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Sent via facsimile and email

October 9, 2015

Dear Mr. Roach and members of the Netsweeper team,

We write to call your attention to highly concerning developments regarding the use of Netsweeper technology in Yemen, a country currently in the midst of civil war and a humanitarian crisis.

Citizen Lab, an interdisciplinary laboratory based at the Munk School of Global Affairs, University of Toronto, is researching information controls in the context of the armed conflict in Yemen that threatens the peace and security of the country and region.

During the course of our research into Internet censorship linked to the civil war in Yemen, we identified the ongoing use of Netsweeper web filtering products on YemenNet, an ISP that provides national Internet service. In this letter we raise concerns and questions pertaining to that Netsweeper deployment.

We plan to publish a report reflecting our research on October 20, 2015. We would appreciate a response to this letter from your company as soon as possible, which we commit to publish in full alongside our research report.

As you may know, since 2014 political and armed conflict has escalated in Yemen. Houthi rebels have engaged in an armed offensive against and takeover of the government, while a Saudi-led coalition established to counter the Houthi movement has launched airstrikes in the country and imposed a blockade on Yemeni ports. (For more information regarding the conflict, see the report of the United Nations [UN] High Commissioner for Human Rights here.) According to June 2015 estimates of the UN Office for the Coordination of Humanitarian Affairs, 20.4 million people required humanitarian assistance in Yemen, including water, protection, food and health care.

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The conflict has prompted action by the UN Security Council and individual governments to address the violence and associated human rights violations, including through sanctions against Yemen's former president Saleh and key members of the Houthi movement with which he is allied.

As a result of the conflict, YemenNet, a government-owned and controlled ISP, is now under the control of the Houthi forces that have taken power in the country. YemenNet is also apparently a Netsweeper client, according to our current research and that previously reported in 2011.

Our research has resulted in the following findings of relevance to Netsweeper:

- Netsweeper Internet filtering products are installed on and presently in operation within YemenNet, the most utilized ISP in the country. Netsweeper infrastructure resides on the network in the IP address range 82.114.160.94 to 82.114.160.104.

- These Netsweeper products are used to filter critical political content and independent media websites, including information regarding the ongoing violent conflict in Yemen.

- These Netsweeper products are also used by YemenNet to prevent access within the country to the *entire* top-level domain associated with the state of Israel, ".il," regardless of the content of such web pages.

These filtering practices undermine citizens' rights to freedom of opinion and expression and access to information, recognized in international human rights law. Indeed, the filtering of an entire country code top-level domain is a blatant and unjustifiable violation of international human rights law, raising serious moral and ethical questions regarding filtering of information on the sole basis of its connection to a particular people or nation -- here, the state of Israel.

The current environment within Yemen amplifies these concerns. YemenNet is under the control of the Houthi movement, known for egregious rights violations and targeted with sanctions by the international community. Violence has escalated significantly over the past year. In the midst of the humanitarian crisis in Yemen, public access to information is critical. Yet it appears to be the precise intent of the Houthi rebels to prevent access to information via national ISPs.

In light of these findings, we present the following questions to Netsweeper concerning the company's approach to corporate social responsibility, and its business in Yemen specifically:

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1. Has Netsweeper at any point in time engaged in due diligence regarding the potential human rights implications of providing its technology and services to YemenNet?
2. Has Netsweeper stayed informed of: changes in control of YemenNet; how YemenNet has utilized Netsweeper filtering technology; and the conflict affecting the country and region? When was Netsweeper's last interaction with YemenNet (aside from automated updates or exchanges)?
3. Was Netsweeper aware that its products are used in Yemen to filter sites providing information related to the humanitarian crisis and political speech in areas of conflict, as well as the Israel ccTLD?
4. Does Netsweeper have any policy or contractual terms regarding use of its products to filter entire country code TLDs? Has Netsweeper considered designing its products to prevent the availability of this form of filtering to clients?
5. Has Netsweeper adopted a human rights or corporate social responsibility policy, or other forms of internal guidance on rights-related issues? If so, can Netsweeper share the language of that policy?
6. In providing ongoing service to its clients, is Netsweeper capable of assessing changes in end user or use of its products? Does it reserve the right to cancel service in the event of a failure by the client to comply with relevant laws, including international human rights law?
7. Has Netsweeper implemented or familiarized itself with the United Nations Guiding Principles on Business and Human Rights? Are there other human rights standards or principles to which Netsweeper subscribes?
8. Has Netsweeper explored joining the Global Network Initiative (GNI), a network of business, civil society, and academic stakeholders, in finding solutions for technology companies to uphold standards of privacy and free expression?
9. Does Netsweeper plan to take any action with respect to the Citizen Lab findings outlined herein?

Thank you for your timely response to these questions.

Sincerely,

Ronald J. Deibert
Professor of Political Science and Director of the Citizen Lab at the University of Toronto's Munk School of Global Affairs