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Paris, January 14th, 2009

Dear Ms Bartz,

Reporters Without Borders, the international press freedom organization, would like to congratulate you for having been chosen as the new head of Yahoo! and to take this opportunity to ask you to make defending freedom of expression on the Internet one of your company's priorities in the months and years to come. Among the numerous challenges that you will be facing, we urge you not to forget that the future of a company like Yahoo!, which promotes the Internet as a communication space accessible to all, is not dependent merely upon technological innovations and a good economic performance, but also upon the defense of universal free speech rights, the preservation of the company's reputation and the confidence it inspires among its users.

The Internet has created an exemplary area for discussion and the transfer of information, yet many authoritarian regimes, such as China's, have grasped its « subversive » potential and are responding by censoring Internet websites, thereby silencing those who dare to express themselves freely on the Web. Some of these regimes are even trying to enlist the help of Internet companies such as yours in their censorship campaigns. As a company based on the free flow of information, an integral part of Yahoo's mission should be to resist these pressures

In 2005, Yahoo!'s reputation was tarnished by revelations of complicity with Chinese Internet censors in the Shi Tao case. Like many other human rights organizations at the time, Reporters Without Borders had denounced the attitude of your corporation, which had provided Chinese authorities with information that allowed them to identify Shi Tao as the sender of an e-mail that the authorities considered sensitive. In this message, Shi Tao mentioned the instructions transmitted by the Office of Propaganda to the Chinese media's chief editors, ordering them not

to cover the events commemorating the fifteenth anniversary of the Tiananmen Square uprising. Thanks to the data provided by Yahoo!—as presented in the court verdict—Shi Tao was sentenced to ten years in prison.

Yahoo!'s collaboration with the Chinese authorities was proved in three other cases. On December 10, 2003, for example, cyberdissident Li Zhi, 35, was given an eight-year prison term for "incitement to subvert state power." This former civil servant from Dazhou, in Sichuan province (southwest China) had been arrested in August 2003 for having denounced the corruption of local authorities on discussion forums and in essays published on the Internet. He was using the address libertywg@yahoo.com.cn and the user name lizhi3410. Yahoo! Hong Kong supplied this information in a report dated August 1, 2003.

Cyberdissident Wang Xiaoning was given a ten-year sentence on September 12, 2003, for "subversive" articles distributed over the Internet. That court verdict also mentions Yahoo!'s collaboration.

Finally, on November 18, 2003, Jiang Lijun was sentenced to serve four years in prison for "subverting state power." He stands accused of having wanted to impose democracy by "violent means." Yahoo!'s collaboration has also been proved in this case.

What has happened since the Shi Tao case? For months, Yahoo's management has refused to offer an apology, hiding behind their Chinese partner, Alibaba, and arguing that they had to obey local laws—ignoring the fact that the latter conflict with international standards governing human rights and freedom of expression.

After resuming his position as Yahoo!'s CEO, and in reaction to strong pressure from the U.S. Congress, Jerry Yang apologized to Shi Tao's mother in November 2006. He agreed to settle the lawsuit that she had instigated on behalf of her son out of court, and to establish, under the guidance of China's renowned human rights advocate, Harry Wu, a Human Rights Fund for the purpose of compensating imprisoned and/or harassed Chinese dissidents, giving priority to those cases in which Yahoo! is implicated. Yahoo! also adhered to the principles of the Global Network Initiative (GNI) for the protection and advancement of freedom of expression and privacy, created by a group of companies, civil society organizations, investors and scholars.

These are, of course, laudable initiatives, but they do not really address the core of the problem : not only has Yahoo, at the Chinese authorities' request, been censoring its research engine's results since 2003, but it has not yet regained control of its Chinese branch, Alibaba, which is most likely still complying with the Chinese authorities' requests. It seems to us more judicious to prevent dissidents from going to jail in the first placether rather than doing your best to obtain their release. We therefore urge you to renegotiate your partnership with Alibaba, this time including the non-negotiable condition that they resist abusive demands by Chinese authorities. Any request for users' personal information should be systematically submitted in writing, and the final decision should be made by a Yahoo! representative who would agree not to denounce dissidents. If necessary, you must seriously consider the alternative of hosting your servers outside of the country in order not to be subject to local Chinese laws.

Furthermore, GNI's principles, which Yahoo! has adopted, constitute a first step toward recognizing the importance of the respect of freedom of expression and privacy on the Internet, but the vagueness and evasiveness of the language used leaves companies with a great deal of flexibility and would allow them not to change their current practices in China. It is for this reason that, after having participated in the discussions, Reporters Without Borders has decided not to

approve these principles, although we acknowledge that some strides have been made. We are asking you to respect the spirit behind these principles and to apply their strictest possible interpretation. In addition, we urge you to support the Global Online Freedom Act—a bill sponsored by U.S. Representative Christopher Smith (R-New Jersey)—which, in addition to these principles, could provide you with a shield in handling arbitrary requests from the authorities of countries that attempt to abusively regulate the Web.

You are aware that the appointment of a new senior management team in a company is often an occasion to start things over again and to wipe the slate clean of harmful practices. We therefore request you to pursue a policy opposed to the disclosure of users' personal data to the authorities of countries that abusively censor the Internet, and which associated your company in the tracking of dissidents.

Moreover, we urge you to demonstrate your transparency and to inform us of the true nature of your collaboration with the Chinese authorities concerning certain jailed dissidents listed by Reporters Without Borders (see attached list). Finally, we call upon you to help us exert more pressure on U.S. and Chinese authorities in order to obtain the release of the three cyberdissidents still being held whose verdicts have confirmed Yahoo!'s involvement.

Our organization remains convinced that these initiatives will produce long-term benefits for your company.

We look forward to your reply and in assuring you, Ms Bartz, of our deep respect, we ask you to believe that we are greatly interested in continuing the dialogue on the future of an Internet accessible to all.

Yours respectfully,

A handwritten signature in black ink, appearing to be 'J. Julliard', written over a horizontal line.

Jean-Francois Julliard  
Secretary General  
Reporters Without Borders