

To: South Yorkshire Pensions Authority

South Yorkshire Pensions Authority
Gateway Plaza
Sackville Street
Barnsley
South Yorkshire
S70 2RD

July 8, 2020

Dear Mr. Graham,

I am writing to you again in my capacity as the founder and director of the [Citizen Lab](#) at the University of Toronto's Munk School of Global Affairs & Public Policy. I am seeking further information regarding the South Yorkshire Pensions Authority (the "Authority")'s interest in Novalpina Capital and NSO Group, particularly in light of new research regarding the abusive deployment of their surveillance technology.

Prior correspondence with the Authority

On May 24, 2019, Citizen Lab shared our concerns regarding the Authority's interest in Novalpina Capital and NSO Group. As outlined in our letter to you, there are serious human rights concerns regarding the use and deployment of NSO Group's technology against human rights defenders and a broad range of civil society actors. Yet, Novalpina Capital's efforts to address these issues have been deficient. In response, you indicated that the Authority had "begun a dialogue with Novalpina and are in the process of arranging further discussions involving senior staff." You also indicated that the Authority "takes its responsibility to invest responsibly and ensure that both those who manage money on its behalf and investee companies behave with proper regard to environmental social and governance issues."

On July 4, 2019, we sought further clarification from the Authority regarding its interest in Novalpina Capital and NSO Group. We noted, yet again, that there were serious human rights concerns regarding the use and deployment of NSO Group's technology against human rights defenders and civil society. In response, you reiterated that the Authority had discussions with Novalpina about their investment,

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but were “content that the steps being taken by Novalpina are appropriate.” You also undertook to “monitor the delivery of their plans as part of [the Authority’s] ongoing oversight of the investment.”

New research regarding the use of NSO Group’s technology against civil society, media, human rights defenders, and political opposition members

Despite NSO Group’s promises to bring the company into compliance with the United Nations Guiding Principles, there remain ongoing and serious concerns regarding the deployment of NSO Group’s technology and the company’s failure to address this. Since your latest correspondence of July 4, 2019, and since NSO Group announced its new ‘human rights policy and governance framework’ in September 2019, there have been a number of new reports regarding the use of NSO Group’s technology against the media, civil society, opposition members, and human rights defenders. Some of the targeting attributed to NSO Group post-dates the ‘human rights and governance framework’.

Most recently, on June 22, 2020, Amnesty International published a new report detailing the deployment of NSO Group’s technology against Moroccan journalist Omar Radi (this was subsequent to other digital [attacks](#) using NSO Group’s technology against Moroccan human rights defenders documented by Amnesty International in October 2019). Amnesty International [noted](#) that Mr. Radi’s phone was subjected to “multiple attacks” that “occurred over a period when Radi was being repeatedly harassed by the Moroccan authorities, with one attack taking place just days after NSO pledged to stop its products being used in human rights abuses and continued until at least January 2020.”

On January 28, 2020, Citizen Lab [reported](#) that Ben Hubbard, a journalist with *the New York Times* who has been writing extensively about Saudi Arabia, had been targeted with NSO Group spyware in June 2018. While this targeting predated NSO Group and Novalpina Capital’s assurances regarding the company’s compliance with the United Nations Guiding Principles, NSO Group [deflected](#) when asked for a comment and made no undertakings to address the research.

The breadth and scope of targeting using NSO Group’s technology is particularly well-illustrated by NSO Group technology exploiting WhatsApp in 2019. In October 2019, Facebook and WhatsApp Inc. [sued](#) NSO Group in the Northern District of California, alleging that NSO Group had used WhatsApp servers in the United States and elsewhere to send malware to approximately 1,400 mobile phones and devices. Citizen Lab assisted WhatsApp in identifying that over 100 of these targets [were](#) human rights defenders, journalists, and other members of civil society around the world, including [members of the Rwandan opposition in exile abroad](#) and [Indian human rights defenders](#).

Finally, NSO Group has failed to publish important details regarding its ‘human rights policy and governance framework’ (which has, more broadly, also been the subject of criticism, including [from](#)

David Kaye, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression). NSO Group issued this policy and framework in September 2019. Yet, as of the date of this letter, NSO Group has not provided specific details regarding the composition and operations of its Governance, Risk, and Compliance Committee. This is troubling considering that the Committee is supposedly empowered to review potential sales and provide recommendations and decisions after a risk-based due diligence process that supposedly considers human rights impacts.

Further request to the Authority

In light of the above information, I am seeking more information from the Authority regarding its relationship with and investment in Novalpina Capital and NSO Group. In particular, is the Authority going to revisit its investment in Novalpina Capital and NSO Group in light of the above research? Does the Authority have any new concerns regarding its investment in Novalpina Capital and NSO Group in light of the additional findings? What 'monitoring' activities has the Authority undertaken in relation to this investment since your response dated July 4, 2019?

Further, we would be pleased to provide you with a presentation regarding Citizen Lab's research into NSO Group's Pegasus spyware and surveillance technology more generally.

Sincerely,



Professor Ronald J. Deibert, OOnt

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Director, the Citizen Lab at the Munk School of Global Affairs & Public Policy, University of Toronto