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Dear Mr. Gates:

I am writing to you in the context of the World Summit on the Information Society to be held in Tunis on 16-18 November. As you are aware, the Declaration of Principles adopted at the first part of the Summit, held in Geneva in December 2003, firmly underscored the international community's respect for human rights, by declaring that the creation of, access to, utilization of, and the sharing of information and knowledge should be premised on fully upholding the Universal Declaration of Human Rights.

Amnesty International is deeply concerned about the role your company has played in censorship of the internet in the People's Republic of China (PRC). According to recent reports, Microsoft's search engine MSN blocks searches under certain key words, including "democracy", "freedom", "human rights", Falun Gong", "June 4", and "demonstration", among others. Users of your product Microsoft Spaces in the PRC are also prohibited from using these and other words on the weblogs they create. As a result, websites and webpages dealing with human rights, including many of those of Amnesty International and other human rights organizations, are inaccessible to internet users in the PRC.

These forms of censorship, along with Microsoft's signing of the officially sanctioned Public Pledge of self-discipline for the China Internet Industry, contravenes not only the 2003 Summit Declaration's commitment to uphold international standards of human rights, but also the constitution of the PRC which guarantees freedom of expression. The fact that censorship of the internet by the PRC has been made possible allegedly by critical technology provided by major global corporations including your own, also implicates you in repression of freedom of expression.

Amnesty International and other human rights organizations have raised similar concerns about Microsoft's activities in the past. Not only has Microsoft's response to these concerns been unsatisfactory, the company has refused to engage with organizations wishing to initiate a dialogue with you in this regard, including Reporters Sans Frontiers and the Business and Human Rights Resource Centre (www.business-humanrights.org), a non-partisan web-based library on business and human rights.

There is a tendency in the international business community to deal with the PRC on the basis of a different set of standards. Human rights obligations apply to all states equally. The PRC has signed the International Covenant on Civil and Political Rights (ICCPR), which means it intends to be bound by the spirit of the Covenant pending ratification. Article 19 of the ICCPR clearly states that everyone shall have the right to hold opinions without interference; that everyone shall have the right

to freedom of expression, and that this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. While the ICCPR does place certain reasonable restrictions on the exercise of these fundamental freedoms, the legitimate grounds recognized for such limitations - protection of the rights and reputations of others, national security, public order, or public health or morals – cannot be read as restricting discussions about democracy and religious and political freedoms. Indeed, the Covenant specifies that any limitations on freedom of expression and information must be strictly proportionate to the aim sought and limited to those "necessary in a democratic society". The restrictions on freedom of expression and information which Microsoft has facilitated in the PRC go way beyond what is reasonable in international standards.

AI notes that you have publicly stated: "Progress in terms of freedom of information in a place like China has been greatly aided by technology. Even though China once considered filtering the Internet, its authorities now say that such an effort impedes the commercial benefits of the Net." Subsequent events have sadly shown that China is, indeed, keen to filter the Internet, and many companies, including yours, are assisting that process.

These steps are in contrast to Microsoft's organizational goal "to help create an environment in which adults, children and organizations are more secure and can enjoy the full benefits of the Internet," and your intent to achieve this by creating opportunities for individuals, by being "deeply involved in promoting digital inclusion around the world". In 2000, Microsoft underscored its enthusiasm about the Internet, particularly its promise to create a more informed electorate and to encourage the participation of more people -- especially young people -- in the democratic process.

Your officials have said that your company operates under local laws in each country. Article 35 of the Constitution of the PRC seeks to ensure that citizens enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration. Furthermore, companies have a responsibility to respect human rights over local laws where these pose a threat to fundamental human rights. Indeed, Article 1 of the UN Norms on Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, adopted by the UN Sub-Commission on the Promotion and Protection of Human Rights in 2003 clearly states: "Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law" Article 12 further states: "Transnational corporations and other business enterprises shall respect [human] rights and contribute to their realization, in particular the right to … privacy, education, freedom of thought, conscience, and religion and freedom of opinion and expression, and shall refrain from actions which obstruct or impede the realization of those rights."

To do so, Amnesty International calls on you to:

- Explain the basis on which Microsoft assessed the human rights risks of providing technology to China which allows the government to filter and censor the Internet

- Make clear to the Chinese authorities as well as to the global community, that Microsoft will not assist the Chinese Government to implement its system of internet censorship and put pressure on the Chinese government to:
    1) Remove blockages on websites that deal with democracy, human rights, freedom, or peacefully articulate opinions on religion or politics;
    2) Stop the filtering of key words on the Chinese internet, including words such as democracy, human rights, freedom, and Falun Gong;
    3) Ensure the Chinese public have uninhibited access to the full range of information on human rights available on the web in line with international standards on freedom of expression and freedom of information.

- Develop an explicit human rights policy, ensuring that it complies with the UN Norms for Business.

I urge you to conduct Microsoft's Internet business in China, as elsewhere, in a manner that respects human rights, abides by international human rights standards and avoids complicity in human rights violations.

I am keen that Amnesty International and Microsoft initiate a dialogue contributing towards improvement and resolution of issues concerning the human rights impact of your organization's activities and I am personally available to meet you at your convenience to take this matter further.

I look forward to hearing from you.

Sincerely,

Irene Khan
Secretary General