

[ ]

vs.

**JIANG ZEMIN**

**INDIVIDUAL COMPLAINT**

I file this complaint against the accused, Jiang Zemin, based on the grounds provided in the Complaint attached herein. Jiang Zemin's responsibility for the crimes listed below is set forth in the attached Complaint and includes his role as the principal in a joint crime designed to violently suppress and torture Falun Gong believers in China.

From on or about April 27, 1999 until 2015, **JIANG ZEMIN**, acting alone or in concert with other known and unknown members of a joint crime, initiated, designed, planned, ordered, launched, implemented, managed, participated in, or otherwise instigated the torture and cruel, inhuman, and degrading treatment of Falun Gong practitioners in China, in violation of Articles 247, 232, 248, 254, 234(a), 236, 237, 37, 238, 397, 399, 263, 267, 270, 275, 245, 244, 251, 234, and 246 of Chinese Criminal Law, as set forth below.

Below are the specific facts that support my individual case that have not otherwise been stated in the attached Complaint.

**I. Introduction**

1. I was introduced to the peaceful spiritual practice of Falun Gong, as set forth below.

2. As a Falun Gong believer, I have become more compassionate, more tolerant and more truthful, as set forth below.

3. As a Falun Gong believer, I have enjoyed other benefits from the practice of Falun Gong, as set forth below.

**II. Crimes under Chinese Law**

I and/or a close relative of mine were subjected to some or all of the below crimes.

**1. Torture to Force Confession**

*Article 247 of the Criminal Law of the People's Republic of China (hereinafter "Chinese Criminal Law") prohibits "extort[ing] a confession from criminal suspects or defendants by torture" or "us[ing] force to extract testimony from witnesses."*

I was personally subjected to extreme mental and physical pain by a Chinese security officer at the dates and places set forth below:

I was tortured in the following ways in order to force me to abandon my belief in Falun Gong.

## 2. Murder

*Article 232 of Chinese Criminal Law prohibits “intentionally kill[ing] another.”*

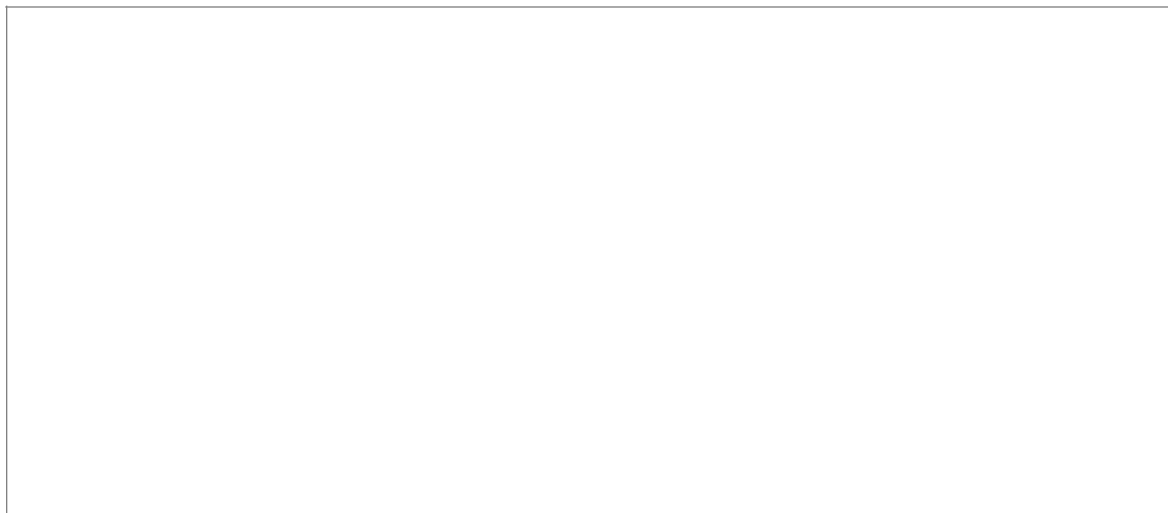
My close relative was subjected to severe torture that resulted in his death. My relative died in custody or as a result of torture and maltreatment that took place while in custody, as described below.



## 3. Abuse of Inmates

*Article 248 of Chinese Criminal Law prohibits “beat[ing] or physically abus[ing]” inmates in the custody of prisons, detention centers, and other guardhouses.*

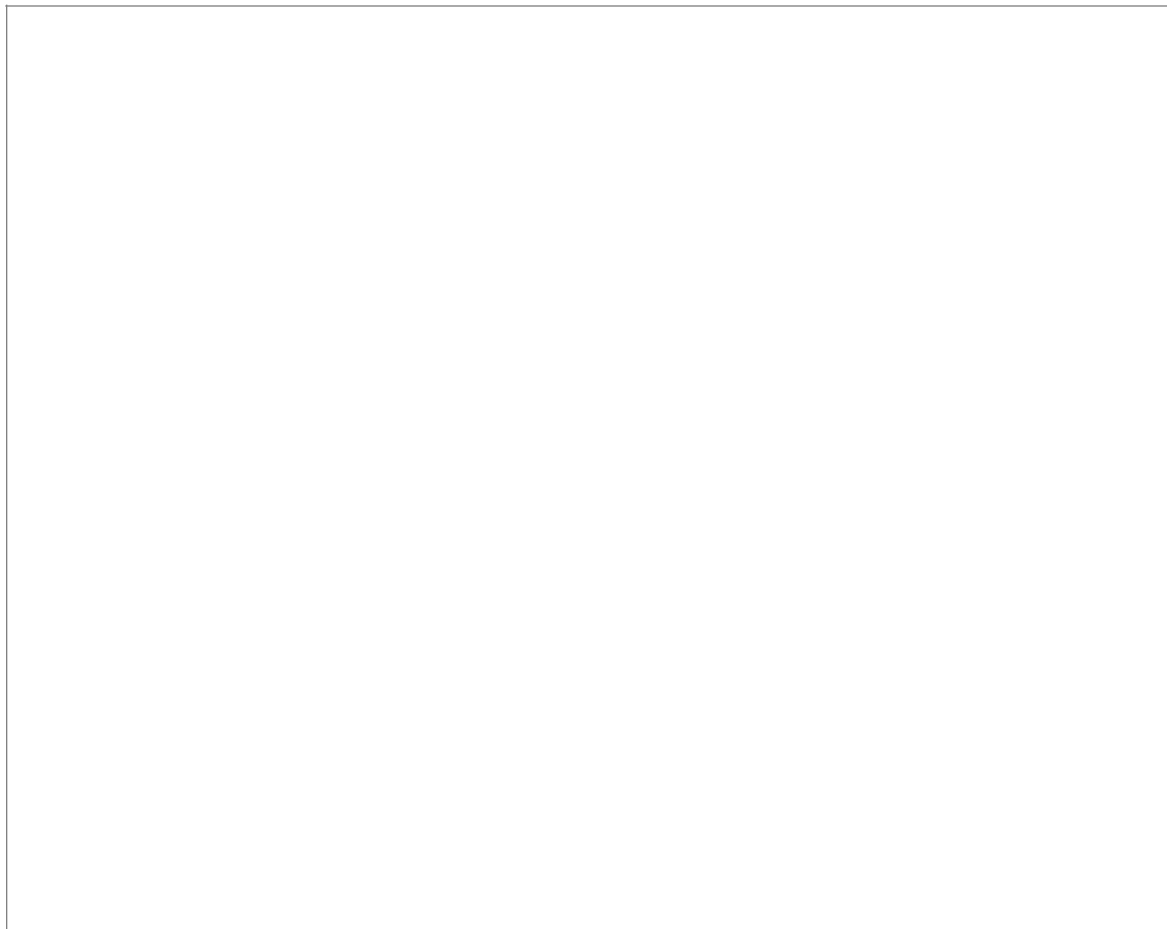
I was subjected to physical abuse while in in custody in brainwashing or detention centers, black jails, re-education through labor camps, and/or prisons as stated below.



## 4. Retaliation and Framing of Others

*Article 254 of Chinese Criminal Law prohibits government employees from “abus[ing] their authority by retaliating against or framing accusers, petitioners, critics, or informants, in the name of conducting official business.”*

Due solely to my lawful practice of Falun Gong, I was targeted as a “criminal” by those who apprehended me and those who sent me to a brainwashing or detention center, black jail, re-education through labor camp, or prison, where I was subjected to torture and lesser forms of physical pain and suffering, forms of degradation and humiliation, and other abuses. I did nothing more than exercise my rights under the Chinese Constitution, which guarantees all Chinese citizens freedom of religion, speech, assembly, and protest. I was also denied my right to answer the charges brought against me with the aid of a lawyer of my own choosing, the right to question hostile witnesses, and the right to enter a plea of “not guilty.” The charges against me were based on vague, poorly written laws concocted solely to violently suppress Falun Gong. Those who apprehended me and participated in my wrongful detention included government employees. As a result, I was “framed” within the meaning of Article 254. The ranks and titles of those who apprehended me; and/or sent me to brainwashing or detention centers, black jails, re-education through labor camps, and/or prisons; and/or further details of my treatment are described below with approximate dates included.



## **5. Organ Harvesting**

*Article 234(a) of Chinese Criminal Law prohibits “organiz[ing] others to sell human organs,” “remov[ing] the organs of a person without the consent thereof,” “remov[ing] the organs of a minor,” “compel[ing] or cheat[ing] another person to donate organs,” and “remov[ing] the body organs of a deceased person against his/ her wishes made when he/ she was alive” or “where the person has never consented to the removal when he was alive” or “against the wish of the deceased persons’ immediate relatives.”*

I have reason to believe that my close relative was subjected to organ harvesting. My exact relationship with this relative and the reasons for my suspicion are set forth below.

## **6. Rapes and Sexual Violence**

*Article 236 of Chinese Criminal Law prohibits any person from “by violence, coercion or other means, rap[ing] a woman.”*

*Article 237 of Chinese Criminal Law prohibits any person from “by violence, coercion, or other means, forc[ing], molest[ing], or humiliat[ing] a woman” or “assembl[ing] a crowd to commit” this crime.*

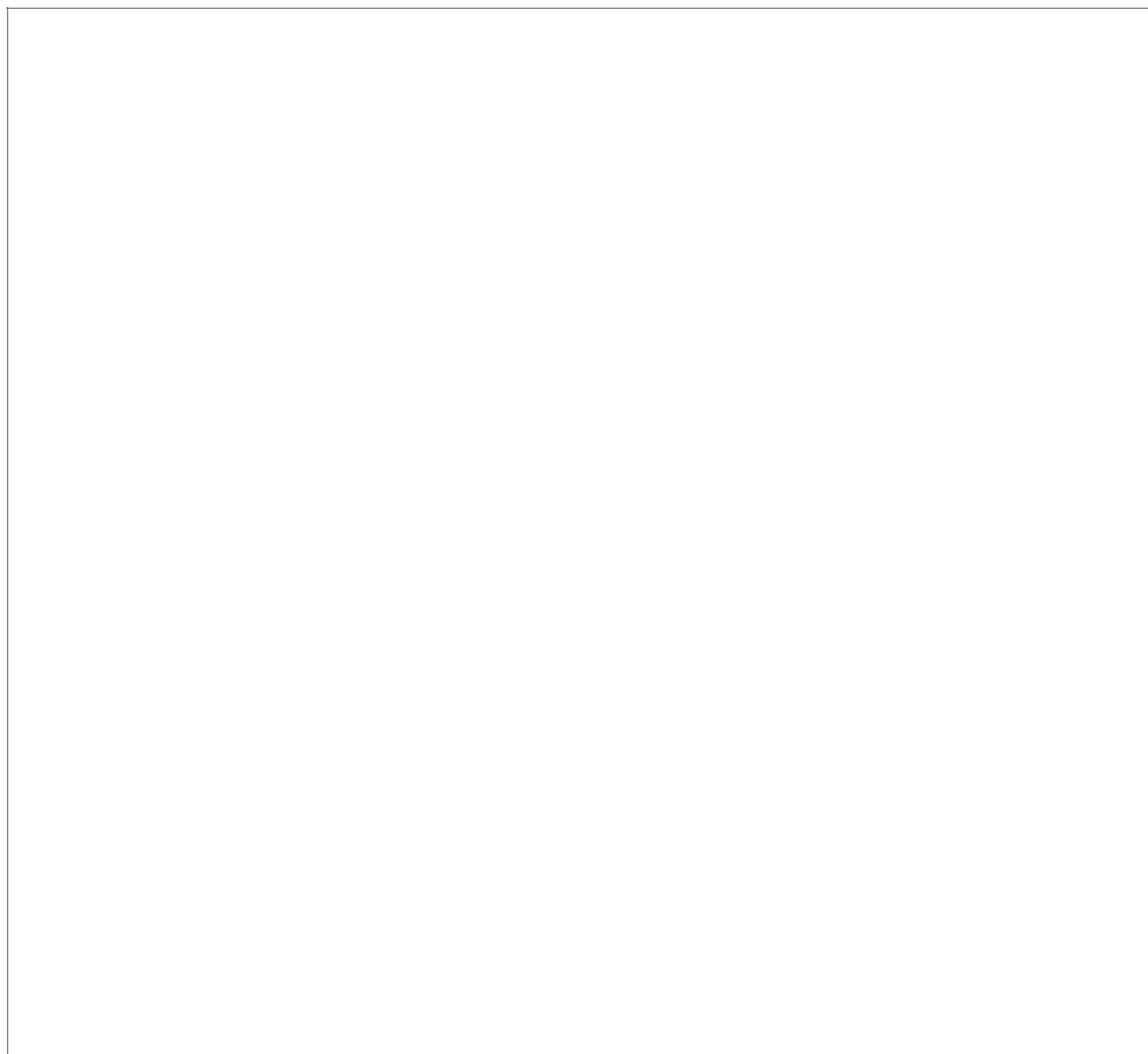
I was subjected to gang rape, rape, sexual violence, sexual molestation, humiliation, and/or other sexual abuses, as set forth below.

## **7. Wrongful Arrest and Imprisonment**

*Article 37 of the Constitution of the People's Republic of China prohibits the unlawful restriction of citizen's freedom of the person by detention or other means.*

*Article 238 of Chinese Criminal Law prohibits "unlawfully detain[ing] another or depriv[ing] him of his freedom" and requires heavier punishment for "an employee of a state organ [who] abuses his authority" to commit this crime.*

I was subjected to wrongful apprehension, arrest, detention, and/or imprisonment. I was apprehended based solely on my belief in the principles of Falun Gong. I was sent to a place of detention without a lawyer of my own choosing. I was not permitted to enter a plea of "not guilty." I was not permitted myself or through a lawyer to question the legal bases of the charges filed against me. The laws used as bases of my detention were vague, poorly drafted, and/or concocted solely to suppress Falun Gong. Many of these laws violate the rights of Falun Gong to freedom of religion, speech, assembly, and protest. The approximate dates and locations (if known) of my wrongful apprehension, arrest, and/or detention are below.



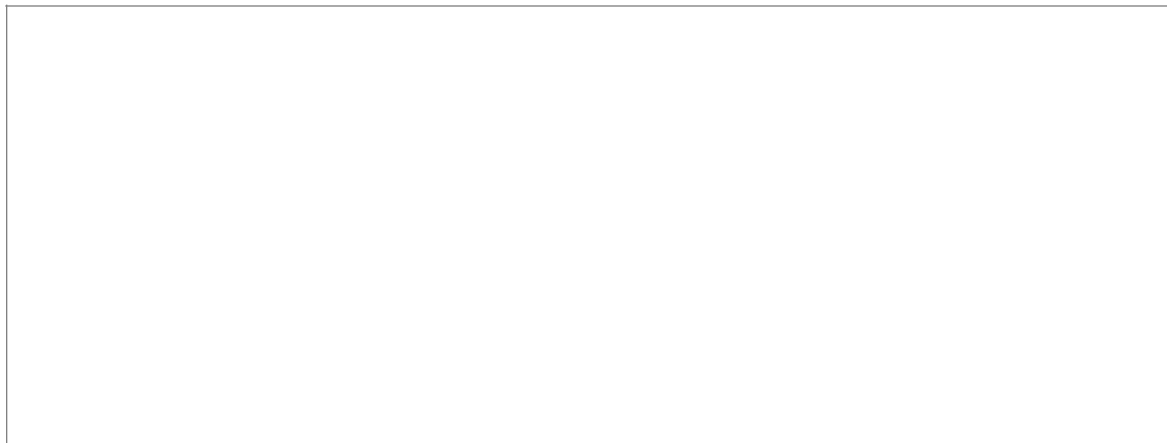
## **8. Corruption**

*Article 397 of Chinese Criminal Law prohibits any state personnel from “abus[ing] their power or neglect[ing] their duties, causing great losses to public property and the state’s and people’s interests.”*

According to eyewitness reports, leaders and officers at Public Security bureaus and offices across China have abused their power through their leveling of illegal fines, their unbridled confiscation of property, extortion of money from, and blackmail of Falun Gong believers and their families to entrap them and/or coerce false confessions or sensitive information from them.

Eyewitnesses have also reported incidents of rampant violations of Article 397 by Party officials and Party-controlled prison guards in prisons across China. Sentences – even death sentences – are commuted in exchange for the murder or brutal beating of Falun Gong detainees. Families are forced to pay bribes to protect Falun Gong believers from harsher treatment. Funds provided by families to pay for food for Falun Gong practitioners are routinely confiscated by prison guards and prisoners acting in collusion.

I myself have been forced to pay illegal fines or have lost my property or money through unlawful confiscation or extortion in order to force me to denounce my belief in Falun Gong and/or provide sensitive information about other Falun Gong believers, as set forth below.



*Article 399 of Chinese Criminal Law prohibits any judicial personnel from “act[ing] with partiality and defeat[ing] the ends of justice,” including “subjecting to prosecution persons they clearly know to be innocent” and “intentionally go[ing] against facts and laws in criminal trials to render judgments that misuse the law.”*

The abuses perpetrated by rogue members of the justice system in violation of Article 399 have been reported widely by Chinese lawyers and eyewitnesses. I have been subjected to wrongful arrests and detention through the application of vague, arbitrary, and circular laws enacted solely to violently coerce false confessions from me and in other ways subject me to *douzheng*. Evidence against me was fabricated or produced through the application of torture. I was denied access to the due process protections guaranteed to all Chinese people under Chinese law. The verdict and sentence against me was decided ahead of time based on political considerations.

## **9. Thefts and Destruction of Property**

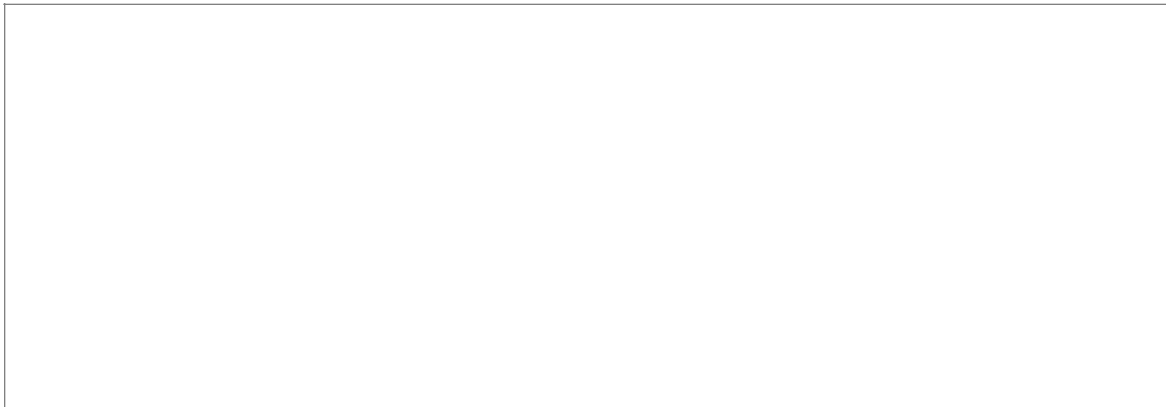
*Article 263 of Chinese Criminal Law prohibits “robbing public or private property using force, coercion, or other methods,” including “intruding into others’ houses to rob,” “causing serious injuries to or death while robbing,” and “committing robbery using guns.”*

*Article 267 of Chinese Criminal Law prohibits “seiz[ing] public and private property.”*

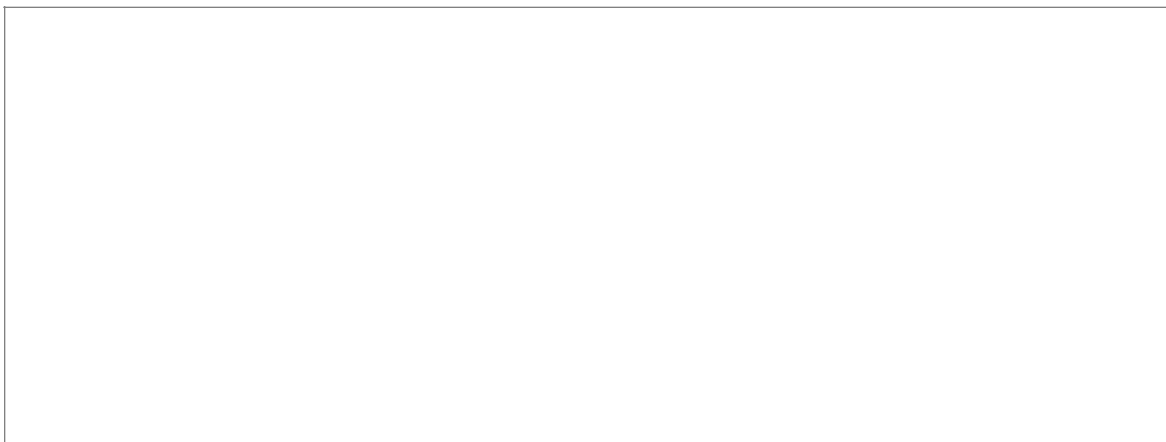
*Article 270 of Chinese Criminal Law prohibits “illegally tak[ing] over another person’s property in the latter’s custody.”*

*Article 275 of Chinese Criminal Law prohibits “intentionally destroy[ing] public or private property.”*

My Falun Gong books and other property were seized by persons intruding into my home solely to interfere with my practice of Falun Gong. Some of my property was damaged. The dates, places, and descriptions of these acts are set forth below.



My personal property was destroyed and/or damaged by persons intruding into my home based solely on my practice of Falun Gong. The dates, places, and descriptions of these acts are described below.



## **10. Illegal Searches; Illegal Intrusion**

*Article 245 of Chinese Criminal Law prohibits “illegally physically searching others or illegally searching others’ residences” or “illegally intruding into others’ residences,” and requires more severe punishment for judicial workers committing such a crime.*



Persons, including Chinese security officials, have entered my premises without a search warrant and searched my residence. The dates, places and specific details are provided below.

### **11. Enslavement**

*Article 244 of Chinese Criminal Law prohibits “compel[ing] other persons to work by violence, intimidation or by means of restricting their personal freedom” or “recruit[ing] or transport[ing] personnel therefore or otherwise render[ing] assistance.”*

I was forced through violence or other forms of coercion to work without pay at re-education through labor centers and/or other places that restricted my personal freedom. The dates, places and descriptions of these incidents are detailed below.

### **12. Illegal Deprivation of Freedom of Religious Belief**

*Article 251 of Chinese Criminal Law prohibits robbing citizens of the right to religious belief and encroaching on minorities’ habits or customs.*

I have been deprived of my right as a citizen of the People’s Republic of China of my right to religious belief through the perpetration of the aforementioned crimes carried out against me based solely on my practice of Falun Gong.

### **13. Intentional Harm to Others**

*Article 234 of Chinese Criminal Law prohibits intentionally injuring the person of another*

I have been harmed by Chinese security officials and those working for or with them based solely on my practice of Falun Gong, in violation of the Chinese Constitution that protects freedom of religion. See, e.g., supra at II (1), (2), (4), (5), and (6). I have also been subjected to forms of physical

pain and suffering that do not meet the elements of torture. These include slapping, hitting, mocking, and insulting.

#### **14. Slanders and Humiliation**

*Article 246 of Chinese Criminal Law prohibits the fabrication of stories to insult others or insulting others through physical force.*

**JIANG ZEMIN** instructed the Party-controlled media and propaganda apparatus to solicit and ensure the support of Party leaders and the Chinese people (living in China and abroad) as part of the persecutory campaign he decided to wage against Falun Gong. By deliberately misleading the Chinese people through a polemic that wrongly casts aspersions on Falun Gong believers and the religion through, e.g., comparisons of spiritual devotees to “criminals,” “self-immolators,” “psychopaths,” “vermin,” “snakes,” and other subhuman creatures, **JIANG ZEMIN** has both slandered and humiliated Falun Gong practitioners in China in order to facilitate his perpetration of the other crimes alleged herein. As a Falun Gong believer, I along with all other Falun Gong have suffered from the accused’s violations of Article 246.

### **III. Crimes under International Law**

From on or about April 27, 1999 until 2015, **JIANG ZEMIN**, acting alone or in concert with other known and unknown members of a joint crime, initiated, designed, planned, ordered, launched, implemented, managed, participated in, or otherwise instigated the torture and cruel, inhuman, and degrading treatment of Falun Gong practitioners in China, in violation of Article 1.1. of the Convention Against Torture, Article 2 of the Genocide Convention, and several crimes against humanity under customary international law, as set forth below.

#### **15. Torture under the Convention Against Torture**

*Article 1.1 of the Convention Against Torture prohibits “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”*

I have been subjected to severe physical and/or mental pain and suffering to force me to confess to crimes I did not commit, to provide sensitive information about a third party, or to retaliate against me based on my practice of Falun Gong. Those who have subjected me to these acts are Chinese security and those working with and under their control. For further factual detail, see *supra* at Section II, subsections (1), (2), (4), (5), and (6).

#### **16. Genocide under the Convention Against Genocide**

*Article 2 of the Convention Against Genocide prohibits a range of acts committed with the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group,” including “killing members of the group,” “causing serious bodily or mental harm to members of the group,” and “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”*

The crimes perpetrated against all Falun Gong believers, including me, rise to the level of genocide as defined by the Genocide Convention. I and other similarly situated Falun Gong believers were subjected to crimes including torture; murder; organ harvesting; wrongful apprehension, arrest and imprisonment; enslavement; and other forms of bodily harm in order to purge China of Falun Gong.

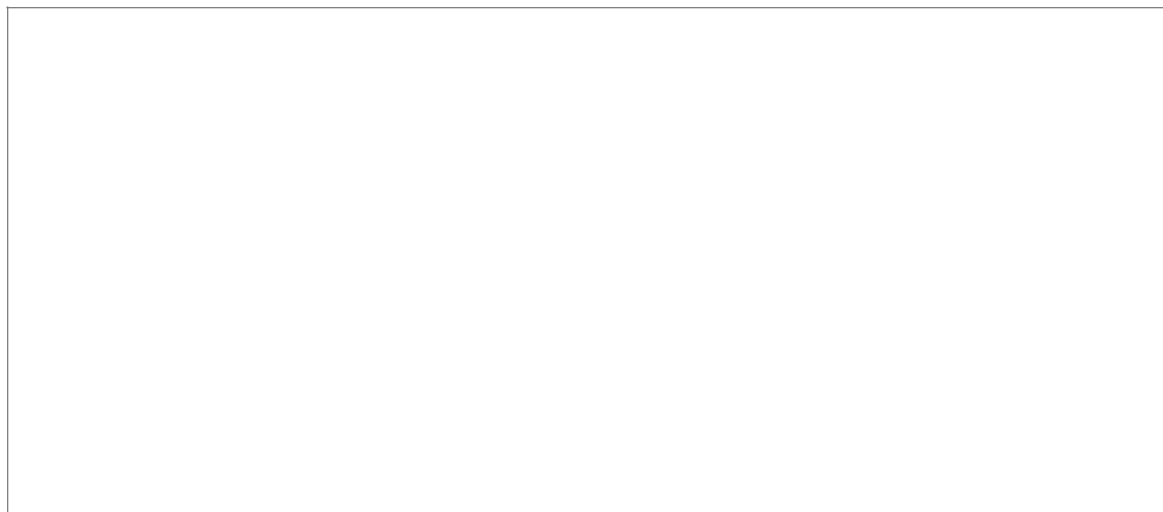
The details of these widespread crimes are set forth in the attached Complaint.

### **17. Crimes Against Humanity: Persecution, Forced Exile, Disappearance and Other Inhumane Acts**

*Customary international law (CIL) defines crimes against humanity as a specified set of acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, including persecution, forced exile, disappearance, and other inhumane acts.*

*Enforced disappearance is defined as the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.*

Thousands upon thousands of Falun Gong believers have disappeared while in custody. After being detained, they have been denied contact with friends or family members. They have not been seen or heard from in many years. Their whereabouts have not been disclosed and they are presumed dead by their family. The names of members of my family, if any, who have disappeared are provided below.



*Forced exile is defined as the movement of one or more persons to another location by expulsion or other coercive acts.*

Thousands upon thousands of Falun Gong believers, including myself, have been relocated in re-education through labor camps or other detention centers through expulsion and other coercive acts.

*Persecution is defined as an act carried out against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender grounds involving the intentional and severe deprivation of fundamental rights*

*contrary to international law by reason of the identity of the group or collectivity.*

Falun Gong believers, including myself, have been deprived of their fundamental rights, contrary to international law, by reason of their identity as Falun Gong believers. These rights include but are not limited to the right to be free from rape and gang rape; from the harvesting of their organs; from wrongful or arbitrary apprehension and detention; from forced exile; from forced disappearance; from cruel, inhuman, and degrading treatment; and from other types of *jus cogens* violations and egregious maltreatment.

## **18. Prolonged Arbitrary Detention**

*Jus cogens norms of customary international law prohibit the prolonged arbitrary detention of persons.*

Public Security officers and “610 Office” security agents detained Falun Gong believers, including myself, in re-education through labor camps, black jails and brainwashing centers, prisons and other detention sites without any legal or due process. During their confinement, Falun Gong believers have been subjected to unlawful treatment, including torture, public degradation, organ harvesting, and other forms of extrajudicial killing. For details, see *supra*, Section II, subsection (7).