

Jing Zhao v. Yahoo! Inc.

In April 2007 Wang Xiaoning and Wang's wife, Yu Ling, filed a lawsuit (in US federal court in California) against Yahoo! and its Chinese subsidiaries under the Alien Tort Claims Act, Torture Victim Protection Act and California state law. In June 2007 journalist Shi Tao and a number of unnamed plaintiffs joined the lawsuit. Wang and Shi had each been sentenced to 10 years' imprisonment in China on respective charges of incitement to subvert state power and of illegally providing state secrets to foreign entities. Wang was found guilty on the basis of essays advocating democratic reform and multi-party democracy in China that he distributed via email and through Yahoo! Shi was convicted on the basis of an email he sent from his Yahoo! account to an internet forum which contained his comments on a Chinese Government circular prepared in advance of the 15th anniversary of the Tiananmen Square uprising outlining restrictions on the media.

The plaintiffs accused Yahoo! of giving information about their online activities to Chinese law enforcement, which led to their detention. The lawsuit alleges that by providing user identification information to the Chinese authorities, Yahoo! knowingly and willfully aided and abetted the commission of torture and other human rights abuses that caused the plaintiffs severe physical and mental pain and suffering. The plaintiffs' Second Amended Complaint alleged that Wang and Shi "have been and are being subjected to grave violations of some of the most universally recognized standards of international law, including prohibitions against torture...and forced labor, for exercising their rights of freedom of speech, association, and assembly, at the hands of [Yahoo!] through Chinese officials acting under color of law in the People's Republic of China."

On 27 August 2007, Yahoo! moved to dismiss the complaint arguing that the case presents "nonjusticiable" questions (questions not appropriate for resolution by a US court) because the case involves "acts of state" and political questions, and because ruling on them would breach standards of international comity. (More information on these three doctrines is available [here](#).) On 31 October 2007, the court granted in part plaintiffs' motion for initial and jurisdictional discovery, delaying its decision on Yahoo!'s motion to dismiss until this discovery had been conducted. On 13 November 2007, following the testimony of Yahoo!'s CEO before Congress, the

parties agreed to a private settlement and issued a joint stipulation of dismissal in which Yahoo! agreed to bear the plaintiffs' legal costs and establish a fund "to provide humanitarian and legal aid to dissidents who have been imprisoned for expressing their views online." The exact terms of the settlement are confidential.

In late February 2008 a new lawsuit was filed against Yahoo! by Chinese dissidents in US federal court in California based on allegations similar to those in the lawsuit which was settled in November 2007.

On 1 February 2012 a Yahoo! shareholder and the Chinese activist Jing Zhao filed a lawsuit in Delaware Chancery Court against Yahoo! seeking evidence from the company regarding the establishment and operation of the Yahoo! Human Rights Fund. This Fund was to be established pursuant to the November 2007 settlement of the lawsuit described above. The plaintiffs allege that the individual selected by Yahoo! to administer the Fund misappropriated Fund assets for his personal use.