

## **OUTGOING FACSIMILE**

**DATE:** 5 August 2014

то:	The Managing Director Hacking Team S.r.l Via della Moscova 13 20121 – Milano Italy	FROM:	Davey McNab Secretary Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan
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TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 3			

Please find attached S/AC.47/2014/PE/OC.83

## UNITED NATIONS



## **NATIONS UNIES**

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**REFERENCE:** S/AC.47/2014/PE/OC.83

5 August 2014

Dear Sir/Madam,

I have the honour to write to you again on behalf of the Panel of Experts on the Sudan established pursuant to Security Council resolution 1591 (2005) and recently extended by resolution 2138 (2014).

As you may be aware, it is the mandate of the Panel to monitor the implementation of the provisions related to the sanctions regime established on Darfur pursuant to Security Council resolutions 1556 (2004), 1591 (2005), 1945 (2010), 2091 (2013) and most recently 2138 (2014).

By paragraphs 7 and 8 of resolution 1556 (2004), the Security Council imposed an arms embargo, which includes all military equipment, on all non-governmental entities and individuals, including the Janjaweed, operating in the States of Northern Darfur, Southern Darfur and Western Darfur. By paragraph 2 of resolution 2035 (2012), the Council confirmed that all reference to the three states of Darfur should apply to all the territory of Darfur, including the new States of Eastern and Central Darfur, created on 11 January 2012. By paragraph 7 of resolution 1591 (2005), the Council extended the arms embargo, including military equipment, to include all parties to the N'Djamena Ceasefire Agreement and any other belligerents in the aforementioned areas. The enforcement of the arms embargo was further strengthened by resolution 1945 (2010).

Before proceeding further please allow me to underline that the Panel has never had any reason to believe or suggest that your esteemed organization has violated the arms embargo imposed according to the sanctions regime established on Darfur by the Security Council in its resolutions and it wishes to reiterate that in this correspondence. This is a request for information to assist in the Panel's work in accordance with paragraph 18 of Resolution 2138 (2014).

The Managing Director Hacking Team S.r.l Via della Moscova 13 20121 – Milano Italy Fax +39 02 63118946

cc: Permanent Mission of Italy to the United Nations

The Panel noted in its letter of 4 June 2014 (S/AC.47/2014/PE/OC.40) that the use of malware such as your Remote Control System (RCS) within Sudan is of interest to the Panel in terms of its potential for possible violations of the arms embargo should it be used for military electronic intelligence purposes in the Darfur region without reference to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan. There are also additional human rights aspects that may require consideration.

The Panel is aware of a recent report by a University of Toronto programme, The Citizen Lab, (<a href="https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware/">https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware/</a>), which suggests that the Government of Sudan has procured the RCS malware. The Panel therefore wishes to renew their previous request that you provide the Panel with any information available to you on any contracts you may have had to supply this software to the Government of Sudan, and copies of these contracts.

Please allow me to underline that the Panel stands ready to comply with the conditions, if any, that your organization deems relevant to apply to the use of the information requested by the Panel.

The Panel would sincerely appreciate if your office would kindly direct its response **by 30 August, 2014** through Mr. Davey McNab, Secretary of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan: 2 UN Plaza, Fl 20, Room DC2-2046, New York, NY 10017, Tel 212-963-5312, Fax 212-963-1300/3778, Email: mcnab@un.org

Finally, please allow me to thank you in advance for your kind attention and valuable assistance to the Panel.

Lipika Majumdar Roy Choudhury Coordinator

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