

September 17, 2020

The Honorable Xavier Becerra
Attorney General of California
1300 I Street
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xavier.becerra@doj.ca.gov

Re: Human rights violations in Belarus linked to California firms

Dear Attorney General Becerra,

We respectfully call your attention to the matter of California entities providing technology and support services to the Belarus government, bolstering that regime's [suppression of information](#) and oppression of citizens, including through [disappearances](#) and [torture](#), amid the recent contested election.

The Fremont, California-based tech company Sandvine, founded in Canada and acquired by the San Francisco private equity firm Francisco Partners in 2017, has recently done business with government officials in Belarus. Sandvine executives “met directly with officials in Belarus” in May 2020, according to timely [Bloomberg reports](#), and “later shipped the equipment” – deep packet inspection (DPI) technology with censorship and surveillance capabilities – “via a contractor, to be installed at data centers in Minsk.”

With this technology in hand, Belarus officials [shut down much of the internet](#) during its crucial August 2020 presidential election, and [continue](#) to [attack the press](#) and disrupt, throttle, and [block access to information](#) and [news outlets](#) online there in [violation of human rights](#). In its decision announced on September 15, 2020 to terminate the country's “end user license agreement,” Sandvine [admits](#) its technology was used “to thwart the free flow of information during the Belarus election,” blaming “custom code” that was inserted, ostensibly without the company's approval or knowledge. The equipment [remains usable by Belarus](#), at least for a short period.

For its part, Francisco Partners has a long history of dealing in the surveillance sector. Between 2014 and 2019, Francisco Partners owned the controversial spyware company NSO Group whose Pegasus spyware was reportedly used to target at least 1,400 mobile devices, more than 100 of them belonging to the [civil society members](#), including the slain Saudi Arabian journalist [Jamal Khashoggi](#) and the *Washington Post*'s [publisher](#). NSO's hacking activities targeting California-based WhatsApp servers are currently subject of a [lawsuit](#) in the U.S. District Court, Northern District of California. In 2015, Francisco Partners [acquired](#) Procera Networks in an all-cash transaction valued at approximately \$240 million. In 2017, Procera was [merged](#) with Sandvine.

Both Procera and Sandvine were featured in the 2018 Citizen Lab [report](#) documenting the use of the companies' DPI technologies to deliver malware in Turkey and Syria, and to covertly raise money through affiliate ads and cryptocurrency mining in Egypt. The Citizen Lab then followed up with a series of correspondence, including an [open letter](#) to Francisco Partners highlighting the abuses found in the report and urging the firm to address the serious human rights impacts of the products and services of its portfolio companies. Unfortunately, this call did not result in any meaningful oversight of Sandvine's involvement in human rights violations. As we have witnessed, the abuses, left unaddressed, continued in Belarus.

The Sandvine decision to pull its contract with Belarus, while laudable, comes too late and does not address how or why Belarus, whose government has a long history of human rights violations on- and offline, passed through the company's ethics screening or its investors' due diligence in the first place. Therefore, we [urge](#) you to look into the activities of Sandvine, its owners Francisco Partners, as well as other relevant owners and investors, for potential legal violations arising out of these contracts, including due diligence and disclosure failures, deceptive and unfair business practices, and Sandvine's possible contravention of U.S. sanctions against Belarus. U.S. Senators have taken note, and we expect Congress and the Department of Treasury to look into these companies.

Thank you for your attention to this matter.

Sincerely,

Access Now
Committee to Protect Journalists
Electronic Frontier Foundation

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