



June 2022

Our Next Meeting:  
June 9th on Zoom



## Group 48 Calls on OIC to end its investments in NSO Group by Rod Such

Group 48, the Oregon-based chapter of Amnesty International USA, last month called for the state of Oregon to divest from a private equity fund that controls the Israeli spyware company known as the NSO Group, the makers of Pegasus software. Amnesty International has helped document that this spyware has been used to target human rights activists, labor organizers, political dissidents, journalists, diplomats, and even government officials.

Pegasus software is so invasive that it can infect cellphones without the user knowing that their phone has been compromised and without requiring that the user download an infected attachment. Pegasus enables purchasers of the spyware—mostly, if not entirely government entities—to track a targeted person’s movements, get access to their emails, phone call records, and contact lists, and even activate the cell phone’s camera and microphone.

Amnesty International’s Security Lab played a leading role in exposing how Pegasus software has been used in unlawful surveillance and human rights abuses. Together with another forensic analysis group known as Citizens Lab, Amnesty helped document how Pegasus infected more than 50,000 phones in 45 countries, including the phones of hundreds of journalists in nearly 20 countries. The resulting news coverage from what became known as the Pegasus Project led to major investigative reports into the NSO Group by the New York Times, Washington Post, and the British Guardian, among others.

Their findings also implicated the Israeli government. Israel’s Ministry of Defense must approve an export license for each sale of Pegasus software to a foreign government. As a result, a New York Times report concluded that the Israeli government “directly controls” the NSO. Two of NSO’s three founders and many of its employees are veterans of the infamous Intelligence Unit 1100, known for its participation in the mass surveillance of Palestinians and extrajudicial assassinations.

Despite the massive publicity, however, less well known is the fact that the Oregon Public Employee Retirement System (PERS) is the only state pension fund invested in the private equity firm that controls the NSO Group. In 2019 the Oregon Investment Council (OIC) that oversees PERS investments committed \$233 million to the Novalpina Cap-

ital Fund, which had a controlling 90 percent stake in the NSO Group, even though news reports about NSO's involvement in human rights violations had been reported as early as 2016.

As news reports continued to document NSO Group's activities, U.S. Senator Ron Wyden of Oregon publicly requested in December 2021 that the OIC end its investments in the NSO Group. As a member of the Senate Intelligence Committee, Wyden has long taken up privacy issues and opposed warrantless mass surveillance. His request was a rare instance of involvement by a federal official in state financial affairs. It followed the Biden administration's decision in November 2021 to place NSO on a Commerce Department blacklist. The blacklist prohibited U.S. technology companies from working with NSO. Subsequently, the U.S. Justice Department also opened a criminal investigation into whether NSO officials attempted to use bribes to gain access to a key service provided to cell phone companies.

Major stakeholders in the Oregon public employee pension system have also weighed in. At its April convention the Oregon Educational Association, representing 40,000 teachers, passed a resolution calling on Oregon to divest from NSO. Earlier, in March, the statewide Oregon AFL-CIO representing every major union in the state unanimously passed a similar resolution.

After conferring with Amnesty USA leadership and discussing the issue at its May meeting, Group 48 of Amnesty USA voted to submit public comment to the Oregon Investment Council. The decision came after Amnesty International released in February 2022 a major report concluding that Israel practices the crime of apartheid both within Israel and in the Israeli-occupied territories. Amnesty's report on Israeli apartheid included a section on how the Israeli government conducts mass surveillance of Palestinians. Amnesty subsequently also took up the case of Palestinian-French human rights attorney Salah Hammouri, a resident of East Jerusalem, who discovered that his phone had been hacked by Pegasus software. Hammouri is being held in administrative detention in an Israeli prison without the rights of due process. He is suing NSO Group in a French court for violating France's privacy laws.

The public comment submitted by Group 48 to the OIC reads as follows:

"The Portland, Oregon chapter of Amnesty International, known as Group 48, is deeply concerned about Oregon PERS investment in the NSO Group, the Israeli spyware firm that makes Pegasus software. As you know by now from the extensive media coverage in the New York Times, Washington Post, the British Guardian, and elsewhere, NSO Group has sold this software to authoritarian governments which have used it to surveil human rights activists, political dissidents, journalists, diplomats, and government officials.

Moreover, the export licenses for these sales were approved at the highest levels of Israel's Ministry of Defense. Amnesty International recently concluded

that the Israeli government is intentionally perpetuating a regime of apartheid, a crime against humanity. Amnesty's report documented the extensive surveillance of Palestinians in violation of their human rights to privacy. Indeed, many of the founders of the NSO Group are former members of an elite military intelligence

unit that helped develop these unlawful techniques of surveillance.

Furthermore, Amnesty has urged the immediate release from prison of the Palestinian-French human rights attorney Salah Hammouri who is suing the NSO Group for using Pegasus software to spy on his activities.

Spokespersons for the Oregon Investment Council maintain that it cannot get involved in "politics" and have a fiduciary duty to get the best possible return on its pension fund investments for public employees. In the case of your NSO investment, you have failed this fiduciary duty. Moody's credit rating now lists NSO Group as eight levels below investment grade. The NSO Group has been blacklisted by the Biden administration, meaning that U.S. technology companies are prohibited from doing business with NSO, and NSO is facing lawsuits from Apple, Facebook, and Microsoft for its hacking activities. The company could face bankruptcy, meaning the total loss of the \$165 million that OIC has already extended to the private equity fund that controls NSO.

The UN Guiding Principles on Business and Human rights state that companies and investors have



a responsibility to respect human rights. This includes the responsibility to conduct due diligence before and following an investment, to ensure that the investment does not have a negative impact on human rights. Did Oregon PERS conduct any such due diligence in advance of making their investment in the NSO Group? Has Oregon PERS conducted any follow-up due diligence, especially given NSO Group's surveillance of human rights activists, political dissidents, journalists, diplomats and government officials? If not, why was no such due diligence conducted? If so, what

were the findings of this due diligence, and what steps has Oregon PERS taken to address the human rights implications of this investment?"

### Take Action

You can also take action. The next meeting of the OIC is July 20, and public comment can be submitted up to two days prior to the meeting by emailing OIC. [PublicComments@ost.state.or.us](mailto:PublicComments@ost.state.or.us)

## The Pegasus Project: How Amnesty Tech uncovered the spyware scandal

(March 23, 2022) Amnesty International have released a new video revealing how the organization helped to uncover the Pegasus Project spyware scandal.

The video details how Amnesty International's Security Lab played a crucial role in exposing the forensic evidence that proved the data could be connected to NSO Group's Pegasus surveillance software.

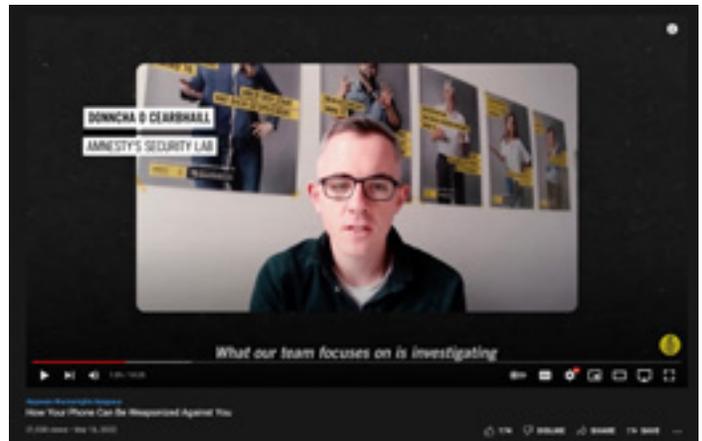
The short film features interviews with Amnesty Tech staff who worked on the months-long investigation before the story made headlines around the world in July 2021.

Danna Ingleton, Amnesty Tech's Deputy Director, said: "The Pegasus Project was the culmination of years of work investigating NSO Group's shadowy Pegasus software.

"Our new video provides an insight into how we developed our forensic tools to expose the vast scale of unlawful surveillance and human rights abuses that were ongoing, and also what needs to be done next to regulate an industry that is clearly out of control."

The Pegasus Project is a ground-breaking collaboration by more than 80 journalists from 17 media organizations in 10 countries coordinated by Forbidden Stories, a Paris-based media non-profit, with the technical support of Amnesty International, which conducted cutting-edge forensic tests on mobile phones to identify traces of the spyware.

The collaboration revealed how NSO Group's Pegasus spyware has been used to facilitate human rights violations around the world on a massive scale, following the revelation of 50,000 phone numbers of potential surveillance targets.



The Pegasus Project had significant impact that continues to reverberate around the world. On 11 March, the European Parliament voted to create a new "committee of inquiry" to investigate abuses of Pegasus by European member states. The Pegasus Project has also resulted in numerous criminal cases being brought by those who discovered their devices had been targeted with the spyware, including in France, Mexico and India.

In November 2021, the U.S. Department of Commerce announced NSO Group was being placed on a blacklist due to its "malicious cyber activity". A few weeks later, Apple launched a legal action against NSO Group to "curb the abuse of state-sponsored spyware". The company praised Amnesty Tech and Citizen Lab for their ground-breaking work to identify cybersurveillance abuses.

The video is available here. <https://www.youtube.com/watch?v=8r8MkMfvaPU>

## AIUSA Group 48

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### **Urgent Action: China**

**Imprisoned June 4th Vigil Organizer Faces Further Charges**

**Name and Pronoun: Chow Hang-tung (she/her)**

Human rights lawyer and China's labour rights advocate Chow Hang-tung was charged for "inciting subversion" under the new National Security Law on September 9, 2021 and faces potential 10 years' imprisonment. At the time of being charged, she was the vice-chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance), the organizer of the annual Hong Kong vigil commemorating the 1989 Tiananmen crackdown since 1990. Chow Hang-tung was exercising her fundamental human right of freedom of expression through peaceful means, and charges against her must be dropped and they must be released immediately.

For three decades, the Hong Kong Alliance organized the world's biggest commemoration of the Tiananmen crackdown, which took place on the evening of June 3-4, 1989, when hundreds – possibly thousands – of people were killed in Beijing when troops opened fire on students and workers who had for months been peacefully calling for political and economic reforms as well as an end to corruption. Thousands across China were also arrested and imprisoned for participating in the demonstrations. Every year on June 4 since 1990, tens and sometimes hundreds



31st Anniversary of 1989 Tiananmen Square protests in Hong Kong. CC 4.0 by Dasze

of thousands of people joined a candlelight vigil in Hong Kong's Victoria Park to remember those killed. They called on the Chinese authorities to reveal the truth about what happened and take accountability for the fatalities. For the past two years, the vigil was banned on Covid-19 grounds. Before the Hong Kong candlelight vigil was banned in 2020, it was the only large-scale commemoration of the Tiananmen crackdown that took place in the country.

On September 8, 2021, Chow and three former leaders of the Alliance, Simon Leung Kam-wai, Tang Ngok-kwan and Chan Dor-wai, were arrested after they refused to comply with the authorities' request to submit information about the Alliance's members, staff, and partner organizations. Another former leader Tsui Hon-kwong was arrested two days after.

On September 9, 2021, the Alliance, along with Chow Hang-tung and prominent veteran politicians Albert Ho and Lee Cheuk-yan, were charged with

“inciting subversion”. At the time of being charged, Chow was the vicechair of the Alliance.

Following the initiation of prosecutions against core members and increasing pressure from the government, the Hong Kong Alliance disbanded on September 25, 2021.

On September 29, 2021, the National Security Department informed the Hong Kong Alliance that its assets, including bank accounts and a property, were frozen under the Implementing Rules of Article 43 of national security law. On October 26, 2021, the Chief Executive ordered the Hong Kong Alliance be removed from Companies Register because the Alliance's work, including organizing peaceful assemblies, undermines the Central governments' “ability to safeguard national security and to maintain public safety and order”.

The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Spe-



cial Administrative Region (NSL) was unanimously passed by China's National People's Congress Standing Committee and enacted in Hong Kong on June 30, 2020 without any formal, meaningful public or other local consultation. The impact of the NSL has been immediate and sweeping. The law's expansive definition of "national security", which follows that of the Chinese central authorities, lacks clarity and legal predictability and has been used arbitrarily as a pretext to restrict the human rights to freedom of expression, peaceful assembly and association, among others, and to repress dissent and political opposition. By accusing political parties, academics and other organizations and individuals actually or perceived to be critical of the present government and political system in Hong Kong of threatening national security, the authorities have sought to justify censorship, harassment, arrests, and prosecutions that violate human rights. The overly broad definitions of the National Security Law have given the authorities free rein to silent dissent and crack down on civil society organizations. The Hong Kong government increasingly criminalizes the work of civil society organizations, accusing local and overseas activists and groups who form international partnerships or do peaceful international activism of "colluding with foreign forces".

Chow Hang-tung is a long-term human rights defender. Prior to becoming a human rights lawyer, she was an advocate for labour rights and human rights defenders in China. As a barrister in Hong Kong, she has defended political activists targeted by

the National Security Law. On December 13, 2021, Chow was sentenced to 12 months' imprisonment for taking part in an unauthorized assembly after joining a peaceful candlelight vigil commemorating the Tiananmen crackdown on June 4, 2020. On January 4, 2022, she received a 15-month prison sentence in a second conviction on the charge of "inciting others to take part in an unauthorised assembly" after she published a social media post asking people to commemorate the Tiananmen crackdown on June 4, 2021.

### Sample Letter

Dear Secretary Cheng,

*I am writing to express my grave concern for Chow Hang-tung, one of the organizers of the annual Tiananmen vigil who has been arrested and charged for "inciting subversion". It is alarming to learn that she and other core members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) was targeted simply for commemorating the 1989 Tiananmen crackdown. This act is a mere peaceful expression of opinion, which is permissible under international human rights law and standards, and must not be criminalized.*

*The Hong Kong government claimed on many occasions, including to the UN in the reply to the list of issues in relation to the periodic report of the implementation of the ICCPR in Hong Kong, that freedoms including freedom of assembly and expression may be restricted for the protection of 'national security'. However, the prosecution of Chow and other activists who peacefully exercised these rights violates international human rights laws and standards. Such standards specifically state that governments cannot restrict these freedoms on the grounds of national security unless their exercise constitutes the use or credible threat of force that threatens a state's existence or territorial integrity.*

*I find it distressing that the national security police used the vigil and other peaceful activism of the Hong Kong Alliance as evidence of endangering national security. Demanding justice and remembering victims of the 1989 Tiananmen crackdown are peaceful expressions that cannot be restricted under the pretext of national security.*

*I therefore call on you to:*

*• Drop all charges against and release Chow Hang-tung immediately, as she was charged solely for*



*peacefully exercising her rights;*

*• End the practice of bringing 'national security' charges against those who have simply exercised their right to freedom of expression or other human rights;*

*• Review and amend all laws and regulations, and end all related measures, that violate the exercise of human rights, in particular to freedom of expression, peaceful assembly and association.*

*Sincerely,*

## TAKE ACTION:

1. Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.

2. Click [here](#) to let us know the actions you took on Urgent Action 86.21. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help. Please take action as soon as possible until: June 29, 2022

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