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Sent via facsimile, email, and overnight mail

September 8, 2016

Dear Mr. Roach and members of the Netsweeper team,

As you are aware, this is Citizen Lab's first correspondence to Netsweeper Inc. since the filing and subsequent discontinuance this year of a defamation claim against myself and the University of Toronto, in connection with our October 2015 report on information controls in Yemen. As reflected in that claim, Netsweeper is familiar with Citizen Lab and our work, so I will forego further introduction. We have continued our evidence-based research on the global deployment of Internet filtering technologies, including those offered by Netsweeper.

This letter is to seek your comment and any clarification regarding new research findings by the Citizen Lab of apparent Netsweeper installations in Bahrain, as discussed further below. Citizen Lab will publish a report reflecting our research findings on or after September 20, 2016. We commit to include alongside that report any statement Netsweeper wishes to convey to the public about our findings.

In the interest of establishing open channels of communication between Citizen Lab and Netsweeper, and avoiding any circumstance whereby Netsweeper may believe it has been inaccurately or inappropriately portrayed by Citizen Lab, I urge your company to respond in a timely manner to this communication. We at Citizen Lab will work to address any reasonable concern, while of course reserving our right to report on matters of public interest.

After conducting a series of tests regarding the presence of Netsweeper installations on public ISPs in Bahrain, and for the types of content filtered through the use of Netsweeper products on the ISP Batelco, Citizen Lab found the following:

- Netsweeper Internet filtering technology is currently present on the networks of nine Bahrain-based ISPs.
- Our testing shows that at least one of these Netsweeper installations is being used to filter political content, oppositional political websites, content relating to human rights and

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human rights groups, Shiite websites, local and regional news sources, and content critical of religion and the government.

- The Netsweeper installations appear to have become active between May and July 2016, a few months after the Bahrain Telecommunications Regulatory Authority's release of a public tender in January 2016 indicating Netsweeper won a bid to provide a 'national website filtering solution.'
- Netsweeper installations in Bahrain are actively communicating with and receiving updates from Netsweeper Inc.-controlled infrastructure.

We have a number of questions for Netsweeper related to the use of its products and services in Bahrain, as well as its corporate social responsibility (CSR) measures:

- The questions we raised in our [October 2015 letter](#) to Netsweeper concerning its human rights and CSR policies (questions 5-8) remain unanswered. Please share Netsweeper's current approach to human rights and CSR, such as policies on due diligence, compliance with international human rights law and the [UN Guiding Principles on Business and Human Rights](#), inclusion of rights-related provisions in service contracts, etc.

We appreciate any comments you can provide concerning your company's respect for freedom of expression and privacy, particularly in light of the increasing awareness in society and industry of the critical impact of privately-held ICT companies on the rights of Internet users.

- Does Netsweeper investigate the political and social context of a country, including its human rights track record, when selling Netsweeper products and services to governments or national-level ISPs?
- In January 2016, the Bahraini government posted a [tender](#) indicating that Netsweeper would receive \$1.175 million to provide a "national website filtering solution" to the Telecommunications Regulatory Authority (TRA). What due diligence was undertaken by Netsweeper related to this project? Please comment on how the company learned of and determined it would bid on such project, including: whether Netsweeper considered the Bahraini government's human rights record prior to submitting a bid; and whether Netsweeper's engagement with the TRA was facilitated through any trade agreements or other initiatives of the Canadian government.
- It was [reported](#) that in August 2016, the TRA issued its Decision 12/2016, which requires that "all telecommunication companies in Bahrain . . . purchase and use a unified technical system for blocking websites." This unified technical system, managed by the TRA, will reportedly allow the government to filter online content *directly*, obviating the need to rely on Internet service providers to implement government-ordered content filtering. Are Netsweeper products and services provided to the government of Bahrain a



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part of this unified technical system? Has Netsweeper inquired about, or is Netsweeper aware of, how the government of Bahrain intends to use the Netsweeper products and services?

- Is Netsweeper aware of the human rights problems in Bahrain that have been called out by the international community, including the government's systematic targeting of Shias on the basis of their religion, as [noted](#) by United Nations special procedures? Is Netsweeper aware of the ongoing nightly [Internet shutdowns taking place in Duraz](#), Bahrain, in contravention of a UN Human Rights Council [resolution](#) that calls on states to "refrain from and cease such measures"?
- What is Netsweeper's position concerning the demonstrated use of its products in Bahrain to block content related to local opposition movements and human rights groups, as well as certain Shiite websites and content critical of the government?
- Will Netsweeper take any action concerning the use of its products in Bahrain to filter content deemed legitimate expression under international human rights law?

Please feel free to provide any additional comments or clarifications on issues not touched upon in this letter. We also welcome any response you may have at this time to our prior communications. We appreciate your considered reply, and thank you for your time in addressing this important matter.

Sincerely,

Ronald J. Deibert
Professor of Political Science and Director of the Citizen Lab at the University of Toronto's Munk School of Global Affairs

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