

COMPLAINT

BEFORE THE INTERNATIONAL CRIMINAL COURT

(TREATY OF ROME, ART. 15.1 AND 53)

IN THE MATTER OF

**CRIMES AGAINST HUMANITY AND GENOCIDE BY DEVELOPMENT
OF OUTLAWED BIOLOGICAL WARFARE WEAPONS
BY THE PEOPLE'S REPUBLIC OF CHINA**

Legal representation and election of domicile

The applicants will be represented for the purposes of this procedure by:

Mr. LARRY KLAYMAN, Esq., advocate, a former U.S. Justice Department prosecutor and licensed attorney and the founder, Chairman and General Counsel of **Freedom Watch, Inc.**, 2020 Pennsylvania Avenue N.W., Suite 345, Washington, D.C. 20006. Telephone: (561) 558-5336. E-mail: leklayman@gmail.com

Consequently, all subsequent correspondence should be sent only to the mailing and/or e-mail addresses given above. Any notification within the meaning of the Statute of the Court addressed in this way will be considered valid.

ONCE FILED AND PROCESSED, THIS COMPLAINT WILL BE JOINED BY LICENSED LAWYERS ON BEHALF OF THEIR CLIENTS AND OTHERS IN A MYRIAD OF NATIONS AROUND THE WORLD. THIS IS A MATTER OF THE HIGHEST MAGNITUDE TO PRESERVE AND PROTECT MANKIND FROM THE ALLEGED CRIMINAL ACTIONS OF THE PEOPLE'S REPUBLIC OF CHINA AND ITS OFFICIALS AND FUNCTIONARIES. THIS IS NOT A COMPLAINT AGAINST THE CITIZENRY OF CHINA, THAT IS FORCED UNDER A DICTATORSHIP TO LIVE IN VIRTUAL SLAVERY AND HAVE ALSO SUFFERED THE CRIMINAL ACTIONS OF THE ACTIONS PLED HEREIN.

BEFORE THE INTERNATIONAL CRIMINAL COURT

FREEDOM WATCH, INC.
Washington, D.C.

Complainant,

v.

THE PEOPLE'S REPUBLIC OF CHINA, THE
PRESIDENT OF CHINA, XI JINPING AND MEMBERS
OF CHINESE POLITBORO,

and

THE PEOPLE'S LIBERATION ARMY,
The official military of China

and

THE WUHAN INSTITUTE OF VIROLOGY,
and agency of the Government of China

and

SHI ZHENGLI, Director of
the Wuhan Institute of Virology

and

Major General Chen Wei
of China's People's Liberation Army

Defendants.

**CRIMINAL COMPLAINT CONCERNING MASSIVE DAMAGE CAUSED BY THE
ALLEGED CRIMINAL ACTIONS OF DEFENDANTS AS A RESULT OF COVID-19
RELEASE FROM AN ILLEGAL AND INTERNATIONALLY OUTLAWED
BIOWEAPONS FACILITY IN THE CITY OF WUHAN OF THE PEOPLE'S REPUBLIC
OF CHINA**

Complainant Freedom Watch, Inc. ("Complainant") request the opening of an inquiry by

the prosecutor's office pursuant to Article 15 of the origins, creation, stockpiling, and negligent handling of a variation of a type of coronavirus known as COVID-19 in Wuhan, China, by the Defendants the People's Republic of China and the other Defendants, including but not limited to President Xi Jinping and his Politburo, as set forth herein, and show and allege as follows:

I. INTRODUCTION AND NATURE OF THE ACTION

1. This is a complaint for the opening of an inquiry by the Prosecutor at the International Criminal Court under Article 15 of the Rome Treaty to investigate the urgent and important question of the likely creation and release, accidental or otherwise, of a variation of coronavirus known as COVID-19 by the People's Republic of China and its agencies and officials and functionaries as a biological weapon in violation of China's agreements under international treaties,¹ and the subsequent reckless and criminal release from the Wuhan Institute of Virology into the city of Wuhan, China, in Hubei Province.
2. The Complainants also allege among other acts that the Defendants failed to prevent the Wuhan Institute of Virology's personnel from becoming infected with the bioweapon and then carrying the virus out into the surrounding community and proliferation into the United States.
3. This is also a complaint for the Defendants' violation of international treaties and international law and obligations by withholding medical information on the spread of the COVID-19 virus, resulting in thousands of avoidable and unnecessary deaths and illnesses and massive world economic damage caused by the delay in sharing medical information about the spread of the virus.

¹

² With credit for some analysis drawn from Dexter Wright, "The case for accusing China of crimes against humanity," *The American Thinker*, May 27, 2020, accessible at https://www.americanthinker.com/blog/2020/03/the_case_for_accusing_china_of_crimes_against_humanity.html

³ Josh Gerstein, "Those who intentionally spread coronavirus could be charged as terrorists" The Justice Department offers guidance on how to deal with "purposeful exposure and infection

4. Since biological weapons have been outlawed since at least 1925, including by China's membership in treaties, these illegal weapons constitute and are in effect terrorist-related weapons of mass destruction of population centers.

II. JURISDICTION

5. Article 5 of the Rome Treaty regulates Crimes within the jurisdiction of the Court: “The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.”

6. Article 7 “Crimes against humanity” includes: “1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

* * *

- (i) Enforced disappearance of persons;

* * *

- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

7. The International Criminal Court (“ICC”) recently determined in Appeal No. ICC-02/17 OA4 “Situation In The Islamic Republic Of Afghanistan” that the Prosecutor’s Office may open and conduct an investigation into the conduct of members of the United States military in Afghanistan even though the United States of America is not a member acceding to the Rome Treaty. What applies to allegations against the United States, which is not a dictatorship, must obviously apply to the Defendants herein.

8. Moreover, the ICC also determined in that appeal and other cases that a country's accession to the Geneva Conventions also provides jurisdiction because China has agreed to enforcement of the Geneva Conventions.
9. An investigation into the facts would be of great if not seminal importance to the world.
10. Such an investigation must include deconstructing false excuses that are not factual and be a prelude, once the facts as forth herein are confirmed, to criminal prosecutions and incarcerations for life sentences to those who have perpetrated the alleged crimes against humanity, including the president of China Xi Jinping and members of his Politboro.

III. PARTIES AND STANDING

11. Complainant Freedom Watch, Inc. is a 501(c)(3) public interest non-profit foundation whose mission is to investigate and prosecute government corruption and abuse, which depends upon relatively small donations from many individuals. The ability to donate is greatly reduced by the economic recession and disruption and economic panic and growing catastrophe caused by the COVID-19 pandemic.

12. Complainant Larry Klayman is the founder, chairman and general counsel of Freedom Watch, Inc., whose world national and world headquarters is located in Washington, D.C. and whose address is 2020 Pennsylvania, Avenue, N.W., Suite 345, Washington, D.C. 20006.

13. The Defendant People's Republic of China ("PRC") is the recognized government of the nation country commonly known as "China."

14. The People's Liberation Army ("PLA") is the official military arm of the PRC.

15. The Wuhan Institute of Virology is a biological laboratory about 20 miles from the center of the city of Wuhan in China, which the Complainants and members of the class and

subclasses allege includes an illegal biological weapons laboratory.

16. Shi Zhengli is the Director of the Wuhan Institute of Virology in Wuhan, China.

17. Major General Chen Wei of China's PLA, at the PLA's Academy of Military Medical Sciences, is the Chinese military's top epidemiologist and virologist, who is not only leading China's responses to the COVID-19 epidemic but also led the creation of the COVID-19 coronavirus as a bioweapon for China's military.

IV. FACTS COMMON TO ALL COUNTS

18. On or about November 15, 1984, China acceded to, ratified, and joined the **"Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction"** (hereinafter the "Biological Weapons Convention"). See <http://disarmament.un.org/treaties/t/bwc/text>

19. As a member of the treaty, China has legally agreed under international law that the manufacture, stockpiling, or deployment of biological weapons are outlawed and illegal.

20. China has agreed in that treaty that --

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,
Have agreed as follows:

Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article V

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI

(1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of

the investigation.

Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

21. China is also a member of the "**Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,**" signed at Geneva on 17 June 1925 ("Geneva Weapons Convention").

22. Defendants violated the law of nations, established U.S. law, international laws, treaties and norms, including but not limited to those sections previously set forth: The Declaration on Measures to Eliminate International Terrorism and citations therein incorporated by reference adopted by the United Nations General Assembly on December 9, 1994 (GA Res. 49/50); The Anti-Terror Act, 18 U.S.C. 113B; The Anti-Terrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214 (1996); The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA Patriot Act"), Pub. L. No. 107-56, 115 Stat. 271 (2001); The Convention on the Prevention and Punishment of the Crime of Genocide; Art. 2, December 9, 1949, 78 UNTS; International Convention for the Suppression of the Financing of Terrorism, 39 I.L.M. 270 (Dec. 9, 1997); G.A. Res. 54/109, 1 UN Doc A/RES/54/109 (Dec. 1, 1999) and ratified by over 130 countries (The Financing Convention); United Nations Charter, 59 State. 1031, 3 Bevans 1153 (1945);

Universal Declaration of Human Rights, G.A. Res. 217A (iii), U.N. Doc. A/810 (1948); International Covenant on Civil and Political Rights, G.A. Res. 2222A(XXI), 21 U.N. Doc., GAOR Supp. (No. 16) at 52 U.N. Doc. A 6316 (1966); Common Article 3 of the 1949 Geneva Convention; Article 4 and 13 of the 1997 Geneva Protocol II; Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 37 I.L.M. 1(Dec. 18, 1997); and other fundamental principles.

23. Coronavirus is a grouping of viral diseases which are generally analogous to but much more deadly than influenza, but even more harmful and deadly.

24. Coronavirus variations have been known in years past.

25. However, on November 17, 2019, a new military weapon variation of coronavirus was noticed in Wuhan city, in central China's Hubei province, although reporting from government records makes it unclear if it was recognized so early as a new disease. Josephine Ma, "Coronavirus: China's first confirmed Covid-19 case traced back to November 17," South China Morning Post, March 13, 2020, accessible at

<https://www.scmp.com/news/china/society/article/3074991/coronavirus-chinas-first-confirmed-covid-19-case-traced-back>

26. This new and engineered virus has been designated as COVID-19 or SARS-CoV-2.

27. COVID-19 is an extremely dangerous disease, because it has an extremely aggressive nature, and was designed to mutate from person to person. It spreads very quickly and easily, no vaccine exists yet on account of it being a new disease, the means of transmission are not fully known with certainty, and treatments are only just being worked out, and the disease appears to be about ten times as deadly as the flu.

28. The first case eventually confirmed to be COVID-19 infection by China's admission was on December 8, 2019. *Id.*

29. However, doctors in Wuhan and throughout China "were also ordered not to disclose any information about the new disease to the public." *Id.*

30. With respect to China's handling of the Wuhan Coronavirus by suppressing medical reporting, there is sufficient evidence that the Communist Party of China is guilty of crimes against humanity.

31. The statute specifically states: "[C]rimes against humanity do not need to be linked to an armed conflict and can also occur in peacetime, similar to the crime of genocide."²

32. The Rome statute goes on to state specifically:

Another important distinction is that in the case of crimes against humanity, it is not necessary to prove that there is an overall specific intent.

33. Only one of the eleven criminal acts defined needs to be committed to qualify for prosecution in the International Criminal Court.

34. The concerted effort to suppress warnings on the part of the medical community in Wuhan fits what the International Criminal Court defines in sections 2 and 3:

2. A contextual element: "when committed as part of a widespread or systematic attack directed against any civilian population"; and

3. A mental element: "with knowledge of the attack"

35. The U.S. Department of Justice has designated the COVID-19 as a terrorist weapon or biological weapon if spread intentionally:

² With credit for some analysis drawn from Dexter Wright, "The case for accusing China of crimes against humanity," *The American Thinker*, May 27, 2020, accessible at https://www.americanthinker.com/blog/2020/03/the_case_for_accusing_china_of_crimes_against_humanity.html

People who intentionally spread the coronavirus could face criminal charges under federal terrorism laws, the Justice Department's No. 2 official said Tuesday.

In a [memo to top Justice Department leaders](#), law enforcement agency chiefs and U.S. Attorneys across the country, Deputy Attorney General Jeffrey Rosen said prosecutors and investigators could come across cases of "purposeful exposure and infection of others with COVID-19."

"Because Coronavirus appears to meet the statutory definition of a 'biological agent'... such acts potentially could implicate the Nation's terrorism-related statutes," Rosen wrote. "Threats or attempts to use COVID-19 as a weapon against Americans will not be tolerated."³

36. COVID-19 was designed by China to be a very "effective" and catastrophic biological warfare weapon to kill mass populations.

37. The nature of biological warfare weapons include discovering a life-threatening virus or bacteria already existing in nature but then refining, developing, adapting, and/or perfecting it as a weapon and illegally maintaining a stockpile of the bioweapon.

38. Studies from scientists at Princeton University undergoing peer review show that COVID-19 can survive in the air for up to three hours and be transmitted in the air and can survive on inanimate surfaces for up to three days. See John Bowden, "Tests Indicate Coronavirus Can Survive in the Air," [The Hill](#), March 11, 2020, accessible at:

<https://thehill.com/policy/healthcare/487110-tests-indicate-coronavirus-can-survive-in-the-air>

39. This makes COVID-19 a very unusual and dangerous virus, seemingly hand-crafted to spread rapidly through multiple pathways.

40. Meanwhile, there are many indications besides the nature of the disease demonstrating that the virus was engineered in the Chinese military's laboratory or laboratories

³ Josh Gerstein, "Those who intentionally spread coronavirus could be charged as terrorists The Justice Department offers guidance on how to deal with "purposeful exposure and infection of others."," [Politico](#), March 24, 2020, accessible at: <https://www.politico.com/news/2020/03/24/coronavirus-terrorism-justice-department-147821>

41. In publicly and officially speaking about efforts in China to respond to COVID-19, Defendant and Chinese President Xi Jinping specifically linked efforts to prevent similar future threats to security of biological laboratories. Xi explained these efforts by saying that laboratory safety is a "national security" issue. *See* Steven Mosher, "Don't buy China's story: The coronavirus may have leaked from a lab," New York Post, February 22, 2020, accessible at: <https://nypost.com/2020/02/22/dont-buy-chinas-story-the-coronavirus-may-have-leaked-from-a-lab/>

42. The very next day, the Chinese Ministry of Science and Technology released a new directive titled: "Instructions on strengthening biosecurity management in microbiology labs that handle advanced viruses like the novel coronavirus." *Id.*

43. Thus, China's military and national leadership clearly linked the origins and spread of COVID-19 with safety protocols and containment at China's biomedical microbiology laboratories.

44. The New York Post in a piece by Steven Mosher further reveals:

"It sure sounds like China has a problem keeping dangerous pathogens in test tubes where they belong, doesn't it? And just how many "microbiology labs" are there in China that handle "advanced viruses like the novel coronavirus"?"

It turns out that in all of China, there is only one. And this one is located in the Chinese city of Wuhan that just happens to be ... the epicenter of the epidemic.

That's right. China's only Level 4 microbiology lab that is equipped to handle deadly coronaviruses, called the National Biosafety Laboratory, is part of the Wuhan Institute of Virology.

Id.

45. Thus, although China's government – which has power over all of China's society and has always been opaque and non-forthcoming to other nations – has admittedly in official

statements linked the viral epidemic that broke out in Wuhan with the need to strengthen safety protocols and security measures at the microbiology laboratory in Wuhan in Hubei Province.

46. The Wuhan Institute of Virology is used for China's illegal biological warfare weapons programs, according to experts:

"Dany Shoham, a former Israeli military intelligence officer who has studied Chinese biological warfare, said the institute is linked to Beijing's covert bio-weapons program.

* * *

"China has denied having any offensive biological weapons, but a State Department report last year revealed suspicions of covert biological warfare work.

* * *

"Asked whether the new coronavirus may have leaked, Mr. Shoham said: "In principle, outward virus infiltration might take place either as leakage or as an indoor unnoticed infection of a person that normally went out of the concerned facility. This could have been the case with the Wuhan Institute of Virology, but so far there isn't evidence or indication for such incident.

Bill Gertz, The Washington Times, January 26, 2020, accessible at <https://www.washingtontimes.com/news/2020/jan/26/coronavirus-link-china-biowarfare-program-possible/>

The former Israeli military intelligence doctor also said suspicions were raised about the Wuhan Institute of Virology when a group of Chinese virologists working in Canada improperly sent to China samples of what he described as some of the deadliest viruses on earth, including the Ebola virus.

In a July article in the journal Institute for Defense Studies and Analyses, Mr. Shoham said the Wuhan institute was one of four Chinese laboratories engaged in some aspects of biological weapons development.

He said the secure Wuhan National Biosafety Laboratory at the institute was engaged in research on the Ebola, Nipah and Crimean-Congo hemorrhagic fever viruses.

The Wuhan virology institute is under the Chinese Academy of Sciences, but certain laboratories within it "have linkage with the PLA or BW-related elements within the Chinese defense establishment," he said.

* * *

The Wuhan Institute of Biological Products is a civilian facility but is linked to the Chinese defense establishment. Mr. Shoham said it is thought to be involved in the Chinese Biological Weapons Convention program. China's vaccine against SARS is probably produced there.

Id.

"Mr. Shoham holds a doctorate in medical microbiology. From 1970 to 1991 he was a senior analyst with Israeli military intelligence for biological and chemical warfare in the Middle East and worldwide, holding the rank of lieutenant colonel.

* * *

Bill Gertz, The Washington Times, January 24, 2020, accessible at <https://www.washingtontimes.com/news/2020/jan/24/virus-hit-wuhan-has-two-laboratories-linked-chines/>

47. Many reputable people and organizations and experts have thus come to the conclusion that this crisis began when a Chinese biological weapons facility accidentally released the COVID-19 virus into the atmosphere. An opinion column in The Hill states:

"The conventional, and mostly likely, view of the COVID-19 outbreak is that it originated in Wuhan, China, near the most sophisticated Chinese bioweapons lab and then proceeded into the world from there, leaving people to guess whether it originated in the lab and leaked, came from wild bats or snakes, or came from exotic meat market

Grady Means, "The coronavirus: Blueprint for bioterrorism," The Hill, March 9, 2020, accessible at <https://thehill.com/opinion/national-security/485921-the-coronavirus-blueprint-for-bioterrorism>

48. It has been reported that:

"The very first patient identified had *not* been exposed to the market, suggesting the virus may have originated elsewhere and been transported to the market, where it was able to thrive or jump from human to animal and back again."

Jackson Ryan, "Coronavirus and COVID-19: All your questions answered," Cnet.com, March 11, 2020, section "Where did the virus come from," accessible at <https://www.cnet.com/how-to/coronavirus-and-covid-19-all-your-questions-answered/#wherefrom> (*emphasis in original*).

See, also, Prof Chaolin Huang, MD, Yeming Wang, MD, Prof Xingwang Li, MD, Prof Lili Ren,

PhD, Prof Jianping Zhao, MD, Yi Hu, MD, et al., "Clinical features of patients infected with 2019 novel coronavirus in Wuhan, China," THE LANCET, Volume 395, Issue 10223, February 15, 2020, accessible at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30183-5/fulltext#seccestitle170](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30183-5/fulltext#seccestitle170)

49. Excuses for China have spread disinformation that science has already decided – since only December 30, 2019 – that the COVID-19 coronavirus is naturally-occurring. Aside from the obvious lack of credibility of such a rush to acquittal, the sources cited in support when examined refute the conclusion. The sources cited in support of such defenses of China emphasize – after stripping away the public relations – that scientists do not know and need more information before any conclusion can be reached. The majority of the supporting citations are from years ago and are not relevant.

50. The investigation that the ICC should undertake includes considering that biological weapons are rarely completely unfamiliar designs, but frequently are created by finding deadly diseases existing in nature, then refining them to become more deadly. Similarity between a biological weapon and prior diseases is not determinative.

51. Major General Chen Wei of China's PLA, of the PLA's Academy of Military Medical Sciences, played a leading role within China of fighting the SARS outbreak in 2003-2003, and to fight Ebola including developing a vaccine for Ebola in 2014.

52. Nevertheless, these efforts to minimize the damage caused for fighting disease within the Chinese military also provided Chen with expertise in recognizing, devising, and stockpiling for China's military the most effective bioweapons.

53. Indeed, curiously, in the attempt to put the COVID-19 disease "back in the bottle" Major Gen. Chen injected herself and six members of her staff with a potential vaccine which had not yet been tested on animals. David Gilbert, "A Chinese Doctor Injected Herself with an Untested Coronavirus," Vice, March 4, 2020, accessible at:

https://www.vice.com/en_us/article/v74p5y/a-chinese-doctor-injected-herself-with-an-untested-coronavirus-vaccine

54. Thus, through the use of a possible vaccine on herself, Major Gen. Chen's actions are consistent with desperation and her and her nation's guilt that the Chinese military and all of the Defendants, acting in concert, jointly and severally as joint tortfeasors, caused this burgeoning national and world catastrophe.

55. Those, including doctors and researchers, trying to spread the word in China about the new COVID-19 disease were arrested or "disappeared."

56. Dr. Li Wenliang of Wuhan finally violated Chinese censorship and raised the alarm to the outside world internationally through a chat room of his classmates on December 30, 2019.

57. Dr. Li was then summoned by authorities in China, reprimanded, and silenced.

58. Speaking to the New York Times, he explained: "If the officials had disclosed information about the epidemic earlier," Dr. Li told The Times. "I think it would have been a lot better. There should be more openness and transparency."

59. On February 6, 2020, Dr. Li then, not coincidentally, died of the very disease he was working to fight.

60. The Defendants, especially the government of China, violated the civil rights of doctors and others by suppressing and censoring their communications about the new virus and the spread of the new virus, including "disappearing" doctors and other witnesses to prevent them from informing the international and medical community about COVID-19.

When discussion of the outbreak began to appear online in late December, the Wuhan government moved quickly to suppress the news. Wuhan Public Security went so far as to investigate and detain eight doctors who posted on social media about the virus.

Accused of spreading “illegal and false” information, the eight were made to sign a Jan. 3 letter saying that they had “severely disrupted social order.” State media followed this up with reminders from the police that it would pursue anyone else who spread false rumors.⁴

61. As further evidence:

Three Chinese citizen journalists have gone missing in recent months. They are presumed to have been detained by Chinese authorities after posting videos on social media documenting the reality of the ongoing coronavirus pandemic.

The most recent Chinese citizen journalist to suffer this fate was Li Zehua. Li was living a picture-perfect life. After graduating from one of China’s best universities, he began working as a news anchor for China’s most important and prominent state TV station, CCTV. At the age of 25, handsome and thriving, Li was a rising star. Had he stayed within the boundaries the Chinese authorities have drawn and not raised concerns over the topics that Beijing deemed “sensitive,” he might have lived a good, prosperous life. The coronavirus has changed everything — at least for Li and many like-minded young adults in China.⁵

62. The Defendants, especially the government of China, violated China’s international obligations by failing to share promptly medical information about the newly and rapidly spreading viral disease.

63. The Defendants, especially the government of China, violated China’s international obligations under the convention on biological weapons to share information and affirmatively work to reduce the harm of dangerous biological agents.

64. The Defendants have systematically deleted or erased information posted or

⁴ Peter Singer, Defense One, February 9, 2020, accessible at:

<https://www.defenseone.com/ideas/2020/02/how-china-working-quarantine-truth-about-coronavirus/162985/>

⁵ Helen Raleigh, “Coronavirus and China’s Missing Journalists,” National Review, March 19, 2020, accessible at: <https://www.nationalreview.com/magazine/2020/04/06/coronavirus-and-chinas-missing-citizen-journalists/>

communicated about the COVID-19 viral outbreak.⁶

65. The Defendants systematically, intentionally, and unlawfully withheld from the international community and medical community the information needed to fight the spread and effects of the new viral disease.⁷

66. The Defendants withheld critical medical information that would have dramatically improved the medical response of nations world-wide, advanced the development of a vaccine and treatments by a couple of crucial months, and slowed and lessened the spread of the viral disease before it became so widespread.⁸

67. Indeed, putting China's political and military interests ahead of saving lives, China has prevented medical information from nearby Taiwan: "Taiwanese health officials [alerted WHO](#) about the Wuhan coronavirus' transmission between humans back in December but the organization failed to alert countries around the world."⁹

68. "The World Health Organization (WHO) has come under fire over its handling of the Wuhan coronavirus and, in particular, for spreading Chinese propaganda. WHO has parroted the Chinese regime's various talking points. Back in January, the organization shared a tweet citing Chinese health officials who claimed there was no evidence the virus transmitted through

⁶ Leslie Eastman, "Report: China Destroyed Evidence of Wuhan Coronavirus in December," [Legal Insurrection](#), March 19, 2020, accessible at: <https://legalinsurrection.com/2020/03/report-china-destroyed-evidence-of-wuhan-coronavirus-in-december/>

⁷ Bethany Allen-Ebrahimian, "Timeline: The early days of China's coronavirus outbreak and cover-up," [Axios](#), March 18, 2020, accessible at <https://www.axios.com/timeline-the-early-days-of-chinas-coronavirus-outbreak-and-cover-up-ee65211a-afb6-4641-97b8-353718a5faab.html>

⁸ "Action by China would have curbed coronavirus cases by 95%, says study Communist officials destroyed evidence, suppressed news in early weeks," [World Net Daily](#), March 19, 2020, accessible at: <https://www.wnd.com/2020/03/study-action-china-curbed-coronavirus-cases-95/>

⁹ Beth Baumann, "WHO's Senior Advisor Had an Astonishing Response When Asked About Taiwan," [Townhall](#), March 28, 2020, accessible at: <https://townhall.com/tipsheet/bethbaumann/2020/03/28/watch-whos-senior-advisor-hangs-up-on-a-reporter-for-asking-about-taiwan-n2565899>

human-to-human contact. We now know that is a blatant lie.”

[World Health Organization \(WHO\)](#) @WHO

Preliminary investigations conducted by the Chinese authorities have found no clear evidence of human-to-human transmission of the novel [#coronavirus](#) (2019-nCoV) identified in [#Wuhan](#),



[#China](#)

11.5K [7:18 AM - Jan 14, 2020](#)

Id.

69. However, by excluding Taiwan – relatively near to the initial outbreak of COVID-19 -- from the World Health Organization, crucial information about the nature of the disease was kept from the world’s medical community. The fact that Taiwan wanted to provide information that the virus was being spread human to human (not from tainted food) which China was suppressing, kept the world’s medical community from having needed information, spooling up to respond to and slow the spread of the disease, and cost thousands of lives.

The WHO dug their public relations crisis even deeper into the ground when Bruce Alyward, the Senior Advisor to Director General Dr. Tedros Adhanom Ghebreyesus, refused to talk about Taiwan during an interview with RTHK. In fact, Alyward pretended the Skype call froze. Then he said he wanted to move on to a different question since China had already been discussed. When the reporter pressed him about Taiwan again, he hung up the call.

Id.

70.

“While the IHR’s internal website provides a platform for all countries to share information on the epidemic and their response, none of the information shared by our country’s [Centers for Disease Control] is being put up there,” Taiwanese Vice President Chen Chien-Jen told the [Financial Times](#). “The WHO could not obtain first-hand information to study and judge whether there was human-to-human transmission of COVID-10. This led it to announce human-to-

human transmission with a delay, and an opportunity to raise the alert level both in China and the wider world was lost."

Despite knowing what they did, the WHO continued to push communist China's talking points, including the blatantly false claim that the virus is not spread through human-to-human transmission. This is something we know is the case, which is why the CDC has suggested people practice "social distancing" as much as possible. A few weeks later the WHO said it was unnecessary to restrict international air travel, which is what turned the Wuhan coronavirus epidemic into a pandemic.

Id. ¹⁰

71. Had China not unlawfully suppressed information about the new militarily engineered virus and its spread, according to researchers at the University of Southampton, in the United Kingdom, the spread of COVID-19 would have been reduced by as much as 95% :

The research also found that if interventions in the country could have been conducted one week, two weeks, or three weeks earlier, cases could have been reduced by 66 percent, 86 percent and 95 percent respectively – significantly limiting the geographical spread of the disease.

A study by the University of Southampton examining non-pharmaceutical interventions (NPIs) in response to the new coronavirus (COVID-19) in China shows that a range of early, coordinated and targeted measures are needed to help significantly reduce its spread.

Researchers in the population mapping group WorldPop ran complex modelling, using anonymised data on both human movement and illness onset, to help simulate different outbreak scenarios for cities in mainland China. This allowed them to understand how variations in the timing, level and combinations of interventions affect speed and transmission of the disease.

Findings are available in a preprint paper on [medRxiv](https://www.medrxiv.org/) website.¹

The study estimates that by the end of February 2020 there was a total of 114, 325 COVID-19 cases in China. It shows that without non-pharmaceutical interventions – such as early detection, isolation of cases, travel restrictions and cordon sanitaire – the number of infected people

¹⁰ The hyperlink to the [Financial Times](https://www.ft.com/content/2a70a02a-644a-11ea-a6cd-df28cc3c6a68) is hidden behind a paywall, at <https://www.ft.com/content/2a70a02a-644a-11ea-a6cd-df28cc3c6a68>

would have been 67 times larger than that which actually occurred.¹¹

72. As chronicled in The Sunday Times of the United Kingdom,

Chinese laboratories identified a mystery virus as a highly infectious new pathogen by late December last year, but they were ordered to stop tests, destroy samples and suppress the news, a Chinese media outlet has revealed.

A regional health official in Wuhan, centre of the outbreak, demanded the destruction of the lab samples that established the cause of unexplained viral pneumonia on January 1. China did not acknowledge there was human-to-human transmission until more than three weeks later.

The detailed revelations by Caixin Global, a respected independent publication, provide the clearest evidence yet of the scale of the cover-up in the crucial early weeks when the opportunity was lost to control the outbreak.

Censors have been rapidly deleting the report from the Chinese internet.

Caixin reported that several genomics companies sequenced the coronavirus by December 27 from samples from patients who had fallen sick in Wuhan.¹²

73. China's authorities explicitly lied to the Centre for Disease Control concerning crucial details showing that COVID-19 was a potential epidemic from human to human transmission:

When a CDC team was sent to Wuhan on January 8, it was deliberately not informed that medical staff had already been infected by patients — a clear confirmation that the disease was contagious.

The cover-up was led by officials in Wuhan as provincial party chiefs prepared to gather for an annual meeting. The city then pressed ahead with a pot-luck dinner for 40,000 families to celebrate the lunar new year.

¹¹ “Early and combined interventions crucial in tackling Covid-19 spread in China,” University of Southampton, March 11, 2020, accessible at: <https://www.southampton.ac.uk/news/2020/03/covid-19-china.page>. Published article accessible at <https://www.medrxiv.org/content/10.1101/2020.03.03.20029843v2>.

¹² Philip Sherwell (Bangkok), “Chinese Scientists Destroyed Proof of Virus in December,” The Sunday Times, March 1, 2020, accessible at: <https://www.thetimes.co.uk/article/chinese-scientists-destroyed-proof-of-virus-in-december-rz055qjnj>

Only on January 20 was it made public, in an interview with Zhong Nanshan, a respiratory health expert who led the fight against Sars, that the disease was spreading between humans.

Wuhan, with a population of 11 million, was put into lockdown on January 23 as the communist authorities finally tried to control the spread of the disease.

Id.

74. Reports, including from -- relatively nearby -- Australia by journalists allege that China destroyed medical laboratory samples from early patients to hide the bad news that a new virus was sweeping through Wuhan, China, and Hubei province

“Australian reporter Rita Panahi slammed China's Communist Regime and the World Health Organization for their failures to prevent the spread of the Wuhan coronavirus outbreak. China was so worried about making sure they weren't blamed for the virus that they did everything in their power to keep whistleblowers quiet. Instead of sounding the alarm about the Wuhan coronavirus, the WHO parroted the regime's talking points, saying the virus wasn't transmitted through person-to-person contact. The organization also failed to recommend travel bans to China.

“I want to talk about China's culpability and conduct throughout the coronavirus crisis that began in Wuhan wet market. The Chinese Communist regime not only lied, destroyed evidence and allowed the virus to spread, but it arrested doctors who, back in December, tried to warn the world about what was happening in Wuhan,’ she explained. ‘Some of the whistleblowers arrested and accused of fabricating, disseminating, and spreading rumors have since died. Other domestic critics, from a property tycoon to video bloggers have vanished.’

“China is not a regime that tolerates dissent,’ Panahi explained. ‘China's initial cover-up included destroying lab samples that established, in December, the cause of unexplained viral infections in the Hubei province. How many lives would have been saved if China had listened to experts instead of silencing them?’¹³

V. VIOLATIONS OF INTERNATIONAL LAW REQUIRING INVESTIGATION

¹³ Beth Baumann, “Australian Reporter Rita Panahi Takes the WHO, Chinese Regime to Task Over Coronavirus Lies,” *Townhall*, March 28, 2020, accessible at: <https://townhall.com/tipsheet/bethbaumann/2020/03/28/australian-reporter-rita-panahi-takes-the-chinese-regime-to-task-over-the-spread-of-the-wuhan-coronavirus-n2565898>

75. By the acts alleged herein, Defendants, each and every one of them, jointly and severally as joint tortfeasors, are committing and/or aiding and abetting and conspiring to help the commission of criminal acts of international terrorism.

76. Each of the Defendants, each and every one of them acting in concert as joint tortfeasors, is criminally guilty of providing material support to the preparation and carrying out of numerous acts of what in effect constitutes international terrorism which have placed the Complainant(s) in imminent danger of death or illness.

77. Although it appears that the COVID-19 virus was released at an unplanned, unexpected time, it was prepared and stockpiled as a biological weapon to be used against China's perceived enemies, including but not limited to the people of the United States.

78. While COVID-19 virus may be too slow acting and slow-spreading to be used quickly against an enemy's military, it was designed to be used against the general population of one or more of China's perceived enemy nations, such as the United States.

79. Thus, the Defendants, each and every one of them acting in concert jointly and severally as joint tortfeasors, criminally created and/or refined and then stockpiled biological weapons for the express purpose of using such weapons against its perceived enemies, including but not limited to the people of the United States.

80. The Defendants, each and every one of them acting in concert jointly and severally as joint tortfeasors, criminally acted and/or conspired to harm U.S. citizens using these biological weapons.

81. Because China has agreed by treaty to outlaw such weapons, these criminal actions cannot be official governmental actions of the People's Republic of China and are not subject to any possible claim of legal immunity from suit.

82. The Defendants thus attempted to and did harm U.S. citizens and populations of other perceived enemies and adversaries of China.

83. The acts of terrorism at issue are extreme and outrageous and committed to cause extreme physical pain and suffering, and financial loss to Complainants and the citizens of the United States and the world.

84. Defendants agreed, including by implication or common understanding, to combine with each other, their agents, and other persons to criminally act unlawfully, in the manner set forth in this Complaint and committed overt acts in furtherance of the conspiracy.

85. At all relevant times, Defendants, each and every one of them criminally acting in concert as joint tortfeasors, jointly and severally, knew of this criminal conspiracy and knew and knows, in particular, of the roles of charitable front organizations and their leaders in furtherance of that conspiracy

86. At a minimum, Defendants recklessly disregarded the nature and purposes of the criminal conspiracy.

87. Defendants knowingly and purposefully criminally agreed to perform the acts complained of herein with the knowledge, and for the purpose, that such services facilitate their mutual goals and support what are in effect and thus constitute terrorist activities pursuant to a common scheme to encourage and incentivize acts of terrorism.

88. Each of the Defendants, each and every one of them criminally acting in concert jointly and severally as joint tortfeasors, owe a duty under the conventions outlawing biological weapons to assertively destroy biological weapons as well as to refrain from creating or stockpiling them and to report to the other treaty members all known facts to avoid the spread or release of biological weapons.

89. The inherent act of creating, refining, and/or maintaining supplies of COVID-19 was illegal and banned under the terms of the treaties China has acceded to.

90. Each of the Defendants each and every one of them jointly and severally as joint tortfeasors owed a duty of ordinary care to handle outlawed and illegal biological weapons which are inherently extremely dangerous materials with the care needed to avoid the foreseeable, natural, inevitable deadly consequences of those inherently dangerous materials nearly certain to foreseeably cause loss of human life and severe injuries at a minimum.

91. In violation of each of the Defendant's duty of care, criminally acting in concert jointly and severally as joint tortfeasors, each of the Defendants allowed the COVID-19 virus to escape from a laboratory in or near Wuhan, China, which is the Wuhan Institute of Virology, or a sub-component thereof.

92. In violation of the Defendant's duty of care, the Defendants criminally, recklessly, wantonly, willfully created an unreasonable risk of death and dangerous illness toward Complainants and other members of the class and subclasses by failing to maintain banned and unlawful bioweapons with adequate protections and safeguards against their accidental release.

93. The Defendants, each and every one of them criminally acting in concert jointly and severally, by their wanton and irresponsible recklessness and negligence, the public release and spread of COVID-19 has caused the citizens of the United States and the world to suffer illness, death, medical expenses, economic disruption and damage, loss of employment and other great losses including but not limited to loss of time for their chosen lives, and social disruption.

PRAYER FOR RELIEF

Complainants respectfully request that the Prosecutors Office of the International Criminal Court open an investigation to determine the origins of the COVID-19 virus including its likely release from the Wuhan Institute of Virology and the Defendants' willful interference with attempts to fight the spread of the disease and develop treatments, tests, and a vaccine and once the facts alleged herein are confirmed to conduct criminal war crimes prosecutions to and try, convict and sentence to life imprisonment the Defendants herein.

Dated: March 30, 2020

Respectfully submitted,



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