



sydney
PEN

freedom to write...
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c/ Faculty of Humanities
and Social Sciences, UTS
PO Box 123 Broadway NSW 2007

t: (02) 9514 2738
f: (02) 9514 2778
ABN: 51 796 241 535

www.pen.org.au
sydney@pen.org.au

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Mr Terry Semel
Chairman
Yahoo! Inc.
701 First Avenue
Sunnyvale, CA 94089
USA
Fax: +408 349 3301

Dear Mr Semel,

Sydney PEN is alarmed by evidence that information supplied by Yahoo! Inc. was used to convict journalist, poet and dissident writer Shi Tao.

We are also deeply disappointed in the response to date by Yahoo! to criticism regarding this.

As you would be aware, according to court documents, your wholly owned subsidiary, Yahoo! Holdings (Hong Kong) Ltd, provided Chinese police with detailed information that enabled them to link Shi Tao's personal email account and the specific message containing an alleged "state secret" to the identity code of his computer.

Shi Tao, a freelance journalist as well as a poet, sent this email to an overseas website. Far from containing what might universally be regarded as a "state secret", the message was merely notes regarding the propaganda ministry's instructions to the media about coverage of the anniversary of the crackdown at Tiananmen Square. For this, Shi Tao was charged with "revealing state secrets abroad" and sentenced harshly – to ten years in prison. It appears the information provided by Yahoo! was critical to his conviction.

Sydney PEN regards Shi Tao as being imprisoned solely for the peaceful, legitimate practice of his profession.

Yahoo! founder and director Jerry Yang answered complaints by saying, "To be doing business in China, or anywhere else in the world, we have to comply with local law."

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As the Yahoo! subsidiary that provided the information to the Chinese police is based in Hong Kong (and not the mainland where Shi Tao used the service and where the police were operating), it is unclear whether there was any legal obligation for Yahoo! to provide the information to police.

Regardless, we find it hard to believe your cooperation with the Chinese authorities – resulting in such a grievous sentence for the sending of an email – can be in Yahoo!'s best commercial interests in China or elsewhere. What must Shi Tao's fellow citizens be thinking the next time they send an email using a Yahoo! account? What must Chinese businesses using Yahoo! services think about the protection of confidential information?

Less than ten years ago, the growth of the Internet was hailed as a force for the spread of liberal democratic values, allowing individuals to communicate freely with each other. Sadly, it appears that Yahoo! has chosen here to be a tool of repression.

Sydney PEN has already written to the president of the People's Republic of China calling for the immediate and unconditional release of Shi Tao in accordance with Article 19 of the United Nations Universal Declaration of Human Rights.

We now urge Yahoo! to re-examine its policies to ensure that they do not have a negative impact on the legitimate practice of the right to freedom of expression and information, as guaranteed by international human rights standards. We also ask for you to re-visit your company's response to criticism regarding this action on your part.

Sydney PEN is one of 141 centres of International PEN in over 90 countries around the world. PEN members include Salman Rushdie, Harold Pinter, John Ralston Saul, Jonathan Franzen, Toni Morrison, Thomas Keneally and over 15,000 others, including Shi Tao himself. PEN is a strictly non-political non-governmental organization and exists to promote friendship and intellectual co-operation among writers everywhere and to fight for freedom of expression.

We look forward to your comments in this matter.

Yours sincerely,

On Behalf of Sydney PEN