

報章剪輯

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立法會秘書處

Legislative Council Secretariat

FURY AT NET GIANT

Demonstrators rallied outside the Causeway Bay office of Yahoo! Tuesday to protest the role of the US Internet giant in the jailing of a mainland journalist. The chanting protesters denounced Yahoo! for providing mainland authorities with the contact details of writer Shi Tao who was jailed in April for 10 years for revealing state secrets. The demonstrators, members of the Democratic Party, unfurled a large banner and urged the company to review its privacy policy so that client information is protected in future. 'The Democratic Party is very disappointed that Yahoo!, as a transnational enterprise, has failed to fulfill its responsibilities and obligations to protect human rights,' members said in a letter to Allan Kwan, managing director of the company's North Asia operations. Shi, 37, who wrote for Hunan-based *Contemporary Business News*, was convicted of using his e-mail account to post on the Internet a government order barring mainland media from marking the 15th anniversary of the 1989 massacre of democracy activists at Beijing's Tiananmen Square. The company's actions were revealed in the court verdict, copies of which were posted on overseas Chinese Web sites. The company attempted to justify its action by saying it has to comply with mainland laws and regulations if it wants to operate in the country. AFP



成報

民主黨抗議雅虎洩密累內地記者

【記者余靖泰報道】民主黨昨到雅虎香港控股有限公司辦事處抗議，指雅虎中國電郵將內地記者師濤的電郵地址資料，交予內地調查機關，導致師濤因向外地民運人士提供有關內地防止紀念「六四」活動的信息，而遭判刑10年，民主黨並要求雅虎香港檢討私隱政策，避免透露客戶資料。

民主黨表示，內地去年「六四」15周年前夕，發放文件予傳媒，防止紀念活動，師濤將有關內容透過雅虎中國電郵知會外地民運人士，結果湖南省長沙市中級人民法院於今年4月27日，以師濤「非法向境外提供國家機密罪」判其10年徒刑。民主黨指師濤的電郵地址資料，乃由雅虎香港控股有限公司提供予內地調查機關，故深表憤怒及遺憾。

透露電郵 師濤判囚10年

民主黨認為雅虎雖按內地法律提供有關資料，但聯合國商業人權規範指明，跨國企業有責任確保國際社會所承認的人權得到保障和尊重，且不應參與任何支持國家侵犯人權的行為，雅虎是次並未盡其捍衛人權的責任和道義。

該黨表示，向內地當局提供資料的雖是雅虎香港控股有限公司，雅虎香港並未參與，但雅虎香港的私隱政策亦存在灰色地帶，易遭濫用，故要求檢討，確保不會在沒真確需要下透露客戶資料。

第... ..

日期：19-10-2005

Chinese dissident attacks Yahoo over jailing of journalist

By Mure Dickie in Beijing

A leading Chinese advocate of internet freedoms has issued a scathing denunciation of the US portal Yahoo for its role in helping Communist authorities to prosecute an independent-minded local journalist, jailed for 10 years for "leaking state secrets".

Veteran dissident Liu Xiaobo, in an open letter to Yahoo co-founder Jerry Yang, accuses the US company of betraying its cus-

tomers and supporting dictatorship by providing information on journalist Shi Tao to Chinese authorities.

"Major foreign companies should not be helping the Chinese government to limit freedom of speech on the internet," Mr Liu told the Financial Times. "This is shameful."

Mr Yang, who recently sealed a \$1bn (£630m, £570m) link-up with the Chinese commerce website Alibaba, confirmed last month Yahoo had assisted the action

against Mr Shi, but said it had no choice but to provide information about him as part of a "legal process".

Yahoo yesterday refused to comment on the contents of the letter. A company spokeswoman at its base in Silicon Valley said it only released information to the authorities "when legally compelled to do so, and then only in a way that complies with both local laws and our privacy policy".

Mr Shi was jailed for 10 years in April, apparently

for revealing information about a media crackdown by party propaganda officials.

Some commentators have defended Yahoo, saying companies doing business in China cannot defy the government, but that their operations encourage greater openness and improve the lives of ordinary Chinese.

Mr Liu dismisses such arguments in his letter, however. The author, who has spent years in jail for his criticism of the Communist party, says Yahoo has

enough market clout not to need to toady to authorities.

International companies are ignoring basic human rights in return for business opportunity, while the Communist party is offering profits in return for continued control of the internet and the ability to intimidate dissidents, Mr Liu writes.

"The collusion of these two kinds of ugliness means that there is no way for western investment to promote freedom of speech in China, and that in fact it

greatly increases the ability of the Communist party to blockade and control the internet," he writes.

"You are helping the Communist party maintain an evil system of control over freedom of information and speech," he writes.

Google has excluded sites blocked by the state from its Chinese news service, while MSN banned the words "freedom" and "democracy" from parts of its new Chinese website.

In his letter, Mr Liu calls

on internet users to boycott Yahoo services until the company apologises to Mr Shi, compensates his family and "ceases close co-operation" with China's censors.

Mr Liu also challenges Yahoo to explain the legal basis of the apparent decision by its Hong Kong business to provide information on Mr Shi, even though the former British colony has an independent judiciary.

Paul Wolfowitz, Page 7
www.ft.com/asia

Financial Times

18 October 2005

外國記協斥雅虎出賣記者私隱

香港外國記者協會 (FCC) 向傳媒及其會員發出傳真，公開批評香港雅虎 (Yahoo) 向中國官方公開記者師濤的私人電郵地址。FCC 措詞嚴厲，直指雅虎沒有專業操守與企業良心，違反香港私隱條例，FCC 對此行徑深感痛心，並正考慮是否組織杯葛雅虎行動。

湖南《當代商報》記者師濤在今年四月透過雅虎免費電子信箱，向境外傳送「六四」紀念活動的文件。

雅虎其後向內地當局提供師濤的個人資料，最後中國政府以「非法向境外提供國家機密」罪名，判處師濤入獄十年。

中國政治

裴敏欣

美國卡內基國際和平基金會資深研究員

雅虎助華拘記者 中國威脅論更具體



在中國大陸上網，無時無刻都被監視？

今年4月，湖南《當代商報》記者師濤被中國政府以「非法向境外提供國家機密」的罪名判處10年有期徒刑。據官方透露，師濤在去年曾通過電子郵件向境外傳送中國宣傳部門有關加強「六四」期間對傳媒控制的一份文件。

由於師濤用的是雅虎的免費電子郵件信箱，中國政府在偵破此案時逼雅虎提供師濤所用的電子郵件信箱的資料。由於受中國有關法律和規則的約束，雅虎被迫和中國公安當局合作，結果是一場悲劇。

最近，雅虎和中國政府合作的事情被媒體曝光之後，這家聞名全球的網絡公司成了眾矢之的。雅虎不得不為自己辯解，宣稱在這種情況下，它別無其他選擇。

當然，目前人們的眼光都集中在雅虎身上，認為這家網絡的先驅公司從道義上來說不應該向中國政府提供可能導致其用戶遭受迫害的資料。儘管雅虎現在處境十分狼狽，但「師濤」風波對這家公司的長期影響將是有限

的。

對中國政府來說，「師濤」事件將帶來兩個嚴重的長期後果。

第一，該事件肯定會影響外國媒體公司，尤其是網絡公司在華的投資。

中國政府最終受害

華納在綫公司已宣布，由於中國政府對網絡的嚴密控制，華納在綫將不會在中國開拓網絡業務。更有意思的是，已花了多年心血企圖和北京建立良好關係的美國傳媒大王梅鐸幾天前公開批評雅虎的做法，並指摘中國政府在開放媒體時患「多疑症」。假如其他跨國傳媒公司都效法華納和梅鐸，中國政府將不僅喪失進一步促進網絡傳媒現代化和市場化的良機，而且將樹立起新的仇敵。

由於這些傳媒公司直接控制影響西方公眾的報紙、電台和網站，北京一旦和它們交惡，中國政府的形象將遭重挫。

第二，「師濤」事件將在西方公眾的心目中使「中國威脅論」更具體化

，最終導致西方（特別是美國）加強對華的技術輸出控制。「師濤」事件爆發後，西方媒體所定的基調之一是中國的專制政治體制已經學會運用最現代的技術來加強對社會的控制，比如，中國政府採用思科公司的先進技術來構築針對境外網站的防火牆和過濾器，限制信息自由流通。這結果使那些希望通過中國商業科技交流而促進社會政治開放的人士大失所望。在此同時，同樣的結果似乎驗證了那些一直認為和中國的任何商業或科技交流不會導致中國的民主化的「圍堵派」的理論。

由於「師濤」事件正發生在美國對華政策起伏不定、華盛頓對北京的長期走向看不清的關鍵時刻，估計該事件將有利於傾向對華強硬的政界人士。據說美國商業部正在醞釀進一步限制對華技術輸出的方案，「師濤」事件無疑是幫了鷹派的大忙。該事件最終的受害者不僅是無辜的師濤本人，而是中國的現代化事業和渴望得到西方先進技術的中國政府。

Seduced by money, Yahoo leaves its scruples at the door

Only imprisoned mainland journalist Shi Tao had heard of Hushmail. Hushmail messages are stored encrypted on the company's servers so if, say, the mainland government requires e-mails to be handed over, they will be useless unless the account holder provides the password.

No doubt the State Security Bureau has ways of making people talk, but at least the decision would have been made by Shi himself. As it turned out, the decision to hand over an e-mail he had sent containing state secrets was made by Yahoo in Hong Kong, and Mr Shi is now serving 10-years in a Hunan jail.

For Yahoo this has been a public relations nightmare compounded by the story breaking just before a visit to China by co-founder Jerry Yang, who attended the China Internet

Point OF VIEW

Jamil Anerlini



Summit in Hangzhou earlier this month along with former United States president Bill Clinton.

What was intended as a self-congratulatory celebration of Yahoo's tie-up with mainland e-commerce giant Alibaba.com degenerated into a grilling for Mr Yang, who eventually cancelled his afternoon press conference to avoid the pointed questions of the international press pack.

Just to be clear, the state secrets Shi was convicted of e-mailing through his Yahoo

account to online democracy groups in the US were a set of central government instructions sent to media groups across the country, including Shi's business paper in Hunan province, exhorting them to be vigilant around the time of the 15th anniversary of the 1989 June 4 Tiananmen "incident".

The e-mail he sent included directions to "insist on never releasing any talk that is inconsistent with the central policies", and "pay attention to any liaison between overseas democratic elements and individual media editors and reporters inside China".

It is hardly a secret that China controls its media, and it would be hard to find too many other places in the world where sharing that sort of information would get someone 10 years.

In defence of his company, Mr

Yang said Yahoo got requests from governments all over the world to provide information on personal e-mail accounts, and was required to comply with local laws wherever it operated.

"We get hundreds of those in the US, we get hundreds in Europe, we get a lot of them in China," he said. "We do not know what they want that information for; we're not told what they look for. If they give us the proper documentation and a court order, we give them things that satisfy both our privacy policy and the local rules."

But according to Human Rights in China, Yahoo had a choice of whether to locate its servers inside or outside of China. Servers for competitor MSN's Hotmail service are all outside China, which means that MSN does not have to turn e-mails over to the central government. That

does not necessarily mean Microsoft does not turn them over when asked. After all, this is the company that exceeded government requirements by banning words such as "democracy", "freedom" and "human rights" from its MSN

would have received approval for its multibillion-dollar tie-up with Alibaba if it had refused to hand over information on Shi's e-mail account.

If the thought of refusal was ever entertained, it certainly will not be now.

"Yahoo had a choice of whether to locate its servers inside or outside China"

Spaces blogging service. Even Google, which has an explicit clause in its founding charter that it will "do no evil", had admitted it did not post links that were offensive to the central government.

In the end this is a pretty clear-cut case of a corporation making a concession in order to further its business. One wonders if Yahoo

Jack Ma, chief executive of Alibaba and the man now in control of Yahoo's China operations, said: "We have to make compromises to do business; everybody has to."

For journalists, this case is particularly close to home but it was likely that there would be greater understanding in the media if Yahoo had at any time

provided court documents and explained the process by which it was legally obliged to provide information to investigating authorities.

Presumably it had not done so because of fears it would be liable for providing state secrets.

The reality in China today is that the internet is seen by the government not only as a vibrant sector of the economy, but also as a potential threat to political stability. If companies wish to do business in what will be the world's largest internet market within the next three years, then they have to be willing to leave their scruples and distaste for local justice at the border.

But that does not mean that individuals must make the same concessions. As Mr Yang said in Hangzhou: "Without our users, we don't have a business."

Hushmail anyone?

Yahoo and its ilk help oppress fifth of humanity

Max Boot

Imagine what would have happened if during the 1980s a US communications company had provided information that allowed the South African government to track down and imprison an anti-apartheid activist.

That is pretty much the moral equivalent of what Yahoo has just done in China in the case of journalist Shi Tao. And the Web giant deserves the same kind of public opprobrium that would have fallen on any Western company that dared to publicly cooperate with the enforcers of apartheid.

Shi, a reporter for a Chinese newspaper, *Contemporary Business News*, was sentenced to 10 years in jail for "illegally sending state secrets abroad."

His crime consisted of e-mailing to a New York-based Web site information about a supposedly secret directive his newspaper had received from the state propaganda department telling it how to cover the 15th anniversary of the 1989 Tiananmen Square massacre.

The security services were able to track him down thanks to information helpfully provided by Yahoo's Hong Kong affiliate, whose e-mail service Shi used.

Yahoo co-founder Jerry Yang defended his company's role: "To be doing business in China, or anywhere else in the world, we have to comply with local law."

I wonder how far Yang would take that logic. What if local law required Yahoo to cooperate in strictly separating races? Or the rounding up and extermination of a certain race? Or the stoning of homosexuals? Would Yang eagerly do the government's bidding in those cases too?

Granted, communist China may not be as odious as apartheid South Africa, Nazi Germany or Taleban Afghanistan. But it's bad enough.

As summed up in the US State Department's most recent human rights report: "The [Chinese] government's human rights record remained poor, and the government continued to commit numerous and serious abuses." These

included "instances of extrajudicial killings; torture and mistreatment of prisoners, leading to numerous deaths in custody; coerced confessions; arbitrary arrest and detention; and incommunicado detention."

The US estimates at least 250,000 people — and possibly as many as 310,000 — are serving sentences in "re-education through labor" camps and "other forms of administrative detention not subject to judicial review."

The subjects of such crackdowns have included labor, religious and political activists, including Tiananmen Square protesters (at least 250 of whom remain behind bars) and Christians, Buddhists, Muslims and Falun Gong members. And, shades of apartheid, a particular focus of official ire have been ethnic minorities in Xinjiang, Inner Mongolia and Tibet who are harshly persecuted for complaining about their lack of equal employment and educational opportunities.

So this is the kind of regime whose laws Yahoo shows such great respect

for. Unfortunately, its conduct is not out of the ordinary, either for it or for other American media firms operating in China. They all eagerly kowtow to a despicable police state.

Yahoo, Google, MSN and other Web search engines have agreed to block searches in China involving words such as "Tibetan independence" or "human rights." Bloggers can't post messages involving "democracy" or other "dangerous" concepts.

Rupert Murdoch's Star TV has agreed not to carry BBC news or other information that Beijing might not like. Cisco has sold Beijing thousands of routers programmed to monitor Internet usage and flag for the secret police any "subversive" sentiments.

There is a theory that greater access to information technology will further freedom in China. The reality is that Beijing is adroitly using the Internet to increase its level of control with the help of its US business partners.

The conduct of Yahoo et al should be illegal. The Commerce Department,

and if necessary Congress, should forbid American firms from facilitating human rights abuses in China.

Unfortunately, the Bush administration would probably block such rules because it continues to cling to the vain hope that Beijing will solve the North Korean nuclear crisis for us. The only pressure the administration is interested in applying at the moment is to get Chinese firms to stop selling so many bras to the US.

In lieu of government action, private investors should step into the breach. Recall how, in the 1980s, shareholders agitated for US corporations to "disinvest" in South Africa or, if they did invest there, to at least follow the Sullivan Principles — created by a Baptist minister and GM board member, Leon Sullivan, in 1977 — mandating good corporate behavior.

We need a similar campaign today to convince Yahoo and its ilk that helping to oppress a fifth of humanity does not make good business sense.

LOS ANGELES TIMES

被指洩密 雅虎不置可否

國際互聯網公司雅虎被指協助中國蒐證令內地記者師濤洩密罪成的事件，受到西方傳媒高度關注。英國《金融時報》發表社論，指出事件顯示外國公司進入中國市場的潛在風險，若外界認為他們向北京屈服而放棄自己道德準則的話，他們的聲譽可能因此承受風險。

指港法例存漏洞

《金融時報》社論指出，雅虎事件亦顯示以風俗習慣而不是按法律行

事的問題。「無國界記者」指出，香港法例沒有訂明電郵服務商在事件上的責任，但據稱，一旦調查機關出具法庭指令，電郵服務商及互聯網供應商慣常的做法是向公安交出客戶資料。

雅虎昨透過電郵發表聲明，既沒有否認也沒有承認「無國界記者」的指控，僅稱：「和其他的環球企業一樣，雅虎必須確保各地分公司按照法律、規章以及當地風俗民情來辦事。」

本報記者