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OUTGOING FACSIMILE

DATE: 18 March 2015

TO: His Excellency Mr. Sebastiano Cardi Permanent Representative of Italy to the United Nations New York	FROM: Sana Khan <i>SK</i> Secretary Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan
FAX NO.: (212) 486-1036 +39 02 63118946	FAX NO.: 212-963-1300, 212-963-3778
CC: Hacking Team S.r.l	TEL.: Sana Khan (212) 963-0981 EMAIL Khan8@un.org Chi Yuan Yeh Meetings Services Assistant (917) 367-9632 yeh@un.org
TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 3	

Please find attached S/AC.47/2015/PE/OC.23

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POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
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REFERENCE: S/AC.47/2015/PE/OC.23

18 March 2015

Excellency,

I have the honour to write to you on behalf of the Panel of Experts on the Sudan established pursuant to Security Council resolution 1591 (2005) and most recently extended by resolution 2200 (2015).

The Panel is grateful for your assistance in obtaining clarification of the position of Hacking Team S.r.l in terms of the possible use of its Remote Control Software in Sudan. Again, the Panel thanks you for your response 213 of 16 January 2015 to our letter (S/AC.47/2014/PE/OC.239) of 23 December 2014 that made it clear that Hacking Team S.r.l currently has no business relations or any agreements that would allow the Sudan or any entity in its territory to use the software. The Panel therefore requested in its letter (S/AC.47/2015/PE/OC.3) of 19 January 2015 to you if the company could provide further clarification as to whether there have been any previous business arrangements or agreements in terms of the use of this technology in the Sudan in the past that may now have elapsed or being terminated. Your response 1029 of 13 March 2015 only confirmed that Hacking Team S.r.l "*does not have business relations with Sudan,*" but did not clarify if the company had had previous business contacts with Sudan post 2005.

The Panel would therefore still be grateful of your good offices in assisting in obtaining that further information from Hacking Team S.r.l.

Your letter 1029 of 13 March 2015 also stated that the company did not consider the Remote Control Software to be a weapon, and therefore fell outside the parameters of the sanctions regime. The view of the Panel is that as such software is ideally suited to support military electronic intelligence (ELINT) operations it may potentially fall under the category of "military...equipment" or "assistance" related to prohibited items which is included in paragraphs 7 and 8 of Security Council resolution 1556 (2004) and paragraph 7 of Security Council resolution 1591 (2005), further strengthened by Security Council resolution 1945 (2010). Thus its potential use in targeting any of the belligerents to the Darfur conflict is of interest to the Panel.

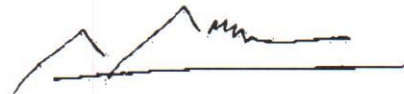
His Excellency
Mr. Sebastiano Cardi
Permanent Representative of Italy
to the United Nations
New York
cc. Hacking Team S.r.l (Fax: +39 02 63118946)

Please allow me to underline that the Panel stands ready to comply with the conditions, if any, that your government 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 **28 April 2015** to Ms. Sana Khan, Secretary of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan: 2 UN Plaza, Fl 20, Room DC2-2034, United Nations, New York, NY 10017; Tel: 212-963-0981; Fax 212-963-1300; email: khan8@un.org.

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

Issa Maraut



Panel of Experts on the Sudan established
pursuant to resolution 1591 (2005)
Cell : +1-917-215-6757 Fax: +1212-963-1300
Email: maraut@un.org