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Sens. Mark Meek, Brian Boquist, Lynn Findley,  
Jeff Golden and Kayse Jama Oregon  
Senate Finance and Revenue Committee  
900 Court St NE Salem, OR 9730

31 January 2023

## RE: Written Testimony regarding Senate Bill 541

### Chair Meek and Members of the Committee,

As part of The Pegasus Project, Amnesty International has highlighted the global scale of human rights abuses involving cyber surveillance companies, like NSO Group, and its government clients.<sup>1</sup> Our research has linked the products and services of NSO Group to violations of internationally recognized human rights across the globe, including breaches of the rights to privacy and freedom of expression, particularly of journalists and human rights defenders. While NSO Group claims its spyware is only used for criminal and terror investigations<sup>2</sup>, it has become clear that its technology facilitates systemic abuse, in violation of international human rights law.

Accordingly, Amnesty International – alongside a broad coalition that includes civil society organizations, UN experts, and inter-governmental organizations – is calling for a global moratorium on the sale, use, and transfer of spyware technology until a human rights-compliant regulatory framework is in place to prevent these types of abuses.

Investment in NSO Group by private equity firms – themselves largely opaque and subject to little oversight – has compounded and entrenched a lack of transparency while facilitating the growth of the NSO Group enterprise.<sup>3</sup> Research into NSO Group has revealed that some of the investors that have a stake in this company include the Oregon Public Employees Retirement System.<sup>4</sup> These findings are of particular importance today, as this Committee considers whether to adopt a policy to incorporate a human rights analysis into decisions regarding investments of money in investment funds.

Under the UN Guiding Principles on Business and Human Rights, investors –whether of public or private nature- have a responsibility to respect human rights, avoid causing or contributing to adverse human rights impact through their operations and products and seek to prevent and mitigate adverse impacts to which they are linked through their business relationship.<sup>5</sup> Additionally, States have a duty to protect human rights, taking “appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication”.<sup>6</sup>

<sup>1</sup> Amnesty International, *Scale of secretive cyber surveillance 'an international human rights crisis' in which NSO group is complicit*, (23 July 2021) <https://www.amnesty.org/en/latest/news/2021/07/pegasus-project-spyware-digital-surveillance-nso-2>.

<sup>2</sup> NSO Group, *Transparency and Responsibility Report 2021*, 30 June 2021, [nso.group.com/wp-content/uploads/2021/06/ReportBooklet.pdf](https://www.nso.group/wp-content/uploads/2021/06/ReportBooklet.pdf), p. 7.

<sup>3</sup> Amnesty International, *Uncovering the Iceberg: The Digital Surveillance Crisis Wrought by States and the Private Sector*, Index Number: DOC 10/4491/2021, June 2021, available at <https://www.amnesty.org/en/documents/doc10/4182/2021/en/>

<sup>4</sup> Amnesty International, *Uncovering the Iceberg: The Digital Surveillance Crisis Wrought by States and the Private Sector*, Index Number: DOC 10/4491/2021, June 2021, available at <https://www.amnesty.org/en/documents/doc10/4182/2021/en/>

<sup>5</sup> Amnesty International, *Uncovering the Iceberg: The Digital Surveillance Crisis Wrought by States and the Private Sector*, Index Number: DOC 10/4491/2021, June 2021, available at <https://www.amnesty.org/en/documents/doc10/4182/2021/en/>

<sup>6</sup> Guiding Principles on Business and Human Rights, [www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

Therefore, based on our human-rights research and forensic expertise, we invite this Committee to consider:

1. Adopting all necessary steps to promote the creation of mechanisms to assess whether the investment portfolios of the State of Oregon include or may in the future include surveillance companies, based on human rights due diligence assessments and human rights-based procurement standards
2. Demanding that any such portfolio companies fulfil their responsibilities to respect human rights, in accordance with the UN Guiding Principles and OECD guidelines
3. Divesting from or ceasing investments in portfolios that invest in spyware companies.

Sincerely,

**Elina Castillo Jiménez**

Researcher/Advisor, Disrupting Digital Surveillance Team