. In 1999, Cisco entered into an agreement with Chinese Public Security officials at

1 the national level to construct the backbone of the Golden Shield.

2 86. After the development and launch of the Golden Shield in 2000, Defendants
3 entered into a series of further agreements with Public Security officers at regional levels
4 to develop and construct additional features of the Golden Shield. These included
5 agreements to provide the software, hardware and infrastructure to link major cities and
6 provinces in China to the Golden Shield backbone; agreements to train Chinese Public
7 Security officers in surveillance techniques; and agreements to upgrade Golden Shield
8 infrastructure and to provide information centers to host the central Falun Gong databases
9 (on or around 2006).

10 87. The CCP Central Committee's Commission for the Comprehensive Management
11 of Social Security, a body which is in charge of monitoring dissident activity, was at least
12 one of the organizers listed at one or more of the web technology trade shows where Cisco
13 displayed and sold its Golden Shield products.

14 88. A key component of the success of Cisco's work in China was the degree to which
15 Cisco closely collaborated with government clients such as Public Security.

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

19 D. China's Use Of Cisco's Customized Golden Shield To Track, Identify And
20 Persecute Falun Gong

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

25 91. Public Security officers monitored Nanjing train entrances and exits, looking for
26 Falun Gong practitioners attempting to travel to Beijing. The officers were equipped with
27 mobile laptop computers that were connected to the Golden Shield network and which
28 allowed the officers to identify suspected Falun Gong practitioners through the use of

1 Golden Shield databases storing information on Falun Gong practitioners. This type of
2 monitoring in Nanjing was common practice across China.

3 92. Public Security officers and Office 610 agents used Golden Shield technology sold
4 by Defendants to identify, track and detain Falun Gong practitioners, and to compile
5 information on Falun Gong practitioners in databases used for information-sharing,
6 profiling and interrogation purposes.

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

9 94. Beginning around 2001 and continuing through at least 2006, Cisco employees
10 trained Public Security officers and, upon information and belief, Communist Party
11 officials to use Cisco equipment to monitor and arrest Falun Gong practitioners and
12 provided customer service.

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

17 E. Before Initiating the Golden Shield Project and Entering Into Subsequent
18 Contracts, Defendants Had Knowledge of the Project’s Intended Use to
19 Suppress Falun Gong

20 96. Cisco was aware of the campaign against Falun Gong by the Chinese Communist
21 Party and security forces’ role in this campaign, as well as their desire to intensify this
22 campaign, and the abuses this would entail.

23 97. The scope of the campaign by the CCP and Chinese Security to repress Falun Gong
24 was common knowledge, both inside and outside of China, after the announcements
25 beginning the group’s political and ideological suppression in 1999. The campaign and its
26 abuses received widespread attention from media, foreign governments including that of
27 the United States, and international organizations.

28 98. In particular, much early reporting on the crackdown focused on the severity and

1 ubiquity of the torture and other forms of severe abuse utilized by Party security forces
2 against Falun Gong. Such abuse was the subject of Ian Johnson's 2001 Pulitzer Prize-
3 winning coverage for the Wall Street Journal, as well as a host of other prominent reports.
4 The degree to which such reporting made explicit the campaign of human rights abuse
5 against Falun Gong adherents is indicated by the headline of the Washington Post's
6 prominent 2001 article "Torture Is Breaking Falun Gong".

7 99. Cisco had been operating extensively in China since 1994, and executives
8 including Defendant Chambers consistently claimed this market as one of the company's
9 key targets for future expansion. Cisco conducted continual assessments of their
10 investments in the Chinese market.

11 100. Cisco knew that a purpose of the Golden Shield's Internet Control and Monitor
12 System, i.e., the Surveillance System, was the facilitation and advancement of the
13 persecution of Falun Gong and it routinely included torture.

14 101. Cisco knew that the Golden Shield, as a security-focused hardware and software
15 restructuring of China's Internet, was particularly aimed at suppressing all Falun Gong
16 activity in China. Prior to construction and implementation of the Golden Shield, Falun
17 Gong's continuing Internet-based communications posed a number of technical
18 challenges to existing means of surveillance and suppression.

19 102. Before it entered into contracts to design the Golden Shield, Defendants knew that
20 the products and services Cisco designed for the Golden Shield would be used to commit
21 human rights violations against Falun Gong practitioners, particularly those the security
22 forces sought to convert, or as it was officially called, "transform." "Transformation"
23 reports about successfully forcing Falun Gong adherents to abandon their beliefs while in
24 the custody of security forces were broadcast on China's CCP-run television and in
25 newspapers.

26 103. The widespread use of extreme forms of torture in the transformation process was
27 also well documented in reports by the U.S. State Department in 2000, and 2001, in
28 human rights reports by U.N. Rapporteurs in 2000, 2001, 2004, 2005, 2007, and 2010, by

1 various human rights organizations, including Amnesty International and Human Rights
2 Watch, as well as survivors' public statements and by through prominent media coverage,
3 from 1999 through today.

4 104. In October 2002, a Cisco shareholder resolution identified the human rights abuse
5 arising from Cisco's involvement in the Golden Shield project and the role the project
6 played in the commission of various abuses against Falun Gong practitioners. Similar
7 resolutions introduced in 2005 and 2007 likewise focused on the human rights concerns
8 over Cisco's China operations.

9 105. At a 2006 Congressional hearing investigating U.S. companies' involvement in
10 Chinese human rights abuses, a number of witnesses testified that Cisco's Golden Shield
11 technology was being used in China to further human rights abuses.

12 106. In 2008, the Senate Subcommittee on Human Rights and the Law called a similar
13 hearing, attended by Cisco's Senior Vice-President of Legal Affairs, Mark Chandler.
14 Chandler was questioned about a 2002 Cisco pre-sale document indicating that the Golden
15 Shield would be used to "*douzheng* the Falun Gong evil cult and other hostile elements."
16 Chandler testified that this represented the client's goals for the Golden Shield project.

17 107. In January 2011, a major Cisco shareholder, Boston Common Asset Management,
18 announced that, "after years of campaigning Cisco for greater transparency and
19 accountability on key human rights and business development concerns," it had decided to
20 divest itself of Cisco shares due to the company's failure to address those longstanding
21 human rights concerns, especially in terms of its operations in China.

22 F. Defendants' Intent to Use the Golden Shield to Commit Crimes Against
23 Falun Gong

24 108. Cisco has admitted publicly that it agreed to meet Public Security's objectives
25 during its work on the Golden Shield, which, as Cisco has noted in its internal documents,
26 include the suppression of Falun Gong.

27 109. As alleged above, Defendants knew that Public Security officers and CCP officials
28 intended to use the Golden Shield to persecute Falun Gong practitioners, and specifically

1 recommended new technologies to achieve that purpose and designed and developed
2 those technologies.

3 110. Defendants recommended to Public Security and CCP officials features that could
4 contribute to achieving the Golden Shield's objectives and that were essential to the
5 suppression of Falun Gong.

6 111. Defendants' expressed willingness to meet the requirements of the CCP's purpose
7 to identify, track and thereby abuse and eliminate Falun Gong practitioners pursuant to
8 douzheng methods, was intended to and did result in the award to Cisco of the contracts to
9 develop the Golden Shield.

10 112. Between 2000 and 2003, Defendants participated in several web technology shows
11 in China where it advertised Cisco surveillance products that would enable the CCP to
12 suppress Falun Gong.

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

16 114. At one trade show, a key member of Cisco's sales team in China described the
17 features of Cisco surveillance equipment to author Ethan Gutmann, stating that the
18 Golden Shield "Policenet" technology Cisco had developed included the bandwidth,
19 capacity and other technology needed to monitor "suspicious" surfing history and email,
20 and remotely access sensitive information about the suspect's political behavior, family
21 history and "footprints."

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

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

1 117. During the same time frame, Defendants provided “skill training” and “technical
2 training” to Public Security officers and Office 610 agents to enable them to use the new
3 technologies to eradicate Falun Gong.

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

7 119. In 2003, Cisco bragged on its Chinese website that Cisco agreed to meet Public
8 Security’s objectives during its work on the Golden Shield, which, as stated by
9 Defendants elsewhere, includes the suppression of Falun Gong.

10 120. In 2004, Cisco announced on its Chinese website that it had designed and
11 implemented an upgrade to the Golden Shield network in order to improve the capability
12 of Public Security to “fight [] against crime” and “maintain social stability.” The latter
13 phrase was understood by Defendants to refer to the suppression of dissident activity in
14 China, including Falun Gong.

15 121. Golden Shield antivirus software requires the identification of Internet activity
16 unique to Falun Gong practitioners in order to block and track this activity. Cisco
17 upgraded Golden Shield antivirus software to include protection specifically against Falun
18 Gong activity.

19 122. On October 4, 2005, a resolution by Cisco shareholders calling for an investigation
20 of Defendants’ complicity in the crimes alleged herein was presented to high-level
21 officials, including Defendant Chambers, detailing how Cisco’s Golden Shield technology
22 and services were being used in China to facilitate the persecution of Falun Gong. Well
23 after this point, Defendants continued to help CCP and Public Security officers suppress
24 Falun Gong through the Golden Shield Policenet applications and features Defendants had
25 developed to further the alleged crimes.

26 123. In sum, Defendants internally (a) admitted that a major purpose of the Golden
27 Shield project is to persecute Falun Gong practitioners; (b) featured in training materials
28 information centers hosting Falun Gong and other databases linked to surveillance

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

14 G. The Golden Shield Facilitated Persecution of and Abuses Suffered by
15 Plaintiffs

16 124. The Golden Shield has enabled the persecution of Falun Gong practitioners in all
17 provinces and regions in China where the Golden Shield has been implemented, as the
18 primary means to identify Falun Gong practitioners who use the Internet in practicing
19 their religion.

20 125. The Golden Shield is the only system in China that performs large-scale content
21 filtering and surveillance of the Internet.

22 126. Further, the Golden Shield stores sensitive information about Falun Gong
23 practitioners who have been previously detained and apprehended, thereby enabling
24 Public Security officers and Office 610 agents to use the information to interrogate,
25 forcibly convert and torture practitioners subjected to multiple arrests. Office 610
26 routinely uses the Falun Gong database to identify Falun Gong practitioners and to
27 assemble evidence of Falun Gong activities to further their persecution.

28 127. Office 610 officers routinely exchange information with police investigating Falun

1 Gong suspects while they track, apprehend, detained, interrogate, torture and in other
2 ways forcibly converted members of the religion in China through network functionalities
3 specifically designed for these purposes by Defendants.

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

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

12 130. All of the Plaintiffs were subjected to interrogation practices that comprised mental
13 and physical torture in order to forcibly elicit false confessions.

14 131. All of the Plaintiffs were persecuted based on their use of the Internet to practice
15 their religion. None of the Plaintiffs or persons situated similarly was charged with violent
16 crimes.

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

21 133. The 610 Office and Public Security officers used the Golden Shield collaboratively
22 to detect, monitor, interrogate and persecute these Falun Gong practitioners.

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

25 135. Doe I. Doe I was one of the individuals identified for arrest and persecution
26 through use of the Golden Shield by Office 610 officers during the 103 Case.

27 136. Beginning on July 1, 2001, Doe I and other Falun Gong practitioners frequently
28 met to conduct Falun Gong activities including the downloading and distributing of Falun

1 Gong promotional materials.

2 137. Doe I was arrested and detained along with over 70 other Falun Gong practitioners
3 in November 2001. In their investigations, Office 610 officers identified her as one of
4 several “backbone organizers” of the Case 103.

5 138. During their interrogation, the police and special 610 agents subjected Doe I to
6 severe torture to force her to renounce and vilify her Falun Gong religious beliefs. She
7 was physically tortured with severe beatings, including some administered with the
8 simultaneous use of an electric baton and a steel rod bearing sharp screw threads. Her
9 physical abuse was so severe that it caused visible gashes and bruises to cover a large
10 portion of her body, caused her eyes to swell noticeably, and drew blood. All such torture
11 began over a year before she was made aware of any charges against her.

12 139. In July 2003, Doe I was charged with raising funds for Falun Gong activities,
13 downloading Falun Gong materials from the Minghui website, publishing Falun Gong
14 materials on the Minghui website, and distributing Falun Gong materials. At a purported
15 “trial”, the court accepted a statement from the Internet Controlling and Monitoring
16 Division of Tianjin Police Bureau that confirmed some of the Internet-related charges.
17 The police and prosecutors specifically relied on evidence that was collected and analyzed
18 through Golden Shield Internet applications and functionalities. She was not permitted to
19 challenge the charges against her.

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

22 141. In prison, Doe I was subjected to severe torture and forced labor.

23 142. Doe I is currently living in China.

24 143. She is under the continued threat that the Chinese authorities can track her Falun
25 Gong religious activities and that she will be subject to further abuse.

26 144. Doe II. Doe II was one of the individuals identified for arrest through use of the
27 Golden Shield by an Office 610 officer.

28

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

3 146. In November 2001, Doe II was detained for her activities without notice of the
4 charges, formal arrest or other procedures. In detention, she was slapped in the face,
5 kicked and beaten.

6 147. During the interrogation of Doe II, the police subjected her to severe mental and
7 physical abuse, so much so that she characterized as “criminal” acts that are perfectly
8 legal under Chinese and international law.

9 148. On December 20, 2001, Doe II was formally arrested and charged.

10 149. She remained in detention until July 2003, at which point she was put on “trial”
11 along with several other Falun Gong practitioners. At trial, she was not permitted to
12 challenge the legality of the charges against her and was not allowed to submit a plea of
13 “not guilty.”

14 150. The trial court convicted Doe II of “utilizing the cult organization to sabotage law
15 enforcement” and sent her to prison for four years.

16 151. In prison, she was subjected to public humiliation, torture that included being
17 severely beaten, and forced to work under harsh conditions that included long hours,
18 intermittent torture, interrogation and other forms of torture, and public degradation in
19 order to force her to make false statements about her religious belief and practice.

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

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

24 154. Ivy He has resided in Canada since December 2006.

25 155. Throughout 2001, Ivy He downloaded Falun Gong materials from the Minghui
26 Website, communicated by cell phone with other Falun Gong practitioners involved in
27 Internet-related Falun Gong activities, and in other ways supported these activities while
28 living in China.

1 156. In November of 2001, Public Security officers went to her home and forced her to
2 accompany them to the police station.

3 157. She was detained without being advised of any charges against her and was refused
4 any opportunity to contact family or legal counsel.

5 158. At the police station, Public Security officers interrogated her continuously for
6 many hours in order to force her to characterize acts that are perfectly legal under Chinese
7 and international law as “crimes.” They poured ice-cold water over her naked body and
8 forced her to stand in a bucket of ice. She was also kicked, beaten, insulted and subjected
9 continuously to other forms public humiliation, and mental and physical torture.

10 159. Chinese Public Security officers sent her to a detention center. She was subjected
11 to continuous interrogation and physical abuse.

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

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

17 162. There, she was beaten so severely that she lost consciousness. At one point she was
18 sent from the labor camp to a hospital, drugged, and was forced to sign a statement
19 denouncing the Falun Gong religion.

20 163. After about two years of detention and torture, she was released.

21 164. In 2008, Public Security officers visited her at her home in China and informed her
22 that they would be sending her to brainwashing classes again based on her continued
23 practice of the Falun Gong religion. She left China that night and boarded a plane to
24 Canada, where she now resides.

25 165. Internet Cases. Between one and five thousand Falun Gong practitioners have been
26 arrested and charged with Falun Gong-related activity through use of the Golden Shield.
27 All of the cases below involved Falun Gong practitioners who had downloaded Falun
28 Gong materials from foreign websites.

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

3 167. Roe III and Doe III became close friends in 1998.

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

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

11 170. In detention, he was subjected to interrogation and forced conversion procedures
12 that included torture.

13 171. A month later, he was transferred to the Detention Center of Qingpu District in
14 Shanghai where political prisoners including but not limited to Falun Gong practitioners
15 are subjected regularly to torture and persecution.

16 172. In late 2005, Doe III was convicted at a trial for downloading Falun Gong material
17 online over a two-year period. He was not permitted to challenge the legality of the
18 charges against him and was not allowed to submit a formal plea of “not guilty.”

19 173. He was sentenced to a seven and a half year prison term. While in prison, he was
20 subjected to severe beatings on several occasions and other forms of torture and
21 persecution.

22 174. Doe III reside in Tilanqiao Prison in Shanghai that is well known for its brutal
23 treatment of Falun Gong practitioners and other dissident group members. Doe III is
24 currently very weak and in poor condition due to his subjection to torture and persecution.

25 175. Doe IV. Doe IV is a Falun Gong practitioner filing this action through his next
26 friend, Roe III, also the next friend for Doe III. Doe IV is currently in China and cannot
27 file directly.

28 176. Roe IV communicated with Doe IV and Doe IV’s family extensively before,

1 during, and after Doe IV was imprisoned. He maintains a close relationship with Doe IV
2 and Doe IV's family. Roe IV procured an attorney to represent Doe IV in China, who
3 represented Doe IV in China until the authorities began to persecute the lawyer.

4 177. In early 2003, Doe IV began to download information about Falun Gong from the
5 Minghui website. Throughout the year, Doe IV used the Internet to download a significant
6 amount of Falun Gong material from the Minghui website.

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

10 179. In detention, he was subjected to interrogation and forced conversion procedures
11 that included torture. He was shocked with electric batons on his hands, mouth and face
12 on several occasions, locked in isolation chambers and forced to stand on his feet in
13 sweltering heat for more than seven days on several occasions, slapped in the face, beaten,
14 deprived of sleep for prolonged periods of time, and subjected to ice water being poured
15 on his body and clothing without any relief.

16 180. In 2004, Doe IV was convicted at purported trial for constructing a Falun Gong
17 website, using the Internet to download Falun Gong related material and burning the
18 information onto CDs and sending mass email about the persecution of Falun Gong in
19 China.

20 181. He was not permitted to challenge the legality of the charges against him and was
21 not allowed to submit a formal plea of "not guilty."

22 182. He was sentenced to seven years in prison and in November 2004 was transferred
23 to Jidong Prison in Tangshan City, Hebei Province.

24 183. While in prison, he was subjected to torture and persecution. He was deprived of
25 sleep for weeklong periods of time, beaten, and in other ways injured physically and
26 mentally.

27 184. Doe V. Doe V is a resident of China. Doe V used the Internet and telephone to
28 engage in Falun Gong-related activities. Her use of the Internet and telephone was

1 monitored using the Golden Shield.

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

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

9 187. On the same day, Public Security officers took her to a hotel for interrogation to
10 force her to denounce and vilify her religion. The interrogation included severe physical
11 and mental forms of torture. They placed her in heavy foot-cuffs and tied her to an iron
12 chair for five days. She was allowed to be removed from the chair only to go to the
13 restroom and was not permitted to sleep. During the interrogation, she was tortured and
14 beaten. As a result of the interrogation, she had severe injuries in the areas in which she
15 had been cuffed and was covered in bruises and cuts.

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

21 189. She was later taken to the Qiaoxi Municipal Court to stand trial. At trial, she was
22 not permitted to challenge the legality of the charges against her and was not allowed to
23 submit a plea of “not guilty.” She was sentenced to a three-year prison term.

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

1 191. Since her release, she continues to suffer from an irregular heartbeat, cold sweats,
2 and other severe physical and emotional damage.

3 192. Doe VI. Doe VI is a resident of China. During 2007, Doe VI used the Internet to
4 download Falun Gong flyers from the Minghui website. He shared the flyers and other
5 information posted on the website with others in China, including Falun Gong
6 practitioners.

7 193. In spring 2007, more than five years after the Golden Shield was completed and
8 fully operational in Shandong Province, approximately ten Public Security officers raided
9 his home in Shandong Province and took him into custody without advising him of any
10 charges. At the police station, he was subjected to interrogation techniques that included
11 torture. He was beaten throughout the interrogation process and forced to sleep on the
12 floor with his hands and feet bound with rope and handcuffs.

13 194. The next day, Public Security officers took Doe VI to Weifang City detention
14 center. While at the detention center, he was subjected to continuous interrogation and
15 other forms of torture to force him to characterize activities that are legal under Chinese
16 and international law as “crimes” and to abandon the practice of Falun Gong. He was not
17 formally charged until almost a month later.

18 195. About a month later, a Public Security administrative committee issued a decision
19 stating that Doe VI had “downloaded, produced, and hid Falun Gong illegal flyers at
20 home.”

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

26 197. From spring 2007 until early fall 2008, he was detained at Shandong Province No.
27 2 Labor Camp, where he was physically abused at the hands of the labor camp officers
28 and made to do forced labor.

1 198. Doe VII. Roe VII files as a representative of her daughter, Doe VII. Doe VII has
2 disappeared and is believed dead.

3 199. After the Golden Shield had been implemented in the city of Taishin, Shandong
4 Province, Doe VII engaged in Falun Gong-related Internet activity that included the
5 downloading of Falun Gong information from the Minghui website.

6 200. In the city of Taishan in June 2004, Public Security officers apprehended Doe VII
7 and took her blindfolded to a police interrogation room where Public Security officers
8 electrically shocked, beat, and kicked her.

9 201. She was held in a detention center where Public Security officers force-fed her and
10 subjected her to additional beatings and interrogation.

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

13 203. A few days later, Public Security officers took her to a court in Taian. The officers
14 had to hold her up by her arms because she was unable to walk or stand unassisted. In this
15 condition, she was forced to stand trial. Due to her physical condition she was unable to
16 speak at trial.

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

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

25 206. In the subsequent two years, her family, including Roe VII, was permitted
26 occasional prison visits and noted her extremely weak physical condition.

27 207. Since the summer of 2006, Doe VII's family has not had contact with her despite
28 repeated attempts to do so and believes she may have been tortured to death while in

1 custody. Her family has been refused visitation and is unaware of her whereabouts.

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

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

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

14 211. Upon his arrival at the airport, Public Security officials placed him under arrest.

15 212. One of the officers who arrested him told him that they knew he was coming to
16 China and had been waiting for him.

17 213. At trial, he was convicted of using the Chinese media for Falun Gong-related
18 activity. He was not permitted to challenge the legality of the charges against him and was
19 not allowed to present evidence or defend himself as “not guilty.”

20 214. He was sentenced to a prison term of three years, from January 2003 to January
21 2006, at Nanjing Prison. During this time, he was frequently subjected to interrogation
22 and forced conversion practices

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

28 216. Charles Lee was not permitted to interact with other prisoners and oftentimes not

1 permitted to read. He was permitted to see his mother only twice during the last two years
2 of her life and not permitted to attend her funeral.

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

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

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

14 220. Doe VIII. Roe VIII resides in China and is the surviving family member of a
15 deceased Chinese citizen, Doe VIII, who was born and resided in China. Roe VIII files
16 individually as the survivor of Doe VIII.

17 221. Doe VIII accessed the Minghui website on numerous occasions in Shandong
18 Province after the Defendant had implemented the Golden Shield in Shandong Province in
19 full collaboration with Public Security officers and CCP agents.

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

23 223. Following his arrest, he was taken to a detention center where he was interrogated
24 and severely beaten.

25 224. Sometime between August 21 and August 30, 2002, Doe VIII was beaten to death
26 at the detention center.

27 225. General Surveillance Cases. Liu Guifu. Liu Guifu was born and raised in the
28 People's Republic of China. She currently resides in the state of New York with asylum

1 status.

2 226. Plaintiff Liu Guifu was arrested and persecuted as a result of her participation in
3 Falun Gong Internet activities in the city of Beijing where Defendants had helped to
4 construct the Golden Shield in collaboration with Public Security officers and Office 610
5 agents. Liu Guifu was subject to multiple arrests. The Golden Shield was used to assemble
6 information about her following her initial arrest. This information enabled subsequent
7 arrests and detentions. The detailed information used in the interrogation of Liu Guifu
8 would not have been accessible to the police without use of the Golden Shield.

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

11 228. On February 25, 2001, public security officers accused her of “making public
12 statements with others on the Internet” and sent her to a labor camp for a term of eighteen
13 months. She was deprived of her legal right to a hearing and was not permitted to
14 challenge the validity of the charges against her.

15 229. At the labor camp, she was kept awake for eighteen days. She was whipped and
16 beaten until she was unable to walk. Eventually she began to have hallucinations, and she
17 often lost consciousness.

18 230. Liu Guifu was released on or about August 14, 2002.

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

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

25 233. In February 2005, Public Security officers again took her into custody. Public
26 Security officers sent her to a labor camp for two and a half years.

27 234. Liu Guifu was not permitted to challenge the legal or factual validity of these
28 accusations.

1 235. At the labor camp, she was interrogated. The interrogators repeatedly told her that
2 someone in her home had downloaded information from the Minghui website and asked
3 her repeatedly who had used her computer to download the Falun Gong materials.
4 She was released from the labor camp in the summer of 2007. In 2009, she escaped to the
5 United States and now resides in New York.

6 **NO ALTERNATIVE REMEDIES AND**
7 **CONTINUING VIOLATIONS OF LAW**

8 236. There is no adequate alternative remedy available in China to Plaintiffs for the
9 claims asserted here.

10 237. Chinese attorneys have been disbarred, arrested, and persecuted for their attempts
11 to defend Falun Gong practitioners in Chinese courts. Plaintiffs residing outside of China
12 cannot return to China without danger of serious reprisals, nor can those residing inside
13 China bring suit without danger of serious reprisals.

14 238. The Chinese judiciary or legal system does not operate independent of other
15 branches of government and/or of the CCP in China.

16 239. Plaintiffs still detained continue to suffer from beatings, sleep and food
17 deprivation, and other forms of torture, cruel, inhuman, or degrading treatment, forced
18 labor, and crimes against humanity.

19 240. Technologies and other measures used to suppress Falun Gong practitioners in
20 China make it virtually impossible for plaintiffs to bring cases in China without reprisal
21 and further persecution of them and their families. In addition, it is virtually impossible
22 for detained Falun Gong practitioners to bring cases in any foreign courts.

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

26 **CLASS ALLEGATIONS**

27 242. **Class Definition.** Plaintiffs bring this action on behalf of themselves individually
28 and on behalf of all other similarly situated individuals as a class action. This action may

properly be maintained as a class action pursuant to the provisions of Federal Rule of Civil Procedure 23(a) and (b)(3). The Class which Plaintiffs seek to represent is comprised of, and defined, as follows:

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

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

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

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

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

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

1 248. **Commonality and Predominance.** Common questions of law and fact exist
2 as to all members of the Class and predominate over any questions solely affecting
3 individual members of the Class. These common legal and factual questions, which
4 do not vary from Class member to Class member, and which may be determined
5 without reference to the individual circumstances of any class member, include, but
6 are not limited to, the following:

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

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

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

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

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

18 f. Whether Defendants unlawfully manufactured, assembled, possessed,
19 and/or sold to CCP the equipment and devices required to create and operate the Golden
20 Shield; and

21 g. Whether Defendant Cisco violated Section 17200 of the California
22 Business and Professions Code.

23 249. **Superiority.** A class action is superior to other available methods for the fair and
24 efficient adjudication of this controversy. Individual litigation of the claims of all Class
25 members is impracticable. Even if every member of the Class could afford to pursue
26 individual litigation, the Court system could not. It would be unduly burdensome to the
27 courts in which individual litigation of numerous cases involving highly technical issues
28

1 would proceed. Further participation in the lawsuit might expose the would-be plaintiffs
2 to further gross human rights abuses

3 250. By contrast, the maintenance of this action as a class action, with respect to some
4 or all of the issues presented herein, presents few management difficulties, conserves the
5 resources of the parties and of the court system, and protects the rights of each member of
6 the Class and of Defendants. The same evidence, the same witnesses, and the same legal
7 arguments and explanations will be used to prove that Defendants bear liability for
8 injuries suffered by members of the Class. Numerous fluid recovery methods exist to aid
9 the Court in assessing damages on a Class-wide basis. Plaintiffs know of no difficulty that
10 will be encountered in the management of this litigation that would preclude its
11 maintenance as a class action.

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

18 252. Defendants have engaged in unlawful and unfair business conduct, which has
19 affected the members of the Class, thereby making appropriate compensatory relief with
20 regard to the members of the Class as a whole, as, requested herein.

21 **LEGAL AND EQUITABLE TOLLING**

22 253. No statute of limitations has begun to run on the Defendants' actions or on the
23 Plaintiffs' legal right to seek remedies for Defendants' knowing, purposeful and
24 intentional design, supply and assistance in maintaining the Golden Shield network in
25 collaboration with the CCP and Chinese Public Security officers with knowledge and
26 intent that such assistance was for the specific purpose of ultimately subjecting Plaintiffs
27 to gross human rights abuses in violation of international and state law.

28

1 254. Plaintiffs' claims are equitably tolled due to the extraordinary circumstances
2 outside of their control, including the Chinese regime's pattern of repression, torture and
3 other crimes against humanity that they themselves suffered.

4 255. All plaintiffs, even those residing outside China, justifiably feared retribution
5 against them, their families and friends if they publically criticized the treatment they and
6 other Falun Gong practitioners suffered in China. Even now the Doe plaintiffs and the
7 Roe next friends are fearful of having their identities known to Chinese officials.

8 256. The political climate in China also prevented plaintiffs from freely investigating
9 the circumstances of the abuses they suffered.

10 257. Lawyers, who represented Falun Gong practitioners, have themselves been
11 persecuted. This year alone, several lawyers, who do not practice Falun Gong yet
12 nonetheless risked their personal safety to represent Falun Gong clients in criminal
13 proceedings, have been disbarred and then themselves arrested, as in the cases of Tang
14 Jitian, Liu Wei, and Teng Biao, or simply imprisoned and tortured without any formal
15 charges, as in the ongoing ordeal suffered by human rights lawyer Gao Zhisheng

16 258. In addition to these bases for tolling applicable to all plaintiffs, they have
17 individual and distinct bases for tolling.

18 a. The claims of Doe III are equitably tolled while he remains in prison with
19 limited access to anyone outside.

20 b. The claims of Doe I are equitably tolled while she was imprisoned under
21 isolating conditions that restricted her access to anyone able to present her
22 claims. She was not released from the harsh and isolating conditions of her
23 confinement until 2011.

24 c. The claims of Doe IV are equitably tolled while he was imprisoned under
25 isolating conditions that restricted his access to anyone able to present his
26 claims. He was not released from the harsh and isolating conditions of his
27 confinement until November 2010.

- 1 d. The claims of Doe VII are equitable tolled while in prison. Her family did
2 not confirm her disappearance until last year, when they made repeated
3 unsuccessful attempts to communicate with her or ascertain her
4 whereabouts.
- 5 e. The claims of Does II, V and Doe VI are equitably tolled while in prison.
6 Doe II was released in 2005 and Does III, V, and VI were released in 2008.
7 They all continue to live in China in fear of further abuse, including further
8 detention if they sought redress in China or if their accounts of the abuse
9 they suffered were made public. For that reason they sought leave to
10 proceed anonymously. Their claims should be tolled after their release from
11 detention because of the continued threat of persecution.
- 12 f. Charles Lee suffered repeated torture causing mental and physical trauma
13 during his detention and torture. After his release he continued to suffer
14 depression and anxiety to such a degree that tolling was appropriate even
15 after his release.
- 16 g. The claims of Liu Guifu are tolled for the period of her detention and
17 continued while she remain in China for fear of further retribution. She
18 arrived in September 2009 and received permanent resident status in the
19 United States in March 2011. Her claims are tolled until she receives
20 permanent residence status and no longer fears that she might be forced to
21 return to China.
- 22 h. The claims of Ivy He are equitably tolled while she was detained and while
23 she remained in China after her release. She was released from prison in
24 2004 and arrived in Canada in 2008. Her claims should continue to be tolled
25 because Plaintiff He was concerned that she would be endanger of
26 retaliation from Public Security if she participated in an action critical of the
27 treatment of Falun Gong in China. In 2010 she returned to China to see her
28 family and close her affairs there. After that she was no longer afraid of

1 retaliation for bringing a case, which reflected badly on China's human
2 rights record. The running of the statute is tolled as to her claims until after
3 her trip to China in December 2010.

4 259. On May 20, 2008, the United States Senate Judiciary Committee's Subcommittee
5 on Human Rights and the Law held a hearing during which Cisco's contribution to the
6 design and development of the Golden Shield was made public, enabling plaintiffs to
7 learn of the specific connection between the defendants' contributions to the Golden
8 Shield and the abuses they suffered.

9 260. Tolling is further appropriate to ensure that abuses abroad do not thwart the
10 administration of justice in the United States.

11 **FIRST CAUSE OF ACTION**

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

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

14 and class members similarly situated, against all Defendants)

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

17 262. Plaintiffs suffered from torture inflicted knowingly and purposefully in order to,
18 among other things, punish the victims and/or induce a forced confession and public
19 renunciation of their religious beliefs.

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

22 264. Such conduct was in violation of international law and was contrary to the laws of
23 China.

24 265. Defendants are liable under the Alien Tort Statute for the harm suffered by
25 plaintiffs Ivy He, Liu Guifu, Does I through VI, and class members similarly situated.
26 Defendants, directly or through their agents, knowingly and purposefully aided and
27 abetted or entered into a conspiracy or joint criminal enterprise with the Chinese
28 Communist Party and/or Chinese Public Security officers in the unlawful conduct that led

1 to the torture they endured as a result of the Golden Shield.

2 **SECOND CAUSE OF ACTION**

3 *(Torture under the TVPA)*

4 (All Plaintiffs, and class members similarly situated,
5 against Defendants Chambers, Chan, Lam, and Cheung)

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

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

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

13 269. Such conduct was in violation of the Torture Victim Protection Act, 28 U.S.C. §
14 1350 note.

15 270. Defendants John Chambers, Owen Chan, Thomas Lam, and Fredy Cheung are
16 liable for the harm suffered by plaintiff Charles Lee, and class members similarly situated,
17 in that these Defendants, directly or through their agents, knowingly and intentionally
18 aided and abetted or entered into a conspiracy or joint criminal enterprise with the Chinese
19 Communist Party and/or Chinese Public Security officers in the unlawful conduct that led
20 to the torture he endured as a result of the Golden Shield.

21 **THIRD CAUSE OF ACTION**

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

23 (Plaintiffs Ivy He, Liu Guifu, Does I-VI,
24 and class members similarly situated, against all Defendants)

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

27 272. Plaintiffs suffered severe mental and physical injuries as a result of the abuse
28 inflicted while in custody.

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

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

275. Such conduct was in violation of international law and was contrary to the laws of China.

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

FOURTH CAUSE OF ACTION

(Forced Labor under the ATS)

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

and class members similarly situated, against all Defendants)

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

278. Plaintiffs Ivy He, Liu Guifu, Doe VI, and class members similarly situated, were sent to reeducation through labor camps, where they were forced to work involuntarily under threat of or as part of a regime of serious harm and physical restraint. At no time were these plaintiffs afforded a hearing or a trial, nor were they charged, convicted or sentenced for a violation of a crime.

279. Plaintiffs Does I, II, III, IV and V, and class members similarly situated, were imprisoned after trials that denied them due process and precluded them from challenging the charges against them and thereafter were forced to work under threat of further abuse

1 harm and physical restraint. Such conduct was in violation of international law and was
2 contrary to the laws of China.

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

9 **FIFTH CAUSE OF ACTION**

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

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

12 and class members similarly situated, against all Defendants)

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

15 282. Plaintiffs Ivy He, Liu Guifu and Doe VI, and class members similarly situated,
16 were detained in reeducation through labor camps without due process because of their
17 practice of Falun Gong, during which they were subjected to torture and denied access to
18 legal counsel. At no point were these plaintiffs afforded a hearing or a trial, nor were they
19 charged, convicted or sentenced for a violation of a crime.

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

24 284. Plaintiffs were injured by prolonged and arbitrary detention in violation of
25 international law.

26 285. Defendants are liable for the harm suffered by plaintiffs Ivy He, Liu Guifu and
27 Does I through VI, and class members similarly situated, in that Defendants directly or
28 through their agents knowingly and purposefully aided and abetted or entered into a

1 conspiracy or joint criminal enterprise with the Chinese Communist Party and/or Chinese
2 Public Security officers in the unlawful conduct that led to their prolonged and arbitrary
3 detention.

4 **SIXTH CAUSE OF ACTION**

5 *(Crimes against Humanity under the ATS)*

6 (Plaintiffs Ivy He, Liu Guifu, Does I-VI, Roes VII and VIII,
7 and class members similarly situated, against all Defendants)

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

10 287. Plaintiffs were injured by crimes against humanity described above, including
11 extrajudicial killings; torture; cruel, inhuman and degrading treatment; arbitrary and
12 prolonged detention; forced exile; forcible transfer; and enforced disappearance.

13 288. Each single act constitutes a crime against humanity because it was committed
14 within the context of widespread or systematic attacks against a civilian population. These
15 acts were directed against all plaintiffs because they were Falun Gong practitioners.

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

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

25 **SEVENTH CAUSE OF ACTION**

26 *(Extrajudicial Killing under the ATS)*

27 (Plaintiff Roe VIII, and class members similarly situated,
28 against all Defendants)

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

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

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

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

EIGHTH CAUSE OF ACTION

(Extrajudicial Killing under the TVPA)

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

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

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

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

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

1 **NINTH CAUSE OF ACTION**

2 *(Enforced Disappearance under the ATS)*

3 (Plaintiff Roe VII, and class members similarly situated,
4 against all Defendants)

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

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

11 301. This disappearance was in violation of international law and was contrary to the
12 laws of China.

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

18 **TENTH CAUSE OF ACTION**

19 *Violation of 18 U.S.C. § 2512(1)*

20 (Plaintiffs Ivy He, Liu Guifu, Charles Lee, Does I-VI,
21 and class members similarly situated, against all Defendants)

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

24 304. Defendants manufactured, assembled, possessed, and sold to Public Security the
25 equipment and devices required to create and operate the Golden Shield.

26 305. Defendants knew of China's poor human rights record with respect to Falun Gong
27 practitioners, and knew of intent Public Security and the CCP to use the Golden Shield for
28 the purpose of identifying and tracking Falun Gong practitioners via the surreptitious

1 interception of their electronic, wire and/or oral communications in order to unlawfully
2 detain, torture, and harass them as described herein. Defendants specifically designed and
3 customized the Golden Shield network (including hardware and software) with the scale,
4 complexity and capacity required to enable Chinese Public Security officers and Office
5 610 to covertly monitor and intercept information from the Chinese population without
6 their consent. The technological tailoring enabled the Public Security Officers to identify,
7 track, apprehend, interrogate, detain and torture Falun Gong practitioners, including
8 Plaintiffs and persons similarly situated. Defendants also implemented, manufactured,
9 assembled, possessed, and sold routers equipped with blocking and surveillance features
10 that are not typical to a router's default configuration in order to more easily track the
11 movement of Falun Gong practitioners, including Plaintiffs.

12 306. Defendants knew that Chinese authorities intended to commit such acts on Falun
13 Gong members, and purposefully provided the Golden Shield technology to the Chinese
14 authorities as the only or primary means by which Plaintiffs could be identified as Falun
15 Gong and detained by CCP authorities.

16 307. Plaintiffs' electronic, wire and/or oral communications were intercepted, disclosed,
17 and intentionally used by the Chinese authorities to identify, track, and commit human
18 rights abuses against them.

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

22 309. As a legal, substantial and direct result of the above-described conduct, Plaintiffs
23 are entitled to reasonable attorneys' fees and other litigation costs pursuant to 28 U.S.C. §
24 2512(1).

25 **ELEVENTH CAUSE OF ACTION**

26 *Battery*

27 (Plaintiffs Ivy He, Liu Guifu, Charles Lee, Does I-VI,
28 and class members similarly situated, against all Defendants)

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

3 311. The CCP and/or Chinese government, through its Public Security officers and
4 police officers, used the Golden Shield technology developed, implemented and
5 maintained by Defendants to the Internet activity of Falun Gong with other state agents
6 with the intent and as the primary means to facilitate the apprehension, detention,
7 interrogation and other forms of torture, forcible conversion and severe physical and
8 mental abuse of Plaintiffs, and in order to submit Plaintiffs to forced public humiliation
9 and degradation.

10 312. For example, while at a reeducation through labor camp in 2002, Ivy He lost
11 consciousness while being tortured, was slapped repeatedly, and during a police
12 interrogation in November 2001 she was forced to stand in a bucket of ice-cold water
13 while ice was poured over her body. While in prison from 2003-2006, Plaintiff Charles
14 Lee was forced to stand or sit in the same position for hours at a time on a daily basis,
15 sometimes for up to two weeks in a row. He was forced to attend military drills, and when
16 he refused he was dragged across the grounds for hours at a time. Prison authorities force-
17 fed him on four occasions; on one of these occasions, authorities tied him down and
18 placed a tube down his throat for feeding, which was kept there for thirty-three hours.
19 Other Plaintiffs were beaten, slapped, and force-fed.

20 313. Plaintiffs did not consent to these acts of touching. They were forcibly detained and
21 sent to reeducation through labor camps, where they were interrogated and tortured,
22 without being charged or tried. Further, they were also sent to prison camps following
23 sham trials in which they were not allowed to enter a “not guilty” plea, challenge the
24 legality of the charges against them, or have counsel be present during interrogations. The
25 unwanted touching occurred in these camps.

26 314. Defendants knew that Chinese authorities intended to commit such acts on Falun
27 Gong members, and conspired with the Chinese authorities to purposefully and
28 intentionally provide the technology of Golden Shield to the Chinese authorities as the

only means by which Plaintiffs could be identified as Falun Gong practitioners and detained for such acts to be committed on them.

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

316. Defendants knew that Chinese government officials intended to use Golden Shield to identify, track, detain, and commit acts constituting battery against Plaintiffs.

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

317. Cisco, operating out of its San Jose, California, headquarters, was actively involved in the allegations described herein, participating directly in the design and development of China's Golden Shield, which substantially contributed to the commission of battery against Plaintiffs.

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

TWELFTH CAUSE OF ACTION

Assault

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

and class members similarly situated, against all Defendants)

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

320. Chinese CCP and Public Security officers used the Golden Shield technology, developed, implemented and maintained by Defendants to analyze identities and movements of Falun Gong practitioners and shared information with other state agents with the intent and as the primary means to facilitate the detention, interrogation and other forms of torture, and severe physical and mental abuse of Plaintiffs, and in order to submit Plaintiffs to forced public humiliation and degradation.

1 321. Chinese Public Security officers and Office 610 officers engaged in such acts. For
2 example, while at a reeducation through labor camp in 2002 Ivy He lost consciousness
3 while being tortured, was slapped repeatedly, and during a police interrogation in
4 November 2001 she was forced to stand in a bucket of ice-cold water while ice was
5 poured over her body. While in prison from 2003-2006, Plaintiff Charles Lee was forced
6 to stand or sit in the same position for hours at a time on a daily basis, sometimes for up to
7 two weeks in a row. He was forced to attend military drills, and when he refused he was
8 dragged across the grounds for hours at a time. Prison authorities force-fed him on four
9 occasions; on one of these occasions, authorities tied him down and placed a tube down
10 his throat for feeding, which was kept there for thirty-three hours. Other Plaintiffs were
11 beaten, slapped, and force-fed.

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

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

23 324. Plaintiffs suffered injury, damage, loss, and harm as a result of these unlawful acts
24 of touching. In particular, Plaintiffs suffer from severe mental trauma and lingering
25 physical effects such as heart damage and loss of movement.

26 325. Defendants gave substantial assistance or encouragement to the CCP in carrying
27 out these acts, and Defendants’ conduct was a substantial factor in causing harm to
28 Plaintiffs.

1 326. Cisco, operating out of its San Jose, California, headquarters, was actively involved
2 in the allegations described herein, participating directly in the design and development of
3 China's Golden Shield, which substantially contributed to the commission of assault
4 against Plaintiffs.

5 327. 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)

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

13 329. 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 other forms of torture, and
18 torture of Plaintiffs, and in order to submit Plaintiffs to forced public humiliation and
19 degradation.

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

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

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

1 333. Defendants knew that Chinese authorities intended to commit such acts on Falun
2 Gong members, and conspired with the Chinese authorities to intentionally and
3 purposefully provide the technology of Golden Shield to the Chinese authorities as the
4 only or primary means by which Plaintiffs could be identified as Falun Gong and detained
5 by CCP authorities.

6 334. The use of the Golden Shield to track, identify, detain, and torture Falun Gong
7 practitioners, directly caused their false imprisonment.

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

13 336. Cisco, operating out of its San Jose, California, headquarters, was actively involved
14 in the allegations described herein, participating directly in the design and development of
15 China's Golden Shield, which substantially contributed to the commission of false
16 imprisonment against Plaintiffs.

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

19 **FOURTEENTH CAUSE OF ACTION**

20 *Wrongful Death*

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

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

25 339. The CCP and/or Chinese government, through its Public Security officers and
26 police officers, committed the acts described herein that caused the wrongful death of Doe
27 VIII. Plaintiff Roe VIII is the surviving relative and representative of the estate of Doe
28 VIII.

1 340. The use of the Golden Shield to track, identify, detain, and torture Doe VIII,
2 directly caused his wrongful death.

3 341. Thus, Defendants knew that CCP officials intended to use Golden Shield to
4 identify, track, detain, and commit acts resulting in the wrongful death of Doe VIII.
5 Defendants conspired with the CCP to cause the death of Plaintiff Roe VIII; and gave
6 substantial assistance or encouragement to the CCP in carrying out these acts.
7 Defendants' conduct was a substantial factor in causing harm to plaintiff Roe VIII, the
8 surviving relative and representative of the deceased.

9 342. Cisco, operating out of its San Jose, California, headquarters, was actively involved
10 in the allegations described herein, participating directly in the design and development of
11 China's Golden Shield, which substantially contributed to the death of Doe VIII.

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

17 **FIFTEENTH CAUSE OF ACTION**

18 *Unfair Business Practices*

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

20 (All Plaintiffs, and class members similarly situated,
21 against all Defendants)

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

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

27 346. Defendants' unlawful business acts and/or practices as alleged herein have violated
28 numerous laws and regulations, and said predicate acts are therefore per se violations of §

1 17200, et seq. As described in more detail above, these predicate unlawful business acts
2 and/or practices include, but are not limited to, Defendants' solicitation of the contract to
3 design, manufacture, build, and supply the Golden Shield system to Chinese government
4 authorities for the specific purpose of assisting the Chinese government in its intent to
5 identify, track, unlawfully detain, and torture Falun Gong practitioners including
6 Plaintiffs; by information and belief, Defendant Chambers' signature or countersignature
7 on Cisco's contracts in California to design, manufacture, build, and supply the Golden
8 Shield system to Chinese government authorities as required by Cisco's corporate bylaws;
9 Cisco's misrepresenting to United States authorities that its manufacture, assembly,
10 possession, and sale of the equipment and devices required to create and operate the
11 Golden Shield was lawful; Cisco's tailoring of its marketing tools to include the specific
12 goal of the equipment, to *douzheng* Falun Gong, and designing the custom surveillance
13 system to be used in Golden Shield in California.

14 347. Defendants' actions as alleged herein, which include but are not limited to agreeing
15 to meet the goals of the CCP and Public Security Officers to eradicate Falun Gong, gave
16 Cisco an unfair competitive advantage over its competitors, who were also trying to break
17 into the Chinese market.

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

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

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

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

8 **PRAYER FOR RELIEF**

9 WHEREFORE, each and every Plaintiff prays for judgment against each Defendant as
10 follows:

- 11 (a) For certification of a class pursuant to Fed. R. Civ. P. Rule 23 (a) and (b)(3);
- 12 (b) For compensatory damages including general and specific damages;
- 13 (c) For punitive damages;
- 14 (d) For injunctive relief enjoining Cisco from future unlawful activity;
- 15 (e) For costs of suit, including attorney's fees;
- 16 (f) For such other and further relief as the Court deems appropriate.

17 DATED: September 2, 2011

Respectfully submitted,

18 SCHWARCZ, RIMBERG, BOYD &
19 RADER, LLP

20
21 By: /s/ K. Lee Crawford-Boyd

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To be admitted *pro hac vice*
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