
New York, February 20, 2019

Stephen Peel
Founding Partner
Novalpina Capital
10 Bruton Street
London W1J 6PX

Dear Stephen,

Thank you for your letter regarding Novalpina Capital's role in the acquisition of NSO Group. As you have rightly identified, at Access Now we have closely followed the actions of the NSO Group, a firm whose technology has deeply impacted the human rights of persons at risk around the world. This business deal and change of ownership is therefore an important development that we have watched and as such, I would like to share with you our views about the process.

In your letter you outline that Novalpina undertook due diligence before participating in the acquisition. As the United Nations Guiding Principles on Business & Human Rights set out, such a process should involve "meaningful consultation with potentially affected groups and other relevant stakeholders." Unfortunately, we were not approached by your firm prior to the acquisition, nor do we know that any other affected partners, rightsholders or interested stakeholders were consulted in this way.

We would have appreciated the opportunity to discuss with you a number of very important issues that must be considered, including: the ties between NSO Group and certain governments who routinely abuse human rights, the failure of NSO Group or its previous owner Francisco Partners to disclose or extend meaningful access to remedy for harms they did cause or contribute to, and the threat that invasive surveillance technology poses to civil society, journalists, and human rights defenders broadly.

I would like to point you to some of our work and commentary on relevant matters: the ongoing efforts in the EU to [reform export controls](#) to better prevent and mitigate human rights violations; how international [human rights law applies](#) to government hacking; the reported links between NSO Group and the administrations of [Presidents Donald Trump and Recep Tayyip Erdoğan](#); advocacy with [investors](#) to bring accountability to the sector; and multiple [reports](#) and [campaigns](#) regarding the human rights impacts of NSO Group and other surveillance tech vendors.

On Monday, we joined other civil society organizations in issuing a [joint letter](#) to your firm calling for action to respect human rights and redress abuses. To highlight several conditions in the joint letter, we ask that you:

- Confirm an immediate end to the sale or further maintenance of NSO Group products and services to governments that have been accused of intentionally infringing human rights through communications surveillance;

- Commit to fully engage with relevant investigations into past human rights abuses associated with NSO Group;
- Provide more details on the extent of due diligence your firm undertook, before the purchase;
- Detail the measures, including in policy, procedure, and corporate structuring, that Novalpina Capital will implement to ensure NSO Group does not cause or contribute to future human rights violations;
- Make clearly articulated assurances and commitments on transparency and accountability measures.

I understand that it could take time to achieve these conditions, some of which could be challenging to meet, particularly given the track record of NSO Group to date.

I acknowledge and appreciate your letter to me, including your offer to meet with me and my team. I also note your [letter](#) to Ron Deibert, Director of CitizenLab, and his [reply](#), which requests your written response to a list of questions, as a first step toward further public discussion with you. Such responses would enable civil society to have a productive dialogue, furthering your expressed intention to demonstrate the due diligence underpinning your decision and to jointly craft appropriate governance for these technologies.

Please note that we would meet on the understanding that any interaction with Access Now will be considered in partnership with other civil society organizations, who are open to participate in our conversation; that our conversation may be on the record, with no expectation of confidentiality, if civil society so wishes; and that we will be publishing all correspondence from and between your firm and Access Now, along with the joint letter from civil society and the letter you sent to Access Now dated February 15, 2019.

We look forward to your response.

Sincerely,



Brett Solomon
Executive Director
Access Now