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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO**

JANE DOE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

META PLATFORMS, INC. (f/k/a Facebook,
Inc.), a Delaware corporation,

Defendant.

Case No. _____

CLASS ACTION COMPLAINT FOR:

- (1) STRICT PRODUCT LIABILITY
(2) NEGLIGENCE**

JURY DEMAND

Plaintiff Jane Doe, on behalf of herself and on behalf of a Class defined below, brings this Class Action Complaint and Demand for Jury Trial against Defendant Meta Platforms, Inc. (f/k/a Facebook, Inc. and d/b/a “Facebook”)¹ for compensatory damages, in excess of \$150 billion, in addition to punitive damages in an amount to be determined at trial. Plaintiff, for her Complaint, alleges as follows:

¹ Defendant Meta Platforms, Inc. is referred to throughout this Complaint as “Meta” or “Facebook.”

1 **DETERMINING FOREIGN LAW - NOTICE**

2 Plaintiff hereby gives notice that, to the extent Defendant Meta Platforms raises the
3 Communications Decency Act, 47 U.S.C. § 230, as a defense to the claims asserted below, and
4 to the extent that the Court were to find that the Communications Decency Act conflicts with
5 Burmese law, Burmese law applies. Burmese law does not immunize social media companies for
6 their role in inciting violence and contributing to genocide.

7 **INTRODUCTION**

8 1. The Rohingya people, a Muslim minority historically living in present-day Burma
9 (internally renamed Myanmar following a military coup),² number over 1 million and are the
10 largest stateless population in the world. While the Rohingya have long been the victims of
11 discrimination and persecution, the scope and violent nature of that persecution changed
12 dramatically in the last decade, turning from human rights abuses and sporadic violence into
13 terrorism and mass genocide.

14 2. A key inflection point for that change was the introduction of Facebook into
15 Burma in 2011, which materially contributed to the development and widespread dissemination
16 of anti-Rohingya hate speech, misinformation, and incitement of violence—which together
17 amounted to a substantial cause, and perpetuation of, the eventual Rohingya genocide. A
18 stunning declaration of a former Facebook employee now turned whistleblower, states
19 “Facebook executives were fully aware that posts ordering hits by the Myanmar government on
20 the minority Muslim Rohingya were spreading wildly on Facebook...”, and that “...the issue of
21 the Rohingya being targeted on Facebook was well known inside the company for years.” This
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26 ² Throughout this Complaint, “Myanmar” will be used in reference the ruling military
27 government, while “Burma” will be used to refer to the country itself. *See U.S. Relations With*
28 *Burma*, US STATE DEPARTMENT, <https://www.state.gov/u-s-relations-with-burma/> (“The military government changed the country’s name to ‘Myanmar’ in 1989. The United States government continues to use the name ‘Burma.’”)

information, and the whistleblower's knowledge of Facebook's lack of response, led this person to conclude: "I, working for Facebook, had been a party to genocide."³

3. For years, the Myanmar military, along with the support of civilian terrorists in the majority Buddhist population, have treated the Rohingya as less than human, limiting their rights, restricting their movements, and committing widespread human rights violations. While various incidents of violence occurred periodically for years, nothing could prepare the Rohingya, or the international community, for what was to come after Facebook entered the picture in 2012.

4. Following confrontations on the Rakhine State border, the Myanmar military, and its civilian conspirators, now armed with Facebook to organize and spread terror, escalated their brutal crackdown, carrying out violent acts of ethnic cleansing that defy comprehension.

5. In the ensuing months and years, tens of thousands of Rohingya were brutally murdered, gang raped, and tortured. Men, women, and children were burned alive inside their homes and schools. Family members were tortured, raped, and killed in front of each other. More than ten thousand lost their lives, while hundreds of thousands were brutalized, maimed, and bore witness to indescribable violence and misery that they will carry with them for the rest of their lives. Families were destroyed, childhoods were lost, lives were ruined, and entire communities were erased from the face of the earth.

6. As this wave of violence persisted with little end in sight, hundreds of thousands of Rohingya fled their home country and sought refuge around the world. The vast majority of those refugees ended up, and still live, in Bangladesh in what is now the largest refugee camp in the world. Over ten thousand individuals, including Plaintiff, eventually arrived in the United States and many are living here under refugee status.

³ Craig Timberg, *New whistleblower claims Facebook allowed hate, illegal activity to go unchecked*, THE WASHINGTON POST (Oct. 22, 2021), <https://www.washingtonpost.com/technology/2021/10/22/facebook-new-whistleblower-complaint/>.

1 7. The Rohingya people who are left in Burma live under constant threat of arrest,
2 violence, abuse, and discrimination. Those who made it out, too, live in fear for themselves and
3 their loved ones. Many Rohingya refugees around the world live in abject poverty and in highly
4 unstable situations that could change at any time depending on the political climate of the
5 country in which they now reside. Even those in the Bangladesh refugee camp are not safe: In
6 September 2021, a well-known and outspoken Rohingya community leader was murdered in the
7 camp, with many believing that the murder was carried out by supporters of the Myanmar
8 military.

9 8. Woven throughout the years of this horrific tragedy are two constants: (1) the
10 enduring resilience of the Rohingya people and (2) the willingness of Defendant Meta to
11 knowingly facilitate the spread of anti-Rohingya hate speech, misinformation, and the
12 widespread incitement of violence against the Rohingya people.

13 9. So deep was Facebook’s penetration into daily life in Burma and its role in the
14 out-of-control spread of anti-Rohingya content, that Marzuki Darusman, chairman of the U.N.
15 Independent International Fact-Finding Mission on Myanmar, described Facebook as having
16 played a “*determining role*” in the genocide. And, worst of all, it allowed the dissemination of
17 hateful and dangerous misinformation to continue for years, long after it was repeatedly put on
18 notice of the horrific and deadly consequences of its inaction.

19 10. Amazingly (at least to those not privy to Facebook’s inner workings), Facebook
20 has long been aware that hateful, outraged, and politically extreme content (especially content
21 attacking a perceived “out-group”) is oxygen to the company’s blood. The more horrendous the
22 content, the more it generates “engagement” (a measure of users’ interaction with content on the
23 system (“likes,” “shares,” comments, etc.)). As Facebook has determined through years of study
24 and analysis: hate and toxicity fuel its growth far more effectively than updates about a user’s
25 favorite type of latte.

26 11. Rather than taking what it’s learned to change its practices, Facebook made a
27 corporate decision to lean into the hate. Its algorithms were carefully designed to actively exploit
28

1 this opportunity, prioritizing divisive and polarizing content, including hate speech and
2 misinformation about targeted groups, when delivering content to users and recommending that
3 users make new connections or join new groups.

4 12. Facebook participates in and contributes to the development and creation of
5 divisive content, including hate speech and misinformation. By ensuring that more users see and
6 respond—in the form of “likes,” “shares,” and comments—to such toxic content, Facebook’s
7 algorithms train users to post more hate speech and misinformation in order to garner more
8 attention online.

9 13. This “growth at all costs” view of Facebook’s business is not speculative, or, for
10 that matter, inconsistent with Facebook’s view of itself. Facebook’s Borg-like march toward
11 further growth was best captured by one of its highest-ranking executives, Andrew Bosworth, in
12 an internal memo circulated after a shooting death in the Chicago was stunningly live streamed
13 on Facebook. It stated, in part:

14 We connect people.

15 That can be good if they make it positive. Maybe someone finds
16 love. Maybe it even saves the life of someone on the brink of
17 suicide.

18 So we connect more people.

19 That can be bad if they make it negative. Maybe it costs a life by
20 exposing someone to bullies. **Maybe someone dies in a terrorist
21 attack coordinated on our tools.**

22 And still we connect people.

23 **The ugly truth is that we believe in connecting people so deeply
24 that anything that allows us to connect more people more often
25 is *de facto* good...**

26 **That’s why all the work we do in growth is justified.** All the
27 questionable contact importing practices. All the subtle language
28 that helps people stay searchable by friends. All of the work we do
to bring more communication in. The work we will likely have to
do in China some day. All of it.

The natural state of the world is not connected. It is not unified. It
is fragmented by borders, languages, and increasingly by different
products. **The best products don’t win. The ones everyone use
win.**

In almost all of our work, we have to answer hard questions about what we believe. We have to justify the metrics and make sure they aren't losing out on a bigger picture. **But connecting people. That's our imperative. Because that's what we do. We connect people.**⁴

14. In short, Facebook sees itself, at best, as an amoral actor on the world stage, with the sole objective of growth, regardless of how it impacts its users or the world more generally. To be clear, the last five years, and in fact just the last five months, have made it abundantly clear that Facebook's path to promote the very worst of humanity was not the result of a bug, but rather a carefully designed feature.⁵

15. The manifestation of this can be seen in nearly everything Facebook does. For example:

- Before and after the 2020 election, it failed to stop mass publication and reposting of misinformation about the legitimacy of the election and the subsequent calls for violence that culminated in the January 6th attack on our nation's Capitol;
- Facebook has known about human traffickers using its system for years, but only after "[i]t got so bad that in 2019", and Apple threatened to pull Facebook and Instagram's access to the App Store, did "Facebook employees rush[] to take down problematic content and make emergency policy changes avoid what they described as a 'potentially severe' consequence for the business."⁶;
- In another ongoing example, throughout the COVID-19 global pandemic, Facebook has been a constant vehicle for the mass distribution of misinformation on COVID, masks, and vaccines; and

⁴ Ryan Mac, *Growth At Any Cost: Top Facebook Executive Defended Data Collection In 2016 Memo — And Warned That Facebook Could Get People Killed*, BUZZFEED <https://www.buzzfeednews.com/article/ryanmac/growth-at-any-cost-top-facebook-executive-defended-data> (emphasis added).

⁵ In most companies, the total disregard shown for the human toll of corporate action would have been met with termination; here, however, Andrew Bosworth not only stayed employed, but was in fact placed in charge of (and became a chief spokesman for) arguably the company's largest and most aggressive expansion ever: the "Metaverse." See Kurt Wagner, *Who's Building Facebook's Metaverse? Meet CTO Andrew Bosworth*, BLOOMBERG (Oct. 27, 2021), <https://www.bloomberg.com/news/articles/2021-10-27/facebook-fb-new-cto-andrew-bosworth-is-the-man-building-the-metaverse>.

⁶ Clare Duffy, *Facebook has known it has a human trafficking problem for years. It still hasn't fully fixed it*, CNN (Oct. 25, 2021), <https://www.cnn.com/2021/10/25/tech/facebook-instagram-app-store-ban-human-trafficking/index.html>.

- Disturbingly, whistleblower Frances Haugen shed light on Facebook’s knowledge that its websites, including both Facebook and Instagram, led to mental health and body-image issues, and in some cases, eating disorders and suicidal thoughts, in teens. Yet, Facebook’s own internal research also showed that the more that teenagers had these thoughts and emotions, the *more they used the app*. So, it did nothing to protect the millions of children viewing its content daily and maintained the status quo.

16. The clear underlying message of the Bosworth memo above, as well as these examples, is one of sacrifice: that the victims of a terrorist attack can be sacrificed for Facebook’s growth; that an innocent child who takes her own life because she is bullied can be sacrificed for Facebook’s growth; that democracy can be sacrificed for Facebook’s growth; that the mental and physical health of children can be sacrificed for Facebook’s growth; that the prevention of a global pandemic can be scarified for Facebook’s growth; and, as will be fully described here, that an entire ethnic population can be sacrificed for Facebook’s relentless growth.

17. Because Facebook’s algorithms recommend that susceptible users join extremist groups, where users are conditioned to post even more inflammatory and divisive content, it is naturally open to exploitation by autocratic politicians and regimes. By using large numbers of fake accounts (that Facebook not only fails to police but actually likes because they inflate the user data Facebook presents to the financial markets), these regimes can repeatedly post, like, share, and comment on content attacking ethnic minorities or political opponents. Because that content appears to generate high engagement, Facebook’s algorithms prioritize it in the News Feeds of real users.

18. As such, Facebook’s arrival in Burma provided exactly what the military and its civilian terrorists were praying for. Beginning around 2011, Facebook arranged for tens of millions of Burmese to gain access to the Internet for the first time, *exclusively through Facebook*. This resulted in a “crisis of digital literacy,” leaving these new users blind to the prevalence of false information online. Facebook did nothing, however, to warn its Burmese users about the dangers of misinformation and fake accounts on its system or take any steps to the restrict its vicious spread.

1 19. The brutal and repressive Myanmar military regime employed hundreds of
2 people, some posing as celebrities, to operate fake Facebook accounts and to generate hateful
3 and dehumanizing content about the Rohingya.

4 20. Anti-Rohingya content thereafter proliferated throughout the Facebook product
5 for years. Human rights and civil society groups have collected *thousands* of examples of
6 Facebook posts likening the Rohingya to animals, calling for Rohingya to be killed, describing
7 the Rohingya as foreign invaders, and falsely accusing Rohingya of heinous crimes.

8 21. It was clearly foreseeable, and indeed known to Facebook, that, by prioritizing
9 and rewarding users for posting dangerous and harmful content online—as well as by
10 recommending extremist groups and allowing fake accounts created by autocrats to flourish on
11 its system—Facebook would radicalize users in Burma, causing them to then support or engage
12 in dangerous or harmful conduct in the offline world.

13 22. Despite having been repeatedly alerted between 2013 and 2017 to the vast
14 quantities of anti-Rohingya hate speech and misinformation on its system, and the violent
15 manifestation of that content against the Rohingya people, Facebook barely reacted and devoted
16 scant resources to addressing the issue.

17 23. The resulting Facebook-fueled anti-Rohingya sentiment motivated and enabled
18 the military government of Myanmar to engage in a campaign of ethnic cleansing against the
19 Rohingya. To justify and strengthen its hold on power, the government cast, by and through
20 Facebook, the Rohingya as foreign invaders from which the military was protecting the Burmese
21 people. Widespread anger toward, and fear of, the Rohingya made it possible for the government
22 to enhance its own popularity by persecuting the Rohingya. Meanwhile, few Burmese civilians
23 objected to the attendant human rights abuses and eventual acts of genocide; indeed, as described
24 herein, many civilians *actively participated* in atrocities committed against the Rohingya.

25 24. With the way cleared by Facebook, the military’s campaign of ethnic cleansing
26 culminated with “clearance operations” that began in August 2017. Security forces, accompanied
27 by civilian death squads armed with long swords, attacked dozens of Rohingya villages. More
28

1 than ten thousand Rohingya men, women, and children died by shooting, stabbing, burning, or
2 drowning. Thousands of others were tortured, maimed, and raped. Whole villages were burned to
3 the ground. More than 700,000 Rohingya eventually fled to squalid, overcrowded refugee camps
4 in Bangladesh.

5 25. Not until 2018—after the damage had been done—did Facebook executives,
6 including CEO Mark Zuckerberg and COO Sheryl Sandberg, meekly admit that Facebook
7 should and could have done more to prevent what the United Nations has called “genocide” and
8 a “human rights catastrophe.” Facebook’s underwhelming response failed to capture even a
9 scintilla of the gravity of what it had done and the role it played, stating “we weren’t doing
10 enough to help prevent our platform from being used to foment division and incite offline
11 violence. We agree that we can and should do more.”⁷

12 26. The second part of its efforts to “do more” was to launch the virtual reality centric
13 “Metaverse” to further force themselves into the lives of billions. As noted by prominent
14 political commentator Dan Pfeiffer,

15 Facebook is one of the least liked, least trusted companies on the
16 planet. They are in the middle of a massive scandal about their
17 involvement in genocide, human trafficking, and disinformation.
18 And their next move is to say: “What if you could live inside
19 Facebook?”⁸

20 27. Still, years after their initial tepid admission of negligence, former Facebook
21 employee and now prolific whistleblower, Frances Haugen, stated “[t]he company’s leadership
22 knows how to make Facebook and Instagram safer but won’t make the necessary changes
23 because they have put their astronomical profits before people.”⁹ Notably, in litigation pending

24 ⁷ Alex Warofka, *An Independent Assessment of the Human Rights Impact of Facebook in Myanmar*, FACEBOOK NEWSROOM (Nov. 5, 2018), <https://about.fb.com/news/2018/11/myanmar-hria/>.

25 ⁸ See @DanPfeiffer, TWITTER (Oct. 28, 2021, 3:24 PM)
<https://twitter.com/danpfeiffer/status/1453819894487674899>.

26 ⁹ Abram Brown, *Facebook ‘Puts Astronomical Profits Over People,’ Whistle-Blower Tells Congress*, FORBES (Oct. 5, 2021),
27 <https://www.forbes.com/sites/abrambrown/2021/10/05/facebook-will-likely-resume-work-on-instagram-for-kids-whistleblower-tells-congress/?sh=7385d0f74cda>.

1 before the International Court of Justice stemming from the Rohingya genocide, Facebook is at
2 this very moment taking aggressive measures to conceal evidence of its involvement.¹⁰

3 28. Perhaps the most damning example of Facebook’s continued failure in Burma is
4 the ongoing—to this day—misinformation campaign being carried out on Facebook within the
5 country. As reported by Reuters on November 2, 2021, the Myanmar military has

6 tasked thousands of soldiers with conducting what is widely referred to in the
7 military as “information combat” ... The mission of the social media drive, part of
8 the military’s broader propaganda operations, is to spread the junta’s view among
9 the population, as well as to monitor dissenters and attack them online as traitors,
10 ... “Soldiers are asked to create several fake accounts and are given content
11 segments and talking points that they have to post” ... In over 100 cases, the
12 messages or videos were duplicated across dozens of copycat accounts within
minutes, as well as on online groups, purported fan channels for Myanmar
celebrities and sports teams and purported news outlets ... Posts often referred to
people who opposed the junta as “enemies of the state” and “terrorists”, and
variously said they wanted to destroy the army, the country and the Buddhist
religion.¹¹

13 29. At the core of this Complaint is the realization that Facebook was willing to trade
14 the lives of the Rohingya people for better market penetration in a small country in Southeast
15 Asia. Successfully reaching the majority of Burmese people, and continuing to operate there
16 now, has a negligible impact on Facebook’s overall valuation and bottom line. Without the
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18

19 In a glaring example of Facebook’s failure to learn from its deadly mistakes in Burma,
20 Haugen has provided documents demonstrating that history is currently repeating itself in
21 Ethiopia, where acts of ethnic violence are being carried out against the Tigrayan minority
amidst a raging civil war, again with the help of a Facebook-fueled misinformation and hate-
speech campaign. *See Facebook is under new scrutiny for it’s role in Ethiopia’s conflict*, NPR
(Oct. 11, 2021), [https://www.npr.org/2021/10/11/1045084676/facebook-is-under-new-scrutiny-](https://www.npr.org/2021/10/11/1045084676/facebook-is-under-new-scrutiny-for-its-role-in-ethiopias-conflict)
22 *for-its-role-in-ethiopias-conflict*. *See also* Mark Scott, *Facebook did little to moderate posts in*
the world’s most violent countries, POLITICO (Oct. 25, 2021),
23 <https://www.politico.com/news/2021/10/25/facebook-moderate-posts-violent-countries-517050>
24 (“In many of the world’s most dangerous conflict zones, Facebook has repeatedly failed to
protect its users, combat hate speech targeting minority groups and hire enough local staff to
quell religious sectarianism”).

25 ¹⁰ Robert Burnson, *Facebook’s Stance on Myanmar Genocide Records Assailed by Gambia*,
BLOOMBERG (Oct. 28, 2021), [https://www.bloomberg.com/news/articles/2021-10-28/facebook-s-](https://www.bloomberg.com/news/articles/2021-10-28/facebook-s-stance-on-myanmar-genocide-records-assailed-by-gambia)
26 *stance-on-myanmar-genocide-records-assailed-by-gambia*.

27 ¹¹ Fanny Potkin, Wa Lone, *‘Information combat’: Inside the fight for Myanmar’s soul*,
REUTERS (Nov. 2, 2021), [https://www.reuters.com/world/asia-pacific/information-combat-](https://www.reuters.com/world/asia-pacific/information-combat-inside-fight-myanmars-soul-2021-11-01)
28 *inside-fight-myanmars-soul-2021-11-01*.

Burma market, Facebook would still be worth \$1 trillion, Mark Zuckerberg would still be one of the top ten richest people in the world, and its stock price would still be at astronomical levels.

30. In the end, there was so little for Facebook to gain from its continued presence in Burma, and the consequences for the Rohingya people could not have been more dire. Yet, in the face of this knowledge, and possessing the tools to stop it, it simply kept marching forward.¹² That is because, once Facebook struck the Faustian Bargain that launched the company, it has had blinders on to any real calculation of the benefits to itself compared to the negative impacts it has on anyone else. Facebook is like a robot programed with a singular mission: to grow. And the undeniable reality is that Facebook's growth, fueled by hate, division, and misinformation, has left hundreds of thousands of devastated Rohingya lives in its wake.

PARTIES

31. Plaintiff Jane Doe is a natural person and a Rohingya Muslim refugee. Plaintiff resides in Illinois.

32. Meta Platforms, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1 Hacker Way, Menlo Park, California 94025. Until October 2021, Defendant Meta was known as Facebook, Inc. Meta Platforms does business in this County, the State of California, and across the United States.

JURISDICTION AND VENUE

33. This Court has jurisdiction over this action pursuant to Article VI, Section 10, of the California Constitution and Cal. Code Civ. Proc. § 410.10.

¹² Angshuman Choudhury, *How Facebook Is Complicit in Myanmar's Attacks on Minorities*, THE DIPLOMAT (Aug. 25, 2020), <https://www.thediplomat.com/2020/08/how-facebook-is-complicit-in-myanmars-attacks-on-minorities/> ("why would Facebook favor the regime in Myanmar? For the same reason it would do so in India: to protect business interests in a domestic market that it currently dominates by a wide margin. Imposing bans on government- or military-linked accounts could dilute this monopoly by drawing the ire of state regulators.") In 2020, Facebook similarly bowed to the demands of the Communist Vietnamese government to "censor posts with anti-state language rather than risk losing an estimated \$1 billion in annual revenue from the country." Peter Wade, *Facebook Bowed to Vietnam Government's Censorship Demands: Report*, ROLLING STONE (Oct. 25, 2021), <https://www.rollingstone.com/politics/politics-news/facebook-vietnam-censorship-1247323/>.

34. This Court has personal jurisdiction over Defendant because its principal place of business is located within this County. Plaintiff submits to the jurisdiction of the Court.

35. Venue is proper in this Court under Cal. Code Civ. P. § 395(a) because Defendant resides in this County.

FACTUAL BACKGROUND

I. The Defective Design of Facebook’s Algorithms and Services

A. Facebook Designed Its Social Network to Maximize Engagement

36. Facebook’s goal is to maximize “engagement,” a metric reflecting the amount of time a user spends and the amount of interaction (“likes,” “shares,” comments, etc.) that the user has with any given content. For Facebook, engagement determines advertising revenue, which determines profits. “The prime directive of engagement ... is driven by monetization. It befits a corporation aiming to accelerate growth, stimulate ad revenue, and generate profits for its shareholders.”¹³

37. In its SEC Form 10-K for the year ended December 31, 2012, Facebook warned:

if our users decrease their level of engagement with Facebook, our revenue, financial results, and business may be significantly harmed. The size of our user base and our users’ level of engagement are critical to our success.... [O]ur business performance will become increasingly dependent on our ability to increase levels of user engagement and monetization.... Any decrease in user retention, growth, or engagement could render Facebook less attractive to developers and marketers, which may have a material and adverse impact on our revenue, business, financial condition, and results of operations. ... Our advertising revenue could be adversely affected by a number of ... factors, including: decreases in user engagement, including time spent on Facebook[.]¹⁴

38. Accordingly, Facebook intentionally incorporated engagement-based ranking of content into its system and the algorithms that drive it. Facebook’s News Feed—the first thing

¹³ Luke Munn, *Angry by design: toxic communication and technical architectures*, HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

¹⁴ U.S. Securities and Exchange Commission Form 10-K, Facebook, Inc. (fiscal year ended Dec. 31, 2012) (“Facebook 2012 10-K”) at 13, 14, <https://www.sec.gov/Archives/edgar/data/1326801/000132680113000003/fb-12312012x10k.htm#s5D6A63A4BB6B6A7AD01CD7A5A25638E4>.

1 that users see when opening up the app or entering the site and “the center of the Facebook
2 experience”—is driven by engagement. Posts with higher engagement scores are included and
3 prioritized in the News Feed, while posts with lower scores are buried or excluded altogether.
4 “[T]he Feed’s ... logics can be understood through a design decision to elevate and amplify
5 ‘engaging’ content.... [T]he core logic of engagement remains baked into the design of the Feed
6 at a deep level.”¹⁵

7 39. Facebook engineers and data scientists meet regularly to assess the billions of
8 likes, comments and clicks Facebook users make every day to “divine ways to make us like,
9 comment and click more,” so that users will keep coming back and seeing more ads from the
10 company’s 2 million advertisers. Engineers are continually running experiments with a small
11 share of Facebook users to boost engagement.¹⁶ Thus, Facebook’s design was the “result of
12 particular decisions made over time.... Every area has undergone meticulous scrutiny ... by
13 teams of developers and designers.... [Facebook] has evolved through conscious decisions in
14 response to a particular set of priorities.”¹⁷

15 40. Facebook has consistently promoted and rewarded employees who contribute to
16 the company’s growth through a relentless focus on increased engagement of Facebook users;
17 employees who raise ethical and safety concerns tend to be ignored and marginalized and,
18 eventually, left the company.¹⁸

19
20 ¹⁵ Luke Munn, *Angry by design: toxic communication and technical architectures*,
21 HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

22 ¹⁶ Victor Luckerson, *Here’s How Facebook’s News Feed Actually Works*, TIME (July 9,
23 2015), <https://time.com/collection-post/3950525/facebook-news-feed-algorithm/>.

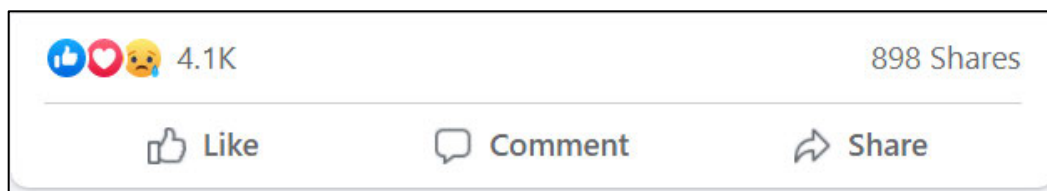
24 ¹⁷ Luke Munn, *Angry by design: toxic communication and technical architectures*,
HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

25 ¹⁸ Katie Canales, *‘Increasingly gaslit’: See the messages concerned Facebook employees*
26 *wrote as they left the company*, BUSINESS INSIDER (Oct. 28, 2021),
27 [https://www.businessinsider.com/facebook-papers-employee-departure-badge-post-gaslit-](https://www.businessinsider.com/facebook-papers-employee-departure-badge-post-gaslit-burned-out-2021-10)
28 [burned-out-2021-10](https://www.businessinsider.com/facebook-papers-employee-departure-badge-post-gaslit-burned-out-2021-10) (“[t]he employee said Facebook’s infamous growth-first approach leads to
rolling out ‘risky features.’ If employees propose reversing that risk, they’re seen as being
‘growth-negative, and veto’d by decision makers on those grounds,’ they said. They also said it’s
difficult to establish ‘win/wins,’ or to roll out features that promote both safety and growth”).

1
2 **B. Facebook Prioritizes Hate Speech and Misinformation to Increase**
3 **User Engagement**

4 41. Facebook knows that the most negative emotions—fear, anger, hate—are the
5 most engaging. Facebook employs psychologists and social scientists as “user researchers” to
6 analyze its user’s behavior in response to online content. An internal Facebook presentation by
7 one such researcher, leaked in May 2020, warned: “Our algorithms exploit the human brain’s
8 attraction to divisiveness.... If left unchecked, ... [Facebook would feed users] more and more
9 divisive content in an effort to gain user attention & increase time on the platform.”¹⁹

10 42. To maximize engagement, Facebook does not merely fill users’ News Feeds with
11 disproportionate amounts of hate speech and misinformation; it employs a system of social
12 rewards that manipulates and trains users to create such content. When users post content, other
13 users who are shown that content are prompted to “like,” “comment” on, or “share” it. Under
14 each piece of content, users can see how many times others have liked or shared that content and
15 can read the comments. *See Figure 1.*



20 (Figure 1.)
21

22 43. A study published in February 2021 confirmed that, “[i]n online social media
23 platforms, feedback on one’s behavior often comes in the form of a ‘like’—a signal of approval
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26 ¹⁹ Jeff Horwitz, Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the*
27 *Site Less Divisive*, WALL STREET JOURNAL (May 26, 2020),
28 <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

1 from another user regarding one’s post” and tested the assumption that likes “function as a social
2 reward.”²⁰

3 44. Roger McNamee, an early investor in Facebook and advisor to Mark Zuckerberg,
4 wrote in his *New York Times* bestseller, “*Zucked: Waking Up to the Facebook Catastrophe*”:

5 Getting a user outraged, anxious, or afraid is a powerful way to
6 increase engagement. Anxious and fearful users check the site
7 more frequently. Outraged users share more content to let other
8 people know what they should also be outraged about. Best of all
9 from Facebook’s perspective, outraged or fearful users in an
emotionally hijacked state become more reactive to further
emotionally charged content. It is easy to imagine how
inflammatory content would accelerate the heart rate and trigger
dopamine hits.²¹

10 45. A *Nature* article published in 2020 further explained:

11 [I]ncendiary, polarizing posts consistently achieve high
12 engagement.... This content is meant to draw engagement, to
provide a reaction....

13 This divisive material often has a strong moral charge. It takes a
14 controversial topic and establishes two sharply opposed camps,
15 championing one group while condemning the other. These are the
16 headlines and imagery that leap out at a user as they scroll past,
17 forcing them to come to a halt. This offensive material hits a nerve,
inducing a feeling of disgust or outrage. “Emotional reactions like
outrage are strong indicators of engagement.... [T]his kind of
divisive content will be shown first, because it captures more
attention than other types of content.” ...

18 The design of Facebook means that ... forwarding and
19 redistribution is only a few clicks away.... Moreover, the
20 networked nature of social media amplifies this single response,
21 distributing it to hundreds of friends and acquaintances. They too
22 receive this incendiary content and they too share, inducing ...
23 “outrage cascades—viral explosions of moral judgment and
disgust.” Outrage does not just remain constrained to a single user,

24 ²⁰ Björn Lindström, Martin Bellander, David T. Schultner, Allen Chang, Philippe N. Tobler,
25 David M. Amodio, *A computational reward learning account of social media engagement*,
26 NATURE COMMUNICATIONS 12, Art. No. 1311 (Feb. 26, 2021),
[https://www.nature.com/articles/s41467-020-19607-](https://www.nature.com/articles/s41467-020-19607-x#:~:text=%20A%20computational%20reward%20learning%20account%20of%20social,our%20hypothesis%20that%20online%20social%20behavior%2C...%20More%20)
[x#:~:text=%20A%20computational%20reward%20learning%20account%20of%20social,our%20hypothesis%20that%20online%20social%20behavior%2C...%20More%20](https://www.nature.com/articles/s41467-020-19607-x#:~:text=%20A%20computational%20reward%20learning%20account%20of%20social,our%20hypothesis%20that%20online%20social%20behavior%2C...%20More%20)

27 ²¹ Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 88 (Penguin 2020
28 ed.).

but proliferates, spilling out to provoke other users and appear in other online environments.²²

46. Facebook knew that it could increase engagement and the length of time users spend on its websites (and subsequently increase its revenue) by adjusting its algorithms to manipulate users' News Feeds and showing them more negative content thus causing "massive-scale emotional contagion." In 2014, Adam Kramer, a member of Facebook's "Core Data Science Team," co-authored an article describing one of the experiments that Facebook conducted on its own users, stating,

we test whether emotional contagion occurs outside of in-person interaction between individuals by reducing the amount of emotional content in the News Feed ... Which content is shown or omitted in the News Feed is determined via a ranking algorithm that Facebook continually develops and tests in the interest of showing viewers the content they will find most relevant and engaging. One such test is reported in this study: A test of whether posts with emotional content are more engaging.

* * *

The results show emotional contagion.... [F]or people who had positive content reduced in their News Feed, a larger percentage of words in people's status updates were negative and a smaller percentage were positive ...

These results indicate that emotions expressed by others on Facebook influence our own emotions, constituting experimental evidence for massive-scale contagion via social networks.²³

47. Independent research unequivocally confirms that fake content thrives on Facebook over more reliable and trustworthy sources. In September 2021, the *Washington Post* reported on a "forthcoming peer-reviewed study by researchers at New York University and the Université Grenoble Alpes in France [which] found that from August 2020 to January 2021, news publishers known for putting out misinformation got six times the amount of likes, shares,

²² Luke Munn, *Angry by design: toxic communication and technical architectures*, HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

²³ Adam D.I. Kramer, Jamie E. Guillory, and Jeffrey T. Hancock, *Experimental evidence of massive-scale emotional contagion through social networks*, 111 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES, no. 29 (June 17, 2014), <https://www.pnas.org/cgi/doi/10.1073/pnas.1320040111>.

1 and interactions on the [Facebook] platform as did trustworthy news sources, such as CNN or the
2 World Health Organization.”²⁴

3 48. In testimony before Congress in September 2020, Tim Kendall, Facebook’s first
4 Director of Monetization—likening Facebook’s business model to that of Big Tobacco—
5 explained how such content makes Facebook addictive:

6 At Facebook, I believe we sought to mine as much human attention
7 as possible and turn it into historically unprecedented profits. To
8 do this, we didn’t simply create something useful and fun; we took
9 a page from Big Tobacco’s playbook, working to make our
10 offering addictive at the outset....

11 The next page in Big Tobacco’s playbook was to add
12 bronchodilators to cigarettes. This allowed the smoke to get in
13 contact with more surface area of the lungs. Allowing for
14 misinformation, conspiracy theories, and fake news to flourish
15 were Facebook’s bronchodilators.

16 But that incendiary content wasn’t enough. Tobacco companies
17 then added ammonia to cigarettes to increase the speed with which
18 nicotine traveled to the brain. Facebook’s ability to deliver this
19 incendiary content to the right person, at the right time, in the exact
20 right way—through their algorithms—that is their ammonia. And
21 we now know it fosters tribalism and division.

22 Social media preys on the most primal parts of your brain; it
23 provokes, it shocks, and it enrages....

24 Facebook and their cohorts worship at the altar of engagement and
25 cast other concerns aside, raising the voices of division, anger,
26 hate, and misinformation to drown out the voices of truth, justice,
27 morality, and peace.²⁵

28 49. Content attacking opposing groups is particularly engaging. Zeynep Tufekci, a
sociologist at University of North Carolina, has written that:

the new, algorithmic gatekeepers aren’t merely (as they like to
believe) neutral conduits for both truth and falsehood. They make
their money by keeping people on their sites and apps; that aligns
their incentives closely with those who stoke outrage, spread

²⁴ Elizabeth Dwoskin, *Misinformation on Facebook got six times more clicks than factual news during the 2020 election, study says*, WASHINGTON POST (Sept. 4, 2021), <https://www.washingtonpost.com/technology/2021/09/03/facebook-misinformation-nyu-study/>.

²⁵ *Mainstreaming Extremism: Social Media’s Role in Radicalizing America: Hearing Before the House Subcommittee on Consumer Protection and Commerce*, 116th Congress (Sept. 24, 2020) (statement of Timothy Kendall).

misinformation, and appeal to people's existing biases and preferences.

[T]he problem is that when we encounter opposing views in the age and context of social media, it's not like reading them in a newspaper while sitting alone. It's like hearing them from the opposing team while sitting with our fellow fans in a football stadium. Online, we're connected with our communities, and we seek approval from our like-minded peers. We bond with our team by yelling at the fans of the other one. In sociology terms, we strengthen our feeling of "in-group" belonging by increasing our distance from and tension with the "out-group"—us versus them.... This is why the various projects for fact-checking claims in the news, while valuable, don't convince people. Belonging is stronger than facts.²⁶

50. A study published in June 2021 showed that posts attacking "others" (the "out-group") are particularly effective at generating social rewards, such as likes, shares, and comments, and that those reactions consist largely of expressions of anger:

We investigated whether out-group animosity was particularly successful at generating engagement on two of the largest social media platforms: Facebook and Twitter. Analyzing posts from news media accounts and US congressional members ($n = 2,730,215$), we found that posts about the political out-group were shared or retweeted about twice as often as posts about the in-group.... Out-group language consistently emerged as the strongest predictor of shares and retweets.... Language about the out-group was a very strong predictor of "angry" reactions (the most popular reactions across all datasets).... In sum, out-group language is the strongest predictor of social media engagement across all relevant predictors measured, suggesting that social media may be creating perverse incentives for content expressing out-group animosity.²⁷

51. Another study, published in August 2021, analyzed how "quantifiable social feedback (in the form of 'likes' and 'shares')" affected the amount of "moral outrage" expressed in subsequent posts. The authors "found that daily outrage expression was significantly and positively associated with the amount of social feedback received for the previous day's outrage expression." The amount of social feedback is, in turn, determined by the algorithms underlying the social media product:

²⁶ Zeynep Tufekci, *How social media took us from Tahrir Square to Donald Trump*, MIT TECHNOLOGY REVIEW (Aug. 14, 2018), <https://technologyreview.com/2018/08/14/240325/how-social-media-took-us-from-tahrir-square-to-donald-trump>.

²⁷ Steve Rathje, Jay J. Van Bagel, Sander van der Linden, *Out-group animosity drives engagement on social media*, 118 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES (26), (June 29, 2021), <https://doi.org/10.1073/pnas.2024292118>.

1 Social media newsfeed algorithms can directly affect how much
2 social feedback a given post receives by determining how many
3 other users are exposed to that post. Because we show here that
4 social feedback affects users' outrage expressions over time, this
5 suggests that newsfeed algorithms can influence users' moral
behaviors by exploiting their natural tendencies for reinforcement
learning.... [D]esign choices aimed at ... profit maximization via
user engagement can indirectly affect moral behavior because
outrage-provoking content draws high engagement....²⁸

6 52. In other words, if a user makes two posts—one containing hateful, outraged, and
7 divisive content and one lacking such content—Facebook's algorithms will show the hateful,
8 outraged, and divisive post to more users. Consequently, the hateful, outraged, and divisive post
9 is rewarded with more likes, shares, and comments. The user quickly learns that to obtain a
10 reaction to his or her posts, he or she should incorporate as much hateful, outraged, and divisive
11 content as possible.

12 53. On October 5, 2021, Frances Haugen, a former Facebook product manager,
13 testified before Congress:

14 The dangers of engagement based ranking are that Facebook
15 knows that content that elicits an extreme reaction from you is
16 more likely to get a click, a comment or reshare. And it's
17 interesting because those clicks and comments and reshares aren't
18 even necessarily for your benefit, it's because they know that other
19 people will produce more content if they get the likes and
comments and reshares. They prioritize content in your feed so that
you will give little hits of dopamine to your friends, so they will
create more content. And they have run experiments on people,
producer side experiments, where they have confirmed this.²⁹

20 54. Recently leaked documents confirm Facebook's ability to determine the type of
21 content users post through its algorithms. After Facebook modified its algorithms in 2018 to
22 boost engagement, "[t]he most divisive content that publishers produced was going viral on the
23

24 ²⁸ William J. Brady, Killian McLoughlin, Tuan N. Doan, Molly J. Crockett, *How social*
25 *learning amplifies moral outrage expression in online social networks*, 7 SCIENCE ADVANCES,
no. 33 (Aug. 13, 2021), <https://www.science.org/doi/10.1126/sciadv.abe5641>. Posts were
classified as containing moral outrage or not using machine learning.

26 ²⁹ *Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use:*
27 *Full Senate Hearing Transcript*, REV (Oct. 5, 2021),
28 <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript>.

1 platform ... creating an incentive to produce more of it.... Company researchers discovered that
2 publishers and political parties were reorienting their posts toward outrage and sensationalism.
3 That tactic produced high levels of comments and reactions that translated into success on
4 Facebook.” Facebook researchers further discovered that “the new algorithm’s heavy weighting
5 of reshared material in its News Feed made the angry voices louder. ‘Misinformation, toxicity,
6 and violent content are inordinately prevalent among reshares,’ researchers noted in internal
7 memos.” Facebook data scientists suggested “a number of potential changes to curb the tendency
8 of the overhauled algorithm to reward outrage and lies” but “Mr. Zuckerberg resisted some of the
9 proposed fixes, the documents show, because he was worried they might hurt the company’s
10 other objective—making users engage more with Facebook.”³⁰

11 55. In October 2021, NBC News described, based on internal documents leaked by
12 Frances Haugen, an experiment in which an account created by Facebook researchers
13 experienced “a barrage of extreme, conspiratorial, and graphic content”—even though the
14 fictitious user had never expressed interest in such content. For years, Facebook “researchers had
15 been running [similar] experiments ... to gauge the platform’s hand in radicalizing users,
16 according to the documents seen by NBC News,” and among Haugen’s disclosures are
17 “research, reports and internal posts that suggest Facebook has long known its algorithms and
18 recommendation systems push some users to extremes.”³¹

19 56. It is not surprising that the true nature of Facebook’s algorithms has become fully
20 apparent only through leaked documents and whistleblower testimony, since Facebook goes to
21 great lengths to hinder outside academic research regarding the design of those algorithms. In a
22 congressional hearing entitled “The Disinformation Black Box: Researching Social Media Data”
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25 ³⁰ Keach Hagey, Jeff Horwitz, *Facebook Tried to Make Its Platform a Healthier Place. It*
26 *Got Angrier Instead*, WALL STREET JOURNAL (Sept. 15, 2021),
<https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215>.

27 ³¹ Brandy Zadrozny, “*Carol’s Journey*”: *What Facebook knew about how it radicalizes*
28 *users*, NBC NEWS (Oct. 22, 2021), <https://www.nbcnews.com/tech/tech-news/facebook-knew-radicalized-users-rcna3581>.

on September 28, 2021, three social media researchers testified about Facebook’s attempts to block their access to the data they needed:

- Laura Edelson of New York University testified: “this summer, Facebook cut off my team’s access to their data. We used that very data to support the finding in our recent study that posts from misinformation sources on Facebook got six times more engagement than factual news during the 2020 elections, to identify multiple security and privacy vulnerabilities that we have reported to Facebook, and to audit Facebook’s own, public-facing Ad Library for political ads.”³²
- Alan Mislove, a Professor of Computer Sciences at Northeastern University, testified: “Facebook recently criticized a study on misinformation by saying it focused on who engages with content and not who sees it—but that’s only true because Facebook does not make such impression data available to researchers.”³³
- Kevin T. Leicht, a Professor of Sociology at University of Illinois Urbana-Champaign testified: “there are limited amounts of social media data available due to company restrictions placed on that data. Many researchers fear litigation that may result from analyzing and publishing results from these data.”³⁴

57. On October 5, 2021, Haugen testified before Congress:

[N]o one truly understands the destructive choices made by Facebook except Facebook....

A company with such frightening influence over so many people, over their deepest thoughts, feelings, and behavior, needs real oversight. But Facebook’s closed design means it has no real oversight. Only Facebook knows how it personalizes your Feed for you.

³² *Hearing on The Disinformation Black Box: Researching Social Media Data before the Subcomm. on Oversight*, 117th Cong. (2021) (testimony of Laura Edelson, NYU Cybersecurity for Democracy), <https://www.congress.gov/117/meeting/house/114064/witnesses/HHRG-117-SY21-Wstate-EdelsonL-20210928.pdf>.

³³ *Hearing on The Disinformation Black Box: Researching Social Media Data before the Subcomm. on Oversight*, 117th Cong. (2021) (testimony of Alan Mislove, Professor of Computer Sciences at Northeastern University), <https://www.congress.gov/117/meeting/house/114064/witnesses/HHRG-117-SY21-Wstate-MisloveA-20210928.pdf>.

³⁴ *Hearing on The Disinformation Black Box: Researching Social Media Data before the Subcomm. on Oversight*, 117th Cong. (2021) (testimony of Kevin T. Leicht, a Professor of Sociology at University of Illinois Urbana-Champaign), <https://www.congress.gov/117/meeting/house/114064/witnesses/HHRG-117-SY21-Wstate-LeichtK-20210928.pdf>.

At other large tech companies like Google, any independent researcher can download from the Internet the company's search results and write papers about what they find. And they do. But Facebook hides behind walls that keeps researchers and regulators from understanding the true dynamics of their system....³⁵

58. Nevertheless, it is now clear that, by modifying the design of its algorithms and system, Facebook can influence and manipulate the quantity, substance, and emotional tone of the content its users produce. Through its dopamine-based incentive structure of social rewards and cues, as well as its algorithmic promotion of hate speech and misinformation, Facebook contributes to and participates in the development and creation of outraged, extreme, and divisive content.

59. It's obviously not in Facebook's favor—especially its bottom line—to curb the spread of negative content and adjust its algorithm to promote positive content. One designer and technologist proposed four different interventions to address the “problems of *polarization, dehumanization, and outrage*, three of the most dangerous byproducts” of tools such as Facebook. The four interventions described in the article include “Give Humanizing Prompts,” “Picking out unhealthy content with better metrics,” “Filter unhealthy content by default,” and “Give users feed control.” Facebook had not implemented any such interventions, undoubtedly because, as the author admitted, the interventions “will all likely result in short-term **reductions in engagement and ad revenue**.”³⁶

60. Facebook has options for moderating its algorithms' tendency to promote hate speech and misinformation, but it rejects those options because the production of more engaging content takes precedence. In a September 2021 article, based on recently leaked internal documents, the Wall Street Journal described how Facebook had modified its News Feed

³⁵ Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use: Full Senate Hearing Transcript, REV (Oct. 5, 2021), <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript>.

³⁶ Tobias Rose-Stockwell, *Facebook's problems can be solved with design*, QUARTZ (Apr. 30, 2018) (emphases in original), <https://qz.com/1264547/facebook-problems-can-be-solved-with-design/>.

algorithm “to reverse [a] decline in comments, and other forms of engagement, and to encourage more original posting” by users.³⁷

61. Simply put, it is clear—based largely on admissions from former Facebook executives—that Facebook’s algorithms are not “neutral.” The algorithms do not merely recommend content based on users’ previously expressed interests; rather, to maximize engagement, they are heavily biased toward promoting content that will enrage, polarize, and radicalize users. Facebook does not simply “connect” people with similar interests; it exploits the universal human instinct for tribalism by actively herding people into groups that define themselves through their violent opposition to “other” people—often identified by race, religion, or political ideology.

C. Facebook Curates and Promotes Extremist Group Content

62. Facebook’s algorithms curate and promote content that attracts new members to extremist groups. A presentation by a researcher employed at Facebook, which was leaked in 2020, showed that Facebook’s algorithms were responsible for the growth of German extremist groups on the website: “The 2016 presentation states that ‘64% of all extremist group joins are due to our recommendation tools’ and that most of the activity came from the platform’s ‘Groups You Should Join’ and ‘Discover’ algorithms. ‘Our recommendation systems grow the problem.’” Ultimately, however, because “combating polarization might come at the cost of lower engagement ... Mr. Zuckerberg and other senior executives largely shelved the basic research ... and weakened or blocked efforts to apply its conclusions to Facebook products.”³⁸

63. Roger McNamee gave this example:

[I]f I am active in a Facebook Group associated with a conspiracy theory and then stop using the platform for a time, Facebook will do something surprising when I return. It may suggest other

³⁷ Keach Hagey, Jeff Horwitz, *Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead*, THE WALL STREET JOURNAL (Sept. 15, 2021), <https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215>.

³⁸ Jeff Horwitz, Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the Site Less Divisive*, WALL STREET JOURNAL (May 26, 2020), <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

1 conspiracy theory Groups to join.... And because conspiracy
2 theory Groups are highly engaging, they are very likely to
3 encourage reengagement with the platform. If you join the Group,
the choice appears to be yours, but the reality is that Facebook
planted the seed. It does so not because conspiracy theories are
good for you but because conspiracy theories are good for them.³⁹

4 McNamee described how, in 2016, he had raised his concerns with Mark Zuckerberg and Sheryl
5 Sandberg, to no avail.⁴⁰

6 64. In the August 2021 study discussed above, the authors stated: “[U]sers conform to
7 the expressive norms of their social network, expressing more outrage when they are embedded
8 in ideologically extreme networks where outrage expressions are more widespread.... Such norm
9 learning processes, combined with social reinforcement learning, might encourage more
10 moderate users to become less moderate over time, as they are repeatedly reinforced by their
11 peers for expressing outrage.”⁴¹

12 65. Indeed, the positive feedback loop created by Facebook in the form of “likes,”
13 “comments,” and “shares” drive user engagement with extremist content and reward user
14 participation in creating such content. Together with algorithms promoting hate speech,
15 misinformation, and conspiracy theories, Facebook has steered users to extremist groups and
16 trained those users to express more outrage.

17 **D. Exploitation by Autocrats**

18 66. Facebook’s system and algorithms are also susceptible to exploitation by
19 unscrupulous and autocratic politicians and regimes. In his book, McNamee wrote:

20 Facebook’s culture, design goals, and business priorities made the
21 platform an easy target for bad actors, which Facebook aggravated
22 with algorithms and moderation policies that amplified extreme
23 voices. The architecture and business model that make Facebook
24 successful also make it dangerous. Economics drive the company

25 ³⁹ Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 94-95 (Penguin
2020 ed.).

26 ⁴⁰ *Id.* at 4-7.

27 ⁴¹ William J. Brady, Killian McLoughlin, Tuan N. Doan, Molly J. Crockett, *How social
28 learning amplifies moral outrage expression in online social networks*, 7 SCIENCE ADVANCES,
no. 33 (Aug. 13, 2021), <https://www.science.org/doi/10.1126/sciadv.abe5641>.

to align—often unconsciously—with extremists and authoritarians to the detriment of democracy around the world.⁴²

67. Facebook had the ability to detect and deactivate counterfeit accounts used by authoritarian politicians and regimes to generate “fake engagement” but devoted minimal resources to that task. In April 2021, Sophie Zhang, a data scientist whom Facebook had fired a year earlier, spoke out about having “found multiple blatant attempts by foreign national governments to abuse our platform on vast scales to mislead their own citizenry....” For example, “[o]ver one six-week period from June to July 2018, [the president of Honduras]’s Facebook posts received likes from 59,100 users, more than 78% of which were not real people.” Such “fake engagement can influence how that content performs in the all-important news feed algorithm; it is a kind of counterfeit currency in Facebook’s attention marketplace.”⁴³

68. It took Facebook almost a year to remove fake accounts associated with “domestic-focused coordinated inauthentic activity in Honduras” and, when Zhang “found that the Honduras network was reconstituting ... there was little appetite from [Facebook] to take it down again.” Before she was fired, Zhang alerted Facebook to networks of fake Pages supporting political leaders in Albania, Azerbaijan, Mexico, Argentina, Italy, the Philippines, Afghanistan, South Korea, Bolivia, Ecuador, Iraq, Tunisia, Turkey, Taiwan, Paraguay, El Salvador, India, the Dominican Republic, Indonesia, Ukraine, Poland, and Mongolia. Some of these networks were investigated while others “languish[ed] for months without action.”⁴⁴

69. Zhang gave one example that was especially reminiscent of the situation in Burma:

Of all the cases of inauthentic behavior that Zhang uncovered, the one that most concerned her—and that took the longest to take down—was in Azerbaijan. It was one of the largest she had seen,

⁴² Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 232-33 (Penguin 2020 ed.).

⁴³ Julia Carrie Wong, *How Facebook let fake engagement distort global politics: a whistleblower’s account*, THE GUARDIAN (Apr. 12, 2021), <https://theguardian.com/technology/2021/apr/12/facebook-fake-engagement-whistleblower-sophie-zhang>.

⁴⁴ *Id.*

and it was clearly being used to prop up an authoritarian regime with an egregious record on human rights.

The Azerbaijani network used the same tactic that was seen in Honduras—thousands of Facebook Pages set up to look like user accounts—but instead of creating fake likes, the Pages were used to harass. Over one 90-day period in 2019, it produced approximately 2.1m negative, harassing comments on the Facebook Pages of opposition leaders and independent media outlets, accusing them of being traitors and praising the country’s autocratic leader, President Ilham Aliyev, and his ruling party, the YAP.

Facebook did not employ a dedicated policy staffer or market specialist for Azerbaijan, and neither its eastern European nor Middle Eastern policy teams took responsibility for it. Eventually Zhang discovered that the Turkey policy team was supposed to cover the former Soviet republic, but none of them spoke Azeri or had expertise in the country. As of August 2020, Facebook did not have any full-time or contract operations employees who were known to speak Azeri, leaving staff to use Google Translate to try to understand the nature of the abuse.

Facebook did not take down those fake accounts or Pages until more than a year after Zhang reported them.⁴⁵

E. Facebook’s Algorithm Has Successfully Radicalized Its Users

70. By prioritizing hate speech and misinformation in users’ News Feeds, training users to produce ever more extreme and outraged content, recommending extremist groups, and allowing its product to be exploited by autocrats, Facebook radicalizes users and incites them to violence.

71. As Chamath Palihapitiya, Facebook’s former vice president for user growth, told an audience at Stanford Business School: “I think we have created tools that are ripping apart the social fabric of how society works ... [t]he short-term, dopamine-driven feedback loops we’ve created are destroying how society works ... No civil discourse, no cooperation[,] misinformation, mistruth. And it’s not an American problem...”⁴⁶

⁴⁵ *Id.*

⁴⁶ James Vincent, *Former Facebook exec says social media is ripping apart society*, THE VERGE (Dec. 11, 2017), <https://www.theverge.com/2017/12/11/16761016/former-facebook-exec-ripping-apart-society>.

72. McNamee likewise explained how the design of Facebook’s algorithms and system lead to real-world violence: “The design of Facebook trained users to unlock their emotions, to react without critical thought.... at Facebook’s scale it enables emotional contagion, where emotions overwhelm reason.... Left unchecked, hate speech leads to violence, disinformation undermines democracy.”⁴⁷

73. As Dipayan Ghosh, a former Facebook privacy expert, noted, “[w]e have set ethical red lines in society, but when you have a machine that prioritizes engagement, it will always be incentivized to cross those lines.”⁴⁸

74. Facebook’s tendency to cause real-world violence by radicalizing users online has been demonstrated time and time again. A few recent examples include:

- In March 2019, a gunman killed 51 people at two mosques in Christchurch, New Zealand, while live-streaming the event on Facebook.⁴⁹ For two years prior to the shooting, the gunman had been active on the Facebook group of the Lads Society, an Australian extremist white nationalist group.⁵⁰
- In August 2020, “[h]ours before a 17-year-old white man allegedly killed two people and injured a third at protests over a police shooting in Kenosha, Wisconsin, a local militia group posted a call on Facebook: ‘Any patriots willing to take up arms and defend our city tonight from evil thugs?’”⁵¹ Later, Mark Zuckerberg said that “the social media giant made a mistake by not removing a page

⁴⁷ Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 98, 233 (Penguin 2020 ed.).

⁴⁸ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for Domination*, at 185 (HarperCollins 2021).

⁴⁹ Charlotte Grahame-McLay, Austin Ramzy, and Daniel Victor, *Christchurch Mosque Shootings Were Partly Streamed on Facebook*, NEW YORK TIMES (Mar. 14, 2019), <https://www.nytimes.com/2019/03/14/world/asia/christchurch-shooting-new-zealand.html>.

⁵⁰ *Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019* § 4.6, <https://christchurchattack.royalcommission.nz/the-report/firearms-licensing/general-life-in-new-zealand/>; Michael McGowan, *Australian white nationalists reveal plans to recruit ‘disgruntled, white male population’*, THE GUARDIAN (Nov. 11, 2019), <https://www.theguardian.com/australia-news/2019/nov/12/australian-white-nationalists-reveal-plans-to-recruit-disgruntled-white-male-population>.

⁵¹ Adam Mahoney, Lois Beckett, Julia Carrie Wong, Victoria Bekiempis, *Armed white men patrolling Kenosha protests organized on Facebook*, THE GUARDIAN (Aug. 26, 2020), <https://www.theguardian.com/us-news/2020/aug/26/kenosha-militia-protest-shooting-facebook>.

and event that urged people in Kenosha ... to carry weapons amid protests.”⁵²

- “In the days leading up to [the January 6, 2021] march on the Capitol, supporters of President Trump promoted it extensively on Facebook and Facebook-owned Instagram and used the services to organize bus trips to Washington. More than 100,000 users posted hashtags affiliated with the movement prompted by baseless claims of election fraud, including #StopTheSteal and #FightForTrump.”⁵³

75. Prior to Facebook’s entry into Burma, as described below, Facebook was on notice of the manner in which its service could influence political conflict and be used to fuel real-world violence. For example, during a 2010 conflict in Kyrgyzstan, highly divisive and at times violent content spread widely on Facebook, inclusive of substantial misinformation related to the source and cause for ongoing violence.⁵⁴ Likewise, even in examples where Facebook has been credited with supporting protests for positive political change before 2012, the consistent result is that the same governments and militant groups that were opposed by the protests, eventually utilized Facebook to help put down those uprisings through widespread misinformation campaigns.⁵⁵

76. Facebook was on notice very early on in its existence that “that liberty isn’t the only end toward which these tools can be turned.”⁵⁶ And it is with that knowledge in hand that it launched in the extremely volatile environment present in Burma.

⁵² Madeleine Carlisle, *Mark Zuckerberg Says Facebook’s Decision to Not Take Down Kenosha Militia Page Was a Mistake*, TIME (Aug. 29, 2020), <https://time.com/5884804/mark-zuckerberg-facebook-kenosha-shooting-jacob-blake/>.

⁵³ Elizabeth Dwoskin, *Facebook’s Sandberg deflected blame for Capitol riot, but new evidence shows how platform played role*, WASHINGTON POST (Jan. 13, 2021), <https://www.washingtonpost.com/technology/2021/01/13/facebook-role-in-capitol-protest/>.

⁵⁴ Neil Melvin and Tolkun Umaraliev, *New Social Media and Conflict in Kyrgyzstan*, SIPRI (Aug. 2011), <https://www.sipri.org/sites/default/files/files/insight/SIPRIInsight1101.pdf>.

⁵⁵ Nariman El-Mofty, *Social Media Made the Arab Spring, But Couldn’t Save It*, WIRED (Jan. 26, 2016), <https://www.wired.com/2016/01/social-media-made-the-arab-spring-but-couldnt-save-it/> (“These governments have also become adept at using those same channels to spread misinformation. ‘You can now create a narrative saying a democracy activist was a traitor and a pedophile,’ ... ‘The possibility of creating an alternative narrative is one people didn’t consider, and it turns out people in authoritarian regimes are quite good at it.’”)

⁵⁶ *Id.*

II. The Introduction of Facebook Led to a Crisis of Digital Literacy in Burma

77. In addition to high engagement, continued user growth was critical to Facebook’s success. “If we fail to retain existing users or add new users, ... our revenue, financial results, and business may be significantly harmed.”⁵⁷ By 2012, Facebook reported 1.06 billion monthly active users (“MAUs”) with 84% of those accessing Facebook from outside the United States, meaning that there were already about 170 million MAUs in the United States—equal to more than half the U.S. population.⁵⁸ To ensure continued growth, Facebook would have to gain users in developing countries, many of whom had no previous access to the Internet.

78. Prior to 2011, in an atmosphere of extreme censorship, only about 1% of the Burmese population had cell phones. That percentage grew dramatically with the liberalization that began in 2011.⁵⁹ In 2013, when two foreign telecom companies were permitted to enter the market, the cost of a SIM card fell from more than \$200 to as little as \$2, and by 2016, nearly half the population had mobile phone subscriptions, most with Internet access.⁶⁰

79. Facebook took active steps to ensure that it would have a dominant position in the emerging Burmese market. “Entering the country in 2010, Facebook initially allowed its app to be used without incurring data charges, so it gained rapid popularity. It would come pre-loaded on phones bought at mobile shops....”⁶¹

80. Facebook would eventually pursue a similar strategy for penetrating other developing markets, as reflected in its “Free Basics” product. Free Basics was “a Facebook-

⁵⁷ Facebook 2012 10-K, at 13, <https://www.sec.gov/Archives/edgar/data/1326801/000132680113000003/fb-12312012x10k.htm#s5D6A63A4BB6B6A7AD01CD7A5A25638E4>.

⁵⁸ *Id.* at 8.

⁵⁹ *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, UNITED NATIONS HUMAN RIGHTS COUNCIL (Sept. 17, 2018), https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf (“UNHRC Report”) ¶ 1343.

⁶⁰ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

⁶¹ Saira Asher, *Myanmar coup: How Facebook became the ‘digital tea shop,’* BBC NEWS (Feb. 4, 2021), <https://www.bbc.com/news/world-asia-55929654>.

1 developed mobile app that gives users access to a small selection of data-light websites and
2 services ... [t]o deliver the service, ... Facebook partners with local mobile operators ... [who]
3 agree to 'zero-rate' the data consumed by the app, making it free, while Facebook does the
4 technical heavy lifting to ensure that they can do this as cheaply as possible. Each version is
5 localized, offering a slightly different set of up to 150 sites and services.... There are no other
6 social networking sites apart from Facebook and no email provider.”⁶²

7 81. One reason why Facebook gained immense traction in Burma is that “[t]he
8 website ... handles Myanmar fonts well compared to other social media like Twitter.”⁶³ After
9 citizens bought an inexpensive phone and a cheap SIM card, “there was one app that everybody
10 in [Burma] wanted: Facebook. The reason? Google and some of the other big online portals
11 didn’t support Burmese text, but Facebook did.”⁶⁴

12 82. For the majority of Burma’s 20 million Internet-connected citizen’s, “Facebook is
13 the internet.... [M]ost mobile phones sold in the country come preloaded with Facebook....
14 There are equal numbers of internet users and Facebook users in [Burma]. As a result, many
15 people use Facebook as their main source of information....”⁶⁵

16 83. A report commissioned by Facebook in 2018 described how the rapid transition of
17 Burma from a society without modern communications infrastructure to an Internet-connected
18 society caused “a crisis of digital literacy: A large population of internet users lacks basic
19 understanding of how to ... make judgments on online content.... Digital literacy is generally
20 low across the country, and many people find it difficult to verify or differentiate content (for
21

22 ⁶² Olivia Solon, *‘It’s digital colonialism’: how Facebook’s free internet service has failed*
23 *its users*, THE GUARDIAN (July 27, 2017), <https://www.theguardian.com/technology/2017/jul/27/facebook-free-basics-developing-markets>.

24 ⁶³ Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA
25 (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech>.

26 ⁶⁴ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING
(Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

27 ⁶⁵ *Human Rights Impact Assessment: Facebook in Myanmar*, BSR (Oct. 2018) (“BSR
28 Report”) at 12-13, https://about.fb.com/wp-content/uploads/2018/11/bsr-facebook-myanmar-hria_final.pdf.

example, real news from misinformation).”⁶⁶ As noted by Sarah Su, a Facebook employee who works on content safety issues on the News Feed, “[w]hat you’ve seen in the past five years is almost an entire country getting online at the same time, we realized that digital literacy is quite low. They don’t have the antibodies to [fight] viral misinformation.”⁶⁷

84. The U.N. Independent International Fact-Finding Mission on Myanmar (the “U.N. Mission”) investigating the genocide in Burma reported: “[t]he Myanmar context is distinctive ... because of the relatively new exposure of the Myanmar population to the Internet and social media.... In a context of low digital and social media literacy, the Government’s use of Facebook for official announcements and sharing of information further contributes to users’ perception of Facebook as a reliable source of information.”⁶⁸

85. Thet Swei Win, the director of an organization that works to promote social harmony between ethnic groups in Burma, told the BBC “[w]e have no internet literacy...[w]e have no proper education on how to use the internet, how to filter the news, how to use the internet effectively.”⁶⁹

86. As described by the U.N., “[t]he relative unfamiliarity of the population with the Internet and with digital platforms and the easier and cheaper access to Facebook have led to a situation in [Burma] where Facebook is the Internet.... For many people, Facebook is the main, if not only, platform for online news and for using the Internet more broadly.”⁷⁰ “Facebook is arguably the only source of information online for the majority in [Burma]”⁷¹ and “Facebook is a

⁶⁶ *Id.*

⁶⁷ Steven Levy, *Facebook: the Inside Story* (Blue Rider Press 2020).

⁶⁸ UNHRC Report, ¶¶ 1342, 1345, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

⁶⁹ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING (Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

⁷⁰ UNHRC Report, ¶ 1345, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

⁷¹ Libby Hogan, Michael Safi, *Revealed: Facebook hate speech exploded in Myanmar during Rohingya crisis*, THE GUARDIAN (Apr. 2, 2018), <https://www.theguardian.com/world/2018/apr/03/revealed-facebook-hate-speech-exploded-in-myanmar-during-rohingya-crisis>.

1 particularly influential medium in Myanmar. More than 14 million people out [of] a total
2 population of 53 million utilize Facebook in Myanmar, and according to a 2016 survey of
3 internet users in Myanmar, ‘reading news on the internet’ often meant ‘news they had seen on
4 their Facebook newsfeed, and [they] did not seem aware of other news sources online.’”⁷²

5 87. The New York Times has reported that “[t]he military exploited Facebook’s wide
6 reach in Myanmar, where it is so broadly used that many of the country’s 18 million internet
7 users confuse the Silicon Valley social media platform with the internet,”⁷³ and that “[a]s
8 Facebook’s presence in Myanmar grew ..., the company did not address what the BSR report
9 calls ‘a crisis of digital literacy’ in a country that was just emerging from a military dictatorship
10 and where the internet was still new.”⁷⁴

11 88. In the end, the U.N. put it best: “Facebook has been a useful instrument for those
12 seeking to spread hate, in a context where, for most users, Facebook is the Internet.”⁷⁵

13 **III. Facebook Amplified the Myanmar Military’s Use of Fear and Hatred of the**
14 **Rohingya to Justify its Hold on Power**

15 89. By 2011, the country’s history of political repression and ethnic violence was
16 widely known. “Myanmar’s political history has been heavily dominated by an all-powerful
17 military, known as the Myanmar ‘Tatmadaw,’ which has ruled the country for most of its
18

19 ⁷² Fortify Rights, *They Gave Them Long Swords: Preparations for Genocide and Crimes*
20 *Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar* at 95, n.403 (July
21 2018), https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf
22 (“Fortify Rights Report”) (citing GSMA, *Mobile Phones, Internet, and Gender in Myanmar* at 55
(Feb. 2016), [https://www.gsma.com/mobilefordevelopment/wp-](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/02/Mobile-phones-internet-and-gender-in-Myanmar.pdf)
[content/uploads/2016/02/Mobile-phones-internet-and-gender-in-Myanmar.pdf](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/02/Mobile-phones-internet-and-gender-in-Myanmar.pdf).)

23 ⁷³ Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar’s Military*,
NEW YORK TIMES (Oct. 15, 2018), [https://www.nytimes.com/2018/10/15/technology/myanmar-](https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html)
24 [facebook-genocide.html](https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html).

25 ⁷⁴ Alexandra Stevenson, *Facebook Admits It Was Used to Incite Violence in Myanmar*,
NEW YORK TIMES (Nov. 6, 2018), [https://www.nytimes.com/2018/11/06/technology/myanmar-](https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html)
26 [facebook.html](https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html).

27 ⁷⁵ *Report of the detailed findings of the Independent International Fact-Finding Mission on*
28 *Myanmar*, UNITED NATIONS HUMAN RIGHTS COUNCIL (Sept. 17, 2018), [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/274/54/PDF/G1827454.pdf?OpenElement)
[ny.un.org/doc/UNDOC/GEN/G18/274/54/PDF/G1827454.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/274/54/PDF/G1827454.pdf?OpenElement) (“UNHRC
Report”) ¶ 74.

1 existence.”⁷⁶ In 1962, the military took power in a coup led by General Ne Win.⁷⁷ In 1989, after
2 widespread protests against the regime had broken out the year before, the military placed Aung
3 San Suu Kyi, leader of the National League for Democracy opposition party (NLD) and winner
4 of the Nobel peace prize, under house arrest; after the NLD won a general election in 1990, the
5 military government refused to recognize the result or to allow the legislature to assemble.⁷⁸
6 “During the military dictatorship [from 1962 to 2011], Myanmar was considered one of the most
7 repressive countries in Asia.”⁷⁹

8 90. Despite a brief period of liberalization that began in 2011, the military continued
9 to dominate Burma’s government. The 2008 Constitution was designed by “the military to retain
10 its dominant role in politics and government ... 25 percent of the seats in each house of
11 parliament and in the state and regional assemblies belong to unelected members of the military,
12 who are appointed by the Tatmadaw.”⁸⁰ In addition to being guaranteed at least one vice
13 presidential position, “the Tatmadaw selects candidates for (and effectively controls) three key
14 ministerial posts: Defence, Border Affairs and Home Affairs. This is sufficient to control the
15 National Defence and Security Council and the entire security apparatus.”⁸¹

16 91. The military has consistently used an imagined threat from the Rohingya to justify
17 its hold on power. “[T]he ‘Rohingya crisis’ in Rakhine State ... has been used by the military to
18 reaffirm itself as the protector of a nation under threat...”⁸² In support of the 1962 coup,
19 “General Ne Win argued that a military take-over was necessary to protect the territorial integrity
20 of the country” due to “insurgencies from ‘ethnic armed organizations.’”⁸³ The Tatmadaw has

21 ⁷⁶ UNHRC Report, ¶ 71,
22 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf. Myanmar gained
its independence from Great Britain in 1948.

23 ⁷⁷ *Id.*

24 ⁷⁸ *Id.* ¶ 74.

25 ⁷⁹ *Id.* ¶ 94.

26 ⁸⁰ *Id.* ¶ 81.

27 ⁸¹ *Id.*

28 ⁸² *Id.* ¶ 93.

⁸³ *Id.* ¶ 71.

1 used the alleged “ethnic threat to national sovereignty and territorial integrity as the excuse for
2 its control of the country....”⁸⁴ The main concern to those in power was to “maintain power and
3 to attain and preserve ‘national unity in the face of ethnic diversity.’ Human rights were
4 ‘subordinate to these imperatives.’ ... Reports of serious human rights violations were
5 pervasive....”⁸⁵

6 92. The government found that it could increase its own popularity by, first, instilling
7 fear and hatred of the Rohingya among the Buddhist majority in Burma and then publicly
8 oppressing, marginalizing, and persecuting the Rohingya. The U.N. found that “the Rohingya
9 have gradually been denied birth registration, citizenship and membership of the political
10 community. This lack of legal status and identity is the cornerstone of the oppressive system
11 targeting the Rohingya.... It is State-sanctioned and in violation of Myanmar’s obligations under
12 international law because it discriminates on the basis of race, ethnicity and religion.”⁸⁶ The four
13 Special Rapporteurs on the human rights situation in Burma appointed by the United Nations
14 from 1992 to 2011⁸⁷ concluded, *inter alia*:

15 [S]ince late 1989, the Rohingya citizens of Myanmar ... have been
16 subjected to persecution based on their religious beliefs involving
17 extrajudicial executions, torture, arbitrary detention, forced
18 disappearances, intimidation, gang-rape, forced labour, robbery,
19 setting of fire to homes, eviction, land confiscation and population
20 resettlement as well as the systematic destruction of towns and
21 mosques.⁸⁸

22 [S]ome of these human rights violations may entail categories of
23 crimes against humanity or war crimes.⁸⁹

24 Yet, “the Tatmadaw enjoys considerable popularity among the Bamar-Buddhist majority.”⁹⁰

25 ⁸⁴ *Id.*

26 ⁸⁵ *Id.* ¶ 94.

27 ⁸⁶ *Id.* ¶ 491.

28 ⁸⁷ *Id.* ¶ 96-97.

⁸⁸ *Id.* ¶ 100.

⁸⁹ *Id.* ¶ 97.

⁹⁰ *Id.* ¶ 93.

93. Facebook, by its very design, turned out to be the perfect tool for the Burmese military and Buddhist extremists to use in promoting their message of religious intolerance and, ultimately, ethnic cleansing. The amplification and propagation of hateful, extremist, and polarizing messages and the radicalization of users are inevitable results of the algorithms that Facebook intentionally and meticulously built into its system.

A. Facebook Participated in Inciting Violence Against the Rohingya (2012-2017)

94. On June 8, 2012, there were violent confrontations between Rohingya and ethnic Rakhine groups; security forces killed a number of the Rohingya and Muslim homes and shops were set on fire and looted.⁹¹ In the ensuing weeks and months, the Rohingya suffered more killings at the hands of Tatmadaw soldiers, burnings and lootings, sexual and gender-based violence, arbitrary arrests, and torture in prison.⁹² The U.N. Mission drew a direct connection between the Burmese government's use of Facebook and the violence against the Rohingya that began in June 2012:

On 1 June 2012 ... the spokesperson of the President of Myanmar ... posted a statement on his personal Facebook account. He warned about the arrival from abroad of "Rohingya terrorists" ... and stated that the Myanmar troops would "completely destroy them...." Although this post was later deleted, the impact of a high official equating the Rohingya population with terrorism may have been significant ahead of the 2012 violence, which erupted a week later.⁹³

[P]osts early in 2012 about the alleged rape and murder by Rohingya men of a Buddhist woman were reportedly shared widely and are considered to have contributed to the tension and violence in Rakhine State in that year.⁹⁴

95. Incitement of violence on Facebook continued beyond 2012: "[A]n online news report from 30 June 2014 ... alleged that two Muslim teashop owners had raped a Buddhist woman.... [A prominent Buddhist monk] reposted the article on his Facebook page.... Violence

⁹¹ *Id.* ¶¶ 630-33.

⁹² *Id.* ¶¶ 635-39, 662-63, 669-78.

⁹³ *Id.* ¶¶ 705-06.

⁹⁴ *Id.* ¶ 1347.

erupted the following day [resulting in two deaths]. The rape allegations were false, with the ‘victim’ reportedly admitting that she had fabricated the rape allegations.”⁹⁵

96. The U.N. Report continued, “[t]here is no doubt that hate speech against Muslims in general, and Rohingya in particular, is extremely widespread in Myanmar.... Given Facebook’s dominance in Myanmar, the Mission paid specific attention to a number of Facebook accounts that appear to be particularly influential....”⁹⁶ For example:

- [T]he late U Ko Ni, a well-known Muslim and legal advisor of the NLD, was frequently targeted on Facebook.... In one post from March 2016, a photo of U Ko Ni next to president Htin Kyaw was captioned ‘this [dog] getting his foot in the door in Myanmar politics is not something we should sit by and watch....’ The Mission has seen multiple other posts with a similar message and threats towards U Ko Ni dating from between March and October 2016. On 29 January 2017, U Ko Ni was assassinated....⁹⁷
- [I]n January 2017, a self-described pro-Myanmar patriot with more than 17,000 followers on Facebook posted a graphic video of police violence against civilians in another country. He captioned the post as follows: “Watch this video. The kicks and beatings are very brutal.... [The] disgusting race of [Muslim] terrorists who sneaked into our country ... need to be beaten like that....” One comment under the post reads: “It is very satisfying to watch this.... It’s sad that Myanmar security forces are not as skillful in their beating.” In July 2018, the post had over 23,000 views, 830 reactions and 517 shares.⁹⁸
- [O]ne account holder, supposedly a monk, posted a poem with graphic photos allegedly showing Buddhist Mros killed by the “Bengali” on 3 August 2017, along with photos of damage to a pagoda allegedly done by “Bengali”.⁹⁹ (The Myanmar authorities refer to the Rohingya as “Bengalis” to suggest that, rather than being native to Myanmar, they are illegal immigrants from Bangladesh.¹⁰⁰)
- [O]n 11 February 2018, ... Shwewiki.com, a self-proclaimed “Media/News Company in Yangon” with over 1.3 million

⁹⁵ *Id.* ¶ 1325.

⁹⁶ *Id.* ¶ 1310.

⁹⁷ *Id.* ¶ 1312.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.* ¶ 460.

followers on Facebook, posted a link to an article titled “The lies of the [Rohingya liars] are exposed[.]”¹⁰¹

97. In a Pulitzer Prize winning report, Reuters found numerous “posts, comments, images and videos attacking the Rohingya or other Myanmar Muslims that were on Facebook as of [August 2018].” For example:

- In December 2013, one user posted: “We must fight them the way Hitler did the Jews, damn kalars [a pejorative for the Rohingya].”
- In September 2017, another wrote: “These non-human kalar dogs, the Bengalis, are killing and destroying our land, our water and our ethnic people.... We need to destroy their race.”
- In April 2018, another user posted, with a picture of a boatload of Rohingya refugees, “Pour fuel and set fire so that they can meet Allah faster.”¹⁰²

98. Facebook was used to instigate communal unrest “in early September 2017, ... through the parallel distribution of similar but conflicting chain messages on Facebook Messenger to Muslim and Buddhist communities. Each chain message stated that the other group was preparing for major violence on 11 September and encouraged the recipient to get ready to resist.... [T]he messages ... caused widespread fear and at least three violent incidents.”¹⁰³ One of the most dangerous campaigns came in 2017, when “the military’s intelligence arm spread rumors on Facebook to both Muslim and Buddhist groups that an attack from the other side was imminent....”¹⁰⁴

99. Steve Stecklow, author of the Reuters report, observed that several of the posts that he and his team catalogued “described Rohingyas as dogs or pigs. ‘This is a way of

¹⁰¹ *Id.* ¶ 1312.

¹⁰² Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

¹⁰³ UNHRC Report, ¶ 1348, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

¹⁰⁴ Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar’s Military*, NEW YORK TIMES (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>.

dehumanising a group,' Stecklow says. 'Then when things like genocide happen, potentially there may not be a public uproar or outcry as people don't even view these people as people.'"¹⁰⁵

100. According to Voices that Poison, a U.S.-based human rights group, "speech that describes victims as vermin, pests, insects or animals is a rhetorical hallmark of incitement to violence, even genocide, because it dehumanises the victim."¹⁰⁶ Fortify Rights, a human rights group, similarly noted: "Burmese individuals and groups have disseminated vitriolic Facebook posts dehumanizing and calling for widespread attacks against the Rohingya. For example, the widely-followed monk Ashin Wirathu, head of the ultranationalist group formerly known as *Ma Ba Tha*, posted a reference to the Rohingya in 2014, saying 'You can be full of kindness and love, but you cannot sleep next to a mad dog. If we are weak, our land will become Muslim.'"¹⁰⁷

101. The New York Times reported that the Myanmar military had posted anti-Rohingya propaganda on Facebook using fake accounts:

They posed as fans of pop stars and national heroes as they flooded Facebook with their hatred. One said Islam was a global threat to Buddhism. Another shared a false story about the rape of Buddhist woman by a Muslim man.

The Facebook posts were not from everyday internet users. Instead, they were from Myanmar military personnel who turned the social network into a tool for ethnic cleansing, according to former military officials, researchers and civilian officials in the country.

* * *

The Myanmar military's Facebook operation began several years ago, said people familiar with how it worked. The military threw major resources at the task, the people said, with as many as 700 people on it.

They began by setting up what appears to be news pages and pages on Facebook that were devoted to Burmese pop stars, models and

¹⁰⁵ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING (Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

¹⁰⁶ Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech>.

¹⁰⁷ Fortify Rights Report, at 95, https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf.

1 other celebrities, like a beauty queen with a penchant for parroting
2 military propaganda....

3 Those then became distribution channels for lurid photos, false
4 news and inflammatory posts, often aimed at Myanmar's Muslims,
5 the people said. Troll accounts run by the military helped spread
6 the content, shout down critics and fuel arguments between
7 commenters to rile people up. Often, they posted sham photos of
8 corpses that they said were evidence of Rohingya-perpetrated
9 massacres, said one of the people.

10 Digital fingerprints showed that one major source of the Facebook
11 content came from areas outside Naypyidaw, where the military
12 keeps compounds, some of the people said.¹⁰⁸

13 102. By October 2015, the Allard K. Lowenstein International Human Rights Clinic at
14 Yale Law School had already concluded that there was "strong evidence that genocide is being
15 committed against Rohingya."¹⁰⁹ The worst, however, was yet to come.

16 **B. The August 2017 "Clearance Operations" and Their Aftermath: A**
17 **"Human Rights Catastrophe"**

18 103. The Myanmar military's campaign of ethnic cleansing culminated in August 2017
19 with the "Clearance Operations." The U.N. reported that "[d]uring the course of the operation
20 more than 40 percent of all villages in northern Rakhine State were partially or totally
21 destroyed.... As a result, over 725,000 Rohingya had fled to Bangladesh by September 2018."¹¹⁰
22 The August 2017 clearance operations "caused the disintegration of a community and resulted in
23 a human rights catastrophe, the effects of which will span generations."¹¹¹ Additional "clearance
24

25 ¹⁰⁸ Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar's Military*,
26 NEW YORK TIMES (Oct. 15, 2018), [https://www.nytimes.com/2018/10/15/technology/myanmar-
27 facebook-genocide.html](https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html).

28 ¹⁰⁹ *Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine*
State, ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC, YALE LAW SCHOOL
(Oct. 2015) at 1, <https://law.yale.edu/sites/default/files/documents/pdf/Clinics/fortifyrights.pdf>.

¹¹⁰ UNHRC Report, ¶ 751,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf. The U.N. Mission
documented the clearance operations exhaustively: "The Mission obtained a wealth of
information on these events, including over 600 interviews with victims and eyewitnesses,
satellite imagery, documents, photographs and videos. It examined many incidents in detail. It
found consistent patterns of the most serious human rights violations and abuses." *Id.* ¶ 754.

¹¹¹ *Id.* ¶ 749.

operations” followed in numerous Rohingya villages across northern Rakhine State, with at least 54 verified locations.¹¹²

104. The U.N. Mission described the clearance operations in six Rohingya villages in detail.¹¹³ The following description of the operation in one of those villages is typical:

- “[H]undreds of Tatmadaw soldiers ... surrounded [the village]. They were accompanied by a smaller number of ethnic Rakhine from neighbouring villages. The security forces then opened fire, shooting at villagers, including those that were fleeing. Soldiers also dragged people from houses and shot some of them at point blank range. Others were killed by having their throats slit with large knives.”¹¹⁴
- “During the course of the operation, structures in [the village] were burned and destroyed.... Satellite imagery analysis ... shows the extent of the destruction.... The entire Rohingya village ... was destroyed, while the nearby non-Rohingya village ... remains intact.”¹¹⁵
- “Women and girls were also subjected to rape, gang rape, sexual mutilation and sexual humiliation during the ‘clearance operations.’”¹¹⁶
- These “‘clearance operations’ were led by the Tatmadaw.... Individuals from the neighbouring ethnic Rakhine village were recognised as participants and some ethnic Rakhine men assisted the military....”¹¹⁷

105. The UNHRC Report and the Fortify Rights Report contain numerous first-person accounts of atrocities committed against the Rohingya by both Myanmar security forces and by civilians during the August 2017 “Clearance Operations.” For example:

- “The soldiers killed the male members of my family. They shot at them first and then slit their throats. The courtyard was full of blood. They killed my husband, my father-in-law and my two

¹¹² *Id.* ¶ 880.

¹¹³ *Id.* ¶¶ 755-879.

¹¹⁴ *Id.* ¶¶ 782-83.

¹¹⁵ *Id.* ¶¶ 784, 788.

¹¹⁶ *Id.* ¶ 790.

¹¹⁷ *Id.* ¶ 797.

nephews of 15 and eight years old. They even killed the child in the same way.”¹¹⁸

- “I found my six-month old son’s body lying next to my wife’s body. She had been shot. My baby son was stabbed in his stomach and his intestine and liver were coming out. When I took his small body into my lap, I was showered with his blood.”¹¹⁹
- “My husband was shot and then he had his throat cut. I was raped. It is so difficult to say what happened. They tore off my clothes, then six soldiers raped me, and after that two ethnic Rakhine men, whom I recognised, raped me. They pressed my breasts and face continuously. My face almost turned blue. I knew the ethnic Rakhine who lived nearby.”¹²⁰
- “I hid in the toilet outhouse, some distance from our house. I saw that our house was surrounded by 10 soldiers and some police. I was able to see what happened. First they tied up my parents. Then they shot my father and raped my mother; later they killed her too. After this, they burned our house.”¹²¹
- “One mother described how she had to choose which of her children to save. The security forces had entered her house and grabbed her young daughter. Her son tried to save his sister and was attacked by the security forces. The mother watched from the other end of the house and made the split second decision that these two children would not live, but that she could perhaps still save her two younger children. Her husband returned the next morning to the village and dug through the pits of bodies until he found the corpse of their son. They never found the body of their daughter. The mother told the Mission with haunted eyes: ‘How can I continue with my life having made this choice?’”¹²²
- “I saw my own children killed. Those who are left of my family came with me here. My three children and my mother were killed. They made them lie down on the ground and they cut the backs of their necks.”¹²³
- “Some small children were thrown into the river.... They hacked small children who were half alive. They were breast-feeding age children, two years, three years, five years....”¹²⁴

¹¹⁸ *Id.* ¶ 809.

¹¹⁹ *Id.* ¶ 837.

¹²⁰ *Id.* ¶ 854.

¹²¹ *Id.* ¶ 862.

¹²² *Id.* ¶ 825.

¹²³ Fortify Rights Report, at 60,
https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf.

¹²⁴ *Id.* at 61.

- “The military took and arrested around 50 people. They brought them to the military camp ... and set fire to where they kept them. One was my own brother. There was a small hut, and they put all the people in there and set it on fire.”¹²⁵
- “As soon as we got on the boat, they shot at us.... Foyezur Rahman was my father. My daughter was Sofia. She was 18. They were both shot in the back. As soon as the military shot them, they stopped moving. We brought their dead bodies here [to Bangladesh] and buried them.”¹²⁶
- “I saw her taken from the house and raped by military soldiers. It happened outside, beside a house. We watched from inside the house. After they raped her, they killed her.... [O]ne person [raped her], then she was taken to the road, and he cut her neck and cut her breasts off.”¹²⁷

106. In December 2017, Médecins Sans Frontières (Doctors Without Borders) (“MSF”) published estimates of Rohingya deaths between August 25 and September 24, 2017—the month after the “clearance operations” began—based on surveys of refugees in Bangladesh. MSF estimated that “8,170 deaths were due to violence ..., including 1,247 children under five years of age.... Cause of death by shooting accounted for 69.4% of these deaths; being ‘burned to death at home’ accounted for 8.8%; being beaten to death accounted for 5.0%; sexual violence leading to death for 2.6%; and death by landmine for 1.0%.”

107. MSF noted that “the rates of mortality captured here are likely to be underestimates, as the data does not account for those people who have not yet been able to flee Myanmar, or for families who were killed in their entirety.”¹²⁸ The U.N. Mission similarly “concluded that the estimated number of more than 10,000 deaths during the August-September 2017 ‘clearance operations’ alone is likely to be conservative.”¹²⁹

¹²⁵ *Id.* at 62.

¹²⁶ *Id.* at 65.

¹²⁷ *Id.* at 69.

¹²⁸ *Rohingya crisis – a summary of findings from six pooled surveys*, MÉDICINS SANS FRONTIÈRES (Dec. 9, 2017), <https://www.msf.org/myanmarbangladesh-rohingya-crisis-summary-findings-six-pooled-surveys>.

¹²⁹ UNHRC Report, ¶ 1482, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

1 108. Most of the Rohingya who escaped the clearance operations now live in “a
2 miserable slum of a million people” in Bangladesh. *Time* reported in 2019 that “[c]onditions in
3 the [refugee] camps remain abysmal. Most refugees live in small shacks made of bamboo and
4 tarpaulin sheets, so tightly packed together that they can hear their neighbors talking, having sex,
5 and disciplining their children or, sometimes, wives. In the springtime, the huts turn into saunas.
6 In the monsoon season, daily rainfall turns hilly footpaths into waterslides and lifts trash and
7 human waste from open drains to float in stagnant pools.” “[M]urders and other forms of
8 violence occur almost nightly inside the camps and are rarely if ever investigated.”¹³⁰ “The
9 Rohingya are ..., with no access to meaningful work, entirely dependent on humanitarian aid....
10 These factors increase vulnerability, in particular for women and girls, to trafficking and other
11 exploitation.”¹³¹ According to Steven Corliss of the U.N. refugee agency, UNHCR, “The
12 situation is untenable: environmentally, socially and economically.”¹³²

13 109. Plaintiff and the Class have been deprived of their property, including their homes
14 and the land they cultivated for generations. In an update to its 2018 Report, the U.N. Mission
15 wrote:

16 The Mission concludes on reasonable grounds that the Government
17 undertook a concerted effort to clear and destroy and then
18 confiscate and build on the lands from which it forcibly displaced
19 hundreds of thousands of Rohingya. The consequences are two-
20 fold. This government-led effort subjugates Rohingya to inhumane
21 living conditions as [internally displaced persons] and refugees by
22 denying them access to their land, keeping them uprooted from
23 their homes, depriving them of their ability to progress in
24 healthy and safe communities and preventing them from engaging
25 in livelihood activities that sustain them as a people. The second
26 consequence of the Government’s four-pronged approach of
27 clearing, destroying, confiscating and building on land is that it is
28 fundamentally altering the demographic landscape of the area by

¹³⁰ Feliz Solomon, ‘*We’re Not Allowed to Dream.*’ *Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End in Sight*, *TIME* (May 23, 2019), <https://time.com/longform/rohingya-muslims-exile-bangladesh/>.

¹³¹ UNHRC Report, ¶ 1174, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

¹³² Feliz Solomon, ‘*We’re Not Allowed to Dream.*’ *Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End in Sight*, *TIME* (May 23, 2019), <https://time.com/longform/rohingya-muslims-exile-bangladesh/>.

1 cementing the demographic re-engineering of Rakhine State that
2 resulted from mass displacement. Much of this is being done under
3 the guise of ‘development,’ with a clear discourse emerging to this
effect in the immediate aftermath of the August 2017 ‘clearance
operations.’¹³³

4 110. In addition to loss of life, physical injuries, emotional trauma, and destruction or
5 taking of property, Plaintiff and the Class have been deprived of their culture and community.
6 The Rohingya people have their own language, not spoken anywhere else in the world. They
7 have lost their traditional places of worship. Family and community ties dating back generations
8 have been torn apart.

9 111. Having become refugees in foreign countries where they largely do not speak the
10 language, have no financial resources, and lack knowledge of the culture or legal system,
11 Plaintiff and the Class have been denied meaningful justice. Most Class members have been
12 attempting to recover from severe physical and/or emotional trauma and struggling to survive in
13 dangerous, overcrowded refugee camps in Bangladesh—thousands of miles from any court
14 having jurisdiction over Facebook—since they were forced from Myanmar.

15 112. The U.N. concluded that “[t]he attack on the Rohingya population of Myanmar
16 was horrendous in scope. The images of an entire community fleeing from their homes across
17 rivers and muddy banks, carrying their babies and infants and elderly, their injured and dying,
18 will and must remain burned in the minds of the international community. So will the ‘before
19 and after’ satellite imagery, revealing whole villages literally wiped off the map. In much of
20 northern Rakhine State, every trace of the Rohingya, their life and community as it has existed
21 for decades, was removed.... The ‘clearance operations’ were indeed successful.”¹³⁴

22 113. Among the U.N. Mission’s findings were:

- 23 • The elements of the crime of genocide were satisfied. “The
24 Mission is satisfied that the Rohingya ... constitute a protected

25 ¹³³ *Report of the detailed findings of the Independent International Fact-Finding Mission on*
26 *Myanmar*, UNITED NATIONS HUMAN RIGHTS COUNCIL (Sept. 16, 2019),
[https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf)
27 [Myanmar/20190916/A_HRC_42_CRP.5.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf), (“UNHRC 2019 Report”) ¶ 139.

28 ¹³⁴ UNHRC Report, ¶ 1439,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

group.”¹³⁵ “The gross human rights violations ... suffered by the Rohingya at the hands of the Tatmadaw and other security forces (often in concert with civilians) include conduct that falls with four of [the] five categories of prohibited acts,” including killings, serious bodily and mental harm, conditions of life calculated to physically destroy the Rohingya, and measures intended to prevent births.¹³⁶ “The Mission ... concludes, on reasonable grounds, that the factors allowing the inference of genocidal intent are present.”¹³⁷

- “The Mission finds that crimes against humanity have been committed in ... Rakhine [State], principally by the Tatmadaw.... [T]hese include crimes against humanity of murder; imprisonment[:] enforced disappearance; torture; rape, sexual slavery and other forms of sexual violence; persecution; and enslavement.”¹³⁸

114. In its 2019 report, the U.N. Mission reaffirmed its earlier conclusions: “the Mission concludes on reasonable grounds that, since the publication of the Mission’s 2018 report, the Government has committed the crimes against humanity of ‘other inhumane acts’ and ‘persecution’ in the context of a continued widespread and systematic attack against the Rohingya civilian population in furtherance of a State policy to commit such an attack.”¹³⁹ Furthermore, the Mission concluded that “the evidence supports an inference of genocidal intent and, on that basis, that the State of Myanmar breached its obligation not to commit genocide under the Genocide Convention under the rules of State responsibility.”¹⁴⁰

C. Facebook’s Role in the 2017 “Clearance Operations”

115. The U.N. Mission specifically found that Facebook had contributed to the 2017 Clearance Operations:

The Mission has examined documents, ... *Facebook posts* and audio-visual materials that have contributed to shaping public opinion on the Rohingya.... The analysis demonstrates that a carefully crafted hate campaign has developed a negative

¹³⁵ *Id.* ¶ 1391.

¹³⁶ *Id.* ¶ 1392.

¹³⁷ *Id.* ¶ 1441.

¹³⁸ *Id.* ¶ 1511.

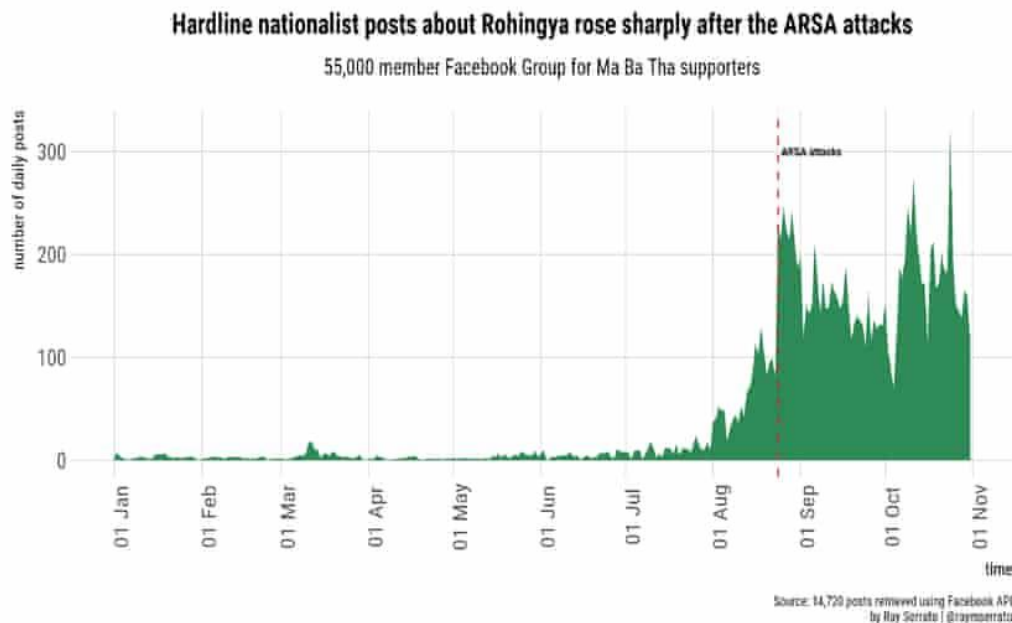
¹³⁹ UNHRC 2019 Report, ¶ 214, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf.

¹⁴⁰ *Id.* ¶ 220.

perception of Muslims among the broad population in Myanmar.... This hate campaign, which continues to the present day, portrays the Rohingya ... as an existential threat to Myanmar and to Buddhism.... It is accompanied by dehumanising language and the branding of the entire [Rohingya] community as 'illegal Bengali immigrants.' *This discourse created a conducive environment for the 2012 and 2013 anti-Muslim violence in Rakhine State and beyond, without strong opposition from the general population. It also enabled the hardening of repressive measures against the Rohingya and Kaman in Rakhine State and subsequent waves of State-led violence in 2016 and 2017.*¹⁴¹

116. The Guardian described the work of two analysts who noted a strong correlation between the amount of hate speech on Facebook and the violence inflicted on the Rohingya in late 2017:

Digital researcher and analyst Raymond Serrato examined about 15,000 Facebook posts from supporters of the hardline nationalist Ma Ba Tha group. The earliest posts dated from June 2016 and spiked on 24 and 25 August 2017, when ARSA Rohingya militants attacked government forces, prompting the security forces to launch the 'clearance operation' that sent hundreds of thousands of Rohingya pouring over the border.



¹⁴¹ UNHRC Report, ¶ 696, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf (emphasis added).

1 Serrato's analysis showed that activity within the anti-Rohingya
2 group, which has 55,000 members, exploded with posts registering
3 a 200% increase in interactions.

4 'Facebook definitely helped certain elements of society to
5 determine the narrative of the conflict in Myanmar,' Serrato told
6 the Guardian. 'Although Facebook had been used in the past to
7 spread hate speech and misinformation, it took on greater potency
8 after the attacks.'

9 * * *

10 Alan Davis, an analyst from the Institute for War and Peace
11 Reporting who led a two-year study of hate speech in Myanmar,
12 said that in the months before August he noticed posts on
13 Facebook becoming 'more organised and odious, and more
14 militarised.'

15 His research team encountered fabricated stories stating that
16 'mosques in Yangon are stockpiling weapons in an attempt to blow
17 up various Buddhist pagodas and Shwedagon pagoda,' the most
18 sacred Buddhist site in Yangon in a smear campaign against
19 Muslims. These pages also featured posts calling Rohingya the
20 derogatory term 'kalars' and 'Bengali terrorists.' Signs denoting
21 'Muslim-free' areas were shared more than 11,000 times.

22 * * *

23 Davis said ... 'I think things are so far gone in Myanmar right
24 now ... I really don't know how Zuckerberg and co sleep at night.
25 If they had any kind of conscience they would be pouring a good
26 percentage of their fortunes into reversing the chaos they have
27 created.'¹⁴²

28 117. The Myanmar military used Facebook to justify the "clearance operations" in
2017:

- 29 • "In a post from the official Facebook page of the Office of the
30 Tatmadaw Commander-in-Chief, ... [a Myanmar parable about a
31 camel which gradually takes more and more space in his
32 merchant's tent, until eventually the merchant is forced out] was
33 explained in detail in connection with the issue of the Rohingya in
34 Rakhine State.... Prior to its deletion by Facebook in August 2018,
the post had almost 10,000 reactions, over 6,000 shares and 146
comments."¹⁴³

35 ¹⁴² Libby Hogan, Michael Safi, *Revealed: Facebook hate speech exploded in Myanmar*
36 *during Rohingya crisis*, THE GUARDIAN (Apr. 2, 2018),
<https://www.theguardian.com/world/2018/apr/03/revealed-facebook-hate-speech-exploded-in-myanmar-during-rohingya-crisis>.

37 ¹⁴³ UNHRC Report, ¶ 1312,
38 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

- “[I]n a 21 September 2017 post on Facebook ... [the Tatmadaw] Commander-in-Chief ... states that, ‘the Bengali population exploded and the aliens tried to seize the land of the local ethnics....’”¹⁴⁴
- “[O]n 11 October 2017 the Commander-in-Chief ... posted: ‘there is exaggeration to say that the number of Bengali fleeing to Bangladesh is very large.’ At the time more than 600,000 Rohingya had fled ... Myanmar in a period of six weeks.”¹⁴⁵
- “On 27 October 2017, in another Facebook post entitled ‘every citizen has the duty to safeguard race, religion, cultural identities and national interest,’ [the] Commander-in-Chief stated that ‘all must ... preserve the excellent characteristics of the country ...’”¹⁴⁶

118. Rolling Stone reported that “[m]ore shocking was how [the military’s] bigoted doctrine was parroted by Aung San Suu Kyi, the Nobel Peace Prize-winning human-rights icon and de facto leader of Myanmar.... When she finally broke her silence, *on Facebook*, nearly two weeks after the 2017 attacks began, it was in cold defense of the same military that kept her under house arrest for 15 years when she was the country’s leading dissident. Suu Kyi blamed ‘terrorists’ for promoting a ‘huge iceberg of misinformation’ about the violence engulfing Rakhine. She made no mention of the Rohingya exodus.”¹⁴⁷

119. The U.N. additionally found that there was “no doubt that the prevalence of hate speech in Myanmar significantly contributed to increased tension and a climate in which individuals and groups may become more receptive to incitement and calls for violence. *This also applies to hate speech on Facebook.*”¹⁴⁸ In early 2018, U.N. investigator Yanghee Lee warned that “Facebook has become a beast,” and that “we know that the ultra-nationalist

¹⁴⁴ *Id.* ¶ 1338.

¹⁴⁵ *Id.* ¶ 1339.

¹⁴⁶ *Id.* ¶ 1341.

¹⁴⁷ Jason Motlagh, *The Survivors of the Rohingya Genocide*, ROLLING STONE (Aug. 9, 2018), <https://www.rollingstone.com/politics/politics-features/rohingya-genocide-myanmar-701354/> (emphasis added).

¹⁴⁸ UNHRC Report, ¶ 1354, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf (emphasis added).

Buddhists have their own Facebooks and are really inciting a lot of violence and a lot of hatred against the Rohingya or other ethnic minorities.”¹⁴⁹

D. Civilian Participation in the 2017 “Clearance Operations”

120. The radicalization of the Burmese population, to which Facebook materially contributed, did not merely ensure tolerance of and support for the military’s campaign of genocide against the Rohingya, it also allowed the military to recruit, equip, and train “civilian death squads” that would actively participate in the atrocities.¹⁵⁰

121. The U.N. Mission drew a connection between anti-Rohingya reporting and hate speech, ethnic tension, and the ability of the military to recruit non-Rohingya civilians to perpetrate violence against the Rohingya, finding:

- “The inflammatory nature of much of this reporting [on activities of Rohingya militants], often characterizing Rohingya as ‘Bengali terrorists,’ coupled with rising vitriolic discourse and hate speech against the Rohingya, fuelled an already volatile situation.”¹⁵¹
- “[The reports] deepened inter-communal suspicion and fear. They were likely a factor in a notable breakdown in the relationship between the communities, particularly in the weeks leading up to 25 August 2017.”¹⁵²
- “During this period [beginning in late 2016], the Myanmar authorities made increasing efforts to recruit ethnic Rakhine as members of the security apparatus.... Moreover, the recruitment of non-Rohingya to Government supported militias ... continued throughout this period in Rakhine State.”¹⁵³

¹⁴⁹ Libby Hogan, Michael Safi, *Revealed: Facebook hate speech exploded in Myanmar during Rohingya crisis*, THE GUARDIAN (Apr. 2, 2018), <https://www.theguardian.com/world/2018/apr/03/revealed-facebook-hate-speech-exploded-in-myanmar-during-rohingya-crisis>; see Tom Miles, *U.N. investigators cite Facebook role in Myanmar crisis*, REUTERS (Mar. 12, 2018), <https://www.reuters.com/article/us-myanmar-rohingya-facebook-idUKKCN1GO2PN>.

¹⁵⁰ Jason Motlagh, *The Survivors of the Rohingya Genocide*, ROLLING STONE (Aug. 9, 2018), <https://www.rollingstone.com/politics/politics-features/rohingya-genocide-myanmar-701354/>.

¹⁵¹ UNHRC Report, ¶ 1134, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

¹⁵² *Id.* ¶ 1135.

¹⁵³ *Id.* ¶ 1143-44.

122. In a 162-page report based on 254 interviews, the human rights group Fortify Rights documented how, in August 2017, “Myanmar authorities ... activated non-Rohingya civilian squads, some of whom the authorities previously armed and/or trained. These civilian perpetrators ... acted under the Myanmar military and police in razing hundreds of Rohingya villages throughout northern Rakhine State, brutally killing masses of unarmed Rohingya men, women, and children.”¹⁵⁴ The title of the report, “They Gave Them Long Swords,” referred to an eyewitness account of Myanmar soldiers arming non-Rohingya civilians.¹⁵⁵

123. In a chapter of its report entitled “Criminal Acts Against Rohingya by Civilian Perpetrators Since August 25, 2017,” Fortify Rights stated:

After arming and training local non-Rohingya citizens who had a demonstrated history of hostility toward Rohingya Muslims in northern Rakhine State, the Myanmar authorities activated them on August 25.... Groups of local non-Rohingya citizens, in some cases trained, armed, and operating alongside Myanmar security forces, murdered Rohingya men, women, and children, destroyed and looted Rohingya property, and assisted the Myanmar Army and Police in razing villages.¹⁵⁶

124. In a Facebook post on September 22, 2017, the Burmese Commander-in-Chief “encouraged further cooperation between local non-Rohingya citizens and the Myanmar military, saying ‘[l]ocal ethnics can strengthen the defense prowess by living in unity and by joining hands with the administrative bodies and security forces in oneness.’”¹⁵⁷

E. Facebook Ignored Complaints of Hate Speech on its Website

125. Because Myanmar’s history of repressive military rule and ethnic violence was well-documented by the time Facebook became widely available in Myanmar around 2012, Facebook should have known that its product could be used to spread hate speech and

¹⁵⁴ Fortify Rights Report, at 12-13, 14, https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf.

¹⁵⁵ *Id.* at 16.

¹⁵⁶ *Id.* at 55.

¹⁵⁷ *Id.* at 46 & n.87 (citing Facebook post).

misinformation. In addition, beginning in 2013, Facebook was repeatedly alerted to hate speech on its system:

- In 2013, a new civil society organization called Panzagar, meaning “flower speech,” was formed in Myanmar.¹⁵⁸ The group spoke out locally about anti-Muslim hate speech directed at the Rohingya minority that was proliferating on Facebook. One of the group’s awareness-raising methods was to put flowers in their mouths to symbolize speaking messages of peace versus hate. Panzagar reported instances of hate speech to Facebook.¹⁵⁹
- In November 2013, Aela Callan, an Australian documentary filmmaker, “met at Facebook’s California headquarters with Elliott Schrage, vice president of communications and public policy” to discuss a project she had begun regarding “hate speech and false reports that had spread online during conflicts between Buddhists and Rohingya Muslims the prior year.... I was trying to alert him to the problems she said....” But “[h]e didn’t connect me with anyone inside Facebook who could deal with the actual problem....”¹⁶⁰
- “On March 3, 2014, Matt Schissler [an American aid worker working in Myanmar], was invited to join a call with Facebook on the subject of dangerous speech online.... Toward the end of the meeting, Schissler gave a stark recounting of how Facebook was hosting dangerous Islamophobia. He detailed the dehumanizing and disturbing language people were using in posts and the doctored photos and misinformation being spread widely.”¹⁶¹
- By June 14, 2014, Al Jazeera had published an article entitled “Facebook in Myanmar: Amplifying Hate Speech?” In that article, a civil society activist was quoted as saying: “Since the violence in Rakhine state began, we can see that online hate speech is spreading and becoming more and more critical and dangerous.... **I think Facebook is the most effective way of spreading hate speech.** It’s already very widespread, infecting the hearts of people.” The article cited Facebook posts reading: “We should kill every Muslim. No Muslims should be in Myanmar”; “Why can’t we kick out the

¹⁵⁸ Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech>.

¹⁵⁹ Mary Michener Oye, *Using ‘flower speech’ and new Facebook tools, Myanmar fights online hate speech*, THE WASHINGTON POST, https://www.washingtonpost.com/national/religion/using-flower-speech-and-new-facebook-tools-myanmar-fights-online-hate-speech/2014/12/24/3bff458c-8ba9-11e4-ace9-47de1af4c3eb_story.html.

¹⁶⁰ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

¹⁶¹ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for Domination*, at 177 (HarperCollins 2021).

Muslim dogs?"; and "all terrorists are Muslim ... they kill innocent men and women so peace and Islam are not related."¹⁶²

- On August 18, 2014, PRI's "The World" program published a story entitled "In newly liberated Myanmar, hatred spreads on Facebook." After describing several false rumors that led to violence, the article reported: "The pattern repeats in towns and villages across Myanmar. Rumors rip through communities, fueled by seething racism and embellishments. Graphic images of violence are shared virally through social media platforms like Facebook, which has become one of the most popular websites in the country...."¹⁶³
- After the March 2014 call with Schissler, "a handful of Facebook employees started an informal working group to connect Facebook employees in Menlo Park with activists in Myanmar."¹⁶⁴ Schissler said that "between March and December 2014, he held [a series] of discussions with Facebook officials.... He told them how the platform was being used to spread hate speech and false rumors in Myanmar, he said, including via fake accounts."¹⁶⁵
- "In March 2015, Schissler gave a talk at Facebook's California headquarters about new media, particularly Facebook, and anti-Muslim violence in Myanmar."¹⁶⁶ "In a small conference room where roughly a dozen Facebook employees had gathered, with others joining by video-conference, he shared a PowerPoint presentation that documented the seriousness of what was happening in Myanmar: hate speech on Facebook was leading to real-world violence in the country, and it was getting people killed."¹⁶⁷ One Facebook employee asked whether Schissler thought genocide could happen in Myanmar: "'Absolutely' he answered. If Myanmar continued on its current path, and the anti-Muslim hate speech grew unabated, a genocide was possible. No one followed up on the question."¹⁶⁸

¹⁶² Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech> (emphasis added).

¹⁶³ Bridget DiCerto, *In newly liberated Myanmar, hatred spreads on Facebook*, THE WORLD (Aug 8, 2014), <https://www.pri.org/stories/2014-08-08/newly-liberated-myanmar-hatred-spreads-facebook>.

¹⁶⁴ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook's Battle for Domination*, at 178 (HarperCollins 2021).

¹⁶⁵ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

¹⁶⁶ *Id.*

¹⁶⁷ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook's Battle for Domination*, at 181 (HarperCollins 2021).

¹⁶⁸ *Id.* at 181-82.

- “‘They were warned so many times,’ said David Madden, a tech entrepreneur who worked in Myanmar. He said he told Facebook officials in 2015 that its platform was being exploited to foment hatred in a talk he gave at its headquarters in Menlo Park, California. About a dozen Facebook people attended the meeting in person.... Others joined via video. ‘It couldn’t have been presented to them more clearly, and they didn’t take the necessary steps,’ Madden said.”¹⁶⁹
- Brooke Binkowski, who worked for an organization that did fact-checking for Facebook beginning in early 2017, “said she tried to raise concerns about misuse of the platform abroad, such as the explosion of hate speech and misinformation during the Rohingya crisis in Myanmar.... ‘I was bringing up Myanmar over and over and over,’ she said. ‘They were absolutely resistant.’ Binkowski, who previously reported on immigration and refugees, said Facebook largely ignored her: ‘I strongly believe that they are spreading fake news on behalf of hostile foreign powers and authoritarian governments as part of their business model.’”¹⁷⁰

126. Facebook’s response to such warnings about hate speech on its websites in Burma was, however, utterly ineffective. The extreme import of what Matt Schissler was describing “didn’t seem to register with the Facebook representatives. They seemed to equate the harmful content with cyberbullying: Facebook wanted to discourage people from bullying across the system, he said, and they believed that the **same set of tools they used to stop a high school senior from intimidating an incoming freshman could be used to stop Buddhist monks in Myanmar from spreading malicious conspiracy theories about Rohingya Muslims.**”¹⁷¹

127. Facebook had almost no capability to monitor the activity of millions of users in Burma: “In 2014, the social media behemoth had just one content reviewer who spoke Burmese: a local contractor in Dublin, according to messages sent by Facebook employees in the private Facebook chat group. A second Burmese speaker began working in early 2015, the messages show.” Accenture, to whom Facebook outsourced the task of monitoring for violations of its

¹⁶⁹ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

¹⁷⁰ Sam Levin, *‘They don’t care’: Facebook factchecking in disarray as journalists push to cut ties*, THE GUARDIAN (Dec. 13, 2018), <https://www.theguardian.com/technology/2018/dec/13/they-dont-care-facebook-fact-checking-in-disarray-as-journalists-push-to-cut-ties>.

¹⁷¹ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for Domination*, at 178 (HarperCollins 2021) (emphasis added).

community standards in Burma and other Asian countries, did not hire its first two Burmese speakers, who were based in Manila, until 2015. Former monitors “said they didn’t actually search for hate speech themselves; instead, they reviewed a giant queue of posts mostly reported by Facebook users.” Chris Tun, a Deloitte consultant who had arranged meetings between the Burmese government and Facebook, told Reuters: “Honestly, Facebook had no clue about Burmese content. They were totally unprepared.”¹⁷²

128. Instead, Facebook tried initially to rely entirely on users to report inappropriate posts. However, “[a]lthough Myanmar users at the time could post on Facebook in Burmese, the platform’s interface – including its system for reporting problematic posts – was in English.”¹⁷³

129. In one case in 2018, Mark Zuckerberg was forced to apologize for exaggerating Facebook’s monitoring capabilities. In an interview with Vox, Zuckerberg cited “one incident where Facebook detected that people were trying to spread ‘sensational messages’ through Facebook Messenger to incite violence on both sides of the conflict” but claimed that “the messages were detected and stopped from going through.”¹⁷⁴ In response, a group of activists issued an open letter criticizing Zuckerberg and pointing out that Facebook had not detected the messages; rather, the activists had “flagged the messages repeatedly to Facebook, barraging its employees with strongly worded appeals until the company finally stepped in to help.” Zuckerberg apologized in an email: “I apologize for not being sufficiently clear about the important role that your organizations play in helping us understand and respond to Myanmar-related issues, including the September incident you referred to.”¹⁷⁵

¹⁷² Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

¹⁷³ *Id.*

¹⁷⁴ Jen Kirby, *Mark Zuckerberg on Facebook’s role in ethnic cleansing in Myanmar: ‘It’s a real issue’*, VOX (Apr. 2, 2018), <https://www.vox.com/2018/4/2/17183836/mark-zuckerberg-facebook-myanmar-rohingya-ethnic-cleansing-genocide>.

¹⁷⁵ Kevin Roose, Paul Mozur, *Zuckerberg Was Called Out Over Myanmar Violence. Here’s His Apology*, NEW YORK TIMES (Apr. 9, 2018), <https://www.nytimes.com/2018/04/09/business/facebook-myanmar-zuckerberg.html>.

1 130. Reuters’ Steve Stecklow sent the examples of hate speech that he and his team
2 had found on the system, some of which was “extremely violent and graphic,” to Facebook: “It
3 was sickening to read.... When I sent it to Facebook, I put a warning on the email saying I just
4 want you to know these are very disturbing things.... What was so remarkable was that [some
5 of] this had been on Facebook for five years and it wasn’t until we notified them in August [of
6 2018] that it was removed.”¹⁷⁶

7 131. “The [U.N.] Mission itself experienced a slow and ineffective response from
8 Facebook when it used the standard reporting mechanism to alert the company to a post targeting
9 a human rights defender for his alleged cooperation with the Mission.” “The post described the
10 individual as a ‘national traitor,’ consistently adding the adjective ‘Muslim.’ It was shared and
11 reposted over 1,000 times. Numerous comments to the post explicitly called for the person to be
12 killed, in unequivocal terms: ... ‘If this animal is still around, find him and kill him....’ ‘He is a
13 Muslim. Muslims are dogs and need to be shot....’ ‘Remove his whole race.’ ... In the weeks
14 and months after the post went online, the human rights defender received multiple death threats
15 from Facebook users....” “The Mission reported this post to Facebook on four occasions; in each
16 instance the response received was that the post was examined but ‘doesn’t go against one of
17 [Facebook’s] specific Community Standards.’ ... The post was finally removed several weeks
18 later but only through the support of a contact at Facebook, not through the official channel.
19 Several months later, however, the Mission found at least 16 re-posts of the original post still
20 circulating on Facebook.”¹⁷⁷

21 132. On February 25, 2015, Susan Benesch, a human rights lawyer and researcher who
22 directs the Dangerous Speech Project at the Berkman Klein Center for Internet & Society at
23 Harvard University, gave a presentation entitled “The Dangerous Side of Language” at
24 Facebook. The presentation showed how anti-Rohingya speech being disseminated by Facebook
25

26 ¹⁷⁶ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING
(Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

27 ¹⁷⁷ UNHRC Report, ¶ 1351,
28 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

1 in Myanmar was not merely hate speech but “Dangerous speech” that “Moves an audience to
2 condone or take part in violence”.¹⁷⁸

3
4
5 “They are breeding so
6 fast, and they are
7 stealing our women,
8 raping them...
9 We must keep
10 Myanmar Buddhist.”

11
12 Wirathu



13 133. Even after the atrocities in late 2017, Facebook refused to help obtain justice for
14 the Rohingya:

15 In late September 2018, Matthew Smith, the CEO of Fortify
16 Rights, a human rights organization based in Southeast Asia, began
17 to work with human rights groups to build a case strong enough for
18 the International Criminal Court, at the Hague, proving that
19 Burmese soldiers had violated international laws and perpetuated a
20 genocide against the Rohingya.... The platform held detailed
21 information on all its user accounts; even when posts were deleted,
22 Facebook kept a record of everything a person had ever written,
23 and every image uploaded.... Most Burmese soldiers had
24 Facebook on their phones, so the company would have records of
25 the locations of army units’ soldiers to match with attacks on
26 Rohingya villages.

27 * * *

28 If Smith and other human rights workers could get their hands on
the deleted posts, they could build a stronger case documenting
how Myanmar’s military had both carried out a genocide against

¹⁷⁸ Susan Benesch, *The Dangerous Side of Language*, Dangerous Speech Project, available
at
[https://www.dropbox.com/s/tazw9elxptu5jug/The%20Dangerous%20Side%20of%20Language.p
df?dl=0&fbclid=IwAR1bhQI4-
BHCawG6g0opX3ManYAMN6IKd8kY8sB4x76nq66vihlAd1Ev0As](https://www.dropbox.com/s/tazw9elxptu5jug/The%20Dangerous%20Side%20of%20Language.pdf?dl=0&fbclid=IwAR1bhQI4-BHCawG6g0opX3ManYAMN6IKd8kY8sB4x76nq66vihlAd1Ev0As).

the Rohingya and manipulated the public into supporting their military onslaught.¹⁷⁹

Apparently not eager to help prove that Facebook had been complicit in genocide, Facebook's lawyers denied Smith's requests for access to the data: "'Facebook had the chance to do the right thing again and again, but they didn't. Not in Myanmar,' said Smith. 'It was a decision, and they chose not to help.'"¹⁸⁰

134. Worst yet, Facebook's activity promoted such content to its users, thus actively participating in disinformation efforts that led to the genocide.

135. Facebook ultimately ratified its conduct and its involvement of the genocide and violence in Burma by admitting shortcomings of its system.

F. Facebook Admits That It Had a Responsibility to Prevent Its Product From Being Used to Incite Violence and Genocide

136. In 2018, after the "clearance operations," several senior Facebook executives, including Mark Zuckerberg, belatedly admitted that the company had a responsibility to prevent its product from being used to incite violence in Burma and should have done more in that regard. On April 10, 2018, Zuckerberg testified before the U.S. Senate:

SEN. PATRICK LEAHY: ... [S]ix months ago, I asked your general counsel about Facebook's role as a breeding ground for hate speech against Rohingya refugees. Recently, U.N. investigators blamed Facebook for playing a role in inciting possible genocide in Myanmar. And there has been genocide there....

This is the type of content I'm referring to. It calls for the death of a Muslim journalist. Now, that threat went straight through your detection system, it spread very quickly, and then it took attempt after attempt after attempt, and the involvement of civil society groups, to get you to remove it.

Why couldn't it be removed within 24 hours?

ZUCKERBERG: Senator, what's happening in Myanmar is a terrible tragedy, and *we need to do more*....

¹⁷⁹ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook's Battle for Domination*, at 185-86 (HarperCollins 2021).

¹⁸⁰ *Id.* at 186-87.

1 LEAHY: We all agree with that.¹⁸¹

2 137. In a statement to Reuters, Mia Garlick, Facebook's director of Asia Pacific
3 Policy, stated: "***We were too slow to respond*** to concerns raised by civil society, academics and
4 other groups in Myanmar. We don't want Facebook to be used to spread hatred and incite
5 violence. This ... is especially true in Myanmar where ***our services can be used to amplify hate***
6 ***or exacerbate harm against the Rohingya.***"¹⁸²

7 138. In August 2018, Sara Su, a Product Manager, posted on Facebook's blog:

8 We have a responsibility to fight abuse on Facebook. This is
9 especially true in countries like Myanmar where many people are
10 using the internet for the first time and social media can be used to
spread hate and fuel tension on the ground.

11 The ethnic violence in Myanmar is horrific and we have been too
slow to prevent misinformation and hate on Facebook.¹⁸³

12 139. On September 5, 2018, Facebook COO Sheryl Sandberg testified before the U.S.
13 Senate:

14 SEN. MARK WARNER: ... Ms. Sandberg, you made mention in
15 your opening testimony the fact that sometimes political actors are
16 using the platforms really to incite violence. I mean, I think
17 you've made at least some reference, mention of Myanmar. We've
18 obviously seen a great tragedy take place there where hundreds of
19 thousands of Rohingya Muslims are fleeing and in many ways.
The U.N. High Commissioner has said that fake accounts on
Facebook have incited that violence. ***Do you believe that***
Facebook has both a moral obligation and potentially even a
legal obligation to take down accounts that are actually
incentivizing violence?

23 ¹⁸¹ Facebook, *Social Media Privacy, and the Use and Abuse of Data*, Senate Hearing 115-
24 683 before the Comm. on Commerce, Science, and Transportation, et al., 115th Cong. (Apr. 10,
2018), <https://www.govinfo.gov/content/pkg/CHRG-115shrg37801/html/CHRG-115shrg37801.htm>.

25 ¹⁸² Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
26 (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>
(emphasis added).

27 ¹⁸³ Sara Su, *Update on Myanmar*, FACEBOOK NEWSROOM (Aug. 15, 2018),
28 <https://about.fb.com/news/2018/08/update-on-myanmar/>.

1 SHERYL SANDBERG: *I strongly believe that.* In the case of
2 what’s happened in Myanmar, it’s, it’s devastating and we’re
 taking aggressive steps and *we know we need to do more....*¹⁸⁴

3 140. In October 2018, BSR (Business for Social Responsibility) published a human
4 rights impact assessment—commissioned by Facebook itself—of Facebook’s presence in
5 Burma; BSR found that:

- 6 • “Facebook is ... used to spread rumors about people and events.
7 Character assassinations were described to BSR during this
8 assessment, and in extreme cases these have extended to online
9 death threats.... There are indications that organized groups make
10 use of multiple fake accounts and news pages to spread hate
11 speech, fake news, and misinformation for political gain. Rumors
12 spread on social media have been associated with communal
13 violence and mob justice.”¹⁸⁵
- 14 • “The Facebook platform in Myanmar is being used by bad actors
15 to spread hate speech, incite violence, and coordinate harm....
16 Facebook has become a means for those seeking to spread hate and
17 cause harm, and posts have been linked to offline violence.... [F]or
18 example, the Report of the Independent International Fact-Finding
19 Mission on Myanmar describes how Facebook has been used by
20 bad actors to spread anti-Muslim, anti-Rohingya, and anti-activist
21 sentiment.”¹⁸⁶
- 22 • “The consequences for the victim are severe, with lives and bodily
23 integrity placed at risk from incitement to violence.”¹⁸⁷

24 141. On November 5, 2018, Alex Warofka, Facebook’s Product Policy Manager,
25 issued a statement on the BSR report: “The report concludes that, prior to this year, we weren’t
26 doing enough to help prevent our platform from being used to foment division and incite offline
27 violence. We agree that we can and should do more.”¹⁸⁸

28 ¹⁸⁴ *Open Hearing on Foreign Influence Operations’ Use of Social Media Platforms, Senate
Hearing 115-460 before the Select Comm. of Intel., 115th Cong. (Sept. 5, 2018),
<https://www.govinfo.gov/content/pkg/CHRG-115shrg31350/html/CHRG-115shrg31350.htm>.*

¹⁸⁵ BSR Report, at 13, https://about.fb.com/wp-content/uploads/2018/11/bsr-facebook-myanmar-hria_final.pdf.

¹⁸⁶ *Id.* at 24.

¹⁸⁷ *Id.* at 35.

¹⁸⁸ Alex Warofka, *An Independent Assessment of the Human Rights Impact of Facebook in Myanmar*, FACEBOOK NEWSROOM (Nov. 5, 2018), <https://about.fb.com/news/2018/11/myanmar-hria/>.

1 142. In October 2021, a former member of Facebook’s Integrity Team submitted a
2 sworn whistleblower declaration to the SEC. It stated, *inter alia*:

3 At Facebook, ... there’s no will to actually fix problems, in
4 particular if doing so might reduce user engagement, and therefore
profits....

5 Any projects Facebook undertakes under the banner of charity or
6 community building are actually intended to drive engagement....

7 Internet.org, Facebook’s scheme to provide Internet to the
8 developing world, wasn’t about charity.... Inside the company,
the dialogue was that this is about gaining an impenetrable
9 foothold in order to harvest data from untapped markets.

10 Through Internet.org, which provided Facebook at free or greatly
reduced rates in key markets, Facebook effectively became the
Internet for people in many developing countries.... [Facebook
11 executives would] say ‘When you are the sole source for the
Internet you are the sole source for news.’

12 Facebook executives often use data to confuse, rather than clarify
what is occurring. There is a conscious effort to answer questions
13 from regulators in ways that intentionally downplay the severity of
virtually any given issue....

14 An[] example of their playbook played out in the wake of the
genocide of the Rohingya refugees in Myanmar, a country where
15 Facebook was effectively the Internet for most people, and where
the long-isolated population was vulnerable to information
16 manipulation. Facebook executives were fully aware that posts
ordering hits by the Myanmar government on the minority
17 Muslim Rohingya were spreading wildly on Facebook, because
it was being reported in the media and multiple aid-organizations,
18 as well as major, top-tier reporters who used to call the company
when they discovered early on that the genocide was being
19 accommodated on Facebook. It was clear before the killing even
started that members of the military junta in Myanmar were
20 directing this activity. But, when the violence of the early stages of
the Myanmar government-directed genocide metastasized and the
21 murders were unmistakably being directed on Facebook, I was
instructed to tell the media, “We know now, and we finally
22 managed to remove their access, but we did not have enough
Burmese-speaking moderators.” This part was true; there was only
23 one Burmese translator on the team of moderators for years, in the
same period when the communications apparatus grew by leaps
24 and bounds. But the issue of the Rohingya being targeted on
Facebook was well known inside the company for years. I
25 refused to deploy the approved talking point.

26 Later, after widespread public blowback forced the company to
hire a human rights group to conduct an independent review,
27 Facebook’s policy manager Alex Warofka released a statement
with the typical Facebook ‘mea culpa’ response: ‘We agree that we
28

can and should do more.’ I quickly realized that the company was giving a PR response to a genocide that they accommodated—that, **I, working for Facebook, had been a party to genocide.** This is what prompted me to look for another job.¹⁸⁹

143. Facebook’s subsequent actions prove that, for an investment amounting to a miniscule portion of the company’s vast resources,¹⁹⁰ the company could have blocked much of the hate speech against the Rohingya. In August 2018, Facebook posted on its website:

The ethnic violence in Myanmar has been truly horrific.... While ***we were too slow to act***, we’re now making progress—with better technology to identify hate speech, improved reporting tools, and more people to review content.

Today, we are taking more action in Myanmar, removing a total of 18 Facebook accounts, one Instagram account and 52 Facebook Pages, followed by almost 12 million people. We are preserving data, including content, on the accounts and Pages we have removed.¹⁹¹

144. In December 2018, Facebook updated its blog to report that it removed an additional “425 Facebook Pages, 17 Facebook Groups, 135 Facebook accounts and 15 Instagram accounts in Myanmar for engaging in coordinated inauthentic behavior on Facebook.... [W]e discovered that these seemingly independent news, entertainment, beauty and lifestyle Pages were linked to the Myanmar military.”¹⁹²

145. Rosa Birch, head of Facebook’s Strategic Response Team, told NBC in 2019 that “the team worked on a new tool that allows approved non-governmental organizations to flag problematic material they see on Facebook in a way that is seen more quickly by the company than if a regular user reported the material. ‘It sounds ***relatively simple, and something that we***

¹⁸⁹ Emphasis added.

¹⁹⁰ Between 2011 and 2017, Facebook reported revenues of \$115,357,000,000 and net income of \$34,893,000,000. *Facebook: annual revenue and net income 2007-2020*, STATISTICA RESEARCH DEPARTMENT (Feb. 5, 2021), <https://www.statista.com/statistics/277229/facebooks-annual-revenue-and-net-income/>.

¹⁹¹ *Removing Myanmar Military Officials From Facebook*, FACEBOOK NEWSROOM (Aug. 28, 2018), <https://about.fb.com/news/2018/08/removing-myanmar-officials/> (emphasis added).

¹⁹² *Id.*

1 *should have done a couple of years ago,*’ she said.”¹⁹³ “When hate speech against the Rohingya
2 minority in Myanmar spread virulently via Facebook in Burmese (a language spoken by some 42
3 million people) Facebook was slow to act because it had no hate-speech detection algorithm in
4 Burmese, and few Burmese-speaking moderators. But since the Rohingya genocide, Facebook
5 has built a hate-speech classifier in Burmese by pouring resources toward the project. It paid to
6 hire 100 Burmese-speaking content moderators, who manually built up a dataset of Burmese hate
7 speech that was used to train an algorithm.”¹⁹⁴

8 146. Recent revelations show, however, that Facebook continues to ignore the harm its
9 algorithms and product inflict in developing countries. A September 2021 Wall Street Journal
10 article based on leaked internal Facebook documents reported:

11 Facebook treats harm in developing countries as ‘simply the cost
12 of doing business’ in those places, said Brian Boland, a former
13 Facebook vice president who oversaw partnerships with internet
14 providers in Africa and Asia before resigning at the end of last
15 year. Facebook has focused its safety efforts on wealthier markets
16 with powerful governments and media institutions, he said, even as
17 it has turned to poorer countries for user growth.

18 ‘There is very rarely a significant, concerted effort to invest in
19 fixing those areas,’ he said.

20 * * *

21 An internal Facebook report from March said actors including
22 some states were frequently on the platform promoting violence,
23 exacerbating ethnic divides and delegitimizing social institutions.
24 ‘This is particularly prevalent—and problematic—in At Risk
25 Countries,’ the report says.

26 It continues with a header in bold: ‘Current mitigation strategies
27 are not enough.’¹⁹⁵

28 ¹⁹³ David Ingram, *Facebook’s new rapid response team has a crucial task: Avoid fueling another genocide*, NBC (June 20, 2019), <https://www.nbcnews.com/tech/tech-news/facebook-s-new-rapid-response-team-has-crucial-task-avoid-n1019821> (emphasis added).

¹⁹⁴ Billy Perrigo, *Facebook Says It’s Removing More Hate Speech Than Ever Before, But There’s a Catch*, TIME (Nov. 27, 2019), <https://time.com/5739688/facebook-hate-speech-languages/>.

¹⁹⁵ Justin Scheck, Newley Purnell, Jeff Horwitz, *Facebook Employees Flag Drug Cartels and Human Traffickers. The Company’s Response Is Weak, Documents Show*, WALL STREET JOURNAL (Sept. 16, 2021), <https://www.wsj.com/articles/facebook-drug-cartels-human-traffickers-response-is-weak-documents-11631812953>.

147. The Wall Street Journal article relates one example indicating that Facebook has learned nothing from its experience in Burma:

In Ethiopia, armed groups have used Facebook to incite violence. The company's internal communications show it doesn't have enough employees who speak some of the relevant languages to help monitor the situation. For some languages, Facebook also failed to build automated systems, called classifiers, that could weed out the worst abuses....

* * *

In a December planning document, a Facebook team wrote that the risk of bad consequences in Ethiopia was dire.... It said in some high-risk places like Ethiopia, ‘Our classifiers don’t work, and we’re largely blind to problems on our site.’

Groups associated with the Ethiopian government and state media posted inciting comments on Facebook against the Tigrayan minority, calling them ‘hyenas’ and ‘a cancer.’ Posts accusing Tigrayans of crimes such as money laundering were going viral, and some people on the site said the Tigrayans should be wiped out.

Violence escalated toward the end of last year, when the government launched an attack on the Tigray capital, Mekelle.

Secretary of State Antony Blinken said in March that Tigrayans are victims of ethnic cleansing.¹⁹⁶

148. Whistleblower Francis Haugen echoed this sentiment, noting that Facebook’s efforts to train its systems in non-English languages are severely lacking, stating “[o]ne of the core things that I’m trying to draw attention to is the underinvestment in languages that aren’t English.... Unfortunately the most fragile places in the world are the most diverse when it comes to languages.” She goes on to say “I saw a pattern of behavior where I believed there was no chance that Facebook would be able to solve these problems in isolation ... I saw what I feared was going to happen continue to unfurl ... I knew I could never live with myself if I watched 10 million, 20 million people over the next 20 years die because of violence that was facilitated by

196 *Id.*

1 social media.”¹⁹⁷

2 149. Facebook’s admissions that it should have done more to prevent the genocide in
3 Burma—and its subsequent efforts, if any—came too late for the tens of thousands of Rohingya
4 who have been murdered, raped, and tortured, and for the hundreds of thousands who are now
5 living in squalid refugee camps and displaced from their home across the world.

6 **FACTS SPECIFIC TO JANE DOE**

7 150. Plaintiff Jane Doe is a Rohingya Muslim woman who previously lived in the
8 Rakhine State, Burma.

9 151. In 2012, Plaintiff was about 16 years old, her father was detained, beaten, and
10 tortured for two weeks by the Myanmar military.

11 152. Around the same time, many young Rohingya girls in Plaintiff’s village and
12 nearby villages were being taken from their families. Members of the Myanmar military came to
13 Plaintiff’s village, and anyone who left their homes was killed. Plaintiff saw at least seven men
14 killed, as well as an elderly woman. Plaintiff knew that many others in her village were also
15 killed, including women and children, but she could only see those directly in the vicinity of her
16 home.

17 153. Fearful that she would be abducted and sexually assaulted or killed herself,
18 Plaintiff’s family eventually urged her to flee Burma alone.

19 154. Plaintiff joined a group of Rohingya fleeing by boat to Bangladesh. She traveled
20 to Thailand and then Malaysia, where the UNHCR eventually arranged for her resettlement in
21 the United States.

22 155. Plaintiff is gravely concerned about her parents and her sisters, who remain in
23 Burma. Their homes and the small store that was their livelihood were destroyed during ethnic
24 violence. Plaintiff’s family land, home, and personal property were eventually seized and those
25 that remained behind in Burma were forced from their homes. They lack any reliable source of

26 _____
27 ¹⁹⁷ Giulia Saudelli, *Facebook whistleblower warns company is neglecting languages other*
28 *than English*, DW, <https://www.dw.com/en/facebook-whistleblower-warns-company-is-neglecting-languages-other-than-english/a-59739260>.

1 income and live in constant fear of further attacks by the Myanmar military or by Buddhist
2 monks.

3 156. Plaintiff also has an aunt and uncle who fled to a refugee camp in Bangladesh,
4 where they have remained for several years.

5 157. Plaintiff remains traumatized by the ethnic violence and threats of violence
6 inflicted on her and her family.

7 158. Plaintiff did not learn that Facebook's conduct was a cause of her injuries until
8 2021. A reasonable investigation by Plaintiff into the causes of her injuries would not have
9 revealed this information prior to 2021 because Facebook's role in the Rohingya genocide was
10 not widely known or well understood within the Rohingya community. Further, even if such
11 information was known to various journalists or investigators at earlier points in time, Plaintiff's
12 ability to discover such information was significantly hindered by her inability to read or write.

13 CLASS ACTION ALLEGATIONS

14 159. **Class Definition.** Plaintiff seeks to represent the following proposed Class
15 pursuant to California Code of Civil Procedure § 382:

16 All Rohingya who left Burma (Myanmar) on or after June 1, 2012,
17 and arrived in the United States under refugee status, or who
sought asylum protection, and now reside in the United States.

18 The following are excluded from the Class: (1) any Judge or Magistrate presiding over this
19 action and members of their families; (2) Defendant, Defendant's subsidiaries, parents,
20 successors, predecessors, and any entity in which Defendant or its parents have a controlling
21 interest, and its current or former employees, officers, or directors; (3) Plaintiff's counsel and
22 Defendant's counsel; and (4) the legal representatives, successors, and assigns of any such
23 excluded person.

24 160. **Ascertainability and Numerosity.** The Class is so numerous that joinder of all
25 members is impracticable. At least 10,000 members of the Class reside in the United States.
26 Class members are ascertainable and can be identified through public records.
27
28

1 **161. Commonality and Predominance.** There are many questions of law and fact
2 common to the claims of Plaintiff and the Class and those questions predominate over any
3 questions that may affect individual members of the Class. These common questions of law and
4 fact include:

- 5 • Whether Facebook (the product) contains design defects that
6 harmed Rohingya Muslims, and, if so, whether Facebook (the
7 company) is strictly liable for them;
- 8 • Whether Facebook owed a duty of care to Rohingya Muslims
9 when entering the Burmese market;
- 10 • Whether Facebook breached any duty of care to Rohingya
11 Muslims in the way it operated in Burma; and
- 12 • Whether Facebook's Burmese operations caused harm to Rohingya
13 Muslims.

14 **162. Typicality.** Plaintiff's claims are typical of the claims of all members of the
15 Class. Plaintiff and the other Class members sustained damages as a result of Defendant's
16 uniform wrongful conduct.

17 **163. Adequacy.** Plaintiff will fairly and adequately protect the interests of the Class.
18 Plaintiff has retained counsel with substantial experience in prosecuting complex class actions
19 and particular expertise in litigation involving social media. Plaintiff and her counsel are
20 committed to vigorously prosecuting the action on behalf of the Class and have the resources to
21 do so. Neither the Plaintiff nor her counsel have any interests adverse to those of the other
22 members of the Class. Defendant has no defenses unique to Plaintiff.

23 **164. Superiority.** A class action is superior to all other available methods for the fair
24 and efficient adjudication of this controversy and joinder of all members of the Class is
25 impracticable. The members of the proposed Class are, by definition, recent immigrants and lack
26 the tangible resources, language skills, and cultural sophistication to access and participate
27 effectively in the prosecution of individual lawsuits in any forum having jurisdiction over
28 Defendant. A class action in which the interests of the Class are advanced by representative
parties therefore provides the greatest chance for individual Class members to obtain relief.

Moreover, duplicative individual litigation of the complex legal and factual controversies presented in this Complaint would increase the delay and expense to all parties and impose a tremendous burden on the courts. By contrast, a class action would reduce the burden of case management and advance the interests of judicial economy, speedy justice, and uniformity of decisions.

FIRST CAUSE OF ACTION

STRICT PRODUCT LIABILITY

165. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

166. Facebook makes its social media product widely available to users around the world.

167. Facebook designed its system and the underlying algorithms and in a manner that rewarded users for posting, and thereby encouraged and trained them to post, increasingly extreme and outrageous hate speech, misinformation, and conspiracy theories attacking particular groups.

168. The design of Facebook's algorithms and product resulted in the proliferation and intensification of hate speech, misinformation, and conspiracy theories attacking the Rohingya in Burma, radicalizing users, causing injury to Plaintiff and the Class, as described above. Accordingly, through the design of its algorithms and product, Facebook (1) contributed to the development and creation of such hate speech and misinformation and (2) radicalized users, causing them to tolerate, support, and even participate in the persecution of and ethnic violence against Plaintiff and the Class.

169. Because (1) the persecution of the Rohingya by the military government was widely known before Facebook launched its product in Burma and (2) Facebook was repeatedly warned after the launch that hate speech and misinformation on the system was likely to result in ethnic violence, Facebook knew and had reason to expect that the Myanmar military and non-Rohingya civilians would engage in violence and commit atrocities against Plaintiff and the Class.

170. Moreover, the kind of harm resulting from the ethnic violence committed by the Myanmar military and their non-Rohingya supporters is precisely the kind of harm that could have been reasonably expected from Facebook’s propagation and prioritization of anti-Rohingya hate speech and misinformation on its system—*e.g.*, wrongful death, personal injury, pain and suffering, emotional distress, and property loss.

171. The dangers inherent in the design of Facebook’s algorithms and product outweigh the benefits, if any, afforded by that design.

172. Plaintiff and the Class are entitled to actual damages proximately caused by the defective design of Facebook's algorithms and system.

173. Plaintiff and the Class are further entitled to punitive damages caused by Facebook's failure to correct or withdraw its algorithms and product after Facebook knew about their defects.

SECOND CAUSE OF ACTION

NEGLIGENCE

174. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

175. When operating in Burma—as everywhere—Facebook had a duty to use reasonable care to avoid injuring others.

176. Facebook breached this duty by—among other things—negligently designing its algorithms to fill Burmese users’ News Feeds (especially users particularly susceptible to such content) with disproportionate amounts of hate speech, misinformation, and other content dangerous to Plaintiff and the Class; negligently contributing to the creation of hate speech, misinformation, and other content dangerous to Plaintiff and the Class by rewarding (and thus encouraging) users to post ever more extreme content; negligently failing to remove such dangerous content from its system after having been repeatedly warned of the potential for such content to incite violence; negligently making connections between and among violent extremists and susceptible potential violent actors; and negligently allowing users to use

Facebook in a manner that Facebook knew or should have known would create an unreasonable risk to Plaintiff and the Class.

177. Because (1) the persecution of the Rohingya by the military government was widely known before Facebook launched its product in Burma and (2) Facebook was repeatedly warned after the launch that hate speech and misinformation on the system was likely to result in ethnic violence, Facebook knew and had reason to expect that the proliferation of such content on its system could incite and facilitate violence and atrocities by the Myanmar military and non-Rohingya civilians against Plaintiff and the Class.

178. Moreover, the kind of harm resulting from the ethnic violence committed by the Myanmar military and their non-Rohingya supporters is precisely the kind of harm that could have been reasonably expected from Facebook's negligent propagation and prioritization of anti-Rohingya hate speech and misinformation on its system—*e.g.*, wrongful death, personal injury, pain and suffering, emotional distress, and property loss.

179. Facebook's acts and omissions in breach of its duty of care were a proximate cause of the persecution of and ethnic violence against—and resulting injuries to—Plaintiff and the Class.

180. Plaintiff and the Class are entitled to actual damages proximately caused by Facebook's negligence of its algorithms and product.

181. Plaintiff and the Class are further entitled to punitive damages caused by Facebook's failure to correct or withdraw its algorithms and system after Facebook knew about their defects.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jane Doe, on behalf of herself and the Class, respectfully requests that this Court enter an Order:

A. Certifying the case as a class action on behalf of the Class, as defined above, appointing Plaintiff Jane Doe as representative of the Class, and appointing her counsel as Class Counsel;

1 B. Declaring that Defendant is strictly liable for defects, as described above, in its
2 algorithms and system; and that Defendant, as described above, acted negligently;

3 C. Awarding the Class compensatory damages for wrongful death, personal injury,
4 pain and suffering, emotional distress, and loss of property, in the amount of at least \$150
5 billion;

6 D. Awarding Plaintiff and the Class punitive damages in an amount to be determined
7 at trial.

8 E. Awarding Plaintiff and the Class their reasonable litigation expenses and
9 attorneys' fees;

10 F. Awarding the Plaintiff and the Class pre- and post-judgment interest, to the extent
11 allowable; and

12 G. Awarding such other and further relief as equity and justice may require.

13 **JURY TRIAL**

14 Plaintiff demands a trial by jury for all issues so triable.

15
16 Respectfully Submitted,

17 **JANE DOE**, individually and on behalf of all
18 others similarly situated,

19 Dated: December 6, 2021

20 By: 
One of Plaintiff's Attorneys

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19 *Counsel for Plaintiff and the Proposed Class*

20 **Admission pro hac vice to be sought.*