

Bill Gates
Chairman
Microsoft Corporation
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Redmond, WA 98052-6399
USA

31 July 2006

Dear Mr Gates,

I am writing with regard to a new briefing issued by Amnesty International entitled "*Undermining Freedom of Expression in China: the role of Yahoo!, Microsoft and Google*", a copy of which is attached.

The briefing takes into account the points of clarification helpfully provided by Pamela Passman, Vice-President of Global Corporate Affairs, in her letter to me of 14 June 2006, regarding Microsoft's policy and practice in relation to China.

The briefing contains specific recommendations and proposals for how internet companies should take human rights considerations into account when conducting business in countries where local laws appear to require restrictions which are in conflict with international human rights principles.

We are keenly aware that the services provided by internet companies such as Microsoft can play a vitally important role in promoting human rights. As the briefing recognizes, the internet has the potential to empower and to educate, offering individuals everywhere the opportunity to access the free flow of information and ideas across borders.

Our concern, however, is that the internet itself can in certain circumstances become a tool of repression where the monitoring of communications, the censoring and filtering of information and the amassing of immense databanks of information enhance the ability of governments to restrict the basic rights of those within their jurisdiction.

While we are grateful for the technical clarification provided on the issue of blocking searches for particular key words and filtering blog content, this has not entirely allayed our concerns. For example, in doing a search on beta.search.mns.com.cn for a politically sensitive term such as "Tiananmen Square" a page comes up stating "Certain content was removed from the results of this search". Although MSN Spaces users are no longer prevented from using words like "democracy" "freedom" "human rights" when creating blogs, as they were when Microsoft launched MSN spaces in China in 2005, recent tests carried out in June

2006 demonstrated the continuing blocking of certain words and terms including “Tiananmen incident” in the title of blogs.

One of the points of clarification made in Pamela Passman’s letter was that Microsoft has not signed China’s self-censorship pledge, contrary to reports received by Amnesty International. If we were incorrect in our information, we apologize unreservedly for this mistake. However, whether Microsoft has signed China’s self-censorship pledge or not, the clarification provided regarding such cases as that of Michael Anti raises the question to what extent Microsoft will continue to respond to requests from the government to shut down blogs, or censor information in any other ways therefore risking complicity with the Chinese government in violating human rights.

We hope you will give serious consideration to the recommendations made in the attached briefing, which are aimed at preventing the further involvement of companies in human rights violations as well as enhancing the role they play in the promotion of freedom of expression and other human rights. We look forward to continuing this dialogue with you and to exploring with you how these recommendations can be put into practice both by Microsoft and across the industry as a whole.

Yours sincerely,

Irene Khan
Secretary General