

1 JOSHUA SONDHEIMER (SBN 152000)  
2 MATTHEW J. EISENBRANDT (SBN 217335)  
3 The Center for Justice & Accountability  
4 870 Market Street, Suite 684  
5 San Francisco, CA 94102  
6 Tel: (415) 544-0444  
7 Fax: (415) 544-0456  
8 Email: jsond@cja.org

9 PAUL HOFFMAN (SBN 71244)  
10 Schonbrun DeSimone Seplow Harris  
11 & Hoffman LLP  
12 723 Ocean Front Walk  
13 Venice, CA 90291  
14 Tel: (310) 396-0731  
15 Fax: (310) 396-7040

16 Counsel for All Plaintiffs

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 JANE DOE I, JANE DOE II, HELENE PETIT, )  
20 MARTIN LARSSON, LEESHAI LEMISH, and )  
21 ROLAND ODAR )

22 Plaintiffs, )

23 v. )

24 LIU QI, and DOES 1-5, inclusive )

25 Defendants. )  
26 )  
27 )  
28 )

Civil Action No. **C 02 0672 CW EMC**  
**AFFIDAVIT OF PAUL MARSHALL**

I, Paul Marshall, declare as follows:

1. My name is Paul Marshall; I am 53 years old and a resident of Washington, DC.

Currently I am a Senior Fellow in the Center for Religious Freedom at Freedom House, which is America's oldest general human rights organization, founded by in 1941 by Eleanor Roosevelt and

1 Wendell Wilkie. Amongst my duties at Freedom House is being the General Editor of its World  
2 Survey of Religious Freedom, which I edit under the direction of a multi-religious board of  
3 distinguished scholars and human rights professionals. I also research and write reports on religious  
4 freedom in selected countries and in recent years have worked on China.

5  
6 2. I have a B.Sc. from the University of Manchester, an M.Sc from the University of  
7 Western Ontario, an M.Phil from the Institute for Christian Studies, Toronto and an M.A. and  
8 Ph.D. in political theory from York University, with further studies in international human rights  
9 law at the International Institute of Human Rights at the University of Strasbourg and in political  
10 theory and theology at Oxford University. I am the recipient of numerous awards and research  
11 grants including from the Canada Council, Humanities and Social Science Research Council of  
12 Canada, the Canadian Federation for the Humanities, and the Human Sciences Research Council of  
13 South Africa.

14  
15 3. Since 1980 I have been a professor of political science, specializing in issues of  
16 human rights and, in particular, in religious freedom. From 1980 to 1998 I was a professor of  
17 political theory at the Institute for Christian Studies in Toronto, which is part of the Toronto School  
18 of Theology, which is, in turn, affiliated with the University of Toronto. I have also been an  
19 Adjunct Member of the Graduate Program in Philosophy, Rutgers University, of the Advanced  
20 Degree Faculty, Toronto School of Theology, of the Faculteit der Rechtsgeleerdheid (Law), Vrije  
21 Universiteit, Amsterdam and a Visiting Professor at the Faculteit der Wijsbegeerte (Philosophy),  
22 Vrije Universiteit, Satya Wacana University, Salatiga, Indonesia, the European University for the  
23 Humanities, Minsk, Belarus, and Catholic University, Washington, DC

24  
25 4. Internationally, I have lectured at the Chinese Academy of Social Sciences, Beijing  
26 and in Canada, the United Kingdom, Israel, Cyprus, Austria, Belarus, the Netherlands, Switzerland,  
27 Lebanon, Korea, Australia, South Africa, Malaysia, the Philippines, Indonesia and Sudan. My  
28

1 writings have been translated into Russian, German, Dutch, Spanish, Japanese, Malay, Korean,  
2 Chinese and Arabic.

3           5.       I give frequent popular lectures and media appearances, including on ABC Evening  
4 News, CBS Evening News, CNN, PBS, Fox News, BBC, the Canadian Broadcasting Corporation,  
5 Australian Broadcasting Corporation, and South African Broadcasting Corporation. My work has  
6 been published in or the subject of articles in *The New York Times*, *Wall Street Journal*, *San Diego*  
7 *Union-Tribune*, *Los Angeles Times*, *Washington Times*, *Boston Globe*, *Dallas Morning News*, *New*  
8 *Republic*, *Weekly Standard*, *Globe and Mail*, *Reader's Digest* and several hundred other  
9 newspapers and magazines.

10  
11           6.       In the last two years I have lectured at Harvard University, the Claremont-McKenna  
12 Colleges, the University of Miami, Florida Atlantic University, Yale University, American  
13 University, the University of Wisconsin, the University of Oklahoma, the University of Denver, the  
14 University of Leeds, and many other colleges and universities.

15  
16           7.       I have also given invited expert testimony to U.S. government bodies including the  
17 Helsinki Commission, the U.S. House of Representatives International Affairs Committee and the  
18 Advisory Committee to the U.S. Secretary of State on Religious Freedom Abroad. In February  
19 2002 I was an invited to testify to the House International Affairs Committee's hearing on religious  
20 freedom in China and Vietnam, and in March 2002 was an invited witness testifying on religious  
21 freedom in China to the Joint Congress-Executive Committee on Human Rights in China. I have  
22 been certified as an expert witness in U.S. Immigration Court and have lectured at training session  
23 for INS Asylum Bureaus in New York, Los Angeles and Arlington, VA, including on conditions of  
24 religious freedom in China. The INS is currently using a video of my presentations in Los Angeles.  
25 I meet frequently with the U.S. State Department, the Commission on International Religious  
26  
27  
28

1 Freedom, and Representatives, Senators and their staff to brief them and be briefed on issues of  
2 religious freedom.

3 8. The Center for Religious Freedom, where I work, and which includes my colleague  
4 Nina Shea (who is also a Commissioner appointed by Congress to the International Commission on  
5 Religious Freedom, and has been a Member of the U.S. Delegation to the United Nations Human  
6 Rights Commission meetings in Geneva, Switzerland) is in frequent contact with sources in China  
7 and with outside experts. I led a mission to China in 1997 to report on religious freedom, and wrote  
8 a report that was covered by national press and television. Amongst my books that deal with  
9 religious freedom in China are *Their Blood Cries Out* (1997, Korean translation 2000), and  
10 *Religious Freedom in the World: A Global Survey* (2000).

11  
12  
13 I.

14 **RELIGIOUS FREEDOM IS A CORE HUMAN VALUE AND NORM**

15 9. While I am not a legal expert, I believe that it is widely acknowledged that there is a  
16 national and international consensus in favor of the right to freedom of religion and belief.

17 10. The Universal Declaration of Human Rights (UDHR) states succinctly and  
18 emphatically that the right to freedom of religion and belief is protected by customary international  
19 law. Article 18 of the UDHR, which itself is widely considered to be an authoritative source of and  
20 for the customary norms of international human rights law, declares:

21  
22 Everyone has the right to freedom of thought, conscience and religion; this right  
23 includes freedom to change his religion or belief, and freedom, either alone or in  
24 community with others and in public or private, to manifest his religion or belief in  
teaching, practice, worship and observance.

25 11. Religious freedom also is provided for in the International Covenant on Civil and  
26 Political Rights, the Helsinki Accords, the European Convention for the Protection of Human  
27  
28

1 Rights and Fundamental Freedoms, and the U.N. Declaration on the Elimination of All Forms of  
2 Intolerance and Discrimination Based on Religion or Belief.

3 12. Equally important is the creation in 1986 by the U.N. Commission on Human  
4 Rights of the office of the Special Rapporteur on Religious Intolerance, now called the Special  
5 Rapporteur on Freedom of Religion or Belief. Since his appointment in 1993, Special Rapporteur  
6 Abdelfattah Amor has issued reports on a variety of countries, including Sudan, the Federal  
7 Republic of Yugoslavia, Pakistan, Iran, Vietnam, India, Australia, Greece, Germany, and the  
8 United States. His work provides substantial and continuing evidence of the commitment of the  
9 international community to promoting religious freedom.  
10

11 13. The right to freedom of belief and religion has always been a core value here in the  
12 United States. It is well known that the United States has a longstanding commitment to religious  
13 liberty. America's founders made religious freedom the first freedom of the Constitution.  
14

15 14. A commitment to the inviolable and universal dignity of the human person is also at  
16 the core of U.S. human rights policy abroad, including the policy of advocating religious freedom.  
17 By its adoption of the International Religious Freedom Act. (Pub. L. 105 - 292, Oct. 27, 1998, 112  
18 Stat. 27887), the U.S. Congress has both acknowledged and underscored the international status  
19 and significance of this core human right norm. More particularly, and in numerous relevant  
20 sections, the Act states that "Freedom of religious belief and practice is a universal human right  
21 and fundamental freedom articulated in numerous international instruments". 22 U.S.C  
22 § 6401(a)(2)  
23

24 15. The Commission on International Religious Freedom, established to help implement  
25 the Act, has commented extensively on religious persecution, including China's persecution of the  
26 Falun Gong. Its ongoing reports and recommendations underscore not only the centrality of this  
27  
28

1 core norm and value here and abroad, but also and no less importantly, the many ways in which  
2 China has violated this customary and, for all civilized nations, inviolable human right norm.

3  
4 II

5 **CHINA'S VIOLATION OF THIS CUSTOMARY HUMAN RIGHTS NORM**

6 16. To a greater or lesser extent, China has repressed religion throughout the fifty  
7 years of Communist Party rule. Its aim has been to make religion serve the interests of the  
8 communist state until it disappears from Chinese society. This remains the dominant view. State  
9 religious policy, as explained by Chinese president Jiang Zemin in March 1996 is to "actively  
10 guide religion so that it can be adapted to socialist society." Ye Xiaowen, the hard-liner heading  
11 the Religious Affairs Bureau (RAB), in 1996, also urged the "handling" of religious matters  
12 according to the dictates of Lenin and declared that "we will gradually weaken the influence of  
13 religion."  
14

15 17. In the 1950s, Mao Zedong sought to control religion through government-controlled  
16 religious groups and the total suppression of uncooperative religious leaders through brutal labor  
17 camp terms, murder or exile. In the Cultural Revolution of the sixties and seventies, Mao closed all  
18 places of worship and tried to extinguish religion altogether. Since Mao's death in 1976, the  
19 government has tolerated some religious expression, but only within government-registered  
20 organizations. The Constitution, in Article 36, guarantees freedom of religious belief but contains  
21 qualifications to the right, stating that it protects only religious activities that are "normal," without  
22 defining the term.  
23

24 18. The collapse of Soviet Communism and the Tiananmen Square democracy  
25 demonstrations in June 1989 shook the leaders in Beijing profoundly. In 1991, the government  
26 issued Document 6, which called for a crackdown against unregistered religious groups and  
27 reaffirmed its goal of creating a "materialistic," "scientific," and atheistic society. Repression  
28

1 against underground religious groups rose again in 1994 after Beijing issued decrees 144 and 145,  
2 mandating the registration of religious groups.

3 19. This campaign to "eradicate" unregistered groups intensified during the late 1990s.  
4 Unregistered Catholic, Protestant, Tibetan Buddhist, and Muslim groups report that many of their  
5 followers endure arrests, fines, imprisonment, and severe economic discrimination, and that some  
6 of their leaders have even been tortured and killed.  
7

8 20. Clerics, pastors, monks, imams, and other religious leaders cannot preach outside of  
9 their own area and the government must approve them and their venue. Religious services and  
10 members are subject to monitoring. Sermons must stick to approved topics under penalty of arrest.  
11 Children are barred by law from being educated in religion and from attending public worship  
12 services.  
13

14 21. Many unregistered places of worship have been shut down or bulldozed in recent  
15 years. The *Far Eastern Economic Review* reported that in the first half of 1996, "police have  
16 destroyed at least fifteen thousand unregistered temples, churches, and tombs." In 1999, the  
17 government demolished over a dozen Catholic churches in the Fujian area, including some, like St.  
18 Joseph's Church, which were of distinguished architecture, and in 1998 a Qing dynasty mosque  
19 near Chengdu's Muslim quarter. The popular Catholic shrine to the Blessed Mother Mary in  
20 Donglu, Hebei Province, was demolished by military forces in 1996 and the traditional annual  
21 pilgrimage -- which drew tens of thousands in 1995 -- banned.  
22

23 22. Beijing controls the five "authorized" religions (Protestantism, Catholicism,  
24 Buddhism, Islam, and Taoism) by the RAB, controlled by the United Front Work Department,  
25 itself controlled by the Central Committee of the Communist Party. In turn Party officials by law  
26 must be atheists. The RAB registers and controls all religious groups through the Three-Self  
27 Patriotic movement and the China Christian Council for Protestants, the Catholic Patriotic  
28

1 Association and Bishops Conference for Catholics, and similar patriotic associations for Buddhists,  
2 Muslims, and Taoists. The Falun Gong movement is banned outright.

3 23. After issuing decrees 144 and 145 in 1994, government authorities pressured groups  
4 to register. In July 1995, Ye Xiaowen was appointed to direct the RAB and the government began  
5 its "Strike Hard" campaign against unregistered groups.  
6

7 24. Protestants leaders have been arrested and tortured for holding prayer meetings,  
8 preaching, and distributing Bibles without state approval. Over thirty Roman Catholic priests and  
9 bishops are currently imprisoned or under house arrest for celebrating Mass and administering the  
10 sacraments without official authorization. Three-year's "reeducation" in labor camps is the norm  
11 for such prisoners. Like political and other prisoners, religious prisoners are held in deplorable  
12 conditions, with many forced to work as veritable slaves in labor camps.  
13

### 14 III

#### 15 CHINA'S RELIGIOUS PERSECUTION OF FALUN GONG

16 25. These trends have been reinforced by the public appearance of Falun Gong, which  
17 has become a particular focus of the Government's repression. By the later 1990's, millions of  
18 people were practicing Falun Gong in China and studying the teachings of its founder, Li Hongzhi.  
19 Practitioners came from all walks of life- including army officers and government officials. This  
20 aroused the concern of the Chinese government who began to investigate the group and repress its  
21 members, demanding that they leave the organization,  
22

23 26. The Chinese Government's actions prompted a peaceful public demonstration by  
24 Falun Gong members in Beijing in April 1999. The Chinese Government responded in July by,  
25 through the Ministry of Public Security, labeling Falun Gong an unlawful organization, and  
26 intensifying its crackdown on the group. Thousands of practitioners were arrested and beaten,  
27  
28



1 homes were ransacked; books and tapes were shredded and burned. The government engaged in  
2 systematic attempts to demonize Li Hongzhi and his followers. Communication with the outside  
3 world was also severely limited, as foreign reporters were restricted from interviewing Falun Gong  
4 practitioners.

5  
6 27. On October 9, 1999, the Supreme People’s Court issued guidelines that encouraged  
7 authorities to punish Falun Gong practitioners severely under existing laws. Then, on October 30,  
8 a hastily crafted law, ostensibly designed to protect society from “heretical cults,” was passed  
9 through the Standing Committee of the National People’s Congress. The Chinese Government has  
10 utilized these laws in carrying out the campaign of repression that followed.

11 28. China's new tactic of labeling religious groups as so-called "cults" has intensified  
12 the repression of non-approved religion. With the introduction of the October 30, 1999 laws  
13 regulating “heretical cults,” religious offences can now be classified as threatening national  
14 security and punishable by life sentences or even death.

15  
16 29. A year later, in the face of continued demonstrations and passive resistance, the  
17 government said in the Communist party’s official newspaper, the *People’s Daily*, “the fight  
18 against Falun Gong will be a long-lasting, complicated, and acute struggle.” This editorial also  
19 said that the government would crack down on the group with a “firm hand.”

20  
21 30. Current Government practices against Falun Gong include arrest and detention  
22 without trial, confining normal and healthy individuals to mental hospitals, destroying books and  
23 tapes, including public book burnings, severe abuse of women in custody, including forced  
24 abortions, adding mind controlling/nerve damaging drugs to practitioner’s food, force-feeding  
25 practitioners on hunger-strikes using a tube shoved down the esophagus, humiliating practitioners  
26 by parading them around town, with their arms tied and signs around their necks, dismissing  
27  
28

1 people from their jobs, levying heavy fines and confiscating property, and frequently torture, even  
2 to the point of death in many cases.

3           31. Human rights organizations estimate that tens of thousands of Falun gong members  
4 are in detention in China, and that several hundred have died in government detention in the last  
5 two years. The global survey, *Religious Freedom in the World*, lists Falun Gong as one of the  
6 world's most persecuted groups. The current crackdown is the largest since the aftermath of the  
7 Tiananmen Square demonstrations in 1989, and perhaps the largest since the Cultural Revolution in  
8 the 1960's and 1970's.

9  
10           32. Chinese government documents, revealed in February 2002, further illustrate the  
11 scope of the crackdown on Falun Gong. The Center for Religious Freedom had these official  
12 documents authenticated by renowned expert and exiled former Chinese government journalist, Su  
13 Xiaokang. The seven documents, issued between April 1999 and October 2001, detail the goals  
14 and actions of China's national, provincial and local security officials in repressing religion. They  
15 show that China's government, at the highest levels, aims to repress religious expression outside its  
16 control, and is using more determined, systematic and harsher criminal penalties in this effort.  
17 They list Falun Gong and other religious groups as "evil cults." Measures recommended to be  
18 taken against it include surveillance, the deployment of special undercover agents, the gathering of  
19 "criminal evidence," "complete demolition" of its organizational system, interrogation, and arrest,  
20 as well as the confiscation of homes in which meetings are held.

21  
22           33. In 2002, Falun Gong members have suffered perhaps their worst repression ever.  
23 There are credible reports that police have been ordered to "shoot on sight" anyone posting or  
24 handing out written materials for Falun Gong. After practitioners showed cable TV programs with  
25 facts about Falun Gong on March 5, 2002 in the city of Changchun, Chinese President Jiang Zemin  
26 issued a "Kill Without Mercy" order. On March 15, 2002, Amnesty International issued an Urgent  
27  
28

1 Action request for “Falun Gong practitioners in Changchun City,” saying, “Amnesty International  
2 believes they are at serious risk of torture or ill-treatment...police ‘stop and search’ checkpoints  
3 have reportedly been established across the city....” Consequently, 5000 or more practitioners in  
4 the Changchun area have since been arrested, and several practitioners have reportedly “jumped”  
5 or “fallen” from tall buildings when pursued by police, and police have secretly cremated the  
6 bodies of numerous practitioners tortured to death by police. Latest reports indicate that more than  
7 100 have died in Changchun in this spasm of violence by authorities in the past three weeks.”

9 34. Nor has the systematic violation of religious freedom and belief subsided in China.  
10 The persecution of Catholics, Protestants, Tibetan Buddhist, Muslim and practitioners of Falun  
11 Gong is an ever present fact of life in China. In spite of international treaties and covenants, China  
12 continues to arrest and torture persons of strong religious and spiritual faith, in direct violation of  
13 "universally accepted norms of the international human rights." See Restatement (Third) of Foreign  
14 Relations Law of the United States, section 701. (1987).

16  
17 *I declare under penalty of perjury under the laws of the United States that the foregoing is*  
18 *true and correct.*

19 Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2002, in \_\_\_\_\_,  
20  
21 \_\_\_\_\_.

22 [State]  
23  
24

25 \_\_\_\_\_  
Paul Marshall  
26  
27  
28