
The Pegasus spyware scandal

*A critical review of Citizen Lab's
"CatalanGate" report*

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A critical review of Citizen Lab's "CatalanGate" report

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Prologue

On 10 March 2022, the European Parliament decided to set up the PEGA Committee to investigate alleged infringements or mismanagement in the application of EU legislation concerning the use of Pegasus and equivalent spyware after the Pegasus Project was made public. In it, more than 80 journalists from 17 media organizations from 10 countries participated in a collaborative investigation under the coordination of Forbidden Stories, denounced the massive use of Pegasus spyware by NSO Group to facilitate the commission of large-scale human rights violations worldwide.

During the course of its work, the PEGA Committee has collected information on allegations that accused some Member States or third countries of having used intrusive surveillance software against European citizens, in so far as this violates the rights and freedoms enshrined in the EU Charter of Fundamental Rights. Since its inception, the Committee has held numerous briefings and hearings with political leaders, researchers, cybersecurity experts, journalists and alleged victims, with the aim of presenting a final report to describe the events that have taken place and propose concrete measures to guarantee the rights and freedoms of European citizens in the face of illegal intrusions into their privacy.

In the case of Spain, suspicions of the use of spyware programs centered around two groups of possible “victims”. On the one hand, in a report published by the newspaper *The Guardian* in May 2022, Morocco was signalled as the possible author of the espionage of more than 200 Spanish mobile phones, among which there were the phones of the President of the government of Spain, Pedro Sánchez, the Minister of Defense, Margarita Robles; then Foreign Minister Arancha González Laya; and Interior Minister Fernando Grande-Marlaska.

On the other hand, the CitizenLab laboratory published, in April 2022, a report called “CatalanGate: Extensive mercenary spyware operation against Catalans using Pegasus and Candiru” in which it denounced the alleged use of these spyware programs to infect the phones of at least 65 politicians, lawyers and members of organizations of the Catalan separatist movement.

The Commission had carried out its work normally, until the preparation of the session corresponding to the parliamentary hearing on the participation of Spain in the Pegasus spyware scandal, scheduled for Tuesday, November 29, 2022. After a leak of the program of the session scheduled for the hearing, one of the two Spanish experts invited to participate in it, was excluded at the last minute from the list of speakers after people close to Citizen Lab circulated a letter among MEPs discrediting the work

of these two experts. The letter alleged a lack of technical knowledge of spyware and accused them of promoting conspiracy theories and falsehoods about other investigators, as well as participating in the harassment of alleged spying victims and experts who had researched the cases. The letter requesting the veto from the two rapporteurs was signed, among others, by Ronald Deibert and John Scott-Railton, both authors of the Catalangate report. After receiving the letter, a meeting of the coordinators of the PEGA committee was held on Monday, 21 November. In it, the Renew Europe Group, of which I am a member and which at my request had proposed one of them, the academic and researcher José Javier Olivas, withdrew his name from the program.

Faced with this regrettable decision and intolerable accusations, as a MEP from the party Ciudadanos, I sent a letter to the members of the PEGA committee denouncing that this serious decision set a dangerous precedent: showed that external pressures determined the development of the work of a democratic institution and decided who may or may not be invited to participate in the work of a parliamentary committee. A situation that sent a disturbing message of lack of impartiality, plurality and contrast of arguments and ideas. If cancellations, censures and vetoes of those who, by academic rigor and methodology, criticized or questioned the sources of the report, were accepted, it would show that the committee, its work and conclusions could be manipulated and instrumentalized to bury the truth. Unfortunately, however, the veto and censorship were imposed.

It is for this reason, and with the determination to combat censorship, vetoes and cancellations at the headquarters of European democracy, that I publish this critical review of the report "CatalanGate" of Citizen Lab written by the professor, academic and researcher José Javier Olivas.

The European Parliament is the home of the word, freedom of expression and critical thinking. Values on which the idea of Europe has been built and which define it.

But the European project, and its democratic values, have powerful external and internal adversaries. And they are threatened not only by those who manifestly question liberal democracy through populism or nationalism, but also by those who, with the intention of defending it, renounce the values at its core: respect for freedom of opinion and critical thinking.

The defense of these two principles against the violence exercised from those in power has been and is one of the constants that have marked a historical pillar of European thought: Today, when free thought faces

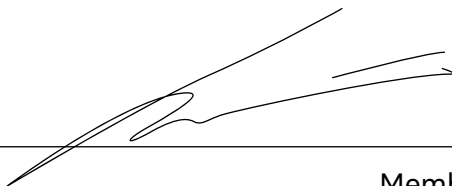
not so much or not only political power, but also as the power of a single thought that develops cancellation strategies in the media, social networks and also in academic and democratic institutions. A dangerous neo-McCarthyism that permeates the entire public debate like a toxic metal pot.

Factual results cannot and should not be subjected to a convenient manipulative interpretation of alleged facts that only seeks to reinforce either prejudices or a predetermined conclusions. A hypothesis is not a thesis or a theory. The hypothesis is a proposition that is based on existing knowledge and serves as the starting point of an investigation. A thesis is a statement that is presented as a premise that must be maintained or proven. And a theory is a proven and justified explanation by a series of verified facts. A theory must always be supported by evidence, whereas a hypothesis is hardly a possible result, which can and must be proven and refuted. For someone to pass hypothesis as theory is dangerous and should be denounced.

To camouflage suspicions, conjectures or speculations as certainties, and to let these articulate a report of the European parliament, side-lining, silencing or directly censoring those who question these false evidences with critical arguments, is an unacceptable exercise in political dishonesty. As is voluntarily confusing assumptions with proven facts and using defamation as a valid argument to refute any critical analysis that questions that alleged truth. What is particularly serious, however, is the attack on the values and principles not only of the European Parliament, but of the very idea of Europe: respect for freedom of opinion and the defence of critical thinking.

Let this study serve as a part of this public debate and help to set the basis of a truthful opinion with which to take the right decisions to defend the rights and freedoms of European citizens without sacrificing our values and principles.

Jordi Cañas Pérez



Member of the European Parliament
Ciudadanos (Cs) - Renew Europe

Executive summary

This document dissects the report “CatalanGate: Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru”,¹ published on 18 April 2022, by Citizen Lab at the Munk School of Global Affairs and Public Policy, University of Toronto, and reveals a series of serious methodological and ethical issues that severely undermine its value as evidentiary basis for parliamentary committees and court trials. This critical review shows that Citizen Lab’s research design, fieldwork, and reporting of findings in the “CatalanGate” report clash with commonly accepted norms of academic research conduct and integrity. The variety and gravity of the pitfalls discovered suggest that Citizen Lab and the political organisations that collaborated with them in the elaboration of the report may have tried to purposefully induce a strong political bias to shape public opinion and achieve strong media impact. This critical review recommends the University of Toronto to launch an independent investigation on this report and to retract its publication. Summary of some of the main issues identified:

- 1) *The CatalanGate investigation breaches the basic guidelines and principles of digital forensics prescribed among others by the European Union Agency for Network and Information Security (ENISA) as well as the Berkeley Protocol by the United Nations Office of the High Commissioner for Human Rights (OHCHR).*
- 2) *Findings reported in this study are not replicable and have not been independently peer reviewed or validated.*

1/ John Scott-Railton, Elies Campo, Bill Marczak, Bahr Abdul Razzak, Siena Anstis, Gözde Böcü, Salvatore Solimano, and Ron Deibert (2022). CatalanGate; Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru. Citizen Lab, 18 April 2022

- 3) *There is a very unusual lack of transparency concerning methodology and research design choices. The authors refuse to report the number of devices investigated or the ratio of positives in the analysis. There are no reported control groups or confidence intervals of the analyses.*
- 4) *The authors refuse to report when, where and by whom the digital forensic analyses were conducted. There is no evidence that Citizen Lab conducted any confirmatory non-remote analysis to verify infections. There is no reference to any procedure to guarantee the chain of custody of evidence, as expected in any serious digital forensic analysis.*
- 5) *The data on device infections and infection attempts are presented bundled together what may mislead the reader to believe that all victims in the report were spied on.*
- 6) *Mr Ronald Deibert, the director of Citizen Lab, claims 100% reliability of their analytical processes and refuses to consider the possibility of false positives or other errors; this is in contrast with most mainstream literature on forensic analysis and social sciences.*
- 7) *Participants and some authors were quite evidently trying to maximise the number of positives. The reluctance to submit samples for external validation and the reporting of infection attempts together with successful infections seem to confirm this.*
- 8) *A variety of apparent conflicts of interests (political and economic), involving the authors of the report and the individuals collaborating with its fieldwork, remain undisclosed.*
- 9) *Fieldwork was coordinated by Mr Elies Campo, a pro-independence activist, and a presumed victim of espionage both without prior research experience or a completed higher education degree of any kind. This author also made false claims about his employment status and was not affiliated to Citizen Lab for most of the investigation's period.*
- 10) *Apparently, only the devices of pro-independence politicians and activists were analysed. The authors do not explain the criteria used in the snowball sampling. There is very strong evidence suggesting that the cases submitted to analysis were filtered by political parties.*

- 11) *The reporting of the findings of the CatalanGate investigation reflect a strong political bias, selection bias and lack of rigour. Information is often bundled in problematic ways or omitted to induce certain (non-neutral) views.*
- 12) *According to key participants in the study, Citizen Lab's investigation in Spain sought evidence to feed court cases against NSO by WhatsApp, Apple, and Catalan secessionist politicians. Apple's announcement of a \$10 million contribution to researchers for their support gathering evidence against NSO and the appointment of the director of Citizen Lab to the committee that decides the allocation of the reward seem to suggest undisclosed economic interests.*
- 13) *Citizen Lab's authors express very serious accusations against the Spanish government for "illegal espionage" based on what the report claims to be "circumstantial evidence". The report fails to provide sufficient evidence to sustain these accusations.*
- 14) *Meanwhile the report does not consider any of the other plausible alternative hypotheses. It is surprising how the possibility of legally sanctioned surveillance, false positives, or espionage by the secret services of Russia or other countries is not even mentioned.*
- 15) *There are many contradictions and ethical concerns on how the fieldwork investigation in Spain started in July 2020. At that time, an unusually strong communication campaign coordinated by Catalan secessionist political parties and a lawsuit were launched within a week of the first analysis and before confirmation of any infection.*
- 16) *During the investigation, participants were alerted that they were likely being spied without consideration that this warning could interfere with court-sanctioned investigations. Many participants were legally monitored by Spanish security services when contacted and explained how to avoid surveillance. Others were awaiting trial, and some were even serving prison sentences.*
- 17) *The name CatalanGate for the report (published on 18 April 2022) was chosen to match the slogan of the propaganda campaign that Catalan secessionist parties and organisations were preparing months before the publication of the report. The largest secessionist organisation registered the domain "CatalanGate.cat" in January 2022. Moreover, a Twitter account*

(182.6K-followers) currently named “@catalangate” has been used since 2012 to promote various secessionist communication campaigns.

- 18) *Several of the participants in the study were at the time and are presently still under investigation by their known ties with Russian intelligence services, corruption, and/or the creation of the illegal Tsunami Democràtic blockchain-based platform that aimed to dodge Spanish security forces and was used to coordinate violent riots and blockades of roads, train stations and airports. The consideration as “victims” of several political leaders and activists that were investigated with court authorisations for serious crimes (some of them convicted) seems risky for an academic report.*
- 19) *Surprisingly, the well documented ties with Russia and Russian attempts to destabilise Spain and the EU by supporting Catalan secessionists are completely omitted from the report. The CatalanGate investigation was re-launched precisely at a time when support for Catalan secessionism had dwindled to its lowest numbers since 2014, and when connections with Russia became very problematic vis-à-vis public opinion regarding the invasion of Ukraine.*
- 20) *Citizen Lab’s press releases, social media and formal statements regarding the CatalanGate report contain many contradictions and untruthful statements. The testimonies of several participants in the investigation contradict Citizen Lab’s accounts.*
- 21) *Given the abundance of problematic issues detected, more than a hundred researchers from a variety of universities and disciplinary backgrounds have requested the University of Toronto to open an independent investigation on the research conduct of Citizen Lab during the CatalanGate research (in two different letters). So far, the University of Toronto has refused to review the case and ignored many of the questions and requests from several academics and journalists. It has also refused to provide the names of the organisations and individuals funding Citizen Lab.*
- 22) *Rather than amending or retracting their report, members of Citizen Lab, aided by some external collaborators, have undertaken a smear campaign against the author of this report and other researchers that have expressed public criticisms on their CatalanGate report. This campaign to silence the research misconduct allegations was initially conducted in social media but has reached the international press and even the European Parliament.*

In sum, the CatalanGate report cannot be considered a rigorous academic work. It breaches most academic research conventions and does not respect the protocols and principles of digital forensic investigation. It appears to have been designed and conducted with the purpose of becoming a political instrument for Catalan nationalists, feeding evidence for lawsuits that both Apple and secessionist parties were planning, and attempting to justify ex-post the nullity of several trials that had taken place after the unilateral secession attempt in October 2017 —based on the pretended illegal monitoring of lawyers by the Spanish authorities at the time these trials took place—. As such, it could be considered as a key element in a disinformation campaign.

It is beyond the scope of this review to assess whether Spain spied —legally or illegally— on some of the participants in the investigation or if Pegasus was the spyware of choice. This review shows, however, that the CatalanGate report does not meet the minimal requisites to be used as evidentiary basis for either legal procedures or parliamentary committees of enquiry. An independent investigation for research misconduct is expected in cases as serious as this one. Any parliamentary committee or court of justice investigating CatalanGate should request independent forensic experts —without connections to Citizen Lab or Amnesty Tech— to reproduce the analyses and assess their validity and reliability. It is important to rule out false positives as well as to identify any potential alterations or fabrications of evidence, such as manufactured positive results, taking advantage of the absence of a chain of custody of evidence in this investigation.

The lack of checks on the actions of internet security and privacy watchdogs, such as Citizen Lab, and their potential “capture” by Big Tech corporations and partisan political groups should be a source of concern for the European Union. Citizen Lab is right to demand public accountability and transparency from European Member states, but it is also important that they also adhere to these same principles and that accusations against governments do not drive attention away from responsibilities and challenges incurred by Big Tech corporations regarding internet security.

1

Timeline

2017

01 October

Illegal independence referendum.

26 October

Kremlin's emissaries meet President of Generalitat, Mr Puigdemont, and offer financial and military support for an independent Catalonia on the condition of writing legislation favouring cryptocurrencies.

27 October

Mr Puigdemont declares unilateral independence of Catalonia but immediately suspends this declaration.

03 November

Spanish Court issues an international search and arrest warrant for 10 independence leaders who fled Spain. Most of them appear later as "spyware victims" in the CatalanGate report.

2019

10 February

Catalan nationalist leaders disseminate an article from Komosomolskaya Pravda requesting Russia's mediation in the Catalan conflict.

02 September

Tsunami Democràtic appears in social networks. Its message is shared by most secessionist leaders and many of the participants in the CatalanGate investigation.

14 October

Spanish Supreme Court announces prison sentences for some Catalan leaders on charges of sedition, disobedience, and embezzlement. Tsunami Democràtic platform calls for mobilisations in dozens of places and to block El Prat Airport. More than 100 flights were affected. Many of the mobilisations end up provoking violent riots.

18 October

A Spanish court orders the closure of all web pages linked to Tsunami Democràtic and the Interior Minister confirms that there is a police investigation on its organisers. Between 14 October and 20 October more than 500 violent episodes were documented.

29 October

WhatsApp files a lawsuit against NSO Group based on the evidence collected by Citizen Lab regarding presumed attacks with Pegasus spyware.

9 November

Tsunami Democràtic coordinates many acts of civil disobedience around Catalonia.

11 November

Tsunami Democràtic calls on activists to block the highway that connects La Junquera with France. First action coordinated with the blockchain-based mobile app.

17 December

Russia Today's interview with Mr Carles Puigdemont airs on hacked Spanish public TV, Canal 24 Horas; Russian hackers are deemed responsible.

2020

8 July

Based on leaked information, journalists Mr Joaquín Gil (El País), Ms Stefanie Kirchgaessner and Mr Sam Jones (The Guardian) inform Mr Torrent that he was a victim of Pegasus attack and ask him to contact Citizen Lab.

10 July

Mr Torrent visits Mr Junqueras in prison and Citizen Lab is given permission to analyse Esquerra Republicana de Catalunya (ERC) phones. Mr John Scott-Railton starts monitoring Mr Torrent's telephone remotely, searching for a potential infection from Toronto, via VPN.

11 July

Citizen Lab sends a memo to Mr Torrent stating that he was in the WhatsApp list of potential victims of Pegasus attacks during the 2019 security breach.

12 July

Mr Gil and Mr Jones interview Mr Torrent.

14 July

The Guardian and El País publish an exclusive regarding the Pegasus attack on Mr Roger Torrent and other independence leaders. Nationalist and left-wing parties request a parliamentary enquiry on Pegasus espionage.

15 July	An extraordinary meeting of ERC's parliamentary group discusses the communication strategy regarding the alleged case of espionage, and Mr Maragall insists on using the term "CatalanGate".
16 July	Mr Torrent announces on radio Cadena Ser that he and Mr Maragall are filing a lawsuit against former CNI Director. Later, Citizen Lab communicates Mr Torrent that the result of the remote forensic analysis show that his phone was not infected. Later, ERC writes to the Council of Europe, Amnesty International and to a Special Rapporteur of the UN to ask for their support in denouncing Spain.
17 July	Mr Scott-Railton puts in touch ERC politicians with Mexican lawyer Mr Luis Fernando García for the latter to provide assistance in denouncing espionage in the media and in court.
18 July	Mr Scott-Railton tells ERC politicians, according to Mr Torrent, "your topic is the opportunity to open a case in the European Union."
21 July	Mr Oriol Sagrera explains to Mr Torrent that Citizen Lab is interested in providing "ammunition" to WhatsApp, Apple and pro-independence parties to present in lawsuits.
27 July	Citizen Lab confirms to ERC that none of the telephones they had sent for analysis was infected.
28 July	WhatsApp confirms that Mr Torrent was in the list of suspected victims of Pegasus attacks but that no infection can be confirmed as no exhaustive forensic analysis had been conducted.
31 July	Catalan CEO poll confirms support for independence has declined to its lowest level since 2017.

2020	21 October	Amnesty International writes to the Spanish Government to request an investigation of Pegasus espionage.
	28 October	Spanish police forces arrest 21 secessionist activists suspected of embezzlement related to the funding of the illegal platform Tsunami Democràtic.
	1 November	Spanish press starts to publish police-recorded audios and other information demonstrating the links between the independence movement and Russia, as well as the illegal activities regarding the organisation and funding of Tsunami Democràtic.
2021	3 September	The New York Times links the independence Tsunami Democràtic campaign with Russia. The Guardian, Politico, The Times and other international news outlets publish similar stories in the following weeks.
	23 November	Apple announces that it is suing NSO and commits to a \$10 million reward for Citizen Lab, Amnesty International and other organisations for collecting evidence for the NSO lawsuit.
2022	10 January	Pro-independence organisation Assemblea Nacional Catalana (ANC) registers the domain "CatalanGate.cat", which is currently owned by independentist organisation Òmnium Cultural.
	1 February	Citizen Lab hires Mr Elies Campo as a Fellow to help identify potential victims.
	9 March	European Parliament supports by majority to investigate the ties between Russia and the Catalan independence movement.
	17 March	Catalan CEO poll shows support for independence at its lowest level since 2014.

7 April	Catalan Parliament discusses and rejects a proposal to condemn the contacts between Mr Puigdemont and his entourage with Russia.
18 April	Citizen Lab publishes "CatalanGate" report. The New Yorker publishes Ronan Farrow's article "How democracies spy on their citizens" referring to Spain.
21 April	The Washington Post's editorial claims that Spain appears to have engaged in flagrant violations of civil liberties in Catalonia and deserves condemnation.
11 May	Renew Europe MEPs send a letter to the University of Toronto requesting some answers regarding unusual facts surrounding the CatalanGate investigation and Report.
13 May	Mr Deibert responds to the questions in a formal document sent to Mr Jordi Cañas, the first signatory of the Renew MEPs' letter.
20 May	Sixteen professors and researchers submit a letter requesting the University of Toronto to launch an independent investigation on the CatalanGate report.
5 July	Over 100 professors and independent intellectuals ask the University of Toronto to launch an independent investigation on the CatalanGate report.
19 July	The University of Toronto formally rejects all requests to open an investigation.
22 July	A request for an investigation is made to the University of Toronto Ombudsperson regarding the CatalanGate report. A Freedom of Information and Protection of Privacy Act (FIPPA) is filed requesting information regarding Citizen Lab and its connections with Catalan political actors, WhatsApp and Apple.



2 August

University of Toronto Ombudsperson refuses to investigate the case.

21 September

Freedom of Information and Protection of Privacy Office discloses some information regarding Citizen Lab but withholds much of the information requested such as name of funding institutions and more than 112 pages of agreements and minutes requested.

6 October

Mr Antoni Comín, Ms Diana Riba and Mr Jordi Solé testify as victims of Pegasus in the PEGA Committee of Inquiry of the European Parliament.

22 December

Citizen Lab admits that Mr Antoni Comín was not victim of espionage but that he was wrongly attributed the infection of a telephone belonging to another participant.


2

“CatalanGate”:
a report that was
not independently
validated


Citizen Lab's findings have triggered enormous media attention given the severity of the accusations against the Spanish government. As this critical review will explain, not only Spanish but also international press ran the story, taking for granted the reliability of the evidence that Citizen Lab had revealed. Unfortunately, the data about presumed spyware infections and attacks to Catalan independence politicians and activists was not made available to external analysts: these had to rely on the reputation of the Canadian research centre as a basis from which to assess the appropriateness of the accusations against Spain. The lack of public accountability shown by a very influential player in the field of cyber security, whose work is used as evidentiary basis in many parliamentary and judicial investigations, is very problematic.

The "CatalanGate" report was not peer-reviewed or validated by independent experts. Citizen Lab shared four samples with Amnesty Tech. However, there is no clear explanation as to why only four samples (Mr Jordi Sànchez, Ms Sonia Urpí, Ms Elisenda Paluzie and Ms Meritxell Bonet) were submitted for external validation or why Citizen Lab did not choose an independent organisation for such review. There are 27 presumed victims of attacks for whom Citizen Lab was unable to determine any date (or time interval) of infection (or decide not to report about them). It does not seem logical that none of these "more difficult" cases was selected to test for potential false positives.²

Mr Ronald Deibert,³ the Director of Citizen Lab and co-author of the report, claims that the report's findings are theoretically replicable, but independent experts cannot replicate this specific investigation as it would require consent from research participants.⁴ The reluctance to make samples available to independent experts in a case in which victims have voluntarily and publicly come forward to have their devices examined is noteworthy. Anyhow, they must have previously obtained explicit permission from four of the presumed victims, Mr Jordi Sànchez, Mrs Sonia Urpí, Mrs Elisenda Paluzie and Mrs Meritxell Bonet, whose phones were examined by Amnesty Tech.⁵ Additionally, as Mr Deibert himself explains in that same letter, Citi-

2/  *Additionally, Mr Sànchez and Ms Paluzie were monitored by Spanish secret services following a court mandate. La Vanguardia. Los 18 espiados por el CNI. 14 May 2022* <https://www.lavanguardia.com/politica/20220514/8266136/18-espiados-cni-pegasus.html>

3/ *Please note that in this report Mr and Ms is used so titles such as Dr or Prof (as would correspond to Ronald Deibert and others) are not used.*


4/  *Formal letter from the director of Citizen Lab, Mr Ronald Deibert, responding to questions from six Renew Europe MEPs on 13 May 2022 MEPs (letter sent by Mrs Lorraine Ferris to Mr Jordi Canas published on Citizen Lab's website <https://deibert.citizenlab.ca/wp-content/uploads/2022/05/2022.05.13-L-Ferris-to-J-Canas.pdf>). Page 3.*


5/ *Scott-Railton et al. CatalanGate page 22*

zen Lab has previously shared infection samples in other investigations with Microsoft, Apple, Lookout Security, and Project Zero at Google.

Thus far the telephones of at least 7 of the presumed victims have been requested in court as part of the formal complaints they launched against the manufacturer of Pegasus, NSO Group. However, none of them has brought forward the phones that were supposedly attacked to get the infections verified by court appointed independent technical experts.⁶ Why are they so reluctant to get their devices re-examined?


Another unorthodox research choice by Citizen Lab is relying on Amnesty Tech for an “independent validation.”⁷ The two experts of Amnesty Tech in the area of digital forensics are Mr Claudio Guarnieri and Mr Etienne Maynier, who were both Fellows at Citizen Lab and the creators of the Mobile Verification Toolkit (MVT) used to conduct forensic analyses of mobile devices to find signs of potential compromise.⁸ Coincidentally, Citizen Lab published an “independent peer review” of this methodology (which is utilised by Amnesty International), and claimed that both groups, Citizen Lab and Amnesty Tech, had “developed substantially similar methods to detect NSO Group’s infrastructure”.⁹ Four of the authors of the “CatalanGate” report had worked in the “Independent Peer Review of Amnesty International’s Forensic Methods for Identifying Pegasus Spyware”. Relying on former members of a team to “peer review” work does not meet the academic standards of external validation. Less so when both teams are engaged in mutually attesting the validity of each other’s work.

6/  *El Periódico de España. El juez pide los móviles a los cargos de la CUP espiados para analizarlos. 27 September 2022, <https://www.epe.es/es/politica/20220927/juez-moviles-cargos-cup-espionaje-pegasus-75968035>*

 *El Triangle. Los independentistas supuestamente espiados con Pegasus se niegan a que la justicia analice sus teléfonos móviles. 3 October 2022, <https://www.eltriangle.eu/es/2022/10/03/los-independentistas-supuestamente-espiados-con-pegasus-se-niegan-a-que-la-justicia-analice-sus-telefonos-moviles/>*

7/ *Mr Deibert considered this validation as part of the “peer review of the report” in his 13 May 2022 letter. Page 4*

8/  *Mobile Verification Toolkit <https://github.com/mvt-project/mvt>*

9/  *Bill Marczak, John Scott-Railton, Siena Anstis, and Ron Deibert (2017). Independent Peer Review of Amnesty International’s Forensic Methods for Identifying Pegasus Spyware. Citizen Lab. 18 July 2021 <https://citizenlab.ca/2021/07/amnesty-peer-review/>*

Mr Maynier, aka Tek, worked at Citizen Lab between 2016 and April 2021 and was involved in several Citizen Lab reports concerning Pegasus. He held a double affiliation with Amnesty International and Citizen Lab¹⁰. The investigation on Catalonia started no later than July 2020; therefore, Mr Maynier was working for Citizen Lab during the CatalanGate investigation, rendering him an unsuitable expert to conduct any sort of external, independent investigation. Mr Guarnieri, aka Nek, the Senior Technologist at Amnesty International, was also doubly affiliated and acted as Senior Research Fellow in Citizen Lab until at least 2016.¹¹

The relationship between Citizen Lab and Amnesty International runs deeper, as Mr Deibert recognises in a formal statement that he has served in the technical groups of Amnesty International, and that Citizen Lab routinely collaborates with Amnesty International.¹²

10/  *Medianama, Interview: How Amnesty Investigated The Spying Campaign Against Bhima Koregaon Activists, 19 June 2020* <https://www.medianama.com/2020/06/223-interview-etienne-maynier-amnesty-bhima-koregaon/>




Hi, I am Tek. About me.
<https://randhome.io/about/>

11/  *Claudio Guarnieri. re:publica.*
<https://re-publica.com/en/user/11930>



Citizen Lab Senior Research Fellows at the 2016 Chaos Communications Congress, 26 December 2016.
<https://citizenlab.ca/2016/12/bill-marczak-john-scott-railton-speak-million-dollar-dissident-rest-us/>

12/  *Statement of Ronald J. Deibert. Immigration Division. Immigration and Refugee Board of Canada, ID File No: 0018-C1-00135-01. UCI: 11-0952-9374. Statement in the context of Chelsea Manning's inadmissibility proceeding. Revised 16 October 2021*
<https://policycommons.net/artifacts/1961557/statement-of-ronald-j-deibert/2713322/https://re-publica.com/en/user/11930>

Mr Deibert claims that Citizen Lab can reliably distinguish Pegasus infection attempts from other spyware attacks and refers to six years of published research as well as independent validations.¹³ However, in Citizen Lab's publication list we do not find a single peer-reviewed article. The "external validation" of forensic analyses is in most of the reports conducted by Amnesty; for instance, in "Peace through Pegasus"¹⁴, "Project Torogoz",¹⁵ "Pegasus vs. Predator",¹⁶ "Breaking the News",¹⁷ and "From Pearl to Pegasus".¹⁸ Many of the other reports by Citizen Lab — "FORCEDENTRY",¹⁹ "Privacy and Security Analysis of the IATA Travel Pass Android App",²⁰ "Engrave Condition",²¹ "Pandemic Privacy"²², "No Access"²³ and "Hooking Candiru"²⁴— do not even refer to any process of external validation.

- 13/  *Mr Ronald Deibert letter to Mr Jordi Cañas page 4.*
<https://deibert.citizenlab.ca/wp-content/uploads/2022/05/2022.05.13-L-Ferris-to-J-Canas.pdf>
- 14/  *Mohammed Al-Maskati, Bill Marczak, Siena Anstis, and Ron Deibert (2022) Peace through Pegasus Jordanian Human Rights Defenders and Journalists Hacked with Pegasus Spyware, Citizen Lab, 5 April 2022*
<https://citizenlab.ca/2022/04/peace-through-pegasus-jordanian-human-rights-defenders-and-journalists-hacked-with-pegasus-spyware/>
- 15/  *John Scott-Railton, Bill Marczak, Paolo Nigro Herrero, Bahr Abdul Razzak, Noura Al-Jizawi, Salvatore Solimano, and Ron Deibert (2022). Project Torogoz: Extensive Hacking of Media & Civil Society in El Salvador with Pegasus Spyware, Citizen Lab, 12 January 2022*
<https://citizenlab.ca/2022/01/project-torogoz-extensive-hacking-media-civil-society-el-salvador-pegasus-spyware/>
- 16/  *Bill Marczak, John Scott-Railton, Bahr Abdul Razzak, Noura Al-Jizawi, Siena Anstis, Kristin Berdan, and Ron Deibert (2021). Pegasus vs. Predator: Dissident's Doubly-Infected iPhone Reveals Cytox Mercenary Spyware, Citizen Lab, 16 December 2021*
<https://citizenlab.ca/2021/12/pegasus-vs-predator-dissidents-doubly-infected-iphone-reveals-cytrox-mercenary-spyware/>
- 17/  *Bill Marczak, John Scott-Railton, Siena Anstis, Bahr Abdul Razzak, and Ron Deibert (2021). Breaking the News: New York Times Journalist Ben Hubbard Hacked with Pegasus after Reporting on Previous Hacking Attempts, Citizen Lab, 24 October 2021, <https://citizenlab.ca/2021/10/breaking-news-new-york-times-journalist-ben-hubbard-pegasus/>*
- 18/ *Bill Marczak, Ali Abdulemam1, Noura Al-Jizawi, Siena Anstis, Kristin Berdan, John Scott-Railton, and Ron Deibert (2021). From Pearl to Pegasus Bahraini Government Hacks Activists with NSO Group Zero-Click iPhone Exploits, Citizen Lab, 24 August 2021.*
- 19/  *Bill Marczak, John Scott-Railton, Bahr Abdul Razzak, Noura Al-Jizawi, Siena Anstis, Kristin Berdan, and Ron Deibert (2021), FORCEDENTRY: NSO Group iMessage Zero-Click Exploit Captured in the Wild. Citizen Lab, 13 September 2021, <https://citizenlab.ca/2021/09/forcedentry-nso-group-imessage-zero-click-exploit-captured-in-the-wild/>*

- 20/  *Palleon Lin (2022). Privacy and Security Analysis of the IATA Travel Pass Android App. Citizen Lab, 13 April 2022*
<https://citizenlab.ca/2022/04/privacy-and-security-analysis-of-the-iata-travel-pass-android-app/>
- 21/  *Jeffrey Knockel and Lotus Ruan (2022). Engrave Condition Apple's Political Censorship Leaves Taiwan, Remains in Hong Kong. Citizen Lab, 22 March 2022*
<https://citizenlab.ca/2022/03/engrave-condition-apples-political-censorship-leaves-taiwan-remains-in-hong-kong/>
- 22/  *Benjamin Ballard, Amanda Cutinha, and Christopher Parsons (2021). Pandemic Privacy A Preliminary Analysis of Collection Technologies, Data Collection Laws, and Legislative Reform during COVID-19. Citizen Lab, 28 September 2021, <https://citizenlab.ca/2021/09/pandemic-privacy-collection-technologies-data-collection-laws-and-legislative-reform-during-covid-19/>*
- 23/  *Jakub Dalek, Nica Dumlao, Miles Kenyon, Irene Poetranto, Adam Senft, Caroline Wesley, Arturo Filastò, Maria Xynou, and Amie Bishop (2021). No Access LGBTIQ Website Censorship in Six Countries. Citizen Lab, 31 August 2021. <https://citizenlab.ca/2021/08/no-access-lgbtqi-website-censorship-in-six-countries/>*
- 24/  *Bill Marczak, John Scott-Railton, Kristin Berdan, Bahr Abdul Razzak, and Ron Deibert (2021). Hooking Candiru: Another Mercenary Spyware Vendor Comes into Focus. Citizen Lab, 15 July 2021*
<https://citizenlab.ca/2021/07/hooking-candiru-another-mercenary-spyware-vendor-comes-into-focus/>

The long-term collaboration between Citizen Lab and Amnesty International —and that of the members of their teams— should be acknowledged in the reports that have been “peer-reviewed” so that the readership is aware of the potential limitations of such validation process. Co-authors are not asked to review each other’s work as a matter of good academic practice; in submissions to peer reviewed journals, researchers are often asked to declare that they have not worked previously with those they suggest as potential peer reviewers. Citizen Lab’s stance on “peer review” of the CatalanGate report seems to lack rigour, as no such acknowledgement of close collaboration was made explicit (incidentally, neither was it made in most of their research outputs examined).

Not all reports are peer reviewed in academia. Often authors provide sufficient information and data so that their findings can be replicated or assessed. However, claiming that a report has been independently validated, when this is not the case —given the organisational ties and their shared interests—, is inappropriate and in contradiction with commonly considered good practice in academia. The University of Toron-

to's Research Integrity website claims that The University's Policy on Ethical Conduct in Research requires members to follow "the highest standards of ethical conduct in every aspect of research including applications, proposals, the research itself, reports and publication."²⁵

When asked about the lack of replicability and the absence of a repository or samples that could be used by independent experts to validate the findings, Mr Deibert alludes to the "credibility of testimony" of Mr Bill Marczak, who is the Senior Researcher at the Citizen Lab and the developer of the technical methodology used by Citizen Lab for identifying Pegasus infections or attempted infections. He also claims that

However, it seems inappropriate to claim that "no reputable technical analysis" has contradicted their results given that Citizen Lab analyses are not reviewed by independent experts. Moreover, the credibility of scientific academic work cannot rely on authors' (or critics') personal or professional reputation, but

"[t]o date, no reputable technical analysis has contradicted our findings, nor have any specific concerns regarding our technical methodology for identifying Pegasus been substantiated".²⁶

on following transparent and replicable processes, which customarily include peer-review or at least the possibility of external verification.

If the CatalanGate report cannot be falsified²⁷ or validated, how does Citizen Lab ensure it does not contain any relevant errors? Why did Citizen Lab fail to provide any dataset that would enable independent validation of their findings? Why were samples unavailable to trusted, independent peer-reviewers? Given that Citizen Lab did share a sample of 4 cases with Amnesty Tech, could other independent peer-reviewers have access to these four samples?

25/



University of Toronto (2019) Research Integrity
<https://research.utoronto.ca/research-integrity/research-integrity>


26/ Mr Ronald Deibert letter to Mr Jordi Cañas pages 2-3.

27/ LeBel, E. P., Berger, D., Campbell, L., & Loving, T. J. (2017). Falsifiability is not optional. *Journal of Personality and Social Psychology*, 113(2), 254–261

Mr Deibert claims that the external validation was conducted by Amnesty Tech in March-April 2022.²⁸ The report was launched on 18 April 2022, in a perfectly coordinated communication campaign with very costly professional infographics in 3 languages (English, Catalan and Spanish),²⁹ a long planned exclusive in The New Yorker by Mr Ronan Farrow³⁰, videos,³¹ a dedicated website³² and a Twitter account with 180 thousand followers: @catalangate.³³ Given that the first cases were identified and announced publicly in July 2020, why did Citizen Lab wait until March-April 2022 to conduct external validation of cases? Usually, early detection of errors is used to calibrate instruments. Would Citizen Lab have revised its report and put on hold the communication campaign had any of the samples tested by Amnesty Tech tested negative or shown any problems?

28/ Mr Ronald Deibert letter to Mr Jordi Cañas page 4.

29/  Would you click?
<https://catalonia.citizenlab.ca/>

30/  Ronan Farrow (2022). How Democracies Spy on their Citizens. The New Yorker, 25 April 2022
<https://www.newyorker.com/magazine/2022/04/25/how-democracies-spy-on-their-citizens>

31/  Assemblea. Catalan Gate, 26 April 2022
<https://www.youtube.com/watch?v=GGUr7Guk300>

 Assemblea Elisenda Paluzie #CatalanGate, 29 April 2022,
<https://www.youtube.com/watch?v=G5TDEFBMYU0>

32/  CatalanGate Ens Estan Vigilant
<https://catalangate.cat/>

33/  Catalangate, @catalangate,
<https://twitter.com/catalangate>

The CatalanGate report acknowledges that “our methods have limited insight into Android infections”; however, among the initial victims, some such as Mr Roger Torrent owned an Android device. Given this acknowledged instrumental weakness it is surprising that they did not submit any of the supposedly infected Android phones to external validation.

As an attempt to dispel the criticisms made by many academics on the CatalanGate report, some individuals defending Citizen Lab have argued that their work cannot be judged against academic standards as their report is not academic work but an industry report.³⁴

However, these arguments are at odds with the continuous public statements of Mr Deibert claiming the academic nature of Citizen Lab, as well as with the frequent references to the need of peer-review processes he has repeatedly made.



Infosec Nietzsche
@nihlsec

...

Replying to @joseolivas @citizenlab and 2 others

It's a threat intelligence report, not an academic paper. Maybe you need to spend some time learning the difference. Are you going to start attacking Mandiant and Verizon next for their non-academic threat intelligence reports?

4.12 PM · Jul 18, 2022



Marcus Hutchins
@MalwareTechBlog

...

Replying to @0x5adb07 @joseolivas and 3 others

Not only this, but did anyone see Citizen Lab claim their report was an academic study? Seems weird to project these requirements onto something that doesn't appear to have been published as such.

18:02 · Jul 17, 2022

34/



Philderbeast
@thephilderbeast

...

Replying to @joseolivas @jonathandata1 and 5 others

The Cyberlab report is NOT academic work, it is industry report.

They have different standards and very different audiences, the fact that you can't see that shows how ignorant you are of the topic you're talking about

Jul 13, 2022



 **profdeibert**
@RonDeibert ...

We have always welcomed debate and dialogue about our work, but we condemn these sinister, underhanded activities in the strongest possible terms. Such a deceitful attack on an academic group like Citizen Lab is an attack on academic freedom everywhere.

Jan 25, 2019

 **profdeibert**
@RonDeibert ...

Hi David. @BBC had referred to @citizenlab as a "firm" We are @UofT @munkschool. ie., academic group. twitter.com/DaveLeeBBC/sta...

 **Dave Lee** 🌟 @DaveLeeDT · 26 Aug 2016

Insomniacs! I'm on @bbc5live in a moment talking about this: bbc.com/news/technolog...

18:02 · Jul 17, 2022

 **profdeibert**
@RonDeibert ...

Funny -- talks about Governments versus Private Sector attribution of cyber espionage, but nothing about academic groups. Guess @citizenlab doesn't count? Also again I ask: why aren't there more @citizenlab like units in other Universities? lawfareblog.com/private-sector...

3:59 · 22 Dec 2017

 **profdeibert**
@RonDeibert ...

I trust @UofT admin, @UTLaw follow what's the most appropriate path forward now: restore the appointment offer. It is essential that the university is free from both external influences and appearances of external influence. The principle of academic freedom demands it.

19:20 · 08 May 2021

 **profdeibert**
@RonDeibert ...

It is precisely to counter spurious claims like those of #hackingteam that careful, peer-reviewed academic research is vital. @headhnr

22:42 · 03 nov 2014

 **profdeibert**
@RonDeibert ...

Universities have ethics review boards, w academic peer review. No place in University for "Security Officer". twitter.com/mattblaze/stat...

 **matt blaze** 🌟 @mattblaze · 07 Oct 15

@bartongellman I amb gladder every day that my university has no "site security offer" for me to answer to.

0:01 · 08 Oct 15

Citizen Lab has used “academic freedom” and “academic independence” as arguments to dispel criticisms on their methods and research integrity. For instance, in 2018, after being accused of misappropriation of technology by Sandvine, Citizen Lab’s barrister used these arguments in a statement sent to the company’s CEO in 2018, claiming that “[e]ven the perception that the University’s research agenda could be influenced or undermined by the interests or threats of a private corporation is a threat to its academic independence, credibility, and integrity.”³⁵

However, this seems at odds with the testimony by Mr Torrent, no less than a Esquerra Republicana de Catalunya (ERC) political leader and key figure in the CatalanGate case, who claimed in his book that Citizen Lab was trying to gather positive cases of Pegasus infections in Catalonia on behalf of Apple and as means to feed court cases.³⁶

It appears that Citizen Lab is claiming the best of both worlds, that is, being able to operate under the umbrella of the University of Toronto in order to claim academic freedom, whilst at the same time refusing the accountability and transparency that is customary in academia. Indeed, their research seems to be to some extent influenced by industry players and partisan political activists, as this report demonstrates.

35/



Citizen Lab. Letter to Lyndon Cantor, CEO from Paliare Roland Barristers, 8 March 2018.

<https://citizenlab.ca/wp-content/uploads/2018/03/UofT-Sandvine-Letter-to-Lyndon-Cantor-signed-8-March-2018.pdf>

36/ Roger Torrent (2021). *Pegasus: L'Estat que ens espia*. Barcelona: Ara Llibres, page 135.

3

Lack of transparency

Despite the presumed commitment of the Citizen Lab and the University of Toronto to uphold and request the higher standards in terms of transparency and public accountability, the “CatalanGate” report seems to be an exception to the application of these principles. As this critical review demonstrates, there is an abnormal lack of transparency regarding the methodology and analyses used by Citizen Lab in this case.

For instance, the way in which the Pegasus attacks are reported is very unusual. In the report’s “Appendix A: Targets section”, 30 victims appear with approximate dates of infections “on or around YYYY-MM-DD”; for 5 victims there is a time interval —“sometime between YYYY-MM-DD and YYYY-MM-DD”—; in 12 cases there is no other information than “[Unable to determine specific infection date(s)]”; in 1 case there is [“Unknown infection date(s)"]; in 8 cases it simply notifies that the victim had received “Pegasus SMSes”; and in 5 cases there is just a note claiming that these victims had received “2019 WhatsApp Pegasus Notifications”. The information provided by Citizen Lab does not allow readers to know how many of these victims had their phones forensically analysed, or what the results were. Similarly, regarding the presumed Candiru infection, there are 3 victims that appear as targeted and one as infected. Moreover, the report does not clearly explain the implications of these labels. Why does Citizen Lab fail to clearly state how many of the victims tested negative to infection, i.e., non-infected, and whether they forensically examined the devices of all the politicians and activists in the list? The way in which Citizen Lab bundles together cases with negative infection results with others with positive infection results, and even adds cases for which it is not clear if any analysis was conducted shows a clear lack of rigour.

Imprecisions and omissions by Citizen Lab regarding key methodological choices and processes are at odds with some of the general guidelines and five principles for digital forensics prescribed by the European Union’s Agency for Network and Information Security (ENISA).


ENISA, as most bodies specialised in digital investigation, argues that “seizure, custody, control, transfer, analysis and disposition of the evidence must be chronologically documented in a proper way constituting a ‘Chain of custody’”³⁷. It requests that evidence is handled by specialists: “Each device has its characteristics and handling procedures must adhere to them: Electronic devices are particularly sensitive to unintentional changes to their state, which along with other dangers may lead to rejecting the evidence by the court of law”.³⁸ As this review will show in later sections, evidence was handled not only by digital forensic specialists but also by some pro-independence activist, such as Mr Elies Campo, who had no previously known training in digital forensics. Unintentional, or intentional alterations in evidence could have occurred in the process.

ENISA also insists on the use of proper procedures, techniques and tools: “Along with expert knowledge of forensic engineers, each task requires following procedures while applying proper techniques with adequate tools. Each forensic investigation must be traceable and repeatable by other forensic specialists with the same final conclusion”.³⁹

The CatalanGate report, as many other reports by Citizen Lab, does not minimally document forensic procedures and techniques, and it would be impossible for any other forensic specialist to trace and reproduce the analysis. On the contrary, when asked directly about dates, sampling procedures and protocols for the handling of evidence, Citizen Lab has shown abnormally vague and elusive responses.⁴⁰ Fieldwork was conducted in Catalonia by Mr Campo and other pro-independence activists and politicians. Although Mr Campo was supervised from Toronto by Mr Deibert and Mr Scott-Railton, there is no trace of any written protocol or forensic technique applied during the fieldwork.

“Completeness” is another criterium promoted by ENISA, this is, evidence “must cover the case completely regardless of the perspective”.⁴¹ In this case, it is apparent that only telephones of independentist politicians and activists were submitted to analysis.

This is to a large extent due to the involvement of nationalist organisations and political parties in the process of data selection. There is no record of whether other phones or control groups were analysed. Citizen Lab refuses to report negative results and the number of analyses conducted.

37/  *University of Toronto (2019) Research Integrity*
<https://research.utoronto.ca/research-integrity/research-integrity>

38/ *Mr Ronald Deibert letter to Mr Jordi Cañas pages 2-3.*

39/ *ENISA (2013) Digital forensics, page 3.*

40/ *See for instance, Mr Ronald Deibert letter to Mr Jordi Cañas. 13 May 2022.*


41/ *ENISA (2013) Digital forensics, page 3.*

ENISA also emphasises that there are five principles that establish a basis for all dealings with electronic evidence, as in this case: 1) Data Integrity, 2) Audit Trail, 3) Specialist Support, 4) Appropriate Training, and 5) Legality. Data integrity reminds researchers to preserve a forensic chain of custody. In the CatalanGate report there is no reference whatsoever to the chain of custody. Regarding the principle of audit trail, ENISA states that “[i]t is imperative to accurately record all activities to enable a third party to reconstruct the first responder’s actions at the scene in order to ensure probative value in court. All activity relating to the seizure, access, storage or transfer of electronic evidence must be fully documented, preserved and available for review.”⁴² As mentioned above, there is no available documentation for review or record of access, storage or transfer of electronic evidence. There is no account of when or how evidence was collected or by whom. ENISA requests that all people involved in the process should have necessary specialist expertise and experience in the field, necessary investigative knowledge and necessary legal knowledge.⁴³ There is no reference to the training or specialist skills and experience of Mr Campo, who coordinated fieldwork and collected evidence on behalf of Citizen Lab. Conversely, when asked what type of expertise or skills served as the basis for choosing Mr Elies Campo as coordinator of the fieldwork in Catalonia, Mr Deibert responded that, for him, no special technical expertise is required.⁴⁴ As other participants and Mr Campo have publicly acknowledged⁴⁵, he was directly involved in detecting infections and collecting evidence, and therefore, according to ENISA he should have been trained or have had previous expertise.

42/ ENISA (2013) *Digital forensics*, page 5.

43/ ENISA (2013) *Digital forensics*, page 5.

44/ Mr Ronald Deibert letter to Mr Jordi Cañas, page 5.

45/  See for instance, CCMA.Cat. TV3. *Preguntes Freqüents. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet*, 23 April 2022; <https://www.ccma.cat/tv3/alcanta/preguntes-frequents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>.

In addition to the ENISA principles and guidelines, the work of Citizen Lab, at least in the case of the “CatalanGate” investigation, contravenes relevant aspects of the Berkeley Protocol on Digital Open-Source Investigations advocated by the United Nation’s Office of the High Commissioner for Human Rights (OHCHR). For instance, this protocol states that:

“Appropriate handling and processing of this material will greatly increase the likelihood that it can be used by prosecutors and counsel. If, however, unsound methods of collection and preservation are used, the information cannot be regarded as reliable for the purposes of establishing facts in a case. Courts and investigative mechanisms will benefit from clear criteria for assessing the weight of open source information either as linkage or crime-based evidence”.⁴⁶

46/



United Nations (2022). *Berkeley Protocol on Digital Open Source Investigations*. New York. Human Rights Center, UC Berkeley School of Law and United Nations Human Rights Office of the High Commissioner. Page V.
https://www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf

Like ENISA's principles, the Berkeley Protocol stresses relevance of methods of data collection and preservation, which in the case of the "CatalanGate" report have not been revealed even upon questioning. Moreover, it argues that:

“[t]o comply with the professional principles related to digital open source investigations, investigators must ensure that they are accountable, competent and objective”.⁴⁷

None of these three principles seems to be fulfilled in the case of the "CatalanGate" investigation. The Berkeley protocol indicates that:

“[t]ransparency in investigative methods and procedures is an essential element in ensuring accountability. Thus, to the extent possible and reasonable, open source investigators should maintain records of their activities”.⁴⁸

The absence of records regarding data collections and handling, as well as the lack of specialist skills and specific training acknowledged by Citizen Lab in the case of Mr Campo are clear indicators of the violation of the first two professional principles.

47/ United Nations Berkeley Protocol, page 9.

48/ United Nations Berkeley Protocol, page 11.

However, the most blatant infringement appears in the case of the objectivity principle.

“Open source investigators should understand the potential for personal, cultural and structural biases to affect their work and the need to take countermeasures to ensure objectivity”.⁴⁹

In this case, it is self-evident that trusting the coordination of fieldwork to a political activist who claims to be a victim of spyware does constitute a contradiction with the objectivity principle. This case is even more severe given that Mr Campo was the second author of the report and no disclaimer or acknowledgement of his activities as a pro-independence activist was reflected in it. Additionally, no countermeasures to mitigate his evident bias were taken. His participation in the report seems to be part of his work as a political activist, as it was him that contacted Citizen Lab offering help in finding cases of Pegasus attacks among other activists and nationalist politicians.⁵⁰

Another related aspect that the Berkeley Protocol defends is that:

“Investigators must ensure that they approach their investigations objectively, developing and deploying multiple working hypotheses and not favouring any particular theory to explain their cases”.⁵¹


Citizen Lab only considers the hypothesis of illegal espionage by the Spanish government and security forces. As explained later, other plausible hypotheses are not even mentioned. These include legal monitoring with court authorisation —which was certainly the case in a sizeable number of the presumed victims⁵²—; the possibility that some presumed infections were

49/ *United Nations Berkeley Protocol, page 11.*


50/ *See for instance, Preguntes Freqüents 23 April 2022 or Mr Ronald Deibert letter to Mr Jordi Cañas, page 5.*

51/ *United Nations Berkeley Protocol, page 11.*

caused by other malware or spyware,⁵³ or that the secret services of Russia or other countries concerned by the collaboration of some of the presumed victims with Kremlin emissaries, could have spied on some of them.⁵⁴ Citizen Lab, in their CatalanGate report did not make any attempt to rule out alternative hypotheses and simply confirmed their initial one based on what they admit to be “circumstantial evidence”. This hypothesis was convenient for Citizen Lab, as they specialise on Pegasus, having published dozens of reports regarding that specific spyware—comparatively, they have studied far fewer cases caused by other spyware and malware—.⁵⁵

52/  *20 Minutos. El CNI confirma que investigó a una veintena de independentistas, entre ellos. 6 May 2022.*
<https://www.20minutos.es/noticia/4995670/0/la-directora-del-cni-admite-el-espionaje-legal-a-18-independentistas-incluido-pere-aragones/>

53/  *Techtarget. Top 10 spyware threats, May 2022,*
<https://www.techtarget.com/whatis/definition/Top-10-Spyware-Threats>

54/  *El Periódico. El enlace de Puigdemont ofreció a Rusia reconocer Crimea a cambio de apoyo a la independencia de Catalunya. 21 November 2019,*
<https://www.elperiodico.com/es/politica/20191121/terradellas-puigdemont-rusia-crimea-dui-catalunya-7741883>

55/  *Citizen Lab. Publications.*
<https://citizenlab.ca/publications/>

 *Citizen Lab. Targeted Threats.*
<https://citizenlab.ca/category/research/targeted-threats/page/6/>

It was also useful for secessionist activist and organisations, in their in their attempts to show Spain as responsible for wrongdoing, repression and questionable democratic standards – a strategy they have followed for many years.⁵⁶

Finally, the National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce's Guidelines on Mobile Device Forensics are in agreement with the basic principles defended by ENISA and the OHCHR, and stress the relevance of procedures and documentation requirements that are lacking in this Citizen Lab investigation. This organisation's guidelines refer to the need to accurately document and isolate all visible data regarding how mobile devices are found. In particular, these organisations recommend disabling network connectivity, including:

“Incoming data (calls or text messages) that may modify the current state of the data stored on the mobile device [...] forensic examiners need to be aware and take precautions when securing mobile devices mitigating the chance of data modification”.⁵⁷

56/



Hernández, G., & Closa, C. (2022). *The challenge of Catalan secessionism to the European model of the rule of law*. *Hague Journal on the Rule of Law*, 1-29; Cardenal, J.P. (2020). *La telaraña. La trama exterior del procés*. Barcelona: Editorial Ariel; *European Parliament Debates. Whitewashing of the anti-European extreme right in the EU (topic debate)*. Clara Ponsatí Obiols, 19 October 2022, https://www.europarl.europa.eu/doceo/document/CRE-9-2022-10-19-INT-3-149-0000_EN.html



Carles Puigdemont, *The Catalan Independence Movement Has Proven Its Strength. Now Spain's Government Must Talk to Us*. *Time*. 21 October 2019 <https://time.com/5705915/carles-puigdemont-catalan-protest-barcelona/>

57/



Ayers, R., Brothers, S. & Jansen, W. (2014). *Guidelines on Mobile Device Forensics*. NIST Special Publication 800-101. Revision 1. Page 28 <http://dx.doi.org/10.6028/NIST.SP.800-101r1>,

There is no evidence that Citizen Lab kept a precise record regarding how the devices were physically found, and it seems likely that no Citizen Lab employee beyond Mr Campo ever had direct access to any of the phones and computer analysed. More importantly, there is no evidence that the devices were isolated or disconnected from networks between preliminary analyses and the remote digital forensic analyses that Citizen Lab employees presumably carried out. If these phones were indeed infected with any spyware or malware, the evidence could have been altered in the process. At least one of the participants in the study admits that months after his phone tested negative, he was contacted again by Mr Campo who then finally found evidence of Pegasus attacks, dating before the first analysis.⁵⁸

NIST recommends physical analysis of the device, including packaging, transporting, and storing evidence, mentioning that the forensic specialist should seal the device in an appropriate container; there should also be a custodian of the evidence. NIST refers to the benefits of “on-site triage processing”: this is the extraction on-scene (manual or logical) but their guidance expresses preference for laboratory environment and processing.⁵⁹ The decision of Citizen Lab not to physically analyse in their Lab any of the CatalanGate victims is not justified in their report.

58/



Assemblea. Jordi Sánchez #CatalanGate. 26 April 2022,
<https://youtu.be/9crBYexH6Ew>

59/ *Ayers, R., Brothers, S. & Jansen, W. (2014). Guidelines on Mobile Device Forensics, page 33-40.*

NIST alludes to the U.S. Department of Justice Forensic Examination of Digital Evidence guide to recommend the systematic recording of the individuals who created, modified, or accessed a file as well as the timeframe, and provides recommendations on reporting forensic examinations, including:⁶⁰

- *Identity of the reporting agency*
- *Case identifier or submission number*
- *Case investigator*
- *Date of evidence receipt*
- *Date of report*
- *Descriptive list of items submitted for examination, including serial number, make, and model*
- *Identity and signature of the examiner*
- *The equipment and set up used in the examination*
- *Brief description of steps taken during examination, such as string searches, graphics image searches, and recovering erased files.*
- *Supporting materials such as printouts of particular items of evidence, digital copies of evidence, and chain of custody documentation*
- *Details of findings*
- *Report conclusions*

The CatalanGate report omits most of this information and Citizen Lab has not shared it either after being questioned about it.⁶¹ No reasonable explanation can be envisaged for the objection to share information regarding when, where, and how were the devices analysed and by whom. As explained later, the contradictions found in the testimonies about the actors involved in the technical examination of the phones and computers seem to confirm that in this investigation many commonly accepted principles in science and digital forensics were not observed.

In particular, the lack of any references to the chain of custody or to any precautions taken to ensure that evidence (physical and logical) was not altered indicate a not very rigorous process that would usually invalidate the data collected, preventing it from informing any legal decisions.


60/



Ayers, R., Brothers, S. & Jansen, W. (2014). *Guidelines on Mobile Device Forensics*, pages 51 and 56. Mukasey, M.B., Sedgwick, J.L. & Hagy, D.W. (2008). *Electronic Crime Scene Investigation: A Guide for First Responders, Second Edition*, NCJ 219941, April 2008, U.S. Department of Justice Office of Justice Programs
<https://www.ncjrs.gov/pdffiles1/nij/219941.pdf>

61/ Mr Ronald Deibert's letter to Mr Jordi Cañas provides an example of elusive responses regarding questions.

The lack of transparency and academic rigour is also illustrated by the modifications that Citizen Lab introduced in the report after publication. Changes, some of which, have not been notified in any log (Table 3). As a precaution, the author of this report had downloaded the original version; Citizen Lab subsequently added a paragraph amending a misleading statement from the original that claimed that “The 2013 Snowden disclosures revealed that the NSA had intercepted 60 million calls in Spain between December 2012 and January 2013”. They also modified the date of infection of Mr Botran. In June 2022, the date of infection of Mr Andreu Van den Eynde’s device was also modified within the body of the report. Citizen Lab has nonetheless admitted an error and removed from the list of victims Mr Antoni Comín on 22 December 2022.⁶² The website CatalanGate.cat has not removed Mr Comín from the list of victims yet.⁶³

62/  *Ron Deibert (2022). CatalanGate Report Correcting a Case. 22 December 2022*
<https://citizenlab.ca/2022/12/catalangate-report-correcting-a-case/>

63/  *CatalanGate.cat. CatalanGate’s victims.*
<https://catalangate.cat/en/#victimes>, last accessed 4 December 2022.

TABLE 1

TEXT OF CATALANGATE REPORT ON 18 APRIL 2022 AND ON 29 NOVEMBER 2022⁶⁴

<p>Documented Surveillance Abuses in Spain and Catalonia</p> <p>While secrecy surrounds Spain’s surveillance practices, a number of cases have come to light over the last several decades that are relevant to this report and demonstrate a track record of domestic surveillance and the use of spyware by Spanish authorities. In 2001, Mariano Rajoy, then Spain’s Minister of Interior, purchased the Sistema integral de interpretación de las comunicaciones (SITEL), spyware the Guardia Civil and CNI used to track suspects’ phones. Spain also reportedly ‘colluded’ with the National Security Agency (NSA) in the United States. The 2013 Snowden disclosures revealed that the NSA had intercepted 60 million calls in Spain between December 2012 and January 2013.</p> <p>According to el Confidencial, the CNI and National Police paid at least 209,000 euros to the Milan-based surveillance software company Hacking Team for use of its spyware in 2010. The purchase was first revealed in 2015 when WikiLeaks published internal Hacking Team emails. El País then reported that the contract with the CNI was “valid from 2010 to 2016, worth 3.4 million euros.” The CNI acknowledged it purchased the spyware at the time, saying it did so “in accordance with the public sector contracting laws.” CNI declined to give any further information as to what they did with Hacking Team’s spyware. In 2015, the Citizen Lab mapped the proliferation of Finfisher, a sophisticated computer spyware suite sold exclusively to governments for intelligence and law enforcement purposes, and identified a suspected Spanish customer.</p>	<p>Documented Surveillance Abuses in Spain and Catalonia</p> <p>While secrecy surrounds Spain’s surveillance practices, a number of cases have come to light over the last several decades that are relevant to this report and demonstrate a track record of domestic surveillance and the use of spyware by Spanish authorities. In 2001, Mariano Rajoy, then Spain’s Minister of Interior, purchased the Sistema integral de interpretación de las comunicaciones (SITEL), spyware the Guardia Civil and CNI used to track suspects’ phones. Spain also reportedly ‘colluded’ with the National Security Agency (NSA) in the United States. The 2013 Snowden disclosures revealed that the NSA had intercepted 60 million calls in Spain between December 2012 and January 2013. However, a subsequent analysis showed between these assertions were based on a likely misinterpretation of slides from the Snowden disclosures, and actually related to data collection by NATO allies, including Spain, in Afghanistan.</p> <p>According to el Confidencial, the CNI and National Police paid at least 209,000 euros to the Milan-based surveillance software company Hacking Team for use of its spyware in 2010. The purchase was first revealed in 2015 when WikiLeaks published internal Hacking Team emails. El País then reported that the contract with the CNI was “valid from 2010 to 2016, worth 3.4 million euros.” The CNI acknowledged it purchased the spyware at the time, saying it did so “in accordance with the public sector contracting laws.” CNI declined to give any further information as to what they did with Hacking Team’s spyware. In 2015, the Citizen Lab mapped the proliferation of Finfisher, a sophisticated computer spyware suite sold exclusively to governments for intelligence and law enforcement purposes, and identified a suspected Spanish customer.</p>
<p>Albert Botrán Member of the Congress On or around of Deputies of Spain, 2020-12-01 Candidatura d’Unitat Popular</p>	<p>Albert Botrán Member of the Congress On or around of Deputies of Spain, 2020-01-12 Candidatura d’Unitat Popular</p>
<p>Andreu Van den Eynde, lawyer for prominent Catalans Oriol Junqueras, Roger Torrent, Raül Romeva, and Ernest Maragall, was infected on June 14, 2020. Jaume Alonso-Cuevillas, a lawyer who also represented Puigdemont, was infected with Pegasus, although we were unable to determine the date of the infection. Alonso-Cuevillas is currently a member of the Parliament of Catalonia, former dean of the Barcelona Bar Association, and former President of the European Bar Federation.</p> <p>Target: Catalan Government, Parliament, and Politicians</p> <p>Catalan politicians were extensively infected with Pegasus. The targeting took place throughout sensitive negotiations between the Catalan and Spanish governments. This section lists a selection of the cases.</p>	<p>Andreu Van den Eynde, lawyer for prominent Catalans Oriol Junqueras, Roger Torrent, Raül Romeva, and Ernest Maragall, was infected on May 14, 2020. Jaume Alonso-Cuevillas, a lawyer who also represented Puigdemont, was infected with Pegasus, although we were unable to determine the date of the infection. Alonso-Cuevillas is currently a member of the Parliament of Catalonia, former dean of the Barcelona Bar Association, and former President of the European Bar Federation.</p> <p>Target: Catalan Government, Parliament, and Politicians</p> <p>Catalan politicians were extensively infected with Pegasus. The targeting took place throughout sensitive negotiations between the Catalan and Spanish governments. This section lists a selection of the cases.</p>

64/ The original text of the CatalanGate report (18 April 2022) is accessible here: <https://web.archive.org/web/20220418110145/https://citizenlab.ca/2022/04/catalangate-extensive-mercenary-spyware-operation-against-catalans-using-pegasus-candiru/>

Citizen Lab is not very clear either on how the investigation in Catalonia was funded. Mr Deibert explains that all participation in the research program by victims of Pegasus spyware is voluntary and non-remunerated and claims that Citizen Lab sources of funding are publicly listed on their website.⁶⁵ However, their website only provides the names of some funders and they do not detail the amounts that each of them grants them. Moreover, their website links to "Citizen Lab Fund",⁶⁶ where donors can make gifts to Citizen Lab. These can be made anonymously. Moreover, as explained later, the University of Toronto is showing great reluctance to reveal this information. The author of this report filed a Freedom of Information and Protection of Privacy Act (FIPPA) request in July 2022 and managed to get information on the income received by the Citizen Lab.

However, they have refused to identify any of the organisations or individuals providing each of the lines of funding yet (see Table 4). Citizen Lab has managed to increase its annual funding very significantly since 2019, from 1,750,135 CAD for the academic year 2019-2020, when the investigations for WhatsApp and Catalonia started, to 3,713,603 CAD in 2021-22. This is a 112% increase that, given the lack of precise information from the University of Toronto, this report cannot attribute to any specific institution or individual. Neither is it possible to calculate what part of Citizen Lab's income comes from private, public, non-profit or corporate organisations. This is the case with at least part of the funding seeded via the Ford Foundation for Citizen Lab from Apple Inc.⁶⁷

65/  *Citizen Lab. About.*
<https://citizenlab.ca/about/>

66/  *Munk School of Global Affairs & Public Policy
Citizen Lab Fund*
[https://engage.utoronto.ca/site/
SpageServer?pagename=donate#/fund/847](https://engage.utoronto.ca/site/SpageServer?pagename=donate#/fund/847)


67/  *Apple. Newsroom, 22 July 2022*
[https://www.apple.com/uk/newsroom/2022/07/apple-
expands-commitment-to-protect-users-from-mercenary-
spyware/](https://www.apple.com/uk/newsroom/2022/07/apple-expands-commitment-to-protect-users-from-mercenary-spyware/)

TABLE 2

CITIZEN LAB'S FUNDING⁶⁸

End Date	Total Funding		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	USD other	CAD						
31.12.2021	1,000,000	1,304,917		328,049	327,718	649,150		
31.10.2021	1,400,000	1,800,630	450,170	450,170	450,170		450,170	
31.07.2021	450,000	586,845		191,703	195,876	199,266		
31.11.2021	300,000	503,790		167,930	167,930	167,930		
31.01.2022		355,950			124,300	141,250	72,902	
31.12.2022	360,000	468,540			156,180	156,180	156,180	
31.12.2022	350,977	487,469	104,167	227,875	41,667			
31.12.2020	150,000	200,910		200,910				
31.10.2021	1,100,000	1,443,310		949,181		494,129		
31.05.2022	100,000	120,420					120,420	
30.11.2024	1,400,000	765,585					255,195	
31.12.2025	450,000	1,521,600					380,400	
28.12.2025		952,650						317,550
31.03.2025	750,000	375,240						
	300,000	954,295	40,362	41,167	41,972	42,828	47,196	
	850,000	664,600	274,093					
30.09.2020	540,000	381,176		189,515	191,661			
30.09.2022	290,000	367,744				191,801	175,943	
	25,000	33,343			33,343			
	200,000	251,500				251,500		
		25,000		5,000	10,000	10,000		
	16,525	21,040				21,040		
		10,000					10,000	
		100,000					100,000	
		89,779	2,984	3,565	9,319	21,980	44,575	7,357
31.12.9999		1,150,000					1,150,000	
31.12.9999		750,000					750,600	
	8,922,502	15,686,381	871,776	2,755,065	1,750,135	2,347,054	3,713,603	324,907

68/ Annex of Letter in response to FIPPA Request #22-0052, received on 22 August 2022. The University of Toronto has repeatedly refused to provide the names of any of the funding bodies and individuals that appear in this tables.

4

An abnormal
confidence in the
reliability of the
methodology and
denial of potential
false positives

In an interview for El País Mr Deibert claimed “100% reliability of the attacks we have recorded”; the journalists asked him: “Could there be false positives?” He responded: “No. Our methods are very precise, developed over years.”⁶⁹

However, the academic literature on digital forensics and malware detection deals constantly with the problem of “false positives” (e.g., Abela et al. 2013; Alherbawi et al. 2013; Pandey et al. 2018);⁷⁰ this also entails important research ethics considerations. In the context of increasing pressure to publish, there is little incentive to test for false positives, as the higher the number of infections, the more impactful the article, and the easier to attract media attention and further funding for the research institution.⁷¹

- 69/  *El País. Ronald Deibert, fundador de Citizen Lab: “Los gobiernos usan Pegasus porque tienen apetito de espiar”*, 15 May 2022, <https://elpais.com/espana/2022-05-15/ronald-deibert-fundador-de-citizen-lab-los-gobiernos-usan-pegasus-porque-tienen-apetito-de-espiar.html>
-  *ElDiario.es. El juez investiga si Vendrell y Madí contactaron con el Govern para “obtener contratos de emergencia” por la COVID-19*. 29 October 2020, https://www.eldiario.es/catalunya/juez-investiga-si-vendrell-madi-contactaron-govern-obtener-contratos-emergencia-covid-19_1_6370775.html
- 70/ Abela, K. J., Angeles, D. K., Alas, J. R. D., Tolentino, R. J., & Gomez, M. A. (2013). *An automated malware detection system for android using behavior-based analysis AMDA*. *International Journal of Cyber-Security and Digital Forensics (IJCSDF)*, 2(2), 1-11.; Alherbawi, N., Shukur, Z., & Sulaiman, R. (2013). *Systematic literature review on data carving in digital forensic*. *Procedia technology*, 11, 86-92; Pandey, P., Almodaresi, F., Bender, M. A., Ferdman, M., Johnson, R., & Patro, R. (2018). *Mantis: a fast, small, and exact large-scale sequence-search index*. *Cell systems*, 7(2), 201-207.
- 71/  *Enango Academy. Why False Positive Results Are Harmful to Scientific Research?* 3 May 2022 <https://www.enango.com/academy/why-false-positive-results-are-harmful-to-scientific-research/>

There are several accounts showing that false positives are a likely possibility in forensic detection for both spyware referred to in the CatalanGate report, Candiru and Pegasus.⁷²

Moreover, the spyware detection tool "MVT" by Amnesty Tech has been known to be easily induced to error (false positive), on purpose.⁷³ Even Amnesty Tech has several times admitted to the problem of false positives and modified their spyware detection tool accordingly: for instance, by removing indicators of compromise (IOCs)⁷⁴ and domains.⁷⁵ Errors in IOCs were detected in the samples that Citizen Lab sent to them for validation,⁷⁶ which also confirms that Citizen Lab methods are far from infallible.

This unorthodox stance on scientific research also raises several questions for the University of Toronto and the Munk School of Global Affairs & Public Policy, who host and supposedly supervise the work of Citizen Lab: does the University of Toronto often supervise or produce scientific investigations with 100% reliability and where there is zero risk of "false positives"? Does the University of Toronto endorse the "infallible" nature of the work of Citizen Lab? Does the University of Toronto have any systems in place to guarantee that these non-externally verifiable publications do not contain or induce to any errors?

72/



For instance, Matthieu Faou, *Strategic web compromises in the Middle East with a pinch of Candiru*, WeLiveSecurity, 16 November 2021; Hack Patrol, *Getting Pegasus (NSO) False Positive*. Vimeo, 7 April 2022, <https://vimeo.com/696991504>



Github. *Thehackpatrol/pegasus_false_positive*, 29 April 2022 https://github.com/thehackpatrol/pegasus_false_positive



Expert testimony of Mr Gregorio Martín Computation Professor (retired) at University of Valencia European Parliament, Multimedia Centre, Committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, 28 November 2022, https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting_20221129-0900-COMMITTEE-PEGA



Martín, Gregorio and Scott, Jonathan Scott (2023) *CatalanGate Vectors: An Analysis of WhatsApp's Impact on Citizen Privacy and Amnesty International's MVT-Tool*, January 2023, https://www.researchgate.net/publication/367078083_CATALANGATE_VECTORS_An_Analysis_of_WhatsApp's_Impact_on_Citizen_Privacy_and_Amnesty_International's_MVT-Tool

73/



Github. *Jonathandata1/Pegasus-CatalanGate-False-Positives*, 25 November 2022 <https://github.com/jonathandata1/Pegasus-CatalanGate-False-Positives>

- 74/  *Github AmnestyTech / investigations. Remove a file that creates false positive. 29 July 2021, <https://github.com/AmnestyTech/investigations/commit/928ea5a820df6596762241da147b5afa1458b5ee>*
-  *Github AmnestyTech / investigations. Removed indicator added by mistake, 29 July 2021 <https://github.com/AmnestyTech/investigations/commit/ad04b5473382faf860f595f2f2011a0ff2c19902>*
-  *Github AmnestyTech / investigations. Warning + remove false positive, 22 July 2021, <https://github.com/AmnestyTech/investigations/commit/ba749a926cec4bf43920c9300922296689fdc57b>*
-  *Github AmnestyTech / investigations, removing false positive, 19 July 2021 <https://github.com/AmnestyTech/investigations/commit/1c694217c3efb4e40f34822b66ef99a7b5bd8a064>*
- 75/  *Github AmnestyTech / investigations, Removing a dyndns base domain with hundreds of thousands of non-NSO users, 22 July 2021 <https://github.com/AmnestyTech/investigations/commit/ba0ec20fae598da83e875276ef82c7007241e822>*
-  *Github AmnestyTech / investigations. Removed indicator added by mistake, 29 July 2021, <https://github.com/AmnestyTech/investigations/commit/ad04b5473382faf860f595f2f2011a0ff2c19902>
This last log shows 2 changed files with 14,932 additions and 14,981 deletions.*
- 76/  *Scott, J.B. (2022). Review of Catalangate Amnesty International Validation, 25 November 2022, 10.13140/RG.2.2.10512.28160 https://www.researchgate.net/publication/365743925_Review_of_Catalangate_Amnesty_International_Validation*

Very few rigorous social scientists or experts in digital forensics would be persuaded by the infallibility of Citizen Lab's methods claimed by Mr Deibert. His confidence on Citizen Lab's forensic methods contrasts with mainstream conceptions of science and specifically with expert views in the field of digital forensics that acknowledge reliability issues and that recommend external validations to reduce the possibility of errors caused by digital forensics tools (algorithms, implementation or hardware), methodology and interpretation of results (e.g., Arshad et al. 2018; Horsman 2019; Hughes & Karabiyik 2020).⁷⁷ Even though both Mr Deibert and Mr Scott-Railton have a Political Science disciplinary background, they have been working in the area of digital forensics for many years and must therefore be aware that margins of error and false positives are a common assumption in this type of investigation. It does not seem reasonable to pretend otherwise in their CatalanGate investigation—in which politically motivated individuals without the appropriate expertise handled evidence and conducted preliminary analyses—.

On 22 December 2022, Citizen Lab admitted that they had mistakenly assumed that Mr Antoni Comín was a spyware victim due to an error in the labelling system they used during fieldwork.⁷⁸ This confirms the abovementioned risks associated to granting responsibility of data collection to people with no research or digital forensics experience.

In 2017, Mr Deibert himself published a piece questioning a DHS/FBI report on Russian hacking for a series of severe methodological misdeeds that could be equally applicable to the CatalanGate study. For instance, in 2017, Deibert rightly questions the so-called "Grizzled Steppe", branding it "disappointing and counterproductive".

77/ Arshad, H., Jantan, A. B., & Abiodun, O. I. (2018). Digital forensics: review of issues in scientific validation of digital evidence. *Journal of Information Processing Systems*, 14(2), 346-376; Horsman, G. (2019). Tool testing and reliability issues in the field of digital forensics. *Digital Investigation*, 28, 163-175; Hughes, N., & Karabiyik, U. (2020). Towards reliable digital forensics investigations through measurement science. *Wiley Interdisciplinary Reviews: Forensic Science*, 2(4), e1367.

78/  Ron Deibert (2022). *CatalanGate Report Correcting a Case*. 22 December 2022, <https://citizenlab.ca/2022/12/catalangate-report-correcting-a-case/>

One of the criticisms he makes is that:

“[a]n appendix includes a spreadsheet meant to provide ‘Indicators of Compromise,’ long lists of technical details supposedly associated with the espionage campaign. These include IP addresses, malware signatures, and command and control infrastructure, which network defenders are supposed to use to ward off Russian-backed espionage, and which would ostensibly be used to ‘fingerprint’ Russia as the culprit. Unfortunately, many of these are out of date or irrelevant, or are used by multiple cyber espionage campaigns and not ones exclusively associated with Russia”.⁷⁹

Thus, Mr Deibert questioned the validity of using certain traces or indicators of compromise (IOCs) to accuse Russia as these may also be used by others. Meanwhile, the CatalanGate report assumes that no cyber-criminal would think of using fake Spanish institutional messages except Spanish secret services and that what they consider Pegasus IOCs could not be employed by other spyware or malware manufacturers. This is a contradiction with the logic used earlier by Mr Deibert.

79/





Ronald Deibert (2017) *The DHS/FBI Report on Russian Hacking was a Predictable Failure*, Just Security, 4 January 2017,
<https://www.justsecurity.org/35989/dhsfbi-report-russian-hacking-predictable-failure/>

Similarly, Mr Deibert claimed in the same article that “It is a disservice to both the general public and expert researchers to not clarify the degrees of confidence associated with each indicator. Without proper categorization or context, the indicators satisfy neither aim of helping network defenders or proving attribution.” The CatalanGate report does not include any assessment of the degrees of confidence of the IOCs used to detect attacks and infections. In 2022, the CatalanGate report clearly falls short of the standards that one of the authors and the director of Citizen Lab upheld in 2017.

In the same article Mr Deibert complains about the “little to no independent source of verification” regarding cyber security reports and suggests that “we do need to incentivize them to be more transparent about data they can share with the public, and more rigorous in terms of what they do present to make it useful to others.” The lack of transparency shown by Citizen Lab regarding their investigation in Catalonia collides with the principles that his director defended five years earlier.

As part of a similar investigation in India regarding a request from the Supreme Court, an independent Technical Committee examined 29 phones that, according to Citizen Lab, were attacked with Pegasus spyware.⁸⁰ This examination sought to probe the veracity of the allegations against India’s Government for its use of Pegasus spyware to target activists, journalists, politicians, judges and government officials. However, the result of the analysis showed that, out of 29 phones examined by the Technical Committee, only 5 had malware, and that it was not certain that the malware found corresponded to Pegasus.⁸¹

80/  *Miles Kenyon (2020) Citizen Lab and Amnesty International Uncover Spyware Operation Against Indian Human Rights Defenders. Citizen Lab, 15 June 2020*
<https://citizenlab.ca/2020/06/citizen-lab-amnesty-international-uncover-spyware-operation-against-indian-human-rights-defenders/>

81/  *The Times of India. 29 mobiles examined, malware found in 5, no conclusive proof of Pegasus: SC panel. 25 August 2022.*
http://timesofindia.indiatimes.com/articleshow/93769955.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

 *Newsclick. Justice Raveendran Committee Found no Conclusive Proof of Pegasus Use Against Dissidents: SC. 25 August 2022.*
<https://www.newsclick.in/Justice-RV-Raveendran-Committee-Found-Conclusive-Proof-Pegasus-Software-Against-Dissidents-Supreme-Court>

Moreover, well-known expert in cryptographic analysis and computer security Mr Nadim Kobeissi⁸² also publicly denounces Citizen Lab's approach to "outsource 'peer review' to personal politically aligned friends, based on falsifiable evidence, and with no control groups";⁸³ he claims that "it is not only effortlessly possible, but highly profitable, for malware to exist that intentionally adopts Pegasus's behavioural patterns."⁸⁴ He criticises that Citizen Lab and Amnesty Tech are building accusations against governments and attributing attacks to Pegasus based on a small subset of URLs on the Internet whose ownership and management are not known.

Mr Deibert also warned in 2017 that "[f]aith-based conclusions based on partial evidence and anonymous leaks are no basis to make informed public policy"; however, in an interview with *El Confidencial*, Ronald Deibert claimed that "Spain is a client of NSO, we will see more cases of spied mobiles", and bases this argument on information leaked (presumably) by former NSO employees to Motherboard.⁸⁵

Additionally, as the CatalanGate report indicates: "While we do not currently attribute this operation to specific governmental entities, circumstantial evidence suggests a strong nexus with the government of Spain, including the nature of the victims and targets, the timing, and the fact that Spain is reported to be a government client of NSO Group".⁸⁶ It seems that in this case, Citizen Lab is making all the mistakes that his Director and co-author of the report warned about in the past.

82/  *Nadim Kobeissi*
<https://nadim.computer/>

83/  *Nadim Kobeissi @kaepora, Twitter, 18 July 2022,*
<https://twitter.com/kaepora/status/1549008104490164225?s=20&t=5eOMTc-7GNOLITX1UdUb4Q>

84/  *Nadim Kobeissi @kaepora, Twitter, 22 July 2021*
https://twitter.com/kaepora/status/1418146034014953474?s=20&t=kCeQvp_mja3tG7jJyRZv2w

85/ *El Confidencial. Entrevista con el Director de Citizen Lab. Ronald Deibert: "España es cliente de NSO, veremos más casos de móviles espionados". 2 October 2021.*

86/ *Scott-Railton et al. CatalanGate page 2.*

Paradoxically, in 2017 Mr Deibert stated that “[t]he (DHS/ FBI) report’s shortcomings have led to predictable results. President-elect Donald Trump and his ‘truthiness’ supporters can continue to peddle inanities⁸⁷, like ‘no computer is safe’”. This is basically what has happened in Spain after the publication of the CatalanGate report, where dozens of politicians and journalists have followed Citizen Lab’s accusations of “unrestrained, unnecessary and disproportionate” espionage by the Spanish Government on Catalan civil society and disseminated similar politically loaded alarmist messages.⁸⁸ For instance, a website created by the independence organisation Òmnium to denounce the presumed espionage on Catalan civil society CatalanGate.cat has in its home page the message “CatalanGate: ens estan vigilant” (“They are monitoring us”) and “CatalanGate: Democracy under surveillance” in the English version of the website.⁸⁹ Secessionist organisation Assemblea Nacional Catalana (ANC) created a section in their website with a dramatic video that stated among other things “They know what you say, where you go, who you meet [...] Spain, Hungary and Poland are the only EU members who have spied using Pegasus. Countries that have repeatedly defied the EU’s rule of law [...] Denounce Spain’s dirty war against Catalonia.”⁹⁰ The report has been instrumentalised since its publication to promote a sense of moral panic in Catalonia and to delegitimise Spain’s government internationally. Mr Deibert has himself contributed to this by making alarmist statements in public, such as “this has to do with an espionage agency that operates out of control”.⁹¹

- 87/  *Miles Kenyon (2020) Citizen Lab and Amnesty International Uncover Spyware Operation Against Indian Human Rights Defenders. Citizen Lab, 15 June 2020*
<https://citizenlab.ca/2020/06/citizen-lab-amnesty-international-uncover-spyware-operation-against-indian-human-rights-defenders/>
- 88/  *The Times of India. 29 mobiles examined, malware found in 5, no conclusive proof of Pegasus: SC panel. 25 August 2022.*
http://timesofindia.indiatimes.com/articleshow/93769955.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- 89/  *Catalangate*
<https://catalangate.cat/>
- 90/  *#CatalanGate*
<https://assemblea.cat/catalangate-es/>
- 91/  *CCMA.cat. TV3. Pegasus, l’espia a la butxaca. 16 October 2022,* <https://www.ccma.cat/tv3/alacarta/30-minuts/pegasus-lespia-a-la-butxaca/video/6180772/>


5


When and where
were the forensic
analyses conducted?

Citizen Lab has been reluctant to share very basic information regarding when, where and how the “CatalanGate” research was conducted. When asked about the timeline, Mr Deibert claims that “outreach and research activities began in Fall 2019 and continued until the time of publication” (18 April 2022).⁹² This timeline is problematic on different levels. Mr Roger Torrent, a member of the secessionist party ERC and Former President of the Catalan Parliament, who was accused by the Constitutional Court of breaching the rights of Catalan MPs in the opposition⁹³ and who was judged but acquitted on charges of disobedience,⁹⁴ is identified as the first Catalan politician publicly known to be a victim of a Pegasus attack by the CatalanGate report.⁹⁵ According to the written testimony of Mr Roger Torrent, the investigation of his phone was initiated remotely via virtual private network (VPN) on 10 July 2020 by Mr John Scott-Railton, who was in Toronto.⁹⁶

Mr Torrent alludes in his book *Pegasus L'estat ens espia* that on 21 July 2020 he was told that: “Scott-Railton and Campo are working on the final report of the case in conjunction with an American communications company”.⁹⁷ This is very surprising because at that stage no infection had been confirmed by forensic analysis yet. The reference to the American communication company is also noteworthy as it suggests that the report was from the beginning intended to be instrumentalised in a political activism campaign. Did Mr Scott-Railton or Mr Campo collaborate with a professional lobby or communication agency/company in July 2020 or in April 2022? If so, why, and who paid for their services?

92/ Mr Ronald Deibert letter to Mr Jordi Cañas, page 5.

93/  *VozPopuli. El Constitucional dice que Torrent vulneró los derechos de la oposición en el Parlament, 15 November 2019*
https://www.vozpopuli.com/espana/politica/torrent-derechos-oposicion-parlament-dui_0_1300670811.html

94/  *El Periódico. El Tribunal Superior absuelve a Roger Torrent del delito de desobediencia. 23 November 2022*
<https://www.elperiodico.com/es/politica/20221123/mesa-parlament-torrent-desobediencia-constitucional-78936482>

95/ Scott-Railton et al. (2022). *Catalangate*, page 3.

96/ Roger Torrent (2021). *Pegasus : L'Estat que ens espia*. Barcelona: Ara Llibres. Book published in January 2021, pages 37-39.

97/ Roger Torrent (2021). *Pegasus*, page 135.

Although in politics and in the industry, using the services of professional communications companies is common practice, this is not so much the case in academia. The very costly infographics services (46,900 CAD) that the Munk School of Global Affairs & Public Policy hired from a Catalan company simply to enhance the impact of the results of the CatalanGate report are extremely unusual in the context of university research. No similarly sophisticated infographics website has been found for any of the previous Citizen Lab reports.⁹⁸

The case of presumed espionage of Mr Torrent received great press coverage in July 2020 and was used by pro-independence movements to launch an international communication campaign that also involved Amnesty International, and the Human Rights Committee of the Council of Europe. However, this early communication campaign raises some doubts given that, on 16 July 2020, Citizen Lab informed Mr Torrent's cabinet that the result of the remote analysis of his phone showed no current infection:


“You can confirm to President Torrent that, at this time, his telephone terminal is not infected by any spyware”.⁹⁹

On 27 July 2020, ERC received notification that none of the 9 telephones of Catalan politicians and members of their close entourage that had been analysed remotely from Canada and the USA by Citizen Lab were infected; Mr Torrent states:

“We have been sent the first conclusions of the tracking of the mobile numbers that we have passed on to Citizen Lab —I relayed to Marta the information that my team has been passing on to me. - What do they say? —At the moment there are no other mobile phones hacked. However, we have identified some SMS that are sure to be Pegasus attacks”.¹⁰⁰

Therefore, by 27 July 2020, there were no detected cases of infection. ERC was hoping to get confirmation of some attacks to extend the court complaint that they had nonetheless filed. Until April 2022 no new names of presumed victims were announced and the court complaint was not amended to include new victims. What happened in between those dates? It appears that either Citizen Lab did not find any infections in 2020 or they decided to conceal that information for over a year and a half. But why stay silent if they had found other cases and there was already a formalised court complaint? After all the media attention achieved in July 2020, there is no clear explanation for withholding forensic evidence of presumed violations of human rights for such a long time.¹⁰¹

98/  *Citizen Lab Publications.*
<https://citizenlab.ca/publications/>

 *The costly infographics referred can be found here:*
<https://catalonia.citizenlab.ca/>

99/ *Roger Torrent (2021). Pegasus, page 104.*
100/ *Roger Torrent (2021). Pegasus, pages 142 and 151.*


According to Ronan Farrow's piece in The New Yorker, Mr Jordi Solé's telephone was analysed in March 2022¹⁰¹ More unusual is the case of Mr Jordi Sànchez. In a video interview¹⁰² he acknowledges that they conducted some tests on his phone when he was in prison, presumably in 2020 or earlier, and that these were negative (no infection). However:

“Mr Elies Campo and the people of Citizen Lab insisted in [sic] revising again my mobile phone and that of my family members, and they did it just at the beginning of April (2022), and it was in this second analysis that they found out that he had been infected”.

This also serves to cast some shadows on the validation carried out by Amnesty Tech. If they were still checking telephones and discovering new infections in early April, how long did Amnesty Tech have to validate the 4 infection samples they were provided? This is also unusual as, in theory, Citizen Lab had already collected dozens of other infections that they could have sent earlier for validation. It seems that the communication campaign that had been coordinated with the secessionist organisations, Ronan Farrow, and other stakeholders forced them to rush the final stages of the investigation so that all was ready on 18 April 2022.

When asked about the exploratory and confirmatory forensic analyses of the devices of Catalan politicians, Mr Deibert claims that “[t]o protect the privacy of research participants, I cannot provide information regarding where the technical analysis for the Report was conducted. All analysis was validated by Dr. Marczak.”¹⁰³ This is a very unusual justification for the lack of transparency in the CatalanGate report regarding where the forensic analyses were conducted. Mentioning the city or laboratory where the devices were analysed or specifying whether physical examination of the telephones was part of the problem would not compromise in any way the privacy of research participants.

101/ Ronan Farrow (2022). *How Democracies Spy on their Citizens*. The New Yorker, 25 April 2022

102/  *Assemblea. Jordi Sànchez #CatalanGate. 26 April 2022, <https://youtu.be/9crBYexH6Ew>. As the rest of the videos in this series, the presumed victim presents himself and claims “I have been spied illegally by the Spanish State for being an independence activist”.*

103/ Mr Ronald Deibert letter to Jordi Cañas page 4

The Preamble to the Principles of Good Governance of the University of Toronto refers to “the need to be seen to be accountable – through transparency – to all parties interested in and supporting the University.”¹⁰⁴ The CatalanGate investigation and report does not seem to match these standards.


Why would revealing where the forensic analyses of devices took place be a problem from the point of view of participants' privacy? In fact, it seems that Citizen Lab is not comfortable admitting that they did not physically (non-remote) analyse any of the phones. Mr Roger Torrent in his book explains that the examination of his telephone was only made remotely from Toronto: on 10 July he was asked to connect to a VPN by Mr Scott-Railton.¹⁰⁵ Were the other analyses by Mr Scott-Railton, Mr Bill Marczak and Mr Bahr Abdul Razzak also conducted remotely? Did any of the 65 devices travel to Canada or elsewhere to be physically/on-site examined?

According to the academic literature, digital-only forensic analyses present many limitations and challenges (e.g., Krishnan et al. 2019; Montasari et al. 2019; Yaacoub et al. 2021)¹⁰⁶ that suggest the need to complement them with non-remote analyses. From the testimonies of the participants, it seems that the telephones never travelled to Toronto and were never examined physically by anyone working in Citizen Lab. Mr Campo may have examined some of them physically but he was not part of Citizen Lab until January 2022; moreover, he was not a specialist on digital forensics. There is no evidence that any member of Citizen Lab had travelled to Catalonia during the fieldwork.¹⁰⁷

104/  University of Toronto Governing Council (1991) Policy on Ethical Conduct in Research, <https://governingcouncil.utoronto.ca/system/files/import-files/ppmar281991i4820.pdf>

105/ Roger Torrent (2021). *Pegasus*, page 37.

106/ Krishnan, S., Zhou, B., An, MK (2019). *Smartphone Forensic Challenges*. *International Journal of Computer Science and Security* 13 (5), 183 – 200; Montasari, R., Hill, R., Carpenter, V., & Hosseinian-Far, A. (2019). *The standardised digital forensic investigation process model (SDFIPM)*. In *Blockchain and Clinical Trial* (pp. 169-209). Springer, Cham.; Yaacoub, J. P. A., Noura, H. N., Salman, O., & Chehab, A. (2021). *Digital forensics vs. Anti-digital forensics: Techniques, limitations and recommendations*. *arXiv preprint arXiv:2103.17028*.

107/  Mr Scott-Railton seem to suggest in April 2022 that he has not travelled to Barcelona. CCMA. TV3. *Preguntes Freqüents. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet* <https://www.ccma.cat/tv3/alacarta/preguntes-frequentes/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>

Ms Niamh Sweeney, former Director of Public Policy of WhatsApp, claimed the following in her official statement to The Guardian on 28 July 2020:

“Based on the information available to us, we are not in a position to confirm whether Mr Torrent’s device was compromised as this could only be achieved through an exhaustive forensic analysis of the device”¹⁰⁸

This statement indicates that no exhaustive forensic analysis of Mr Torrent’s device was conducted by WhatsApp. If Citizen Lab ever did conduct a thorough forensic analysis on this telephone, the results were not shared with WhatsApp, which also casts some doubts on the sort of collaboration that Citizen Lab and WhatsApp had established regarding the investigation of presumed victims of Pegasus among the American company’s clients.

Citizen Lab claims that:

“Our forensic analysis enables us to conclude with high confidence that, of the 63 people targeted with Pegasus, at least 51 individuals were infected”.¹⁰⁹

108/




The Guardian. WhatsApp confirms Catalan politician’s phone was target of 2019 attack. 28 July 2020, <https://www.theguardian.com/technology/2020/jul/28/whatsapp-confirms-catalan-politicians-phone-was-target-of-2019-attack>

109/ *Scott-Railton et al. (2022). Catalangate, page 5.*

This number of individuals coincides with the sum of the victims that appear in the Appendix Targets table, either with an approximate infection date or with “[Unable to determine specific infection date(s)]”.¹¹⁰ This indicates that Citizen Lab never found evidence of infection in the telephone of Mr Torrent or any of the other independence leaders who were the reason why the case became an international press scandal in July 2020, prompting Citizen Lab to look closer into this case.

Finally, Mr Deibert explains in a statement to Europa Press that Mr Campo was hired on 1 February 2022 to help identify potential victims, for interviews and analyses, having worked as a volunteer since July 2020.¹¹¹ This seems to indicate that by February 2022 Citizen Lab had not found enough evidence yet to publish a report and therefore needed support to find more victims. This approach is unusual in academic research, unless an investigation or report has been commissioned —something that Mr Deibert refuses to admit—¹¹²; however, it seems to match the accounts of some of the participants, who acknowledge that their phones were analysed in the Spring of 2022. Citizen Lab continues to show reluctance to confirm how many of the 65 victims were contacted and had their devices analysed in 2020, 2021 and 2022. This omission could be interpreted as an attempt to conceal a problematic timeline in the investigation that could indicate interference by actors and interests alien to expected standards of academic conduct.

110/ Scott-Railton et al. (2022). *Catalangate*, pages 26-34.

111/  *Assemblea. Jordi Sánchez #CatalanGate. 26 April 2022, <https://youtu.be/9crBYexH6Ew>. As the rest of the videos in this series, the presumed victim presents himself and claims “I have been spied illegally by the Spanish State for being an independence activist”.*

112/ Mr Ronald Deibert letter to Jordi Cañas page 4

6

Conflict of interests and trusting fieldwork to a political activist with no previous experience

The disclosure of potential conflicts of interest is expected in any academic work. The CatalanGate report was published by Citizen Lab at the University of Toronto and, therefore, it is supposed to adhere to academic standards and to abide by research ethics considerations. Mr Deibert confirmed that “[d]isclosure of conflicts of interest is part of the research ethics protocols at the University of Toronto.”¹¹³ However, this report did not include any statement acknowledging (or rejecting) conflicts of interests by the authors or those collaborating in the investigation. Fieldwork was coordinated by a pro-independence activist and a presumed victim of espionage, without any prior research experience or completed higher education degree: Mr Elies Campo. This author also made false claims about his employment status and was not affiliated to Citizen Lab for most of the investigation period.

Although the CatalanGate report refers to Mr Campo as an employee of Telegram, and he also includes this on his LinkedIn profile between September 2015 and December 2021,¹¹⁴ Telegram has twice formally rejected this claim. The first time, Telegram issued a statement following a very controversial interview with Mr Elies Campo in *Wired*. This was published shortly after becoming a Citizen Lab Fellow. In it, Mr Campo presented himself as “Telegram’s head of growth, business, and partnerships”, and said that Mr Pavel Durov, the CEO of Telegram, had largely ignored his advice regarding far-right activity in the platform.¹¹⁵

113/ *Mr Ronald Deibert letter to Mr Jordi Cañas page 6.*

114/  *LinkedIn. Elies Campo.*
<https://www.linkedin.com/in/eliescampo>

115/  *Wired. How Telegram Became the Anti-Facebook.*
8 February 2022
<https://www.wired.com/story/how-telegram-became-anti-facebook/>

“Elyes [sic] Campo has never worked for Telegram, let alone lead anything. In 2016, he was doing volunteer work and was given a temporary email address, which was subsequently revoked. He never received any monetary compensation from Telegram and did not enter into any contracts with us. The conversations with Pavel Durov, to which he refers in the article, never happened”.¹¹⁶


Telegram press office

After the publication of the “CatalanGate” report, Telegram was contacted by Spanish newspaper El Triangle and gave a similar answer:

“Mr Elies Campo has never been employed by Telegram in any capacity, let alone as the head of anything”¹¹⁷

Remi Vaughn


Representative of Telegram

116/  *The Times Hub. Who is Elies Campo: Telegram officially commented on the scandalous interview with Wired. 11 February 2022, <https://web.archive.org/web/20220401024159/https://thetimeshub.in/who-is-elies-campo-telegram-officially-commented-on-the-scandalous-interview-with-wired>*

117/  *El Triangle. Elies Campo ha enganyat Citizenlab i ‘The New Yorker’. 6 May 2022, <https://www.eltriangle.eu/2022/05/06/elies-campo-ha-enganyat-citizenlab-i-the-new-yorker/>*

However, it seems that this was not the first time Mr Campo falsely claimed to work for a company. In an interview with *La Vanguardia* in 2014, Mr Campo admitted that he had met with governments, operators and journalists pretending to be an employee of WhatsApp, before being hired.¹¹⁸ It seems odd that an academic institution trusted a volunteer with vested interests with such a highly sensitive project, without performing any basic background checks.


Mr Campo was openly involved in the organisation of the 2017 illegal referendum on independence in Catalonia, as he demonstrated in his social networks: for instance, he brought a ballot box to a polling station; he also shared the Tsunami Democràtic's Telegram account.¹¹⁹ It is worth remembering that many of the mobilisations promoted by Tsunami Democràtic provoked violence and cost millions of euros in damages. 534 violent incidents were identified between 14 and 20 October 2019.¹²⁰


118/  *La Vanguardia. Elies Campo: "No siento presión por ocupar el primer cargo internacional en WhatsApp". 28 February 2014, <https://www.lavanguardia.com/vida/20140228/54402684723/elies-campo-no-siento-presion-ser-primer-no-norteamericano-trabajar-whatsapp.html>*

119/  *Elies Campo. @elies. Twitter. 1 April 2018: <https://twitter.com/elies/status/980560731518091264?t=m9yx1C2wBSGTz15Zjvbk8g&s=09>*

 *Elies Campo. @elies. Twitter. 29 July 2019. <https://twitter.com/elies/status/1023473276079628289?s=20&t=gKQOHs93qCfOpu0Ii0Qfew>*

 *Elies Campo. @elies. Twitter. 7 October 2019. <https://twitter.com/elies/status/1181216299168550914?s=20&t=gKQOHs93qCfOpu0Ii0Qfew>*

 *Elies Campo. @elies. Twitter. 8 November 2017, <https://twitter.com/elies/status/928152272097263616?s=20&t=gKQOHs93qCfOpu0Ii0Qfew>. It is worth noting that Tsunami Democràtic platform was used to coordinate many illicit acts of sabotage and blockade and that Spanish justice is investigating it.*

120/  *El Confidencial. Violencia política en Cataluña: casi 1.000 agresiones en el último semestre de 2019. 7 May 2020, https://www.elconfidencial.com/espana/cataluna/2020-05-07/violencia-politica-en-cataluna-1000-agresiones-ultimo-semestre_2583619/*

He also participated in the Vocdoni initiative, alongside other presumed victims in the investigation, such as Mr Xavier Vives, Mr Pau Escrich and Mr Baylina.¹²¹ This initiative, claimed to have been borne out of the Catalan Independence movement, used Ethereum blockchain technology to create voting systems beyond the control of the Spanish government to facilitate the creation of a Catalan Republic.¹²² Vocdoni was set in Estonia with an obscure structure involving six companies and eight employees, and with abnormal invoicing practices.¹²³

- 121/  *CoinDesk. Aragon Acquires Voting Project Vocdoni to Flesh Out Decentralized Governance Stack. 11 January 2021, <https://www.coindesk.com/tech/2021/01/11/aragon-acquires-voting-project-vocdoni-to-flesh-out-decentralized-governance-stack/>*
-  *Vocdoni Blockchain Voting. @vocdoni. Twitter. 13 February 2022, <https://twitter.com/vocdoni/status/1492859854897229826?s=20&t=FuM2Am-3iBckW1f4O-BWh8g>*
-  *Vocdoni Blockchain Voting. @vocdoni. Twitter. 13 March 2022, <https://twitter.com/vocdoni/status/1503142345063161867?s=20&t=FuM2Am-3iBckW1f4O-BWh8g>*
-  *Xavivives.com. Xavi's abstractions. [https://xavivives.com/#?expr=\[%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3clzfmh-s7a%22,\[\[%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3c2lf4dbua%22,%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3cwx4lcc2a%22\],\[%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3c2lf4dbua%22,%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3cclw35kma%22\]\]\]&](https://xavivives.com/#?expr=[%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3clzfmh-s7a%22,[[%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3c2lf4dbua%22,%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3cwx4lcc2a%22],[%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3c2lf4dbua%22,%22i12D3KooWBSEYV1cK821KKdfVTHZc3gKaGkCQXjgoQotUDVYAxr3cclw35kma%22]]]&)*
- 122/  *El Confidencial. Los ingenieros de Tsunami Democràtic crearon una 'app' de voto para un nuevo referéndum. 29 April 2022, https://www.elconfidencial.com/espana/2022-04-29/pegasus-espionaje-cni-tsunami-democratic-vocdoni-referendum_3416269/*
- 123/  *El Confidencial. La Guardia Civil ubica a Soros tras una 'app' para blindar un nuevo referéndum en Cataluña. 25 October 2022, https://www.elconfidencial.com/espana/2022-10-25/guardia-civil-ubica-soros-app-blindar-nuevo-referendum-cataluna_3511853/*



Elies Campo
@elies



6 months ago today, I had the honor of bringing a ballot box into the polling station for the Catalan Independence Referendum. **#CatalanReferendum #Ref1Oct**
Thank you @catalan_gov!

#freePuigdemont
#FreeCatalanPoliticalPrisoners
#LlibertatPresosPolítics



11:41 PM · Apr 1, 2018



Elies Campo
@elies



General Strike starting to be in full effect in #Catalonia as main access highways to Barcelona are blocked. #VagaGeneral



CDR Sant Andreu @CDRstap · Nov 8, 2017

Ronda tallada pels 2 sentits al nus de la Trinitat. Molta tensió.



Nov 8, 2017



Elies Campo
@elies



As we end the @AspenAction Forum on Fearless Leadership, Aspen fellows show support and demand justice and freedom for Catalonia's political prisoners. **#AspenAction**

#FreeCatalanPoliticalPrisoners



Jul 29, 2018



Elies Campo
@elies



@tsunami_dem channel in @Telegram has surpassed the 76000 subscribers. More than 1% of the population of Catalonia. Possibly the public channel in Catalan with more subscribers in Telegram.

t.me/tsunamid

4:34 PM · Oct 7, 2019

Mr Campo was a member of a team of 30 advisors when President Mr Joaquim Torra launched, on 2 June 2020, the strategy "Catalunya 2022, Reset, Crida per reactivar el país".¹²⁴ Spanish police began to investigate the efforts to create a Catalan Digital Republic to facilitate its separation from Spain.¹²⁵



Vocdoni Blockchain Voting | We're hiring.. ...
@vocdoni

Replying to @0x5adb07 @joseolivas and 3 others

Because of course paper ballots are notoriously safe and secure in Spain.
counterfire.org/articles/opini...



3:59 · 22 Dec 2017

Vocdoni Blockchain Voting... @vocdoni · Mar 13, 22

Fantastic news! @Òmnium, the largest cultural non-profit in #Catalonia, with aprox 200k members, used Vocdoni for its Board of Director #elections at its 2022 AGM. We are proud to celebrate democracy by providing #blockchain voting such a prestigious institution [1/2]

Vocdoni Blockchain Voting... @vocdoni · Mar 13, 22

For the 4th year in a row, Vocdoni processed all 21,758 votes cast. Founded in 1961, Òmnium Cultural reflects the strong democratic & decentralist political culture of Catalonia. We know #blockchaintechnology will continue to empower individual sovereignty in the future. [2/3]

Vocdoni Blockchain Voting | We're hiring.. ...
@vocdoni

Congratulations to the @Òmnium_26 candidacy for winning their election to the board! [3/3]

3:59 · 22 Dec 2017

124/



GenCat. Catalunya 2022. https://presidencia.gencat.cat/ca/ambits_d_actuacio/catalunya-2022/. Mr Campo had also previously met Mr Torra during an official visit to the EEUU in

125/




El Español. El ingeniero que denunció el espionaje con Pegasus a separatistas desarrolló la República Digital Catalana. 25 October 2022, https://www.elespanol.com/espana/20221025/ingeniero-pegasus-separatistas-desarrollo-republica-digital-catalana/713179083_0.html

Moreover, Mr Campo was also personally acquainted with several of the other actors involved in the effort to achieve unilateral Catalan independence. He travelled several times to Belgium to visit Mr Carles Puigdemont —former president of Catalonia who escaped from justice and under an international arrest warrant—. ¹²⁶ Did anyone at Citizen Lab express concerns about granting a key role, such as that of handling evidence, to an activist involved in a secession attempt against a European democracy? Did anyone in Citizen Lab express concerns regarding potential conflicts of interest by Mr Campo, given that he was a vocal pro-independence activist and acquaintance of many of the victims that were emerging?

When asked “When Citizen Lab trusted field work to Mr Elies Campo, did they already know that he was being monitored by Spanish intelligence services for his alleged implication in several illegal secessionist activities?” Mr Deibert claims that “The Citizen Lab only became aware of allegations made against Mr Campo after the publication of the Report.” However, it does not seem credible that Citizen Lab was unaware of his involvement, given that Mr Campo himself appears as a presumed victim of espionage in the report that suggests that Pegasus was used by Spain to monitor politicians and activists, precisely because of their implication in secessionist activities.

Citizen Lab has not explained when or how they discovered that Mr Campo’s phone had been attacked by spyware. Neither did they seem to express concerns about Mr Campo’s potential involvement in illicit / illegal activities that could have motivated the presumed espionage by Spanish security forces. Again, it appears that Citizen Lab’s only hypothesis was that of “illegal” government investigations.

Mr Deibert explains the distribution of work for the report, attributing Mr Campo responsibility in coordinating outreach. At the same time, the report states: “...the Citizen Lab, in collaboration with civil society organisations, undertook a large-scale investigation into Pegasus hacking in Spain.” Did any member of the team express concerns about potential selection bias due to Mr Campo’s responsibility in selecting cases?

126/  *El Mundo. La Guardia Civil ‘cazó’ al autor del ‘informe Pegasus’ en Bruselas con Puigdemont. 29 April 2022,*
<https://www.elmundo.es/espana/2022/04/29/626c3e96e4d-4d8bb1c8b4597.html>


 *Crónica Global. El ‘cerebro’ del Catalangate visitó a Puigdemont en Bélgica, 30 April 2022,*
https://cronicaglobal.lespanol.com/politica/cerebro-catalangate-puigdemont-belgica_655106_102.html


When asked if Mr Elies Campo, had disclosed any conflicts of interest to the Ethics Research Committee of the University of Toronto, Mr Deibert responded that there was no conflict of interest raised by Mr Elies Campo's work with the Citizen Lab, and that Mr Campo acted under his supervision and authority and "did not work independently".¹²⁷ Moreover, from the Mr Deibert's statement and exchanges with the University of Toronto it can be inferred that no specific permissions were requested or granted regarding the investigation in Catalonia, and that the Ethics Board was not informed that forensic analyses and case selection for the report were conducted by political parties (and their lawyers) while planning to use the evidence in court cases. This looks as if the University Research Ethics Board (REB) gave Citizen Lab a sort of "free pass" regarding the Pegasus project.

Mr Deibert claims that outreach in Catalonia was supervised by himself and that Mr Campo "did not work independently". However, there is no evidence that any member of Citizen Lab travelled regularly to Catalonia between July 2020 and April 2022 to supervise the work of Mr Campo, who had no formal affiliation to Citizen Lab until February 2022.¹²⁸ Why was he not granted the status of Fellow in 2020 when his work for Citizen Lab started if he was the coordinator of the investigation and was supposed to be bound by the Research Ethics protocols of the University of Toronto? Moreover, according to the information revealed in a Freedom of Information and Protection of Privacy Office (FIPPA) request, the University of Toronto did not find any minutes of meetings regarding the CatalanGate investigation at Citizen Lab.

Presumably, Mr Campo had not completed any university degree and had no experience conducting scientific research. Therefore, he should have received some formal training regarding digital forensics and research ethics before being assigned the task of coordinating outreach. There is no evidence that he was offered such training.

127/ Mr Ronald Deibert letter to Mr Jordi Cañas page 3.

128/  *Elies Campo's LinkedIn profile claims he has been a Fellow at Citizen Lab since January 2022, although Mr Deibert specifies that he was hired on 1 February 2022 to help identify potential victims, for interviews and analyses. Europa Press. El director de The Citizen Lab justifica que Elies Campo investigue en un caso en el que también fue objeto de espionaje. 8 May 2022, <https://www.europapress.es/nacional/noticia-director-the-citizen-lab-justifica-elies-campo-investigue-caso-tambien-fue-objeto-espionaje-20220508101651.html>*

 *In an interview in TV3 Mr Campo explains when he started to coordinate the second phase of the investigation. CCMA. TV3. Preguntes Freqüents. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet <https://www.ccma.cat/tv3/alacarta/preguntes-freqvents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>*

When asked what type of expertise or skills served as basis for choosing Mr Elies Campo as coordinator of the fieldwork in Catalonia Deibert responded that “The Citizen Lab regularly works with individuals who are trusted within targeted communities to contact and help coordinate outreach to high-risk groups. No special technical expertise is required for this activity”.¹²⁹ However, as the testimonies of many participants in the research show, Campo was the person that conducted many of the forensic analyses. Sampling and outreach in the context of highly sensitive research, involving people investigated for criminal activity within a democracy (Spain was ranked 9th in the world by the prestigious V-Dem’s democracy index in 2020)¹³⁰ requires an understanding of both methodology and research ethics.

Mr Deibert did not fully respond to questions about the timing of Mr Elies Campo’s first contact with Citizen Lab, nor to when was he trusted with fieldwork in Catalonia; he just acknowledged that “Mr Campo first contacted the Citizen Lab in 2020”, and that he provided “outreach assistance for the Citizen Lab between 2020 and 2022.”¹³¹ In a television interview, Mr Campo claimed that in October 2019 WhatsApp and Citizen Lab sent notifications to potential victims of a security breach in WhatsApp, and that some of these presumed victims, knowing that he had worked for WhatsApp, contacted him to get more information about the veracity of the attacks. Mr Campo claims that he called his former colleagues at WhatsApp, who confirmed that messages were genuine and that he should contact Citizen Lab to find out more.

129/ Mr Ronald Deibert letter to Mr Jordi Cañas pages 3 and 5.


130/  Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, Nazifa Alizada, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Allen Hicken, Garry Hindle, Nina Ilchenko, Joshua Krusell, Anna Lührmann, Seraphine F. Maerz, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Juraj Medzihorsky, Pamela Paxton, Daniel Pemstein, Josefine Pernes, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundström, Eitan Tzelgov, Yi-ting Wang, Tore Wig, Steven Wilson and Daniel Ziblatt. (2021). V-Dem [Country–Year/Country–Date] Dataset v11.1. Varieties of Democracy (V-Dem) Project. <https://doi.org/10.23696/vdemds21>.


131/ Mr Ronald Deibert letter to Mr Jordi Cañas page 5.

Mr Campo's account of why he found out about Pegasus and how he offered his services to Citizen Lab raises several doubts. It is surprising that nobody at Citizen Lab expressed concerns regarding potential conflicts of interests by Mr Campo, given that he presented himself as an employee of Telegram, and Citizen Lab was theoretically assisting WhatsApp (Telegram's competitor) in reaching out to potential victims. Moreover, Mr Campo's story about how he had been brought to the case should have also raised concerns at Citizen Lab. Mr Campo had presumably worked at WhatsApp between 2013 and 2014;¹³² he argued that he "wanted to work for WhatsApp and he did not wait for an offer, but created his own job".¹³³ Mr Campo left the company once Facebook bought the messaging company, when he publicly expressed that Facebook was "the biggest fraud ever created" and that the integration of WhatsApp in this company was dangerous and "betrayed" user values.¹³⁴ It is surprising that someone who had expressed such strong criticisms could go back to his company and request internal information from former colleagues —something that Big Techs' non-disclosure agreements are expected to prevent—.

Mr Ronan Farrow's *The New Yorker* article and the CatalanGate report refer to a controversial, and potentially illegal, action, by Mr Campo during the investigation. The report acknowledges that "The Citizen Lab assisted WhatsApp in notifying civil society victims and helping them take steps to be more secure."¹³⁵

132/  *Elies Campo. LinkedIn.*
<https://www.linkedin.com/in/eliescampo/>

133/  *El Confidencial. "Quería trabajar para WhatsApp y no esperé a una oferta, sino que creé mi puesto". 17 December 2014,*
https://www.elconfidencial.com/tecnologia/2014-12-17/queria-trabajar-para-whatsapp-y-no-espere-a-una-oferta-sino-que-cree-mi-puesto_592226/

134/  *El Confidencial. El español que dejó su trabajo en WhatsApp: "Facebook es la mayor estafa jamás creada". 2 January 2017,*
https://www.elconfidencial.com/tecnologia/2017-01-02/whatsapp-facebook-elies-campo_1310536/


135/ *Scott-Railton et al. (2022). CatalanGate, page 1.*


Mr Farrow explains that in February 2021, Citizen Lab identified an active infection on a laptop belonging to Mr Joan Matamala, who was one of the 18 leaders that were monitored by Spanish secret services with judicial authorisation¹³⁶ according to the Spanish ombudsman.¹³⁷

“Mr Campo called Matamala and instructed him to wrap the laptop in aluminium foil, a makeshift way of blocking the malware from communicating with servers”¹³⁸


Ronan Farrow
New Yorker


This account, that Mr Campo confirms in an interview in TV3,¹³⁹ could be construed as an active effort to hinder a Spanish judicial investigation. This obstruction of the course of justice in a democratic state during fieldwork should logically mean a breach of research ethics protocols at the University of Toronto and any other serious academic institution.

136/  *La Vanguardia*. 14 May 2022. *Els 18 espiats pel CNI*, <https://www.lavanguardia.com/encatala/20220514/8266154/els-18-espiats-pel-cni.html>

137/  *El País*. *El Defensor avala las 18 escuchas con Pegasus admitidas por el CNI, pero pide un mejor control judicial*. 18 May 2022, <https://elpais.com/espana/2022-05-18/el-defensor-avala-las-18-escuchas-con-pegasus-admitidas-por-el-cni-pero-pide-un-mejor-control-judicial.html>

138/  Ronan Farrow (2022). *How Democracies Spy on their Citizens*. *The New Yorker*, 25 April 2022 <https://www.newyorker.com/magazine/2022/04/25/how-democracies-spy-on-their-citizens>


 Although not acknowledge in the CatalanGate report, the Hooking Candiru Report specifies that the first Candiru infection, that is supposed to correspond to that of Mr Matamala was located using telemetry data from Team Cymru. Marc-zack et al. (2021). <https://citizenlab.ca/2021/07/hooking-candiru-another-mercenary-spyware-vendor-comes-into-focus/>


139/  CCMA.Cat. TV3. *Preguntes Freqüentes. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet*, 23 April 2022; <https://www.ccma.cat/tv3/alacarta/preguntes-freqüents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>

Since July 2020, Citizen Lab has been publicly suggesting that spyware attacks in Catalonia were likely conducted by Spanish security services. Did anyone in Citizen Lab express any concerns regarding the potential interference of their fieldwork with the course of Spanish justice? Did the University of Toronto give permission to Citizen Lab to help prevent spyware attacks on people that were then investigated by Spanish Courts and police forces? A generic authorisation to investigate Pegasus in authoritarian regimes, where the rule of law does not apply, should hardly be sufficient to cover this type of research conduct in democracies. Unfortunately, it appears that these highly complex research choices in the case of the CatalanGate investigation were made without any formal authorisation from the University of Toronto or its Research Ethics Board.

Additionally, it is worth noting that the implication of secessionist parties in the investigation entails some research ethics considerations that were not mentioned by Citizen Lab either. According to several testimonies, pro-independence political parties and organizations were directly involved in conducting technical analyses on the phones of the presumed victims that appear in the CatalanGate report.¹⁴⁰ This is very problematic, as Citizen Lab does not acknowledge this conflict of interests. According to Mr Torrent's book, ERC created a team, on 9 July 2020, that worked on a parallel Pegasus investigation to that of Citizen Lab.¹⁴¹ It was only after Mr Torrent's visit to Mr Oriol Junqueras (former leader of ERC) in the Lledoners prison on 10 July 2020 that he gave permission to Citizen Lab to investigate his phone.

"I hear Romeva's voice shouting:
—Go to the bottom of this!
And that of Junqueras: - Don't let it
happen, report it!"¹⁴²

140/  *La Vanguardia. La Agència de Ciberseguretat treballó con Citizen Lab en el anàlisis de los mòviles. 8 May 2022. <https://www.lavanguardia.com/politica/20220508/8250740/agen-cia-ciberseguretat-trabajo-citizen-lab-analisis-moviles.amp.html>*

 *Torrent (2021) Pegasus. page 142; European Parliament, Multimedia Centre, Committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, 28 November 2022, https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting_20221129-0900-COMMITTEE-PEGA*

141/ Roger Torrent (2021). *Pegasus*, pages 31-32.

142/ Roger Torrent (2021). *Pegasus*, pages 36-37.

Mr Torrent called journalist Mr Jordi Basté immediately after the meeting with Mr Junqueras, who interviewed him. He interviewed him on 15 July and introduced Mr Elies Campo to Mr Torrent on air.¹⁴³ It is worth noting that at that stage no forensic analysis had been conducted and that presumably the other 4 nationalist politicians and activists in the list of WhatsApp suspected victims had been notified months before. As such, it has been claimed that the real reason behind the decision to investigate Pegasus in July 2020 and not in October 2019 was political opportunism.¹⁴⁴

Mr Torrent argues that Mr Oriol Sagrera —his Chief of Cabinet— was compiling suspicious SMS messages to pass them to Mr Scott-Railton and Mr Campo:

“Now that we know what this is all about, we almost don’t need computer scientists to discern suspicious messages from harmless ones. We have become expert trackers [...] We are counting and gathering all the information to pass it to Elies Campo. In the case of JxCat they are doing the same. Boye is making an inventory”.¹⁴⁵

The report does not acknowledge if Citizen Lab was aware that ERC and JxCat had a team conducting a parallel Pegasus investigation and selecting the cases they passed on to Mr Campo and Mr Scott-Railton. Any serious scientific research would consider this an interference in the snowball sampling methodology that Citizen Lab followed.

143/ Roger Torrent (2021). *Pegasus*, pages 37 and 76.

144/  Ms Anaïs Franquesa a lawyer and activist at Òmnium suggests that ERC politicians knew about the presumed espionage months before but timing was decided for political considerations. Youtube. Canòdrom Ateneu d’Innovació Digital i Democràtica. A l’ombra de Pegasus | Drets civils en l’era de la vigilància. 3 November 2022. Min 49:35, https://www.youtube.com/watch?app=desktop&v=OcfBZBIWtY&feature=emb_imp_woyt

145/ Roger Torrent (2021). *Pegasus*, page 143. He refers to 24 July 2020.

It is unlikely that the Research Ethics Board was aware of the direct implication of these political activists in the technical analyses, and Mr Deibert himself denied it in a public statement:

“No Catalan political party or secessionist organization was involved in writing the Report or in the technical analysis conducted by the Citizen Lab for this Report”.¹⁴⁶

Mr Deibert

Politicians and activists analysing phones had a genuine interest in maximising the number of infections and attacks found and could have also skewed the sample for their own individual or party interests —although all the telephones analysed belonged to pro-independence politicians and activists, each of the parties and organisations have their own interests—. Many of the presumed victims, such as Mr Sergi Miquel, Mr Baylina, Mr Escrich, Mr Ganyet and Mr Vives, were activists with advanced IT skills, they could have even potentially tampered with the evidence. The report should have made an explicit acknowledgment of this weakness regarding the chain of custody of evidence whilst responding to the following questions:

- A → *In addition to Mr Campo, who were the other pro-independence activists and politicians involved in the technical analyses conducted in this investigation (including preliminary technical analysis for shortlisting cases passed over to Toronto)?*
- B → *In addition to Mr Campo, were other pro-independence activists and politicians involved in writing sections of the report?*
- C → *Were Catalan nationalist parties or secessionist organisations involved in defining the project timeline and the communication strategy?*
- D → *Was the Research Ethics Board informed of the collaboration with secessionist political parties?*


^{146/} Mr Ronald Deibert letter to Jordi Cañas page 6. Mr Deibert claims that the fieldwork followed a snowballing method following specific research criteria.

From several exchanges with the Research Integrity Office at the University of Toronto between June and July 2022, it can be inferred that no specific permissions were requested or granted regarding the investigation in Catalonia, and that the Ethics Board was not made aware that political parties were involved in the forensic analyses and selection of participants for the report. Did the University Research Ethics Board (REB) give Citizen Lab a “free pass” to do as they pleased with everything regarding their Pegasus project, one that covered such a wide variety of countries and political circumstances? If this is not the case, the REB should investigate the case further to ensure future deviance from the University protocols.

7


The strange origin and timing of the investigation


The launch of the CatalanGate investigation by Citizen Lab is also surrounded by inconsistencies and not clearly justified. The CatalanGate report argues that the research in Catalonia was launched following a vulnerability exploited by NSO Group to hack Android phones around the world with Pegasus via WhatsApp. WhatsApp patched this vulnerability and identified a list of 1,400 users that were presumably targets of Pegasus spyware. Among them there were presumably several political figures in Catalonia. Citizen Lab assisted WhatsApp in notifying victims. However, the formal complaint by WhatsApp against NSO (that cited Citizen Lab several times) mentioned many different countries but never Spain.¹⁴⁷ Likewise, none of the previous reports produced by Citizen Lab referring to the utilisation of NSO spyware mentioned suspected attacks in Catalonia or the rest of Spain.¹⁴⁸ Meanwhile, the pro-independence movement was suffering a sharp decline in public support since the beginning of 2019¹⁴⁹ that could be linked to the failure of the Tsunami Democràtic initiative to gather the expected support once police began to neutralise their actions.¹⁵⁰

147/  *Case 20-16408 In the United States Court of Appeals for the Ninth Circuit. NSO Group Technologies Ltd. Et al. Defendants-Appellants v. WhatsApp Inc. et al. Plaintiffs-Appelles. 21 December 2020* <https://blogs.microsoft.com/wp-content/uploads/prod/sites/5/2020/12/NSO-v.-WhatsApp-Amicus-Brief-Microsoft-et-al.-as-filed.pdf>

148/  *For instance, Bill Marczak & John Scott-Railton, The Citizen Lab, The Million Dollar Dissident: NSO Group's iPhone Zero-Days used against a UAE Human Rights Defender 5 (Aug. 24, 2016),* <https://tinyurl.com/y3uvmlv>

 *Bill Marczak et al., The Kingdom Came to Canada: How Saudi-Linked Digital Espionage Reached Canadian Soil, The Citizen Lab (Oct. 1, 2018),* <https://tinyurl.com/y9yyhaz3>

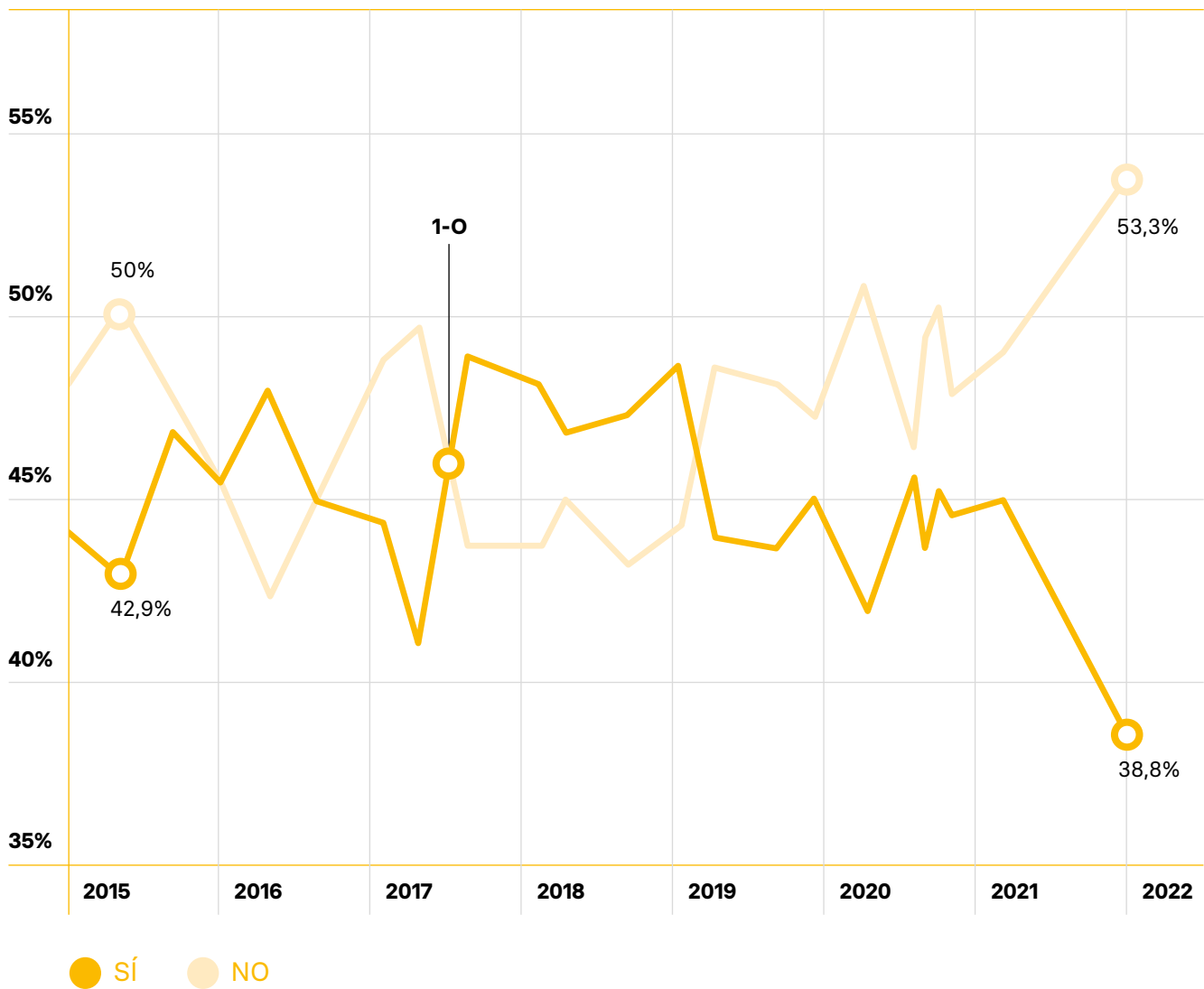
 *John Scott-Railton et al., Bitter Sweet: Supporters of Mexico's Soda Tax Targeted With NSO Exploit Links, The Citizen Lab (Feb. 11, 2017),* <https://tinyurl.com/ya3tgrhr>.

149/  *El Mundo. El no a la independencia de Cataluña saca ocho puntos al sí y supera el 50%. 31 July 2020,* <https://www.elmundo.es/cataluna/2020/07/31/5f23f0ff21efa0eb258b4602.html>

150/  *El Periódico. Tsunami reconoce que “la gran acción no ha tenido éxito.” 18 December 2019,* <https://www.elperiodico.com/es/politica/20191218/tsunami-democratic-reconoce-poco-exito-accion-reivindicativa-clasico-7780485>

TABLE 3

SUPPORT FOR INDEPENDENCE (JAN 2015 – MARCH 2022)




Source: El Confidencial based on Centre d'Estudis d'Opinió

In a TV interview, Mr Elies Campo is presented as the coordinator of the report. He explains that in October 2019 Citizen Lab started to contact victims of a WhatsApp security breach that took place earlier that year. Apparently, WhatsApp had commissioned Citizen Lab to contact the potential civil society victims. According to Mr Torrent's book, Mr Scott-Railton confirmed the following on 9 July 2020:

“As you know, we collaborate with WhatsApp. They pass us information about the devices that have been intervened and we search and find the owners who are behind the mobiles and have been victims of espionage... when the incident happened, I was trying to get in touch with Mr Torrent, but I did not manage to do it”.¹⁵¹

As explained earlier, Mr Campo claims to have been contacted by some of these victims who had been warned about a potential infection, and who knew that he had worked for WhatsApp some years ago. They asked him to verify that the security breach was real. Mr Campo asserts that he contacted former colleagues in WhatsApp who confirmed that the espionage had happened. After he reached out to Citizen Lab and offered his services, explaining that he began to coordinate the second phase of an investigation that had started after the first cases were made public in July 2020.¹⁵² Surprisingly, Mr Campo claims not to remember who the first victim in Catalonia was, although he explains that they discovered Pegasus in Mr Joan Matamala's computer at the end of July or beginning of August 2020.

151/ Torrent (2021) Pegasus, pages 25-26

152/  CCMA. TV3. 23 April 2022. *Preguntes Freqüentes. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet* <https://www.ccma.cat/tv3/alacarta/preguntes-freqüents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>

The CatalanGate report states that Mr Roger Torrent was the first pro-independence leader publicly known to be notified by Citizen Lab and WhatsApp. Contrary to what the CatalanGate report states, Mr Torrent claims in his book *Pegasus*¹⁵³ and in an interview published in ARA,¹⁵⁴ that he did not receive any notifications from WhatsApp and that the first notification of his suspected Pegasus attack was made by the journalists Mr Joaquin Gil (El País), Mr Sam Jones (The Guardian), and Ms Stephanie Kirchgaessner (The Guardian) on 8 July 2020. Moreover, these journalists were insisting that Mr Torrent should contact Citizen Lab, and referred specifically to Mr Ronald Deibert and Mr John Scott-Railton.¹⁵⁵ Ms Kirchgaessner has written dozens of pieces on Citizen Lab at The Guardian,¹⁵⁶ she has extensively covered cases unveiled by this organisation and has frequently interviewed the authors.¹⁵⁷


153/ Roger Torrent (2021). *Pegasus: L'Estat que ens espia*. Barcelona: Ara Llibres, page 14.

154/  ARA. *La novel·la d'espies de Roger Torrent*, 5 April 2021, https://www.ara.cat/politica/novel-d-espies-roger-torrent_1_3937649.amp.html

155/ Roger Torrent (2021). *Pegasus: L'Estat que ens espia*. Barcelona: Ara Llibres, page 14.

156/  Stephanie Kirchgaessner, *The Guardian*. <https://www.theguardian.com/profile/stephanie-kirchgaessner>

157/  For example, *The Guardian*, UN rapporteur condemns UK hosting of Israeli spyware firm. 7 February 2020. <https://www.theguardian.com/world/2020/feb/07/un-rapporteur-condemns-uk-hosting-of-israeli-spyware-firm>

 *The Guardian*. WhatsApp sues Israeli firm, accusing it of hacking activists' phones. 29 October 2019 <https://www.theguardian.com/technology/2019/oct/29/whatsapp-sues-israeli-firm-accusing-it-of-hacking-activists-phones>


 *The Guardian*. Saudi Arabia accused of hacking London-based dissident 28 May 2019 <https://www.theguardian.com/world/2019/may/28/saudi-arabia-accused-of-hacking-london-based-dissident-ghanem-almasarir>

She has authored and co-authored many articles regarding Pegasus attacks in Catalonia, including the exclusive for The Guardian and El País that announced that senior nationalist politicians in Catalonia had presumably been targeted with Pegasus on 13 July 2020.¹⁵⁸

The involvement of journalists at this preliminary stage of an academic research project is most unusual. Why were these journalists making the first contact with Mr Torrent? Did Mr Scott-Railton or someone else in Citizen Lab ask journalists Ms Stephanie Kirchgaessner, Mr Sam Jones and/or Mr Joaquín Gil to contact Mr Roger Torrent and warn him that he could be a victim of cyberespionage? If Citizen Lab had been commissioned by WhatsApp to contact members of civil society targeted by WhatsApp, as Mr Elies Campo explains in a TV interview,¹⁵⁹ why did they not do it directly, why rely on journalists for a first contact? Even Mr Gil expressed how unusual this first contact had been in a message to Mr Joan Serra:

“And the first call I made to you was weird: calling a politician to call a Canadian to tell him if he had been spied on!”.¹⁶⁰

158/  *The Guardian, Phone of top Catalan politician ‘targeted by government-grade spyware’, 13 July 2020.*
<https://www.theguardian.com/world/2020/jul/13/phone-of-top-catalan-politician-targeted-by-government-grade-spyware>

159/  *Preguntes Freqüents. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet*
<https://www.ccma.cat/tv3/alacarta/preguntes-freqüents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>

160/ Roger Torrent (2022). *Pegasus*, page 100.

In an article in El País Mr Gil explains that, according to Ms Anna Gabriel's lawyer, Mr Olivier Peter, she received a notification from WhatsApp informing her that her mobile could have been hacked. Meanwhile, in the same article, Mr Jordi Domingo says that Mr Scott-Railton called him in October 2019.¹⁶¹ If Citizen Lab had permission to contact people in the list of potential victims in the WhatsApp security breach, why did they involve journalists in this first contact with Mr Torrent? Why, out of the 1,400 users in the WhatsApp list of presumed individuals attacked with spyware, did they decide, in July 2020, to focus on Catalonia? Despite being contacted several times, WhatsApp has never responded to any of the messages regarding Citizen Lab's investigation in Catalonia.

Before the WhatsApp security breach, in 2018, Citizen Lab explained that they had identified a total of 45 countries where Pegasus operators may be conducting surveillance operations.¹⁶² They mentioned Bahrain, Kazakhstan, Mexico, Morocco, Saudi Arabia and the United Arab Emirates, but not Spain. More than twenty countries were affected by the spyware attacks during the security breach in WhatsApp. For instance, in September 2019, WhatsApp informed its India's government that 121 individuals were potentially compromised by NSO spyware.¹⁶³ In the WhatsApp Inc formal complaint against NSO Group¹⁶⁴ there was no mention of Spain or Catalonia, whilst several authoritarian regimes and countries with important democratic deficits were cited.

Similarly, Chief of WhatsApp Will Cathcart, when interviewed at The Washington Post about Pegasus attacks related to the security breach discovered in 2019, did not mention Spain or Catalonia, instead referring to countries such as Saudi Arabia, France, South Africa, Iraq, Pakistan, Egypt and Morocco.¹⁶⁵ Moreover, in July 2021, the Forbidden Stories journalism consortium, which also investigates Pegasus, with technical support from Amnesty International, revealed a leak of more than





Protests in Girona, 14 October 2019. Credit Wikipedia user Davidpar. CC BY-SA 4.0


50,000 phone numbers selected for surveillance by the customers of NSO Group since 2016.¹⁶⁶ In their website, they refer to at least 180 journalists being targeted by spyware, but they only mention one Spanish journalist, Mr Ignacio Cembrero, a Maghreb correspondent for El Confidencial.¹⁶⁷


What was the real motivation for choosing Spain ahead of many other countries, with far worse records on human rights and rule of law, such as those mentioned targeted with Pegasus, Forbidden Stories, and previous Citizen Lab analyses? Why was Citizen Lab so concerned about a case in which several of the people whose phones were presumably targeted were being publicly investigated due to their involvement in illicit acts?


For instance, Mr Roger Torrent and Ms Anna Gabriel were investigated on charges of disobedience, the latter being a fugi-

161/  *El País. El móvil del presidente del Parlament fue objetivo de un programa espía que solo pueden comprar Gobiernos. 14 July 2020. <https://elpais.com/espana/2020-07-13/el-movil-del-presidente-del-parlament-fue-objetivo-de-un-programa-espia-que-solo-pueden-comprar-gobiernos.html>*


162/  *By Bill Marczak, John Scott-Railton, Sarah McKune, Bahr Abdul Razzak, and Ron Deibert (2018). Hide and Seek: Tracking NSO Group's Pegasus Spyware to Operations in 45 Countries <https://citizenlab.ca/2018/09/hide-and-seek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/>*

163/  *Indian Express. In September, WhatsApp told govt 121 individuals affected by Pegasus spyware. 3 November 2019, <https://indianexpress.com/article/technology/whatsapp-israeli-spyware-snooping-pegasus-indian-government-6099262/>*

164/  *Case 20-16408 In the United States Court of Appeals for the Ninth Circuit. NSO Group Technologies Ltd. Et al. Defendants-Appellants v. WhatsApp Inc. et al. Plaintiffs-Appelles. 21 December 2020. <https://blogs.microsoft.com/wp-content/uploads/prod/sites/5/2020/12/NSO-v.-WhatsApp-Amicus-Brief-Microsoft-et-al.-as-filed.pdf>*

165/  *Chief of WhatsApp, which sued NSO over alleged hacking of its product, disputes firm's denials on scope of, involvement in spyware operations, 24 July 2021, <https://www.washingtonpost.com/investigations/2021/07/24/whatsapp-pegasus-spyware/>*

166/  *Forbidden Stories. About The Pegasus Project. <https://forbiddenstories.org/about-the-pegasus-project/>*









167/  *Forbidden Stories. Journalists Under Surveillance. <https://forbiddenstories.org/pegasus-journalists-under-surveillance/>*

tive of justice under an international search warrant;¹⁶⁸ Mr Sergi Miquel was investigated for his participation in Tsunami Democratic¹⁶⁹, as was Mr Jordi Domingo due to his participation in a group that was coordinating illegal actions to take control of Catalonia and for promoting a Catalan cryptocurrency to evade Spanish fiscal control.¹⁷⁰

When Mr Deibert was asked about his choice of Spain out of more than 20 countries affected in the spyware attacks revealed by WhatsApp, he did not clearly justify the choice but simply stated that "The Citizen Lab is an independent research laboratory based at the University of Toronto and it does not take research direction from companies or governments."¹⁷¹ He also claimed that they were investigating other countries like Togo and Rwanda regarding the 2019 WhatsApp breach, that "under no circumstances would we undertake commissioned research"¹⁷² and that "No other institutions or groups were involved in the forensic analysis conducted for the Report."¹⁷³

However, in the case of the investigation in Catalonia, it seems clear that Citizen Lab may have followed directions, as well as received technical assistance in the analysis of phones and identification of victims, from secessionist parties (ERC, JxCat and CUP), political activists (like the co-author Mr Campo and the independence organisations ANC and Òmnium) and even by Catalan Government organisations such as the Agència de Ciberseguretat de Catalunya (Catalan Cybersecurity Agency). The testimonies of Mr Roger Torrent, Mr Oriol Tortuella, and Mr Van den Eynde¹⁷⁴ confirm that Mr Deibert's statements were not truthful. In an interview in La Vanguardia, Mr Tortuella explained that this agency worked closely with Citizen Lab in the initial forensic examinations. More importantly, he also confirms what Mr Torrent had revealed in his book, that secessionist parties ERC, JxCat and CUP, and political organisations Òmnium and ANC were institutionally collaborating in the selection of the devices that needed to be tested by Citizen Lab. Mr Torrent wrote that they would not even need computer scientists to filter the suspicious messages and that they "had become expert trackers." Mr Andreu Van Den Eynde explained in the PEGA Committee of Inquiry that Citizen Lab, Amnesty Tech and their own team of experts were involved in the forensic analyses.¹⁷⁵

The participation of Catalan secessionist organisations in the fieldwork and communication campaign and the fact that only the telephones of secessionist politicians and activists were analysed demonstrate that this research was not guided by neutral research considerations. The decision to grant so much attention to the case of Catalonia, the faith shown in the existence of a mass espionage far beyond the theoretical five victims in the WhatsApp list and the leeway granted to secessionist actors within the investigation seem to suggest that either Citizen Lab had been indeed commissioned with this investigation or even that this was primarily an investigation led by Catalan entities, where Citizen Lab's role was primarily to grant legitimacy to the accusations against Spain. As the next section will show, the many contradictions regarding the testimonies of authors and participants seem to corroborate that this was by no means a normal university research project, planned and executed according to academic principles.

- 168/  ABC. Anna Gabriel, la líder de la CUP que cumple dos años fugada de la justicia. 20 February 2022, https://www.abc.es/espana/catalunya/politica/abci-anna-gabriel-lider-cumple-anos-fugada-justicia-202002201731_noticia.html?ref=https%3A%2F%2Fwww.google.com%2F
-  Eldiario.es. Puigdemont, la principal carpeta del procés en los tribunales a la espera de la desjudicialización. 1 Octubre 2022, https://www.eldiario.es/catalunya/puigdemont-principal-carpeta-proces-tribunales-espera-desjudicializacion_1_9581694.html
- 169/  El gobierno de Sánchez autorizó el espionaje a 18 dirigentes del Tsunami Democràtic, según 'El Confidencial'. 28 April 2022, https://es.ara.cat/politica/gobierno-sanchez-autorizo-espionaje-18-dirigentes-tsunami-democratic-confidencial_1_4353964.html
- 170/  20 Minutos. La Guardia Civil sitúa a empresarios e informáticos en el 'CNI catalán' que se reunió con CDR para aupar la república, 22 October 2022, <https://www.20minutos.es/noticia/5070783/0/la-guardia-civil-situa-a-empresarios-e-informaticos-en-el-cni-catalan-que-se-reunio-con-cdr-para-aupar-la-republica/>
-  El País. Pegasus espía a uno de los promotores de la criptomoneda catalana. 2 May 2022, <https://elpais.com/espana/2022-05-02/pegasus-espia-a-uno-de-los-promotores-de-la-criptomoneda-catalana.html>
- 171/ Mr Ronald Deibert letter to Jordi Cañas page 5.
172/ Mr Ronald Deibert letter to Jordi Cañas page 6.
173/ Mr Ronald Deibert letter to Jordi Cañas page 3.
- 174/  La Vanguardia. La Agència de Ciberseguretat trabajó con Citizen Lab en el análisis de los móviles. 8 May 2022. <https://www.lavanguardia.com/politica/20220508/8250740/agencia-ciberseguretat-trabajo-citizen-lab-analisis-moviles.amp.html>; Torrent (2021) Pegasus. page 142.
- 175/  La Vanguardia. La Agència de Ciberseguretat trabajó con Citizen Lab en el análisis de los móviles. 8 May 2022. <https://www.lavanguardia.com/politica/20220508/8250740/agencia-ciberseguretat-trabajo-citizen-lab-analisis-moviles.amp.html>
-  Torrent (2021) Pegasus. page 142-143; European Parliament, Multimedia Centre, Committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, 28 November 2022, https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting_20221129-0900-COMMITTEE-PEGA

8

Other contradictions incurred by the authors of the report

As explained earlier, in digital forensics it is extremely important that trained specialists perform the analyses, guarantee the custody of evidence and documentation of the processes, in order to preserve data integrity, avoiding loss of relevant information or its alteration. Unfortunately, some relevant contradictions can be spotted in the testimony of authors and participants in the investigation that suggest a lack of adherence to minimal academic standards in the CatalanGate investigation.

Mr Deibert claims that “[n]o other institutions or groups were involved in the forensic analysis conducted for the Report”, beyond the examination of four samples by Amnesty Tech.¹⁷⁶ However, this statement not only contradicts the testimonies of Mr Torrent and Mr Tortuella (see previous section) but also clashes with the deed described in the same CatalanGate report, that explains that the “Candiru” infection was identified on the campus of the University of Girona, that of Mr Joan Matamala’s device.

176/ Mr Deibert letter to Mr Cañas, page 4.

The report states:

“While conducting a preliminary investigation into Candiru spyware we identified evidence of a live Candiru infection on an institutional network backbone used by a consortium of Catalan universities”.¹⁷⁷

“Matamala’s colleagues asked him to step away from the computer and into the hallway. Once the situation had been explained, he consented to a forensic analysis of the device. We were able to successfully forensically extract the malicious spyware and determine that it was persistently installed on his device”.¹⁷⁸

177/ Scott-Railton et al. CatalanGate page 16

178/ Scott-Railton et al. Catalangate, page 16.

Mr Elies Campo explains in a TV interview that they detected a case of Pegasus infection during an analysis of social networks between the end of July and beginning of August 2020.¹⁷⁹ He describes that he was investigating the source of this infection but that they struggled to identify in what building and in what office the infected device was. They finally found out that the owner of the device was Mr Joan Matamala and the analysis of his telephone confirmed that it had been infected with Pegasus. Months later, again via a social network analysis, they managed to locate an infection with Candiru and Mr Campo found the same IP than he had found earlier when discovering Mr Matamala's Pegasus infection. They contacted him again and confirmed that his computer was currently infected with Candiru.¹⁸⁰

Mr Matamala —allegedly Candiru “patient zero”— was the cofounder, alongside Mr Jordi Baylina, of the Fundació Nord¹⁸¹ that promotes blockchain technology for electronic voting and the creation of the online infrastructure required for an independent Catalonia—. ¹⁸²

Several questions emerge:

A

→ | *Who conducted that physical examination at the University of Girona?*


B

→ | *Did Girona-based Fundació Nord conduct some of the examinations?*


C

→ | *How many devices were examined in Catalonia?*

179/ “Anàlisis de xarxes”

180/  CCMA. TV3. Pregunts freqüentsEl Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemí Casquet <https://www.ccma.cat/tv3/alacarta/preguntes-freqüents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>


181/  Fundacio Nord, <https://www.fundacionord.cat/en>


182/  Vilaweb. Joan Matamala: “El problema que tenim és que som massa obedients”, 1 May 2022. <https://www.vilaweb.cat/noticies/joan-matamala-problema-massa-obedients/>

- D** → *Who examined those devices?*
- E** → *Were these simply preliminary forensic triages? If so, when, where and by whom were the confirmatory forensic analyses conducted?*
- F** → *Why were the Candiru infections in Catalonia omitted in the “Hooking Candiru” report¹⁸³ in July 2021 but later included in the CatalanGate report?*
- G** → *Why does the CatalanGate note that Mr Matamala was “patient zero” of Candiru infection when he had not been mentioned in the previous report?¹⁸⁴*

The participation of Catalan IT experts in the assessment of Mr Matamala devices at the University of Girona contradicts Mr Deibert claim that no other institution or group was involved in the forensic analyses. Given the detail provided in some aspects of the report, the absence of references to the dates when the analyses were made in all cases is also unusual. There is no information regarding when the Candiru infection attempts on Mr Pau Escrich, Mr Xavier Vives and Mr Elies Campo were discovered by Citizen Lab.¹⁸⁵

Mr Deibert did not respond to questions about the number of devices investigated, claiming that to protect the privacy of research subjects, Citizen Lab does not comment on the cases that are not published or publicly disclosed. However, that question remains pertinent and the justification unsatisfactory. The question does not imply any threat to privacy, but is standard practice in scientific research reporting. To have a better sense of the magnitude or severity of a problem, it is important to understand the approximate incidence or ratio of positives (e.g., percentage of positives / tests).

183/  *Bill Marczak, John Scott-Railton, Kristin Berdan, Bahr Abdul Razzak, and Ron Deibert (2021). Hooking Candiru: Another Mercenary Spyware Vendor Comes into Focus. Citizen Lab, 15 July 2021, <https://citizenlab.ca/2021/07/hooking-candiru-another-mercenary-spyware-vendor-comes-into-focus/>*

184/  *John Scott-Railton, Elies Campo, Bill Marczak, Bahr Abdul Razzak, Siena Anstis, Gözde Böcü, Salvatore Solimano, and Ron Deibert (2022). CatalanGate; Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru. Citizen Lab, 18 April 2022, <https://citizenlab.ca/2022/04/catalangate-extensive-mercenary-spyware-operation-against-catalans-using-pegasus-candiru/>, Page 16*

185/ “Anàlisi de xarxes”

For instance, 65 positives out of 100 tests would be much more worrisome than 65 positives out of 1,000 tests. A very high ratio positives/tested devices can also be an indicator of an instrumental problem with the spyware detection software. The reluctance to respond to this may be interpreted as an attempt to conceal a non-disclosed potential research limitation.

Mr Deibert gave the same response to the question on whether devices of non-secessionist leaders or activists were also investigated, "To protect the privacy of research subjects under the applicable research ethics protocol, the Citizen Lab does not typically comment on cases that are not published or publicly disclosed". In this case the justification given is not logical and again suggests an abnormal attempt to avoid external scrutiny of potentially questionable research choices and processes. Revealing if non-secessionist subjects have been studied does not imply revealing their names. Explaining the logic behind sampling is standard in scientific research.

It is noteworthy that after the publication of Mr Oriol Toruella's interview in La Vanguardia where he refers to the involvement of the Agència de Ciberseguretat de Catalunya in the analyses, Mr Deibert accused the newspaper of lying and asked for a retraction via Twitter. However, he later changed his mind, deleted his accusatory tweet, and made a partial acknowledgment:

"For transparency's sake: just deleted a previous tweet regarding @LaVanguardia story. We did in fact have some prior formal exchanges with the Agència de Ciberseguretat de Catalunya in the past".¹⁸⁶

This reaction seems to show that either Mr Deibert was nervous about the public knowing of the involvement of several groups in the technical analyses of the phones that serve later to attribute victimhood and blame, or that Mr Deibert did not really know much about how the fieldwork was conducted — which would then contradict his claim regarding the supervision and independence of Mr Campo as well as the effective direction of fieldwork in Catalonia—. ¹⁸⁷

186/



Ronald Deibert @RonDeibert. Twitter, 9 May 2022, <https://twitter.com/RonDeibert/status/1523731577926479872?t=VguA5TGnQmy2M2uUfsj2M-Q&s=19>


187/ Mr Ronald Deibert letter to Jordi Cañas page 3.

Mr Campo also explains that the investigation followed a somewhat unusual sampling process. In an interview, he admits that they were asking people if they wanted to have their phones checked to see if they had been attacked and/or infected. They then proceeded by asking the victims:

“if you were the attacker and would know all that you know and everyone with whom you have interacted, sent messages or called, who would you attack?”.¹⁸⁸

This approach does not seem to fully match any specific theoretical research criteria, as is usually expected in academic research. The CatalanGate report avoids explaining or justifying the criteria followed in the snowballing sampling.


One of the participants, Ms Sonia Urpí, an ANC board member, provided a video testimony regarding her case¹⁸⁹ that also seems at odds with some of the explanations given by Citizen Lab. In the video she claims that she found out about her phone infection in July 2020 right after her partner, Mr Jordi Baylina—an IT entrepreneur and presumed victim who was investigated by the Supreme Court for his involvement in Tsunami Democràtic—discovered during a routinary security check that his phone had been hacked. He asked her to get her own phone analysed. Citizen Lab and Mr Torrent suggest that El País and The Guardian journalists were those who triggered the investigation in Catalonia following the list provided by WhatsApp. Why were the cases of Ms Urpí and Mr Baylina excluded? Was it a coincidence that a routinary check-up detected his infection?


188/  CCMA. TV3. Preguntes frequents. El Catalangate amb John Scott-Railton i Elies Campo, Lang Lang i Noemi Casquet, 23 April 2022, <https://www.ccma.cat/tv3/alacarta/preguntes-frequents/el-catalangate-amb-john-scott-railton-i-elies-campo-lang-lang-i-noemi-casquet/video/6155478/>

189/  Assemblea. Sonia Urpí #CatalanGate. Youtube. 26 April 2022. <https://www.youtube.com/watch?v=jH6Q1ZFLUm0>

Ms Urpí's testimony contradicts that of her partner Mr Baylina, who in a TV interview on 30 April 2022 claimed that he had known about the Pegasus infection for 5, 6 or 7 months.¹⁹⁰ That means that Mr Baylina learnt about the infection in 2021 and that either Ms Urpí or Mr Baylina are not telling the truth regarding when they found out about their alleged infections. He claims that Mr Elies Campo told him about his work on the investigation of Pegasus and that he had been spied on after receiving some strange messages. Mr Baylina told Mr Campo that he had also received odd messages in 2020. Mr Campo asked him to send him "his phone or a copy" so he could analyse it and then he apparently discovered that the phone of Mr Baylina was also infected. Mr Baylina also confirms that he had visited Mr Puigdemont in Belgium "twice or three times" to discuss the blockchain strategy of the independence movement.


In the same TV programme, Mr Gonzalo Boye, lawyer for Mr Puigdemont and Mr Torra and presumed victim of espionage, claims that they knew it "for some time" but that they "did not have the evidence to say it and prove it. Now we have it."¹⁹¹ He also says that they had the intuition that they were being spied and that "Almost two years ago we started with the dynamic of trying to get the evidence for this and in the end all the evidence has appeared because a very serious, very rigorous and above all independent forensic analysis has been done". This assertion suggests that, in 2020, when the case of Pegasus in Catalonia was published by major international news outlets and the formal complaint by Mr Torrent and Mr Maragall was filed, the pro-independence movement did not seem to have any proof of the espionage.

190/  CCMA.cat. TV3. Preguntes freqüents. Jordi Baylina: "He assumit que visc amb un mòbil espiat". 30 April 2020, <https://www.ccma.cat/tv3/alacarta/preguntes-freqüents/jordi-baylina-he-assumit-que- visc-amb-un-mobil-espiat/video/6156617/min 2>.

191/  CCMA.cat. TV3. Preguntes freqüents. Gonzalo Boye: "Hem sigut espiats i hi ha proves". 30 April 2022. <https://www.ccma.cat/tv3/alacarta/preguntes-freqüents/gonzalo-boye-hem-sigut-espiats-i-hi-ha-proves/video/6156598/>

Meanwhile, Ms Diana Riba, presumed victim and vice-chair of the PEGA Committee of Inquiry, claimed in a hearing in Paris at the Council of Europe on 12 December 2022 that Citizen Lab detected two infections in her phone, the first one in June 2019, when she was allegedly discussing legal and political issues with her party and her lawyers on how to defend Mr Oriol Junqueras.¹⁹² However, in the report, Ms Riba only appears to be a victim of an infection around 28 October 2019.¹⁹³ This first infection was convenient for the independentist strategy to request the nullity of the trials against their leaders, based on presumed illegal monitoring of lawyers and related private legal discussions. However, it was not reflected in the report.

Although Mr Antoni Comín testified as victim in the PEGA Committee on 6 October 2022,¹⁹⁴ on 22 December 2022, Citizen Lab released a statement admitting having made a mistake identifying Mr Comín as victim of Pegasus. They claim that they made an error with their labelling systems and wrongly assumed that the initials AC referred to Mr Comín.¹⁹⁵ The explanation provided in this note raises further concerns regarding the rigour in the coding and labelling of evidence. No victim in the report has AC as initials. This statement also makes an odd claim: "While we have no forensic indication of infection in Comín's devices that we have checked, the primary device used during a period when others were targeted has never been available for analysis due to the owner not recalling the password." In their attempt to suggest the possibility that Mr Comín remains a victim, they reveal another problematic fact. Mr Comín declared in the PEGA Committee knowing that his primary phone had never been analysed. He even explained then, why his espionage had started in January 2020 and link it with an event he organised in France. The members of the Committee and the general public should have been informed by Mr Comín of this serious limitation when assessing the value of his testimony as "victim".

192/  *PACE public hearing: Pegasus and similar spyware and secret state surveillance. Youtube. 12 December 2022.*
https://www.youtube.com/watch?v=zZft_10cWJs

193/ Scott-Railton (2022). *Catalangate*, page 27.

194/  *European Parliament. Multimedia Centre. Committee of Inquiry to investigate the use of the Pegasus and equivalent surveillance spyware. 6 October 2022, https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting_20221006-0900-COMMITTEE-PEGA, 10:09:21.*


195/  *Ron Deibert (2022). CatalanGate Report Correcting a Case. 22 December 2022, <https://citizenlab.ca/2022/12/catalangate-report-correcting-a-case/>*

In an interview in El País, Mr Deibert is told that Spanish secret services had only recognised the monitoring of 18 out of the 65 cases mentioned in the report. He reacted by saying: "How can we verify this? What have they shown in the Official Secrets Congressional committee? Would you believe it?"¹⁹⁶

This appears to be a healthy although somewhat inconsistent scepticism. Why does Mr Deibert expect the scientific community to believe his accusations towards Spain, based on non-peer reviewed and non-replicated "circumstantial evidence" (as literally expressed in the report), whilst at the same time questioning the response of Spain's government, for revealing only partial information (constrained by the Official Secrets Law)? Customarily, the onus of proof lies on the accuser not on the defendant. In theory, it is not for the Spanish government to demonstrate that they have not broken the law.

Citizen Lab's report section entitled "Attribution to a Government" states:

- *At this time the Citizen Lab is not conclusively attributing these hacking operations to a particular government, however a range of circumstantial evidence points to a strong nexus with one or more entities within Spanish government, including:*
 - *The targets were of obvious interest to the Spanish government;*
 - *The specific timing of the targeting matches events of specific interest to the Spanish government;*
 - *The use of bait content in SMSes [sic] suggests access to targets personal information, such as Spanish governmental ID numbers;*
 - *Spain's CNI has reportedly been an NSO Group Customer, and Spain's Ministry of Interior reportedly possesses an unnamed but similar capability.*

196/  El País. Ronald Deibert, fundador de Citizen Lab: "Los gobiernos usan Pegasus porque tienen apetito de espiar", 15 May 2022 <https://elpais.com/espana/2022-05-15/ronald-deibert-fundador-de-citizen-lab-los-gobiernos-usan-pegasus-porque-tienen-apetito-de-espiar.html>

These arguments lack strength as evidence. Some of the targets were of obvious interest to the Spanish judiciary and security forces. But some were also potential targets for other political actors in Catalonia. In fact, Catalan nationalist politicians had been accused of spying on different politicians, activists, and journalists in this Autonomous Community a few years earlier,¹⁹⁷ and the Catalan government had shown interest in acquiring espionage technology.¹⁹⁸ As for the timing of the targeting, the report shows that Citizen Lab did not have the capacity to reliably determine when or even if infections took place. Moreover, the report does not persuasively justify this argument, and simply makes this claim based on a few examples, not on a systematic analysis. Fake institutional messages are frequently used by malware and spyware companies, so the argument that infection attempts should be attributed to the Spanish government or to the secret services lacks credibility. Finally, a leak from former NSO employee is the sole indication that Spain is using Pegasus. Neither the Government nor the spyware company have admitted to this. But even if Spain had Pegasus, Citizen Lab has not provided any technical evidence that this spyware was indeed used by Spanish security forces against Catalan secessionist politicians and activists. Democracies usually acquire spyware to fight terrorism, drug trafficking, organised crime, etc.

197/



Crónica Global. CiU y ERC impiden que se forme una comisión para estudiar los posibles espionajes del Cescicac. 26 June 2014, https://cronicaglobal.elespanol.com/politica/ciu-erc-impiden-comision-investigacion-espionajes-cescicat_9123_102.html



Crónica Global, Estas son las pruebas del espionaje de los Mossos, 11 January 2019, https://cronicaglobal.elespanol.com/politica/estas-pruebas-espionaje-mossos_213201_102.html

198/




El Confidencial. ¿A quién quiere espiar la Generalitat? Los correos de Mossos con los espías italianos. 20 July 2015, https://www.elconfidencial.com/espana/cataluna/2015-07-20/a-quien-quiere-espia-la-generalitat-los-correos-de-mossos-con-los-espias-italianos_935025/





El Confidencial. Puigdemont intentó comprar en Israel material de espionaje por 27 millones. 19 Mars 2018, https://www.elconfidencial.com/espana/cataluna/2018-03-19/puigdemont-israel-espionaje-material-compra_1536960/


Additionally, it is also quite unusual for a political science professor such as Mr Deibert to exhibit such little and biased understanding of Catalan and Spanish politics, having co-authored a report on the topic. For instance, in a documentary about the CatalanGate called "The spy in your pocket" aired in October in TV3, he claimed that "...in Catalonia because you have this situation with the Constitution and the fact that even the mere act of advocating for independence is considered illegal..."¹⁹⁹ This statement is objectively false, since pro-independence political parties and advocacy are not only legal, but in fact in control of the regional government and of most public institutions in Catalonia.

More recently, Mr Deibert published an article in Foreign Affairs, where he claims that "some of the targeting took place amid sensitive negotiations between the Catalan and Spanish governments over the fate of Catalan independence supporters who were either imprisoned or in exile."²⁰⁰ However, the negotiations alluded to by Mr Deibert have presumably taken place between Mr Pedro Sánchez's Government and Mr Pere Aragonès' after September 2021, outside the period of the infections Citizen Lab claims to have detected.²⁰¹

199/  CCMA.cat. TV3. *Pegasus, l'espia a la butxaca*. 16 October 2022, <https://www.ccma.cat/tv3/alacarta/30-minuts/pegasus-lespia-a-la-butxaca/video/6180772/>

200/  Ronald Deibert (2022). *The Autocrat in Your iPhone*. *Foreign Affairs*. 12 December 2022. January/February 2023 issue. <https://www.foreignaffairs.com/world/autocrat-in-your-iphone-mercenary-spyware-ronald-deibert>

201/  *El País*. Sánchez y Aragonès blindan un diálogo sin plazos pese a sus posiciones muy alejadas. 15 September 2021. <https://elpais.com/espana/2021-09-15/sanchez-y-aragones-blindan-un-dialogo-sin-plazos-pese-a-sus-posiciones-muy-alejadas.html>

 *In February 2020 there was a meeting between the Spanish and Catalan governments, the latter led by Mr Torra, but at the time, the Spanish government refused to discuss the liberation of Catalan leaders in prison and no known negotiations were open in this respect at the time. Moreover, the dates of presumed attacks on the phones of those involved in that bilateral meeting do not coincide with that earlier meeting either. El País. Así fue la mesa de diálogo: tres horas de terapia sobre el origen de la crisis catalana. 27 Febrero 2020, https://elpais.com/politica/2020/02/27/actualidad/1582834113_996408.html*

9

A fieldwork shaped
by economic
interest? Providing
“ammunition”
for court cases

The abundance of evidence suggesting that the CatalanGate investigation has little to do with proper, theoretically-driven and rigorous, scientific research can be interpreted as an indication that a different set of potential incentives may underpin the work of Citizen Lab in this case. For instance, expert in digital security Mr Nadim Kobeissi claimed, on 18 July 2022, that “Citizen Lab is addressing an extremely valuable and urgent problem: digital mercenaries that are operating lawlessly via sophisticated weapons-grade malware. But they lie when they suggest that they’re doing so scientifically. It’s a politically motivated business practice.”²⁰² “To be clear, there’s nothing wrong with operating a politically motivated business practice. You can have a political agenda, a set of goals, and campaign towards it by uncovering malware campaigns. There’s nothing problematic there. The problem is with disguising it as academic.”²⁰³

Mr Deibert asserts that “The Citizen Lab has never been commissioned to find evidence for a lawsuit by any parties to any litigation [sic], including Apple. Under no circumstances would we undertake commissioned research.”²⁰⁴

202/  *Nadim Kobeissi. Wikipedia.* https://en.wikipedia.org/wiki/Nadim_Kobeissi *Nadim Kobeissi @kaepora, Twitter 18 July 2022,* <https://twitter.com/kaepora/status/1549008483978285063?s=20&t=5eOMTc-7GNOLITX1UdUb4Q>

203/  *Nadim Kobeissi @kaepora, Twitter 18 July 2022,* <https://twitter.com/kaepora/status/1549011017375666176?s=20&t=5eOMTc-7GNOLITX1UdUb4Q>


204/ *Mr Ronald Deibert letter to Jordi Cañas page 6.*

Mr Torrent's book contradicts Mr Deibert and reveals a highly problematic approach to research by Citizen Lab:

“Elies Campo [...] has contacted John Scott-Railton and they will work together on our case. He does this on behalf of Apple, which is also very interested in clarifying who is behind the attacks [...] Those at Citizen lab are interested in closing the folder so that we can provide ammunition to WhatsApp, Apple and ourselves, so that we have solid material to present in court”.²⁰⁵


Certainly, academic research should not be guided by the legal strategy of Big Tech corporations or by partisan political interests. The testimony of participants in the fieldwork such as Torrent and many of the public statements and actions of the members of Citizen Lab show that providing evidence for litigation was a key driving principle of the Pegasus investigation in Catalonia. The interests of Citizen Lab and Catalan politicians and activist appear to be synergic in this case. Both sought to maximise the number of Pegasus attacks. Citizen Lab wanted to help create a case for Apple to sue NSO, as they had done in 2021 for WhatsApp.²⁰⁶ They did succeed, as on 23 November 2022, Apple announced that they were suing the NSO Group and a reward of \$10 million, and any damages from the lawsuit, for cybersurveillance researchers and advocates, specifically mentioning Citizen Lab and Amnesty Tech:

^{205/} Roger Torrent (2022). *Pegasus*, page 135.

^{206/}  *The Guardian. WhatsApp sues Israeli firm, accusing it of hacking activists' phones, 29 October 2019*
<https://www.theguardian.com/technology/2019/oct/29/whatsapp-sues-israeli-firm-accusing-it-of-hacking-activists-phones>

“Apple commends groups like the Citizen Lab and Amnesty Tech for their groundbreaking [sic] work to identify cybersurveillance abuses and help protect victims. To further strengthen efforts like these, Apple will be contributing \$10 million, as well as any damages from the lawsuit, to organisations pursuing cybersurveillance research and advocacy.

Apple will also support the accomplished researchers at the Citizen Lab with pro-bono technical, threat intelligence, and engineering assistance to aid their independent research mission, and where appropriate, will offer the same assistance to other organisations doing critical work in this space”.²⁰⁷

207/  *Apple. Apple sues NSO Group to curb the abuse of state-sponsored spyware, 23 November 2021, <https://www.apple.com/uk/newsroom/2021/11/apple-sues-nso-group-to-curb-the-abuse-of-state-sponsored-spyware/>*


Moreover, Apple revealed in another press release on 6 July 2022 that the \$10 million they pledged on November 2021 to Citizen Lab, Amnesty Tech and similar organisations would be allocated by the Dignity and Justice Fund of the Ford Foundation. Coincidentally, Mr Deibert is one of 5 people who will decide how these funds will be spent (alongside representatives of Amnesty Tech, Access Now, The Engine Room and Apple). This seems at odds with the formal statement that Mr Deibert issued at the European Parliament, where he claimed that Citizen Lab had never received payments or donations from Apple, WhatsApp or Facebook.²⁰⁹

They knew about the Apple lawsuit against NSO in July 2020, and they explained to the Catalan politicians that they were collaborating with it, suggesting that Citizen Lab's investigation in Catalonia was not genuinely inspired by any sort of academic consideration, but instead triggered by an opportunity to analyse many iPhones from Catalan nationalist politicians and activists eager to be portrayed as victims of Spain.

According to the testimony of the abovementioned participants, Citizen Lab was already seeking evidence to help Apple file a lawsuit against NSO in July 2020. However, entire Apple vs NSO case is built around the "zero-click" FORCEDENTRY exploit that was discovered in March 2021, and all the attacks are presumed to have happened between February and September 2021.²¹⁰ This means that Citizen Lab may have been looking for evidence of a presumed attack that had not happened yet, and for which they had no proof whatsoever. This is not standard academic conduct: it may suggest that Citizen Lab was commissioned to find evidence of a crime that had not happened yet—which they also deny—, or was seeking to convince Apple to launch a lawsuit, either motivated by potential monetary gain or to damage the NSO Group, a company that they had been fighting for some years.

209/ Mr Ronald Deibert letter to Jordi Cañas page 6.

210/  *Apple. Apple v NSO Complaint, 23 November 2021, https://www.apple.com/newsroom/pdfs/Apple_v_NSO_Complaint_112321.pdf, pages 2 and 13*

 *Marczak et al. (2021). FORCEDENTRY : NSO Group iMessage Zero-Click Exploit Captured in the Wild, 13 September 2021, Citizen Lab. <https://citizenlab.ca/2021/09/forcedentry-nso-group-imessage-zero-click-exploit-captured-in-the-wild/>*


If providing “ammunition” for court litigation was indeed the goal that Citizen Lab was seeking, the investigation could be weakened from a technical point of view. For instance, this could provoke a bias in the design of the fieldwork and in the way the report was written. The strong selection bias —only nationalist activist and politicians had their phone analysed— and the very one-sided text regarding Catalonia’s conflict are proof of these induced caveats. Even the flashy report title —a term introduced by pro-independence politician Mr Maragall²¹¹ and used in an orchestrated propaganda campaign²¹²— suggest the lack of rigour and the attempt to create a specific state of opinion —a sort of moral panic and indignation—.

If the mobiles of Catalan pro-independence politicians and activists were also part of an investigation on behalf of Apple, Citizen Lab should acknowledge it in the CatalanGate report. It should also document related information such as the timing of Apple seeking technical support concerning iOS spyware infections. When did Citizen Lab find out about Apple’s intention to sue NSO? Would conducting research driven by non-disclosed rewards from private corporations or foundations linked to them be a breach of the University of Toronto’s Ethics code? Would tailoring sampling processes and research design to the interests of private corporations or political parties be a breach of the University of Toronto’s Ethics code? And what about leaking confidential information to the press?

Citizen Lab’s search for Apple infections seems to be confirmed by the fact that after the first few cases in WhatsApp list, and despite the very high Android market share rate in Spain, Citizen Lab focused their analyses almost exclusively on politicians with iPhones. Mr Elies Campo justified this decision to ERC politicians claiming that the analysis of Apple devices was more reliable than that of Android devices.²¹³

Meanwhile, Catalan nationalist politicians and activists sought evidence to present themselves as “victims” at a time when many of them were being investigated by Spanish Courts and security forces for collaboration with Russian secret services in an operation to destabilize Spain, for corruption charges, for misappropriation of public funds, and for coordinating a civil insurrection that would allow pro-independence forces to wrestle control of the territory from the Spanish Government. A very high number of positives helped secessionist parties present the investigations on these crimes as unjustified state repression.

211/ Torrent (2021). *Pegasus*, page 80.

212/  *El Triangle*. ‘Catalangate’, un montaje propagandístico preparado hasta el mínimo detalle desde hace meses. 22 April 2022, <https://www.eltriangle.eu/es/2022/04/22/catalangate-un-montaje-propagandistico-preparado-hasta-el-minimo-detalle-desde-hace-meses/>

213/ Torrent (2022). *Pegasus*, page 135.

Apparently, the ultimate goal of the investigation was not to contribute to any sort of theoretical debate or serious comparative analysis but to dig up evidence for court cases and for a mass media communication campaign. For instance, on 17 July, before any infection had been forensically confirmed, Mr Scott-Railton put in touch Mr Torrent's Press Officer, Mr Joan Serra, with Mr Luis Fernando García, a lawyer and director of the Mexican organisation R3D. He invited ERC politicians to contact them to get help with detecting attacks and denouncing the case in the media and in court.²¹⁴

Mr Torrent also explains that “[f]ollowing the investigation of the Mansoor case, Citizen Lab’s reputation was consolidated to the point that WhatsApp hired them for the investigation of the WhatsApp incident.”²¹⁵ Also, “The aim of all the subsequent research is to relate the security crisis of the WhatsApp incident to Pegasus.”²¹⁶ These statements not only contradict academic research deontology —inquiry does seek to purposefully confirm one specific hypothesis—, but also the formal statements from Mr Deibert in response to the abovementioned letter by Renew Europe MEPs. The extraordinary attention that Citizen Lab devotes to Pegasus and NSO vis-à-vis other spyware resonates with Mr Torrent’s assertion. In the last few years, Citizen Lab has mostly directed its work and its criticism against governments and NSO, and has very rarely focused on investigating the threats to privacy and lack of accountability of the Big Techs. This contrasts with the work of this institution years ago. The role that Citizen Lab seems to be adopting fits more closely with that of an industry player, a sort of “hired investigator”, rather than that of an independent University research body.

214/ Torrent (2022). Pegasus, page 111.

215/ Torrent (2022). Pegasus, page 23.

216/ Torrent (2022). Pegasus, page 26.

On 14 July, Mr Torrent, Mr Sagrera and Mr Andreu Van den Eynde —lawyer of ERC secessionist leaders, and who was also included into the report as a “victim”— started working on a narrative for a lawsuit, according to Mr Torrent’s book:

“We help Andreu to define the story: first, we have the attack on the mobile accredited by Citizen Lab; second, Pegasus, the software that is officially only sold to government intelligence services. Andreu says that with the Citizen Lab report we have enough to support the complaint, but that we would also like to have the confirmation of WhatsApp”.²¹⁷

“Well, now we just have to define who we are targeting with the complaint”.²¹⁸

On 16 July 2020, before having confirmation of any infection, Mr Roger Torrent announced in a radio interview at Cadena Ser that he and Mr Ernest Maragall were filing a complaint against the former director of the Spanish secret services, Mr Félix Sanz Roldán, for espionage with Pegasus.²¹⁹ This complaint was based on a statement by Citizen Lab attesting that their names were in a list of potential victims of Pegasus Spyware. On 18 July 2020, according to Mr Torrent’s book, Mr Van den Eynde explained that after contacting WhatsApp’s legal team, he thought it crucial to obtain data from WhatsApp to substantiate their complaint.²²⁰

217/ Torrent (2022). *Pegasus*, page 71.

218/ Torrent (2022). *Pegasus*, page 72

219/  Europa Press. *Torrent y Maragall se querellarán contra el exdirector del CNI Félix Sanz Roldán por el ‘hacker’ de sus teléfonos*, 16 July 2020, <https://www.europapress.es/nacional/noticia-torrent-maragall-querellaran-contra-exdirector-cni-felix-sanz-roldan-hackeo-telefonos-20200716100349.html>

220/ Torrent (2022). *Pegasus*, page 135.

Did anyone at Citizen Lab find it surprising that the ERC members they had contacted had filed a complaint before getting any forensic confirmation of any infection in Catalonia? On the contrary, Citizen Lab seemed fond on litigation: on 18 July 2020, Mr Scott-Railton said:

“Your topic is the opportunity to open a case in the European Union. I think there are enough elements to make your issue a European issue”.²²¹


Since no infections had been confirmed yet, why was Mr Scott-Railton so interested in helping Catalan secessionist leaders to build a court case at the European level? This suggestion shows that a core interest for Citizen Lab was to increase the profile of their “fight” against NSO Group, and to generate outrage in European public opinion.


Given that no new infections were confirmed, the Pegasus scandal seemed to gradually dissipate in Autumn 2020, after a very strong international political communication campaign by nationalist politicians and several supportive organisations and journalists (see next section). This could also be part of a strategy to focus on the preparation of the Apple case, which was accomplished during 2021. Purposefully delaying the publication of a report containing relevant data on presumed crimes to meet the interests of political parties or of private corporations could be considered a breach of academic research ethics code, unless justified. As such, it is likely that despite all the communication campaign in 2020, Citizen Lab had no solid evidence of infections in Catalonia back then.


After the publication of the CatalanGate report, both nationalist activists and Citizen Lab began to work on litigations. For instance, on 3 May 2022, Mr Gonzalo Boye filed a new complaint against NSO,²²² in which he puts forward all co-authors of the CatalanGate report for expert testimony —except for Mr Campo, who surprisingly is not even mentioned—. He requests Mr Marczak as a witness, and cites Citizen Lab and its reports 14 times.²²³ That same day, Mr Joaquim Torra and Mr Josep Costa announced that they were filing another complaint against the Spanish Prime Minister, Pedro Sánchez, based on the findings presented in the CatalanGate report.²²⁴ It is remarkable that based on what Citizen Lab admits to be “circumstantial evidence” many complaints have been filed in Courts, in Spain and in other countries. By 8 May 2022, members of ERC, JxCat, ANC, Òmnium and CUP had already logged lawsuits in Belgium (Brussels and Waterloo), Germany (Berlin and Kehl), Luxembourg, Switzerland (Geneva and Zurich), France and Spain (Barcelona and Madrid) based on the findings of the CatalanGate investigation.²²⁵ The original complaint by Mr Torrent and Mr Maragall was shelved on 30 May 2022, following the refusal by both politicians


to provide for examination the devices they claimed had been infected for forensic examination. The excuse that these politicians gave was that they did not have them anymore.²²⁶ This is not a persuasive justification given that their phones were the key piece of incriminatory evidence in their lawsuits.

221/ *Torrent (2022). Pegasus, page 114.*

222/  *El Periódico. El abogado de Puigdemont se querella por al menos 19 ataques que ha sufrido con Pegasus, 3 May 2022, <https://www.elperiodico.com/es/politica/20220503/abogado-puigdemont-querella-nso-espionaje-pegasus-13602811>*

223/  *Formal complaint presented by Mr Gonzalo Boye in Madrid Court on 3 May 2022, https://files.mediaset.es/file/10002/2022/05/03/Querella_Pegasus_-Gonzalo_BOYE_-_1_-_2_5367.pdf*

224/  *El País. Quim Torra y el exvicepresidente del Parlament denunciarán a Pedro Sánchez por el espionaje 3 May 2022, <https://elpais.com/espana/catalunya/2022-05-03/quim-torra-y-el-exvicepresidente-del-parlament-denunciaran-a-pedro-sanchez-por-el-espionaje.html>*


225/  *El Independiente. El mapa de las querellas independentistas por Pegasus abarca seis países. 8 May 2022, <https://www.elindependiente.com/espana/2022/05/08/el-mapa-de-las-querellas-independentistas-por-pegasus-abarca-seis-paises/>*

226/  *RTVE. El juez archiva la causa por el espionaje a los teléfonos móviles de Torrent y Maragall. 30 May 2022, <https://www.rtve.es/noticias/20220530/juez-archiva-causa-espionaje-moviles-torrent-maragall/2355780.shtml>*

10

A political propaganda campaign?

The instrumentalisation of media to create a sense of urgency offered Catalan secessionist politicians the opportunity to generate and perform a political crisis, as populist movements tend to do in similar circumstances (Moffitt 2015; Olivas Osuna & Rama 2021; Roberts 2022).²²⁷ This is what they attempted in July 2020. As Mr Roger Torrent reflects in his book, media were key in keeping the story of espionage alive despite the lack of new evidence. According to his testimony, The Guardian and El País were the most important outlets to legitimise their claims to victimhood. He mentions El País journalist Mr Joaquín Gil 27 times in his book. Mr Gil was the person who, on 6 July 2020, established first contact with Mr Torrent; on 8 July 2020. Together with The Guardian's Ms Stephanie Kirchgaessner and Mr Sam Jones, he warned Torrent that he was, in theory, a target of a Pegasus attack. Moreover, these journalists insisted that Mr Torrent should contact Citizen Lab, and referred him to Mr Ronald Deibert and to Mr John Scott-Railton.²²⁸ Mr Torrent showed great appreciation for Mr Gil, who was determined to fight for the case.²²⁹ Before having the results of any forensic analysis, Mr Gil had already expressed that he believed that the case was going to affect many more people.

227/  *Moffitt, B. (2015). How to perform crisis: A model for understanding the key role of crisis in contemporary populism. Government and Opposition, 50(2), 189-217;* *Olivas Osuna, J. J., & Rama, J. (2021). COVID-19: a political virus? VOX's populist discourse in times of crisis. Frontiers in Political Science, 3, 57, <https://www.frontiersin.org/articles/10.3389/fpos.2021.678526/full>;* *Roberts, K. M. (2022). Performing Crisis? Trump, Populism and the GOP in the Age of COVID-19. Government and Opposition, 1-19.*

228/ *Torrent (2021), Pegasus, pages 7-24.*

229/ *Torrent (2021), Pegasus, page 61.*

It is also noteworthy that the reaction of the presumed victims of attacks seems to be one of joy, rather than concern, when finding indications that their telephones might have been attacked. For instance, Mr Torrent 11 July 2020:

“09.30 h. We already have it.

A WhatsApp message from Oriol (Sagrera) informs me that tonight we received Citizen Lab’s memorandum. They work fast. Despite the hermeticity of the message, I can imagine Sagrera satisfied and euphoric, like a good student on the day they give the grades report. We all feared that, without the hard evidence that a memorandum provides, no one would dare to publish the story. Now we have them, and this document is just beginning to dispel our fears”.²³¹

“...the report from Citizen Lab is the official verification that we need to make effective the complaint...”.²³²

“We forwarded the document to Joaquin Gil and Sam Jones. They were looking forward to it with even more anxiety than we were. Now they have a solid report to support their investigation”.²³³

Mr Oriol Sagrera —Chief of cabinet of Roger Torrent and another presumed victim of espionage—, and Mr Scott-Railton had begun to monitor Mr Torrent’s phone a day earlier. The memorandum received simply stated that Mr Torrent’s telephone was in the list that WhatsApp has shared with Citizen Lab. They did not yet have any forensic confirmation of any infection, but they had already decided to present a complaint in court. Thus, he presented himself in the media as a “victim” at the time he was undergoing judicial investigation as a potential culprit. As Mr Torrent attests in his book, on that same day, he received a WhatsApp message with a link to an article in La Vanguardia: “The Prosecutor’s Office is in possession of the TC’s data (Constitutional Court) against Torrent”, and read a report regarding the investigation on charges of disobedience.²³⁴

On the next day, 12 July 2020, Mr Gil and Mr Jones interviewed Mr Torrent via Zoom to prepare their upcoming articles on the presumed Pegasus espionage. Still no forensic confirmation had been received, as the VPN monitoring had not been concluded yet.²³⁵


On Monday 13 July, Mr Torrent requested, during a meeting with ERC’s executive board, to activate all communication protocols, as the news that he had been infected with Pegasus would be released on Wednesday; they also discussed how they would use the issue in their relationships with the Spanish Government. Mr Torrent discussed with his close collaborators Mr Oriol Sagrera and Mr Joan Serra how the first reactions to the announcement would happen in the Telenotícies news bulleting in TV3, and in an interview for RAC1 with Jordi Baste.²³⁶

On 13 July, Mr Gil told Mr Torrent’s Press Officer Joan Serra that he was concerned that the news would be public before they would publish them in El País, and that “the problem” was that, in this newspaper, they require a minimum standard of evidence to verify each paragraph, whilst other newspapers do not need documentation to publish a report. However, right after midnight, Mr Torrent celebrated that both The Guardian and El País had published the exclusive. Even Mr Torrent was surprised that they decided to publish it that soon: “They’re out! Damn, they were afraid that someone would screw up the exclusive and they have published it!”²³⁷ Both articles were substantiated simply on the certificate sent by Citizen Lab claiming that Mr Torrent’s phone was in a list that WhatsApp had given them.

231/ Torrent (2021), Pegasus, page 40.

232/ Torrent (2021), Pegasus, page 41.

233/ Torrent (2021), Pegasus pages 41-45.

234/  La Vanguardia. La Fiscalía tiene ya encima de la mesa los datos del TC contra Torrent. 11 July 2020, <https://www.lavanguardia.com/politica/20200711/482217012988/fiscalia-tiene-mesa-datos-tribunal-constitucional-contra-torrent.html>; Roger Torrent (2021), page 42.

235/ Torrent (2021), Pegasus pages 49-50.

236/ Torrent (2021) Pegasus, pages 59-60.


237/ Torrent (2021) Pegasus, pages 62.

“Given the nature of this attack and the limited information collected by WhatsApp on its users, we can confirm that the telephone was targeted. However, additional investigation would be necessary to confirm that the phone was hacked. At this time, we have no reason to believe that it wasn't”.²³⁸

This last sentence shows a very unorthodox understanding of digital forensic analysis. Telephones are not supposed to be considered infected until analyses confirm this, but the other way round. It is important to remember that no forensic analysis had been concluded yet.


The article in El País goes as far as claiming that “the researchers establish a link between the suspicious disappearance of WhatsApp messages in Torrent’s mobile in 2019 and a sign of third-party manipulation and infection [...] Torrent participated, in May 2019, when he was targeted by Pegasus, in a meeting in Strasbourg with the Human Rights Commissioner of the Council of Europe Duna Mijatovic”. El País was taking the memories of Mr Torrent from 2019 as evidence of infection: “I was noticing strange things. WhatsApp messages and chat histories were erased. The people around me did not have the same problems.”²³⁹ The dates of infection of Mr Torrent were never certified by any forensic analysis.


238/  *The Guardian. Phone of top Catalan politician ‘targeted by government-grade spyware’. 13 July 2020*
<https://www.theguardian.com/world/2020/jul/13/phone-of-top-catalan-politician-targeted-by-government-grade-spyware>


239/  *El País. 14 July 2020. El móvil del presidente del Parlament fue objetivo de un programa espía que solo pueden comprar Gobiernos* <https://elpais.com/espana/2020-07-13/el-movil-del-presidente-del-parlament-fue-objetivo-de-un-programa-espia-que-solo-pueden-comprar-gobiernos.html>


The Guardian's piece claimed that Ms Anna Gabriel and Mr Jordi Domingo had also been spied. Why was the appearance of Mr Torrent name, alongside four other Catalan politicians and activists, in a list of phones around October 2019, a big front page exclusive in The Guardian in July 2020? Having known for months that the phones of some Catalan pro-independence politicians and activists were in a list of suspected Pegasus targets, why does ERC decide to launch a large-scale communication campaign in July 2020, without waiting for forensic confirmation of any infection? A lawyer and collaborator of the Catalan nationalist organisation Òmnium, Ms Anaïs Franquesa, suggested in a public debate that Mr Torrent and Mr Maragall learnt about their infections at the same time as the other politicians, but that they decided to launch the campaign at that specific time due to legitimate political objectives.²⁴⁰

Le Monde and Vice echoed the news about Mr Torrent's espionage on 14 July 2020 without further confirmation of the facts.²⁴¹ That same day, 8 political parties, including Catalan, Basque, Galician nationalists and Podemos, requested the creation of a parliamentary committee to investigate the espionage of Catalan politicians by what they call "state sewers".²⁴²

240/  Youtube. Canòdrom Ateneu d'Innovació Digital i Democràtica. A l'ombra de Pegasus | Drets civils en l'era de la vigilància. 3 November 2022. Min 49:35, https://www.youtube.com/watch?app=desktop&v=OcfBZBIWtY&feature=emb_imp_woyt. "And excuse me, it is not three months, in reality it is much more, because they knew it (...). The moment of espionage of Ernest Maragall and Roger Torrent by Pegasus... is the same, they knew about it at the same time as the rest (of politicians and activists). Evidently, and we can say, and why at this time? Well, yes, but it's the citizenship that decides... citizenship, and I don't care, with political objectives, obviously, of course".

241/  Le Monde. Des militants catalans visés par un logiciel espion ultraperfectionné. 14 July 2020, https://www.lemonde.fr/pixels/article/2020/07/14/des-militants-catalans-vises-par-un-logiciel-espion-ultraperfectionne_6046138_4408996.html


 Vice. Source: Spain is Customer of NSO Group, 14 July 2020, <https://www.vice.com/en/article/pkyzxx/spain-nso-group-pegasus-catalonia>

242/  El País. Podemos se suma a ERC y siete partidos para pedir una comisión sobre "las cloacas del Estado" tras el espionaje a Torrent. 14 July 2020, <https://elpais.com/espana/2020-07-14/podemos-se-suma-a-la-peticion-de-erc-y-siete-partidos-para-crear-una-comision-sobre-las-cloacas-del-estado.html?outputType=amp>

On 15 July, Mr Torrent was interviewed by journalist Mr Jordi Basté in the leading radio programme in Catalonia at RAC1. Apparently, in the middle of the interview, Mr Basté introduced him to Mr Elies Campo.²⁴³ On 16 July, Torrent receives confirmation from Citizen Lab that his phone was not infected. Mr Torrent says: "I have a clean mobile phone. It's reassuring and a disappointment at the same time."²⁴⁴ The quick and far-reaching communication campaign launched by the pro-independence movement was being disseminated without any digital forensic basis.

However, on that same day, Mr Torrent and Mr Maragall sent letters to Ms Dunja Mijatovic, Human Rights Commissioner at the Council of Europe, to Ms Julie Verhaar, at Amnesty International, and to David Kaye, Special Rapporteur of the United Nations requesting that these organisations acknowledge and denounce the grave situation regarding Spain's illegal espionage.²⁴⁵ At this stage, they were backing all accusations against Spain solely on WhatsApp's confirmation that these politicians were on a list of 1,400 people whose phones had been presumably attacked by spyware during the security breach that was discovered in the Spring of 2019, notified to the victims in the Fall of 2019.²⁴⁶ It appears that political considerations and not purely research ones began to dictate the path of this investigation, and the public communication of preliminary results. Apparently, on 21 October 2020, Amnesty International sent a letter to the Spanish Government, asking for an investigation on Pegasus espionage on Catalan politicians.²⁴⁷

On 27 July, according to Mr Roger Torrent's book, Citizen Lab confirmed to ERC that none of the telephones they had sent for analysis were infected, although they claimed that some of the phones had SMS messages that they believed were Pegasus attacks.²⁴⁸ On 28 July, WhatsApp also expressed in The Guardian, that they had no evidence of successful hacking in the case of the Catalan politicians and activists in the list.²⁴⁹ Moreover, according to the Appendix of the CatalanGate report, none of the cases in the list supposedly notified by WhatsApp

243/  *Torrent (2021) Pegasus, page 76. This was presumably the first encounter between Mr Torrent and Mr Campo. Basté had previously interviewed Mr Campo in 2019 in a TV programme in which he presents himself as employee of Telegram. CCMA.cat. TV3. No pot ser! Elies Campo: el català que va fugir de WhatsApp quan va conèixer Facebook per dins. 14 April 2019, <https://www.ccma.cat/tv3/alacarta/no-pot-ser/elies-campo-el-catala-que-va-fugir-de-whatsapp-quant-va-coneixer-facebook-per-dins/video/5844428/>*


244/ *Torrent (2021) Pegasus, page 104.*

245/ *Roger Torrent (2021). Pegasus, pages 152-153.*

246/ *Scott-Railton et al. (2022). CatalanGate, page 1.*

247/ *Torrent (2021). Pegasus, page 70.*

248/ *Torrent (2021) Pegasus, page 151.*


249/  *El País. 14 July 2020. El móvil del presidente del Parlament fue objetivo de un programa espía que solo pueden comprar Gobiernos <https://elpais.com/espana/2020-07-13/el-movil-del-presidente-del-parlament-fue-objetivo-de-un-programa-espia-que-solo-pueden-comprar-gobiernos.html>*


was a forensically confirmed Pegasus infection: these were Ms Anna Gabriel, Mr Ernest Maragall, Mr Jordi Domingo, Mr Roger Torrent and Mr Sergi Miquel.


It is difficult to understand how, given the lack of any confirmed infections in Catalonia by the end of July 2020, a university research institution such as Citizen Lab decided to continue to devote resources to focus on Spain, when there were many suspected cases of Pegasus infections in dictatorships and in countries with poor human rights records. On 1 November 2020, Spanish press starts publishing information from a police investigation —based fundamentally on audios of private conversations— that demonstrated the links between the pro-independence movement and Russia, and pointing to a network illegally organising and funding Tsunami Democràtic, where several participants in the CatalanGate investigation were involved.²⁵⁰ Participant testimonies indicate that Catalan pro-independence organisations were the most interested in finding positive cases of Pegasus infections. The facts that Mr Campo apparently continued to work on the issue, without having any affiliation with Citizen Lab, and that Mr Torrent and other nationalist leaders were convinced that they would find infections indicates that the pro-independence movement was actively promoting the investigation, and that their work in Catalonia was basically cost-free for Citizen Lab.

The involvement of WhatsApp in the investigation at this stage is far less clear. It appears that WhatsApp was simply used as justification to launch the investigation and, as soon as they acknowledged that there were five Catalan politicians and activist in their list, they were not needed anymore. For instance, nobody seems to have asked them to verify if any of the other 65 victims had their phones hacked in the 2019 security breach.

It is difficult to know if there were many forensic analyses conducted in 2021 in Catalonia, as Citizen Lab has not shared any records about fieldwork and media did not cover this specific case. The following year, once Citizen Lab had gathered enough evidence to substantiate Apple's lawsuit against NSO, the CatalanGate investigation was revived.

250/  *El Confidencial. Las dos grabaciones del iPhone del Villarejo catalán que destaparon la mafia de Tsunami. 1 November 2020, https://www.elconfidencial.com/espana/2020-11-01/los-audios-en-el-iphone-del-villarejo-catalan-que-destaparon-la-corrupcion-de-tsunami_2814943/*

 *ElDiario.es. Los audios de la supuesta trama rusa del procés: “Una cosa es que esté el estado soviético y otra es que sea una encerrona”. 4 November 2020, https://www.eldiario.es/catalunya/audios-supuesta-trama-rusa-proces-cosa-sovietico-sea-encerrona_1_6386021.html*

 *El Periódico. Operación Volhov: Los audios de Víctor Terradellas con Xavier Vendrell y David Madí. 6 November 2020, <https://www.elperiodico.com/es/politica/20201103/victor-terradellas-xavier-vendrell-david-madi-audios-conversaciones-telefonicas-8187809>*

On 10 January 2022, the secessionist civil society group ANC registered the domain CatalanGate.cat.²⁵¹ Currently, the other large secessionist organisation, Òmnium, is the owner of the domain.²⁵² This propaganda website directly accuses Spain of political espionage and asks people to put pressure on the EU Commission to launch an investigation on Spain. It was published in English and Catalan alongside the report and keeps Mr Antoni Comín as a “victim” despite the acknowledgement that his name was added to the list of people attacked with Pegasus by mistake. The twitter account named “@catalangate” has 182.6K followers and has been used for years to promote secessionist smear campaigns against Spain.

According to Mr Torrent’s book, the utilisation of the term “CatalanGate” was proposed on 15 July 2020 by Mr Maragall to establish a link with the famous Watergate espionage case.²⁵³ However, this term did not reach the public domain until the publication of the report on 18 April 2022. It is not clear how these secessionist organisations found out about the results of the investigation before January 2022, unless they were actively participating in it, as the participants’ testimonies seem to corroborate. Mr Deibert states that he “along the staff at the Citizen Lab decided to include the term in the title after learning, shortly prior to publication, that victims were using the term to refer to the case.”²⁵⁴ Using a biased title —“CatalanGate: Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru”— that overstretches the findings of the report is not an example of good academic practice. This title tries to contribute to creating a sense of moral panic by omitting that the alleged espionage was targeted on politicians and activist involved in the campaign for an illicit unilateral secession. Additionally, Mr Deibert has contributed to fuelling indignation in the public sphere:

“This report is not just about espionage on Catalan politicians. It is a story about the extensive and disproportionate use of surveillance technologies, presumably by one or more agencies of the Spanish government. It is a crisis of democracy in this country”.²⁵⁵


This hyperbolic statement based on a non-peer reviewed report co-authored by a political activist with no background in research and who claimed to be a victim himself in the same report is closer to an exercise in political activism than to any sort of academic reporting of findings. Does Citizen Lab have any evidence proving that Spain's presumed espionage on secessionist leaders was "disproportionate"? On Twitter, Mr Deibert has also adopted a partisan attitude vis-à-vis the topic (see tweets below). On 24 May 2022, the foreign affairs representative of the *Generalitat* visited Canada and, after a meeting with Mr Deibert, she claimed that the 65 victims of espionage are only "the tip of the iceberg" of the CatalanGate case.²⁵⁶ This type of alarmist message, fitting the nationalist narrative, has not been substantiated by any further public revelation by Citizen Lab months later.

251/  *El Triangle. 'Catalangate', un muntatge propagandístic preparat al detall des de fa mesos. 22 April 2022, <https://www.eltriangle.eu/2022/04/22/catalangate-un-muntatge-propagandistic-preparat-al-detall-des-de-fa-mesos/>*

252/  *Catalangate.cat. Privacitat. <https://catalangate.cat/privacitat/#privacitat>*

253/ *Torrent (2021) Pegasus, page 80.*

254/ *Mr Ronald Deibert letter to Jordi Cañas page 7.*

255/  *El País. Ronald Deibert, fundador de Citizen Lab: "Los gobiernos usan Pegasus porque tienen apetito de espiar", 15 May 2022 <https://elpais.com/espana/2022-05-15/ronald-deibert-fundador-de-citizen-lab-los-gobiernos-usan-pegasus-porque-tienen-apetito-de-espiar.html>*

256/  *ElNational.cat. Alsina se reúne con el director de CitizenLab: "El CatalanGate es la punta del iceberg". 24 May 2022, https://www.elnacional.cat/es/politica/alsina-reune-director-citizenlab-catalangate-punta-iceberg_762414_102.html*



profdeibert retweeted

Elies Campo @elies

"In Catalonia, everyone and their mother was hacked with Pegasus"

(Yes, my mother was hacked too)

A @NewYorker Radio Hour podcast followup to @RonanFarrow's investigation into mercenary spyware abuses. With @jcuixart & @TxellBonet

23 Apr

profdeibert @RonDeibert

A familiar plot in Spain from other cases in which @citizenlab has published evidence-based reports of #pegasus abuse:

First, deny & smear
Then, a grudging partial admission
Then, try to rationalize with dubious justifications

[irishtimes.com/news/world/eur...](https://www.irishtimes.com/news/world/europe/sanchez-says-secret-service-needs-reform-after-pegasus-scandal) via @IrishTimes

irishtimes.com
Spanish premier faces crunch economic vote amid anger over spyi...

profdeibert @RonDeibert

Spanish PM says secret service needs reform after Pegasus scandal

But he also questions @citizenlab methods. Strangely, no one from Spanish gov has requestes to meet with us to validate

He must be getting his intel from the kooks on Twitter.

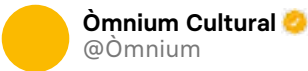
Europa Press @europapress

Sánchez dice que desconocía el espionaje a independentistas y cuestiona la metodología del informe de Citizen Lab.



Not surprisingly, nationalist politicians have also participated actively in a very intense propaganda campaign at both national and international level. Press articles,²⁵⁷ videos,²⁵⁸ interviews,²⁵⁹ documentaries,²⁶⁰ round tables,²⁶¹ debates,²⁶² fund raising activities,²⁶³ and even speeches in public festivals²⁶⁴ have been instrumentalised to criticise Spain's illegal Pegasus espionage operation and the repression that Citizen Lab had presumably discovered.

- 257/  E.g., Vilaweb. Crònica de l'assalt al mòbil de dos prestigiosos metges catalans amb Pegasus, 21 April 2022, <https://www.vilaweb.cat/noticies/catalangate-metges-elies-campo-maria-cinta-cid-pegasus/>
- 258/  E.g., Assembla. #CatalanGate. Youtube. 26 April 2022, <https://www.youtube.com/watch?v=JwHiZBMsu4U>
- 259/  E.g., El Nacional.cat. Saskia Bricmont, MEP: "Spain tried to silence the victims of Catalangate", 5 December 2022, https://www.elnacional.cat/en/politics/saskia-bricmont-mep-interview-pegasus-spain-silence-victims-catalangate_929562_102.html
- 260/  E.g., CCMA.cat. Pegasus, l'espia a la butxaca. 10 October 2022, <https://www.ccma.cat/tv3/30-minuts/pegasus-lespia-a-la-butxaca-a-30-minuts/noticia/3177895/>
- 261/  E.g., FES Acatlán. UNAM. Facebook. Mesa redonda sobre el caso de espionaje masivo #CatalanGate. 27 May 2022, <https://www.facebook.com/unamacatlan/videos/517790730094535>; Club Suisse de la Presse, Human Rights and New Technologies. Illegal surveillance as a global challenge to democracy, human rights and its impact on civil society: the Catalangate case. 30 June 2022,
- 262/  E.g., Assembla. Facebook. Catalangate – An example of massive cyberespionage with Pegasus against an ideology. 12 October 2022, <https://www.facebook.com/events/493684142618782/?ref=newsfeed>
-  Club Suisse de la Presse. Human Rights and New Technologies. Illegal surveillance as a global challenge to democracy, human rights and its impact on civil society: the Catalangate case. 30 June 2022, <https://pressclub.ch/human-rights-and-new-technologies-illegal-surveillance-as-a-global-challenge-to-democracy-human-rights-and-its-impact-on-civil-society-the-catalangate-case/>
- 263/  E.g., Òmnium. CatalanGate: Democràcia Vigilada. Fes un Donatiu! <https://catalangate.Òmnium.cat/>
- 264/  El Mundo. Un implicado en el Tsunami Democràtic pregona las fiestas de Sants: "El Catalangate es el caso global más grande de espionaje digital". 20 August 2020, <https://www.elmundo.es/cataluna/2022/08/20/63013533e4d4d803538b45eb.html>



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@Omniiumintl we report the **#Catalangate** complaint to the UN headquarters in Geneva jointly with the NGOs for the defense of human rights with **@institut_IDHC**, **@FrontLineHRD**, **@omctorg** and **@demsoc**

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Jun 30



30 minuts
@30minuts

...

"In the case of **@catalangate**, **@citizenlab** firmly defended an independent investigation. CNI's director's commission of official secrets it theatre!"
@RonDeibert

#PegasusTV3
tv3.video/30mPegasus

3:59 · 22 Dec 2017



Amnistia Internacional Catalunya
@AmnistiaCAT

...

New revelations from **@citizenlab** confirmed by International Amnesty reveal that these people were spied in Catalonia via NSO's group Pegasus:

- Elisenda Paluzie
- Sònia Urpí Garcia
- Txell Bonet
- Jordi Sànchez




Alleged victim Mr Jordi Sànchez claimed that this was “the largest case of espionage in Europe in the last 50 years”²⁶⁵. The official account of JxCat referred to it as “the largest case of cyberespionage ever certified”.²⁶⁶ Ms Diana Riba said in a Council of Europe hearing that “the Spanish State has a clear interest in knowing what our political and legal strategies are at any moment and they will use any system at any cost to get this information, they do not care if it violates any kind of political rights, rule of law, or human rights”.²⁶⁷ This very strong accusations seem to contradict the large academic consensus regarding Spain as a democracy with respect for rule of law, and do not seem to reflect a nuanced or rigorous stance that would be usually expected from someone acting as vice-chair of a Committee of Inquiry speaking in a formal public hearing in another international organisation.

The CatalanGate report is the cornerstone of an extensive international communication campaign to discredit Spain as a democracy and to justify Catalan independence. The way in which the findings are presented in the report and how they have been disseminated by Citizen Lab and the participants in the study seem to confirm that this investigation was not driven by purely academic interest and was designed and executed to justify a single hypothesis that was the most convenient for the Catalan nationalist movement —that of illegal espionage by Spain—. As explained later, the timing of the report appears to have been chosen to mitigate the negative impact on the secessionist movement of some revelations regarding their connection with Russia, misappropriation of public funds, and the organisation of illegal activities to challenge Spanish control of Catalonia in 2018 and 2019. In March 2022, the support for independence dropped to its lowest level since 2014; 38.8%,²⁶⁸ and the level of mobilisation had considerably decreased too. The CatalanGate campaign was intended to fuel indignation and discontent, to revitalise the declining independence movement.

265/  Jordi Sànchez. @jordisanchezp. Twitter. 18 April 2022, <https://twitter.com/jordisanchezp/status/1516016406642536451?s=20&t=0qndZNQDB-kOU1wCwymi5Q>

266/  Junts per Catalunya. @JuntsXCat. Twitter. 18 April 2022, <https://twitter.com/JuntsXCat/status/1516008971500507144?s=20&t=0qndZNQDB-kOU1wCwymi5Q>

267/ PACE public hearing. Min 24.

268/  El País. El apoyo a la independencia de Cataluña se desploma al 38%. 17 Mars 2022, <https://elpais.com/espana/catalunya/2022-03-17/el-apoyo-a-la-independencia-de-cataluna-se-desploma-al-38.html>

11

Pegasus espionage as a tool to invalidate court trials?

Right after the publication of the CatalanGate report, all secessionist parties and organisations involved launched a strong political communication campaign; they also engaged in a series of legal actions, mostly, but not exclusively, against the makers of Pegasus in different European justice courts. From the beginning, a core argument they expressed in interviews with the media was that the alleged espionage had affected several lawyers who were defending secessionist leaders in court. This surveillance would imply a breach of the rights of the defendants, and their intention was to request the voiding of their trials and sentences.²⁶⁹

269/





El Mundo. El independentismo usa el espionaje de Pegasus como ofensiva judicial, política y social contra el Estado. 25 April 2022, <https://www.elmundo.es/cataluna/2022/04/25/6265984dfc6c832c778b45cd.html>

On 14 July 2022, when no infection had been confirmed on any of the telephones of the Catalan politicians supposedly spied, El País journalist Mr Joaquín Gil claimed the following in an article:

“During the time that Torrent’s cell phone was targeted by Pegasus (2019), the pro-independence leader participated in dozens of political meetings and testified as a witness before the Supreme Court in the trial of the *procés*”.²⁷⁰

In an interview for TV3, on 30 April 2022, journalist Ms Cristina Puig asked Mr Gonzalo Boye several times if the alleged espionage of lawyers could serve to nullify the cases of pro-independence leaders, and Mr Boye claimed that they had expert evidence proving that they had been spied on —presumably referring to Citizen Lab analysis— and announced that they would take legal action in different courts regarding the right to defence of his clients.²⁷¹ It is surprising that even before the scandal in Catalonia was made public, but little after the Spanish Government had declared to be investigating Tsunami Democràtic, Mr Boye had already claimed on Twitter that lawyers were being spied on with NSO’s Pegasus.²⁷² One year later, and months after the scandal was made public by The Guardian and El País, his phone was presumably hacked with Pegasus, according to the CatalanGate report.

270/  *“Procés” refers to the political process that pro-independence parties had undertaken to reach unilateral independence. El País. El mòbil del president del Parlament fue objetivo de un programa espía que solo pueden comprar Gobiernos.*
<https://elpais.com/espana/2020-07-13/el-movil-del-presidente-del-parlament-fue-objetivo-de-un-programa-espia-que-solo-pueden-comprar-gobiernos.html>


271/  *CCMA.cat. TV3. Preguntes frequents. Gonzalo Boye: “Hem sigut espiaats i hi ha proves”. 30 April 2022.*
<https://www.ccma.cat/tv3/alacarta/preguntes-frequents/gonzalo-boye-hem-sigut-espiaats-i-hi-ha-proves/video/6156598/>


272/  *Gonzalo Boye. @boye_g. Twitter. 9 November 2019,*
https://twitter.com/boye_g/status/1193228293316730880?s=20

Citizen Lab modified the content of the CatalanGate report several times after its publication on 18 April 2022. Updating reports is not completely unusual; however, in scientific research it is expected that changes after publication are made explicit and justified. The most problematic of these, non-reported, alterations was the bringing forward of the date of Mr Van Den Eynde's infection from 14 June to 14 May 2020, without acknowledging this fact in any publication log (see Table 3).

According to the testimony of Mr Van Den Eynde in the PEGA Committee on 28 November 2022, many of the communications intercepted were "client-attorney or attorney-attorney" and he "received the same SMS from the Social Security in Spain that other victims had received, so all those victims, up to 65 by now, have received those malicious SMS". More importantly he claims "the same day I was hacked (14 of May 2020) or around that date I had a meeting, a videocall meeting, I think with maybe ten lawyers that were discussing our legal strategy in the case of the Catalan politicians jailed."²⁷³ Therefore, the new "updated" infection date could be used by Mr Van Den Eynde as an argument to attempt to contest the court judgment in those trials.

Similarly, Ms Diana Riba, presumed victim and vice-chair of the PEGA Committee of Inquiry, claimed in a hearing at the Council of Europe on 12 December 2022 that she was spied on precisely on two occasions when she was meeting with lawyers to discuss the legal strategy regarding the trials of Mr Oriol Junqueras, in July and October 2019.²⁷⁴ It is curious that victims claim to know precisely the timing of their infections when the report only mentions approximate dates.

273/  European Parliament, Multimedia Centre, Committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, 28 November 2022, https://multimedia.europarl.europa.eu/en/webstreaming/pega-committee-meeting_20221129-0900-COMMITTEE-PEGA

274/  PACE public hearing: Pegasus and similar spyware and secret state surveillance. Youtube. 12 December 2022. https://www.youtube.com/watch?v=zZft_l0cWJs. This testimony seems to contradict the "CatalanGate" report in which she appears to have been infected only one in October 2019.

12











Connections with Russia and blockchain strategy for secession

Despite the known connections of several of the participants with Kremlin emissaries, the CatalanGate report does not make any reference to Russia and never considers Russian secret services nor Russian hackers could be behind any of the infections they claim to have detected in Spain —a plausible hypothesis that Citizen Lab chose to disregard—. Coincidentally, the last rounds of analyses for the CatalanGate report were conducted by Citizen Lab soon after several pieces of incriminatory evidence emerged from judicial investigations regarding the relationship between secessionist leaders and Moscow, and the approval in the European Parliament of a proposal to investigate the links between Catalan secessionism and Russia in March 2022.²⁷⁵

The Organized Crime and Corruption Reporting (OCCRP) project published documents that confirm and expand on the connections between several of those involved in data collection and preliminary forensic analysis for the project (and not acknowledged as such), and Russian secret services²⁷⁶ attempting to destabilise Spain and the EU.²⁷⁷ Court hearings in Spain further confirm these connexions. National and international mainstream press reflected repeatedly this apparent collaboration between Catalan pro-independence leaders and Russia during the research period. This potentially relevant point was omitted from the report. It is well known that Russian hackers had meddled with Spanish institutions²⁷⁸ and that they promoted the 2017 illegal independence referendum by enabling alternative websites for pages that had been banned by Spanish police²⁷⁹ and via a disinformation campaign.²⁸⁰ For instance, between 11 and 27 September 2017, Sputnik posted 220 stories on the Catalan crisis and RT ran 85; there is evidence of Russian bot amplification operations —the same bots that amplified messages supporting Kremlin and separatism in Ukraine.²⁸¹ In February 2019, presumed victims Mr Josep Lluís Alay and Mr Joaquim Torra disseminated an article from Komosomolskaya Pravda requesting Moscow's mediation in the resolution of the Catalan Conflict.²⁸² In December 2019 Russian hackers hacked Spanish public TV channel Canal 24 Horas, to broadcast an interview with Mr Puigdemont; this was reported by Mr Sam Jones at The Guardian,²⁸³ who months later alerted Mr Torrent that he was being spied, presumably on behalf of Citizen Lab.


275/  *El País. El Parlamento Europeo cree necesario investigar los lazos entre Rusia y el independentismo catalán. 9 March 2022, <https://elpais.com/espana/2022-03-09/el-parlamento-europeo-cree-necesario-investigar-los-lazos-entre-rusia-y-el-independentismo-catalan.html>*


276/  *OCCRP. Catalan Separatists Tailored Public Messaging to Avoid Antagonizing Russia: 'You Have to Avoid Navalny For Sure', 3 September 2021, <https://www.occrp.org/en/investigations/catalan-separatists-tailored-public-messaging-to-avoid-antagonizing-russia-you-have-to-avoid-navalny-for-sure>*

- 277/  OCCRP. Fueling Secession, Promising Bitcoins: How a Russian Operator Urged Catalan Leaders to Break With Madrid, 8 May 2022, <https://www.occrp.org/en/investigations/fueling-secession-promising-bitcoins-how-a-russian-operator-urged-catalonian-leaders-to-break-with-madrid>
- 278/  El Confidencial. La Inteligencia española sospecha que Rusia estuvo tras el ciberataque al SEPE, 21 Mars 2021, https://www.elconfidencial.com/espana/2021-03-21/rusia-hackeo-sepe-inteligencia-espana_3000291/
-  EPE. Ciberdelincuentes rusos tratan de tumbar el sistema informático de varias universidades españolas, 26 February 2022, <https://www.epe.es/es/espana/20220226/ciberdelincuentes-rusos-ataque-informativo-universidades-espana-13295390>
-  Segu-Info. Grupo pro-ruso Killnet “declara” la guerra a España e Italia. 13 May 2022, <https://blog.segu-info.com.ar/2022/05/grupo-pro-ruso-killnet-declara-la.html?m=0>
- 279/  El País. Russian “hackers” help keep banned Catalan referendum census site online, 28 September 2017, https://english.elpais.com/elpais/2017/09/28/inenglish/1506588970_026442.html
- 280/  Euronews. Se investiga si una unidad militar rusa alimentó la crisis en Cataluña, 22 November 2019, <https://es.euronews.com/2019/11/22/se-investiga-si-una-unidad-militar-rusa-alimento-la-crisis-en-cataluna>
- 281/  Atlantic Council’s Digital Forensic Research Lab. @DFRLab. #ElectionWatch: Russia and Referendums in Catalonia? Medium. 28 September 2017, <https://medium.com/dfrlab/electionwatch-russia-and-referendums-in-catalonia-192743efcd76>
- 282/  ElNacional.cat. Full article: ‘Komsomolskaya Pravda’ proposes Russia as Spain-Catalonia mediator. 10 February 2019, https://www.elnacional.cat/en/politics/komsomolskaya-pravda-russia-spain-catalonia-mediator_353457_102.html
-  Torra aplaude una “mediación” de Rusia para Cataluña, 11 February 2019, https://cronicaglobal.elespanol.com/politica/torra-aplaude-mediacion-rusia-cataluna_221115_102.html
- 283/  The Guardian. Russian interview with Carles Puigdemont airs on hacked Spanish TV, 17 December 2019. <https://www.theguardian.com/world/2019/dec/17/spanish-tv-hacked-to-run-interview-with-carles-puigdemont>

Citizen Lab must have been aware of Russian destabilisation operations in Spain and Europe. Not only Mr Deibert acknowledged that Russia was behind a high profile hacking case in the USA in 2017,²⁸⁴ but Citizen Lab published a report in 2017 referring to a Russian phishing operation in 39 countries.²⁸⁵ It is strange that Citizen Lab, having written about Russian cyberespionage actions in the West in 2017, and knowledgeable of the connections between Russia and secessionist leaders that had been made public in several media, did not even consider Russia could have had an interest in spying on the Catalan leaders they were dealing with, or even support them technically in case they may be interested in presenting Spain as a repressive country that spies on its citizens. It is difficult to discern the reasons why Citizen Lab ruled out Russian involvement, or that of any other Western secret services worried about their attempts to destabilise EU member states. No justification for the omission of these hypotheses is given in the report.

In his letter to Renew MEPs, Mr Deibert claims that the Citizen Lab became aware of the allegations concerning the collaboration of Catalan secessionist leaders with Russian security services in the Fall of 2021. However, the international press coverage of Russian backing of the Catalan secessionist movement can be traced back at least to 2017. For example, this connection was reported by quite explicit headlines in Politico ("Catalan referendum stokes fears of Russian influence"),²⁸⁶ The Washington Post ("Catalonia held a referendum. Russia won")²⁸⁷ El País ("Russian meddling machine sets sights on Catalonia"),²⁸⁸ BBC News Spain ("Catalonia: Did Russian 'fake news' stir things up?").²⁸⁹ Other media also informed about this link later on, such as The New York Times ("Married Kremlin Spies, a Shadowy Mission to Moscow and Unrest in Catalonia"),²⁹⁰ Centre for European Policy Analysis ("Catalonia: Where There's Trouble There's Russia"),²⁹¹ and The Times ("Catalan separatists accused of seeking Russia's help").²⁹²

284/  Ronald Deibert (2017) *The DHS/FBI Report on Russian Hacking was a Predictable Failure, Just Security*, 4 January 2017, <https://www.justsecurity.org/35989/dhsfbi-report-russian-hacking-predictable-failure/>

285/  Adam Hulcoop, John Scott-Railton, Peter Tanchak, Matt Brooks, and Ron Deibert (2017). *Tainted Leaks Disinformation and Phishing With a Russian Nexus*. Citizen Lab 25 May 2017. <https://citizenlab.ca/2017/05/tainted-leaks-disinformation-phish/>

286/  Politico. *Catalan referendum stokes fears of Russian influence*, 29 September 2017, <https://www.politico.eu/article/russia-catalonia-referendum-fake-news-misinformation/>

- 287/  *The Washington Post. Catalonia held a referendum. Russia won. 2 October 2017, https://www.washingtonpost.com/opinions/global-opinions/catalonia-held-a-referendum-russia-won/2017/10/02/f618cd7c-a798-11e7-92d1-58c702d2d975_story.html*
- 288/  *El País. Russian meddling machine sets sights on Catalonia. 28 September 2017, https://english.elpais.com/elpais/2017/09/26/inenglish/1506413477_994601.html*
- 289/  *BBC News. Spain Catalonia: Did Russian 'fake news' stir things up?, 18 November 2017, <https://www.bbc.com/news/world-europe-41981539>*
- 290/  *The New York Times. Married Kremlin Spies, a Shadowy Mission to Moscow and Unrest in Catalonia, 3 September 2021, <https://www.nytimes.com/2021/09/03/world/europe/spain-catalonia-russia.html>*
- 291/  *CEPA. Catalonia: Where There's Trouble There's Russia. 27 September 2021, <https://cepa.org/article/catalonia-where-theres-trouble-theres-russia/>*
- 292/  *The Times. Catalan separatists accused of seeking Russia's help. 4 September 2021. <https://www.thetimes.co.uk/article/catalan-separatists-accused-of-seeking-russias-help-bp5dgdqg6>*

It is surprising that Citizen Lab does not reflect about this documented relationship in any part of the report. Not even in the account of the 2017 referendum. Citizen Lab also suggests that those who were being investigated precisely due to their connections with Russian secret services to destabilise Spain and secede are victims of "illegal" espionage. Shouldn't security services in democracies investigate attempts to subvert the constitutional order and their territorial integrity?


According to the OCCR Project, a Putin representative met with the president of the Generalitat Mr Carles Puigdemont,²⁹³ the day before he unilaterally declared the independence of Catalonia in 2017. He was promised \$500 billion and 10,000 soldiers if they committed to turning Catalonia into a haven for cryptocurrencies. Apparently, this was part of a long-term strategy to erode the stability of the Euro.²⁹⁴ Several trips of GRU agents to Barcelona were documented in 2016 and 2017.²⁹⁵ Many of the participants in the Citizen Lab report worked promoting Ethereum (cryptocurrency) blockchain technology: Mr Campo, Mr Miquel, Mr Baylina, Mr Escrich, Mr Matamala, Mr Ganyet and Mr Vives. At least three of the participants in Citizen Lab's in-


vestigation, Mr Alay,²⁹⁶ Mr Boye²⁹⁷ and Ms Artadi,²⁹⁸ had contacts with Russian emissaries regarding the backing of an independent Catalonia. Repeated meetings with Putin's emissaries took place in Switzerland and Moscow in the following years.²⁹⁹


293/ *Mr Carles Puigdemont and Ms Clara Ponseti are claimed to be victims of “relational targeting” in the report.*

294/  OCCRP. *Catalan Separatists Tailored Public Messaging to Avoid Antagonizing Russia: ‘You Have to Avoid Navalny For Sure’, 3 September 2021, <https://www.occrp.org/en/investigations/catalan-separatists-tailored-public-messaging-to-avoid-antagonizing-russia-you-have-to-avoid-navalny-for-sure>*


295/  *El País. Tres espías de la unidad rusa investigada viajaron a Barcelona en 2016 y 2017, 27 December 2019, https://elpais.com/politica/2019/12/26/actualidad/1577390796_094918.html*

296/  *Confidencial. Los contactos de Alay con los rusos desatan una nueva crisis entre ERC y JxCAT. 16 March 2022, https://www.elconfidencial.com/espana/cataluna/2022-03-16/contactos-alay-rusos-crean-crisis-entre-erc-jxcata_3392350/*

297/  *El Confidencial. Emissaries of the Catalan government had been travelling to Moscow up until 2020 to secretly obtain Putin’s support. 14 March 2022, https://www.elconfidencial.com/espana/2022-03-14/emissaries-catalan-government-travelled-moscow_3390880/*


298/  *El Periódico. Puigdemont envió a Elsa Artadi a una reunión con rusos sobre criptomonedas antes de la DUI, 31 May 2022, <https://www.elperiodico.com/es/politica/20220531/puigdemont-elsa-artadi-rusia-proces-13739860>*

299/  *El Periódico. Carles Puigdemont, Rusia y el ‘procés’: 5 reuniones, 2 versiones. 24 March 2022, <https://www.elperiodico.com/es/politica/20220327/puigdemont-alay-dmitrenko-rusia-cataluna-contactos-13431329>*


 *El Confidencial. La Generalitat pagó el primer viaje a Rusia del jefe de la oficina de Carles Puigdemont. 15 March 2022, https://www.elconfidencial.com/espana/cataluna/2022-03-15/generalitat-pago-viaje-hombre-puigdemont-rusia_3391758/*


Pro-independence activists, experts in blockchain technology, were suspected of collaborating with Russian secret services³⁰⁰ in the design of Tsunami Democràtic,³⁰¹ a platform allegedly led by Mr Xavier Vendrell³⁰² —another participant in the report, currently investigated by justice—. Tsunami Democràtic operated via Telegram and had a dedicated Android mobile app that was launched in October 2019, the same month that Citizen Lab contacted Mr Miquel several times to notify him of spyware attacks. Mr Miquel is currently investigated for his participation in Tsunami Democràtic.³⁰³ Tsunami Democràtic was inspired by blockchain-style decentralization and allowed anonymity of its participants. Only months before the launch of the “CatalanGate” investigation, acts of sabotage, violent riots and illegal blockades of roads, airports and train stations were coordinated by the Tsunami Democràtic app, causing millions of euros in losses and the death of a French citizen in El Prat airport.³⁰⁴ There were damages caused to transport infrastructures³⁰⁵ and lootings.³⁰⁶ For instance, Barcelona trains system alone suffered ten sabotages.³⁰⁷ There was even an attack on a police helicopter that was monitoring the riots on 17 October 2019; this could have caused a fatal incident.³⁰⁸


300/  *La Voz de Galicia. Un juez investiga si Rusia podría estar detrás de Tsunami Democrático, 3 September 2021, <https://www.lavozdegalicia.es/noticia/espana/2021/09/03/juez-investiga-rusia-estar-detras-tsunami-democratico/00031630666798801726366.html>*

 *Tiempo de Canarias. ¿Está la inteligencia rusa detrás de Tsunami Democràtic? 22 November 2019. <https://tiempodecanarias.com/esta-la-inteligencia-rusa-detras-de-tsunami-democratic>*

301/  *France 24. Clandestine ‘tsunami’ behind new wave of Catalan protests, 15 October 2019, <https://www.france24.com/en/20191015-clandestine-tsunami-behind-new-wave-of-catalan-protests>*

302/  *El Periódico. El juez atribuye a Vendrell la dirección de Tsunami Democràtic. 28 Octubre 2020, <https://www.elperiodico.com/es/politica/20201028/xaver-vendrell-tsunami-democratic-juez-aguirre-8179456>*

303/  *El Confidencial. Tsunami usa los mismos proveedores de internet que las entidades de Puigdemont. 6 November 2019, https://www.elconfidencial.com/espana/cataluna/2019-11-06/tsunami-proveedores-informaticos-puigdemont_2314724/*

304/  *EPE. El juez investiga en secreto la financiación de Tsunami Democràtic a través de cinco acciones. 4 Mars 2022, <https://amp.epe.es/es/politica/20220304/juez-investiga-secreto-financiacion-tsunami-democratic-13325237>*



La Voz de Galicia. Muere un pasajero francés de un infarto durante el bloqueo secesionista en el aeropuerto de El Prat. 16 October 2019, <https://www.lavozdegalicia.es/noticia/espana/2019/10/16/muere-pasajero-infartodurante-bloqueo-aeropuerto-prat/00031571228187505368503.htm>

305/



RTVE. Sentencia del 'procés' Fomento cifra en más de 7,3 millones de euros los daños en transporte e infraestructuras por las protestas en Cataluña, 23 October 2019, <https://www.rtve.es/noticias/20191023/fomento-cifra-mas-73-millones-euros-perdidas-economicas-protestas-cataluna/1984581.shtml>

306/



ABC. Los altercados de Barcelona derivan en pillaje y crean un «efecto llamada». 20 October 2019, https://www.abc.es/espana/abci-altercados-barcelona-derivando-pillaje-y-crean-efecto-llamada-201910202159_noticia.html

307/



El Periódico. Rodalies acumula una desena de sabotatges des de la sentència del judici del procés. 26 October 2019, <https://www.elperiodico.cat/ca/politica/20191026/rodalies-acumula-una-desena-sabotatges-des-de-sentencia-judici-proces-7702383>

308/



El Mundo. Así fue el ataque de los CDR al helicóptero de los Mossos en Barcelona. 17 October 2019, <https://www.elmundo.es/cataluna/2019/10/17/5da816fb21efa008368b4581.html>



Protests in Girona, 14 October 2019. Credit Wikipedia user Davidpar. CC BY-SA 4.0



Segueix el Tsunami

OCUPEM

LA JONQUERA

Punt de tall confluència NII i AP7
(municipi de la Jonquera)

PROU REPRESSIÓ

CONCENTRACIÓ de SUPORT

dimecres 19 febrer
10h a la caserna de la Guàrdia Civil
de Sant Andreu de la Barca

el militant de la CUP Mataró Joan Jubany, ha estat citat a declarar a la caserna de la Guàrdia Civil de Sant Andreu de la Barca en relació al tall de l'AP7 convocat per Tsunami Democràtic els dies 11 i 12 de novembre de 2019

Credit: images from Twitter #tsunamidemocratic

Apparently, during 2018 and 2019, several of the presumed victims in the CatalanGate report, such as Mr Domingo, Mr Torra and Mr Ganyet, were investigated for their involvement in plotting an operation to take control of Catalan territory involving groups of radical activists of the Republic Defence Committees (CDR) as well as some politically aligned police officers, forest rangers and firefighters.³⁰⁹ There seem to have been plans to acquire military drones³¹⁰ and some of the CDR activists involved were testing explosives according to police reports leaked to the press.³¹¹









On 28 October 2020, Spanish police forces arrested 21 secessionist activists suspected of diversion of public funds³¹² to finance Tsunami Democràtic. Among those arrested there were at least three of the participants in Citizen Lab's investigation: Mr Josep Maria Alay, Mr David Madi and Mr Xavier Vendrell.³¹³ On 4 November 2020, Spanish press published excerpts of conversations intercepted³¹⁴ by Spanish police between Mr Victor Terradellas —a businessman and personal friend of Mr Puigdemont and former secretary of foreign affairs at *Convergència Democràtica de Catalunya* (CDC)—, Mr Madi —CDC politician and businessman and Mr Vendrell —ERC politician and businessman, as well as a former member of the terrorist group *Terra Lliure*³¹⁵—. Mr Terradellas and Mr Madi speak about Russia's interest in cryptocurrencies. Russia's sole condition for backing an independent Catalonia was passing legislation to adopt a cryptocurrency-based decentralised model.³¹⁶

Russian interest in Catalonia becoming a cryptocurrency haven, which they ask in exchange for support, resonates with the public statements and efforts by many nationalist leaders and activist in the following years. For instance, presumed victim Mr Baylina refers to the "dream of the Catalan people" and explains the strategy to create a new "decentralised" state founded on blockchain technology that would allow institutions, "self-sovereign identities", and payments out of the control of states.³¹⁷

Mr Baylina's account inspired that of Mr Puigdemont —whom he advised on this matter—. Mr Puigdemont goes a step further and declares "the obsolescence of the Liberal Democracy as we have understood it", suggesting that "citizens organise themselves outside states and create their own systems in competition or replacing those which are specific to states, for instance, currency, cryptocurrency".³¹⁸ Pro-independence Catalan hackers were very active devising cryptographic protocols to avoid Spanish police forces attempts to neutralise websites used by the organisers of the illegal referendum (Poblet 2018).³¹⁹

The number of blockchain initiatives sponsored by the secessionist government and activists in Catalonia multiplies after 2017 —as do their meetings with Kremlin emissaries—. On 29 October 2017, *The Asian Banker* published a piece that "Barcelona cryptographers are reportedly taking advice from cryptocurrency expert Vitalik Buterin, founder of blockchain platform Ethereum and programmers in digital-savvy Estonia. The idea is to create a currency free of control from both Spain and the European Central Bank".³²⁰ Mr Jordi Puigneró, JxCat politician, former Vice-president and regional Minister of Digital Policies and

Public Administration, led the nationalist strategy of building a “digital nation in the form of a republic” or a “Digital Republic”. Whilst “Catalonia does not have physical control of the territory”, he expected to create “opportunities” such as those on 1 and 27 October 2017 to achieve independence from Spain.³²¹ Mr Puigneró explains that the idea emerged in November 2017 in a visit to Mr Puigdemont, when he demonstrated to the former President of Catalonia that a digital avenue to statehood was possible; he was then commissioned to define a project for a digital state.³²² Making Catalonia a pioneer in blockchain becomes the priority in 2018 for the Catalan Government.³²³


- 309/  *NIUS. La Guardia Civil acusa a Torra de planear una nueva Declaración Unilateral de Independencia en 2018 tras alentar disturbios en Cataluña. 19 October 2022, https://www.niusdiario.es/nacional/tribunales/20221019/guardia-civil-acusa-torra-independencia-unilateral-cataluna_18_07741742.html*
-  *El Confidencial. El CNI catalán creó un frente secreto de ‘mossos’, bomberos y guardas para “controlar el territorio”, 21 October 2022, https://www.elconfidencial.com/espana/2022-10-21/cataluna-independencia-cni-mossos-bomberos-guardas-territorio_3510022/*
- 310/  *El Confidencial. La Guardia Civil conecta al CNI catalán con un plan militar con “drones de combate”. 22 October 2022, https://www.elconfidencial.com/espana/2022-10-22/la-guardia-civil-dice-que-el-govern-planeo-hacer_3510532/*
- 311/  *El Mundo. La Guardia Civil concluye que los CDR detenidos formaban un grupo terrorista, 1 November 2022, <https://www.elmundo.es/espana/2022/11/01/63601370fdddffc6758b45cd.html>*
- 312/  *El Confidencial. La Guardia Civil detiene a los empresarios que montaron Tsunami Democràtic. 28 October 2020, https://www.elconfidencial.com/espana/2020-10-28/la-guardia-civil-detiene-empresarios-lideres-tsunami-democratic_2808820/*
- 313/  *Europa Press. Detenidos Madí, Vendrell, Soler y Alay en una operación por presunto desvío de fondos al independentismo. 28 October 2020, <https://www.europapress.es/catalunya/noticia-detenidos-madi-vendrell-soler-alay-operacion-guardia-civil-contra-tsunami-democratic-20201028100853.html>*
- 314/  *La Vanguardia. Los audios de la operación Vóljov. 4 November 2020, <https://www.lavanguardia.com/politica/20201104/49214825329/audios-operacion-volhov-david-madi-xavier-vendrell.html>*
- 315/  *ABC. Vendrell confesó que otros militantes de Terra Lliure se integraron en ERC. 12 May 2006, https://www.abc.es/espana/abc-vendrell-confeso-otros-militantes-terra-lliure-integraron-200605120300-1421521987860_noticia.html*


- 316/  Youtube. La Vanguardia. Los audios de la operación Vóljov, 4 November 2020, <https://www.youtube.com/watch?v=gQ9TIPnZ-xU>
- 317/  Web3 Foundation. Youtube. Jordi Baylina Presents Building a new Decentralized State at Web3 Summit 2019. 20 September 2019, <https://www.youtube.com/watch?v=P2L-8ZqZ7CI&t=1s>
-  Ether Cash. Get the Decentralized Revolution. 26 December 2017, <https://ethercash.wordpress.com/tag/jordi-baylina/>
- 318/  La República Digital Catalana. Youtube with excerpts of a public speech by Mr Carles Puigdemont in Slovenia with Mr Ivo Vajgl. 21 May 2020 <https://www.youtube.com/watch?v=Z6uQZDP0C1Q>
- 319/  Poblet, M. (2018). Distributed, privacy-enhancing technologies in the 2017 Catalan referendum on independence: New tactics and models of participatory democracy. First Monday. <https://firstmonday.org/ojs/index.php/fm/article/view/9402>
- 320/  El Punt Avui. Puigneró aposta per crear una “nació digital en forma de república” amb el desplegament del Consell de la República. 18 August 2018, <https://www.elpuntavui.cat/politica/article/17-politica/1452154-puignero-aposta-per-crear-una-nacio-digital-en-forma-de-republica-amb-el-desplegament-del-consell-de-la-republica.html>
- 321/  The Asian Banker. Catalans race to create new currency as independence counter-attacks builds. 29 October 2017, <https://www.theasianbanker.com/press-releases/catalans-race-to-create-a-new-currency-as-independence-counter-attack-builds>
-  ARA. Puigneró aposta per avançar cap a una República “digital” mentre Catalunya no tingui el control físic del territori. 18 August 2018, https://www.ara.cat/politica/puignero-construir-republica-catalunya-territori_1_2731212.html
- 322/ Puigneró, J. (2020). *El 5è poder: La República Digital a les teves mans. La Campana.*
- 323/  Decentral Blockchain & Cryptocurrency. Medium. 1 August 2018, <https://medium.com/@DecentralEng/catalonia-a-pioneer-in-blockchain-implementation-211156c151ae>

In June 2019, the Catalan Government approved the Blockchain Strategy of Catalonia;³²⁴ in August 2020, the Generalitat established the Blockchain Technology of Catalonia;³²⁵ in December 2020, the new Centre Blockchain de Catalunya (CBCat) is established with headquarters in the University of Girona; in January 2021, Mr Baylina and Mr Matamala launched Fundació Nord;³²⁶ and new branches of CBCat are opened in Vic in September 2021³²⁷ and in Badalona in October 2022.³²⁸ At least three Catalan cryptocurrencies started to operate in Catalonia, apparently promoted by nationalist parties and activists—Croat, CatalanCoin and Meal Token—. ³²⁹ Given the failure of these projects, pro-independence leaders have later openly advocated for Ethereum, the cryptocurrency created by Russian developer Mr Vitalik Buterin.³³⁰


324/  *Gencat. Blockchain Strategy of Catalonia. June 2019, <https://smartcatalonia.gencat.cat/en/projectes/tecnologies/detalls/article/estrategia-blockchain-de-catalunya>*


325/  *eSmartcity.es. En marcha el Observatorio de Tecnologías Blockchain de Cataluña, 31 August 2021, https://www.esmartcity.es/2020/08/31/en-marcha-observatorio-tecnologias-blockchain-cataluna#.Yp00_crixe0.twitter*

326/  *El Confidencial. El entorno de Puigdemont crea una fundación en Girona para impulsar criptomonedas, 3 May 2022, https://www.elconfidencial.com/espana/cataluna/2022-05-03/puigdemont-crea-fundacion-girona-criptodivisas_3417927/*

327/  *Govern.cat. Vic, subseu del Centre Blockchain de Catalunya. 10 September 2021, <https://govern.cat/salaprensa/notes-premsa/413472/vic-subseu-del-centre-blockchain-catalunya>*

328/  *La Vanguardia. El Centro Blockchain de Catalunya abre una subsede en Badalona. 26 October 2022, [https://www.lavanguardia.com/local/barcelones-nord/20221026/8583219/centro-blockchain-catalunya-abre-subsede-badalona.html#:~:text=El%20CBCat%20\(Centro%20Blockchain%20de,blockchain%20en%20el%20sector%20energ%C3%A9tico.](https://www.lavanguardia.com/local/barcelones-nord/20221026/8583219/centro-blockchain-catalunya-abre-subsede-badalona.html#:~:text=El%20CBCat%20(Centro%20Blockchain%20de,blockchain%20en%20el%20sector%20energ%C3%A9tico.)*

329/  *El Confidencial. Los independentistas se pelean por imponer la moneda virtual de la república catalana. 30 December 2018, https://www.elconfidencial.com/espana/cataluna/2018-12-30/independentistas-pelea-imponer-moneda-virtual-republica-catalana_1708922/*

 *ElEconomista.es. Home Meal ultima el lanzamiento de “Meal Token”, la primera criptomoneda española asociada a una compañía productiva. 16 January 2018, <https://www.economista.es/mercados-cotizaciones/noticias/8871049/01/18/Home-Meal-ultima-el-lanzamiento-de-Meal-Token-la-primera-criptomoneda-espanola-asociada-a-una-compania-productiva.html>*



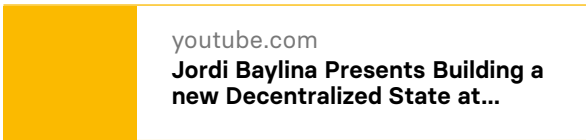
krls.eth / Carles Puigdemont @KRLS

For some time now, thanks to the invaluable help from real experts, I value the transformative potential that technology has over governance, the political organization and ideologies. Not as a technologist, that I am not, but as a political leader.



krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

What we know as Web3 is established on the bases of a better way of servicing society, based on privacy, security and transparency. This allows the building of some people named "de-centralized states".



krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

This is not new: during the independence referendum in the 1st of October de-centralized technologies were used to counter Spain's censorship, as the storage system distributed @ipfs.



krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

This new generation of decentralized technologies started on 2008 when Satoshi Nakamoto intervened Bitcoin, the first peer-to-peer payment system and resistant to censorship in a distributed register.

krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

On 2015, @VitalikButerin and other developers created the Ethereum blockchain, the first chain of blocks that allowed executing code turning it into the first computer distributed and resistant to censorship

krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

From then on, a Cambrian explosion of protocols, infrastructures and products has attracted and inspired the world, sending intermediates and generating new models of governance, identity, property and finance.

krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

Furthermore, Catalonia has historically been a pioneer in new technological cycles, whether contributing to the development or to the adoption of their citizens. What's happening in Web3 will not be different.

krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

Furthermore, Catalonia has historically been a pioneer in new technological cycles, whether contributing to the development or to the adoption of their citizens. What's happening in Web3 will not be different.

krls.eth / Carles Puigdemont @KRLS · Dec 31, 2021

Today I present my public holding Ethereum krls.eth, with the intention of contributing, experimenting and actively participating in governance and so that governments can better service their citizens.



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@KRLS



The Republic at your fingertips. I have received the QR of my Republican Digital Identity. Ask for it at the Council's website and let's disconnect from the State
#IDRepublicana #PreparemNos
consellrepublica.cat



6:57 PM · Apr 6, 2021



Elisenda Paluzie
@epaluzie



As a representing member of @assamblea of the Council of Government of @ConsellxRep I have received the card with the QR of my Republican Digital Identity. Ask for it now at the Council's website! **#IDRepublicana #PreparemNos**
consellrepublica.cat



8:48 AM · Apr 7, 2021

In police intercepted phone conversations, Mr Terradellas claims that he was in touch with one of the Russian founders of cryptocurrencies and that Mr Puigdemont explained to him in Waterloo all the things they were doing with cryptocurrencies.³³¹ Mr Madi mentions that three teams were working on this task. Meanwhile, in the published audio of the exchange³³² between Mr Terradellas and Mr Vendrell, there are also explicit references to the 10,000 Russian soldiers, to controlling the airport and other infrastructures and, to the need for "100 people dead" to justify Russian involvement. Mr Terradellas argues that, if they gather 1 million people in Sant Jaume Square (where Catalan Government and City Hall are located), [Spanish security forces] would have to kill people to get in. Mr Vendrell says that they missed the opportunity,³³³ and that they didn't have the guts to do it. Mr Terradellas adds that the world's situation will provide a new opportunity and that "Europe will fall". Mr Terradellas later confirmed in court³³⁴ the conversations about potential civil casualties and the fact that Mr Puigdemont did not decline the Kremlin's emissaries' offers, but asked to keep discussing this possibility with them.

331/



ElDiario.es. Los audios de la supuesta trama rusa del procés: "Una cosa es que esté el estado soviético y otra es que sea una encerrona". 4 November 2020, https://www.eldiario.es/catalunya/audios-supuesta-trama-rusa-proces-cosa-sovietico-sea-encerrona_1_6386021.html



Elies Campo
@elies



A new era begins for the **@ethereum** ecosystem. The **@eth2** Epoch 0 has been finalized. Congratulations!

beaconcha.in/block/0

12:11 · 01 Dec 2020



Joan Canadell ✓
@jacanadellb



You will also be able to assemble already existing tools at the digital Republic of Estonia that I attach as an image. Pay attention, with e-banking, e-justice, e-Tax!!!!... We can also innovate a volunteering system for the Republic, or anything else that connects and betters our lives >>>>



11:11 AM · Dec 16, 2018



Jordi Puigner ✓
@jordiPuignero



“Catalans do things” Yes. Today we have presented the launch of the “Meal” cryptocurrency by **@nostrum_123**, a Catalan company. The digital innovation of a company with national products is possible (and needed) **#smartcat #blockchain @KRLS**



7:04 PM · Dec 27, 2017



Follow

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@jbaylina

Blockchain developer, Ethereum fan, white hat hacker and Catalonia Freedom fighter.

332/



Youtube. *Aussiesta. Terradellas y Vendrell dicen que hacen falta 100 muertos para involucrar a Rusia (video extracted from El Periódico Twitter Account), 4 de noviembre 2020*
<https://www.youtube.com/watch?v=hLjmxaiwRjs>

333/



El Periódico. *Operación Volhov: Los audios de Víctor Terradellas con Xavier Vendrell y David Madí. 3 November 2020, https://www.elperiodico.com/es/politica/20201103/victor-terradellas-xavier-vendrell-david-madi-audios-conversaciones-telefonicas-8187809*


334/




El Periódico. *VIDEO | Víctor Terradellas, ante el juez: “Puigdemont no declinó la oferta de los rusos. Solo dijo: ‘seguid hablando’”. 20 May 2022, https://www.elperiodico.com/es/politica/20220520/victor-terradellas-declaracion-integra-trama-rusa-proces-video-13682154*

Mr Terradellas met with Mr Puigdemont and Mr Jordi Sardà on 26 October 2017, and, following that meeting, it was allegedly decided to contact ultranationalist leader Mr Vladimir Zhirinovskiy.³³⁵ Mr Zhirinovskiy later organised a rally supporting Catalan separatism —and comparing it with Russian secessionist movements in Ukraine— in front of the Spanish General Consulate in Moscow on 10 November 2017.^{336,337}

If Citizen Lab knew that Russian secret services could be collaborating with any of the abovementioned participants, and they were aware of the formal judicial investigations against them —in several cases public since 2020—, why did they keep considering them as “victims of illegal espionage”? Were there any special precautions taken concerning the collaboration with Mr Alay, Mr Vendrell, Mr Madi or Mr Boye with the research? Nobody in Citizen Lab considered that American, British, or other Western secret services could be interested in spying Catalan activists believed to collaborate with Russian secret services to destabilise the EU? It is surprising that none of the abovementioned facts and hypotheses were mentioned in the report. Certainly, they would weaken the already very superficially evidenced accusation against Spain.

335/  *El Confidencial. El encuentro secreto de Artadi con un hombre de Gorbachov y Vladímir Putin en Barcelona, 29 May 2022, https://www.elconfidencial.com/espana/cataluna/2022-05-29/encuentro-secreto-artadi-gorbachov-putin-barcelona_3432185/?utm_source=twitter&utm_medium=social&utm_campaign=BotoneraWeb&s=09*

336/  *CountingStars. The Russian Nationalist Who Threatened to Raze Poland Now Supports Catalan Separatism. 11 November 2017, <https://www.outono.net/elentir/2017/11/11/the-russian-nationalist-who-threatened-to-raze-poland-now-supports-catalan-separatism/>*

337/  *Capture from Youtube with autogenerated subtitles in English. LDPR-TV. Митинг у Посольства Испании. Жириновский живьем от 10.11.2017. Youtube. <https://www.youtube.com/watch?v=rFNyjBPoyno>*

Since the information regarding these attempts to get the Russian military involved in a Catalan separatist effort was already published in 2020, and many incriminatory audios were widely available online, it is surprising that Citizen Lab decided to invite these individuals to be part of their study. There is also no evidence that the University of Toronto's Ethics Research board was informed by Citizen Lab about the potential interference with the legitimate work of Spanish security services to defend the country against a presumed Russian destabilisation campaign. Despite being aware that many "victims" were indeed being prosecuted, and some for serious crimes, Citizen Lab decided to use a sensationalist language in the CatalanGate report, and suggested that Spanish monitoring was "Unrestrained, Unnecessary, and Disproportionate".³³⁸

Citizen Lab states:

"Many of the victims were not charged with serious crimes, and most were neither criminals and certainly not terrorists—the typical justifications mercenary surveillance companies employ for sales of their spyware to government clients".³³⁹


This means that they were aware that other "victims" were indeed formally charged or investigated for serious crimes. Therefore, attributing them the role of "victim" could be considered as an extremely problematic exercise. Why did Citizen Lab omit that several of the participants were spied on with publicly known judicial authorisation (such as Mr Madi and Mr Vendrell)? These kinds of research assumptions, choices and limitations are usually reflected in the Conclusion or elsewhere in a report. Unfortunately, Citizen Lab chose not to acknowledge them.

^{338/} Scott-Railton et al. (2022). *CatalanGate*, page 23


^{339/} Scott-Railton et al. (2022). *CatalanGate*, page 24.


Additionally, Mr Boye, another participant in the study and presumed victim, was appointed lawyer of two suspected Russian spies. He was selected to represent Mr Pablo Gonzalez, a Spanish journalist that was arrested on 4 March 2022 in the Polish-Ukrainian border, suspected of being a GRU asset,³⁴⁰ and Mr Anatoliy Shariy, pro-Russian blogger detained in Spain, on charges of high-treason, on an international arrest warrant issued by Ukraine's SBU security services on 5 May 2022.³⁴¹ It is worth noting that Mr Boye is the lawyer of Mr Carles Puigdemont and has also represented other high profile personalities, such as Mr Edward Snowden and narco boss "Sito Miñanco";³⁴² he was previously convicted in 1996 to 14 years in prison on terrorist charges for helping ETA kidnap a businessman,³⁴³ and is currently facing trial and a potential nine years prison sentence for drugs money laundering.³⁴⁴ Mr Boye was a central figure in selecting suspicious cases within JxCat³⁴⁵ and last March, shortly before the publication of the CatalanGate report was publicly connected to Mr Alexander Dmitrenko,³⁴⁶ an entrepreneur and presumed Russian spy³⁴⁷ who lives in Catalonia and is also a pro-independence activist. Mr Dmitrenko was investigated for organising some of the meetings between Russian emissaries and secessionist leaders.³⁴⁸ Although his name does not appear in the report,³⁴⁹ this Russian citizen claimed on Twitter that he suffered 9 Pegasus infection attempts that were confirmed by Amnesty International's software.³⁵⁰ Mr Boye has also disseminated pro-Kremlin information and criticised Ukraine since the invasion.³⁵¹

340/  *New Straits Times. Poland detains Spanish reporter suspected of spying for Russia. 4 March 2022, <https://www.nst.com.my/world/world/2022/03/776991/poland-detains-spanish-reporter-suspected-spying-russia>*

 *Público. Gonzalo Boye, abogado de Pablo González: "Es una situación incomprensible desde el punto de vista del derecho de la UE", 24 March 2022, <https://www.publico.es/internacional/guerra-rusia-ucrania-gonzalo-boye-abogado-pablo-gonzalez-situacion-incomprensible-punto-vista-derecho-ue.html>*

341/  *Daily Mail. Ukrainian blogger accused of being a pro-Putin propagandist is arrested in Spain for 'high treason'. 5 May 2022, <https://www.dailymail.co.uk/news/article-10785457/Ukrainian-blogger-accused-pro-Putin-propagandist-arrested-Spain.html>*

 *Europa Press. Pasa a disposición de la AN un bloguero prorruso detenido en Tarragona cuya defensa lleva el abogado de Puigdemont. 5 May, <https://www.europapress.es/nacional/noticia-pasa-disposicion-an-bloguero-prorruso-detenido-tarragona-cuya-defensa-lleva-abogado-puigdemont-20220505112958.html>*

342/  *Conflegal. Gonzalo Boye, abogado de Puigdemont, citado a declarar mañana como investigado por supuesto blanqueo vinculado a Sito Miñanco. 22 October 2019, <https://conflegal.com/20191022-gonzalo-boye-abogado-de-puigdemont-citado-a-declarar-manana-como-investigado-por-supuesto-blanqueo-vinculado-a-sito-minanco/>*

- 343/  *El Confidencial. El oscuro pasado de Boye, condenado por el secuestro de ETA a Emiliano Revilla. 21 October 2019, https://www.elconfidencial.com/espana/2019-10-21/boye-secuestro-eta-sito-minanco-registro_2292459/*
- 344/  *El Confidencial. La Fiscalía pide más de nueve años de cárcel para el abogado de Puigdemont por blanqueo. 29 November 2022, https://www.elconfidencial.com/espana/2022-11-29/abogado-puigdemont-boye-fiscal-carcel-minanco_3531600/*
- 345/ *Torrent (2022). Pegasus, page 142.*
- 346/ *El Confidencial. Puigdemont se reunió en un hotel de Ginebra con el enlace del Kremlin, 15 Mars 2022.*
- 347/  *The Canadian News. Puigdemont’s entourage commissioned inquiries into an alleged Russian spy. 10 May 2022, <https://thecanadian.news/puigdemonts-entourage-commissioned-inquiries-into-an-alleged-russian-spy/>*
-  *El País. Alexander Dmitrenko: “Es un chiste que me halaga, pero no soy un espía”. 30 June 2022, <https://elpais.com/espana/catalunya/2022-06-30/alexander-dmitrenko-es-un-chiste-que-me-halaga-pero-no-soy-un-espia.html>*
- 348/  *El País. El juez cita al empresario que abrió las puertas de Rusia al entorno de Puigdemont, 27 April 2022, <https://elpais.com/espana/catalunya/2022-04-27/el-juez-cita-al-empresario-que-abrio-las-puertas-de-rusia-al-entorno-de-puigdemont.html>*
- 349/ *The “CatalanGate” report refers to 4 anonymous victims whose identity has not been revealed.*
- 350/  *Alexander Dmitrenko. @alexdemitre. Twitter. 10 May 2022, <https://twitter.com/alexdemitre/status/1523978375081205767?s=20&t=S4bss86nou16R7Qm-JQqiw>*
-  *Alexander Dmitrenko. @alexdemitre. Twitter. 10 May 2022, <https://twitter.com/alexdemitre/status/1523998269185134593?s=20&t=S4bss86nou16R7Qm-JQqiw>*
- 351/  *Gonzalo Boye. @boye_g. Twitter. 3 Mars 2022, https://twitter.com/boye_g/status/1499260022680924161?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ*
-  *Gonzalo Boye. @boye_g. Twitter. 11 December 2022, https://twitter.com/boye_g/status/1602048655753728001?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ; 28 June 2022*



Gonzalo Boye. @boye_g. Twitter. 28 June 2022,
https://twitter.com/boye_g/status/1541767629442109441?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ



Gonzalo Boye. @boye_g. Twitter. 13 Mars 2022,
https://twitter.com/boye_g/status/1502914757782867968?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ



Gonzalo Boye. @boye_g. Twitter. 17 February 2022,
https://twitter.com/boye_g/status/1494348820817326080?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ



Gonzalo Boye. @boye_g. Twitter. 17 February 2022,
https://twitter.com/boye_g/status/1494197314113744896?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ



Gonzalo Boye 
@boye_g

But are Ukrainians Nazis or not?



vilaweb.cat

Però els ucraïnesos són nazis o no?

Gonzalo Boye 
@boye_g

Interview | Wolfgang Kaleck, Snowden's lawyer:
"There is evidence of torture of civilians in
Ukraine, but criminal responsibility remains to
be proven

20minutos.es/noticia/507892... vía @20m



20minutos

20minutos.es

**Entrevista | Wolfgang Kaleck, abogado de Snowden:
"Hay evidencias de tortu...**

10:12 PM · Dec 11, 2022

Gonzalo Boye 
@boye_g

An interesting analysis:

It is not true that Russia is committing military
mistakes in Ukraine



El Confidencial

elconfidencial.com

**No es verdad que Rusia esté cometiendo errores
militares en Ucrania**

8:49 AM · Mar 13, 2022

Gonzalo Boye 
@boye_g

Really?

Borrell says that Russia has started "intense
bombing" in the East of Ukraine.



EL ESPAÑOL

elespanol.com

**Borrell dice que en Rusia ha iniciado "intensos
bombardeos" en el este de Ucrania**

5:31 PM · Feb 17, 2020



Gonzalo Boye 
@boye_g

I can see that in Ukraine they also persecute the opposition's lawyers...

@anatoliisharii  Jun 28

In order to prevent us from defending ourselves in court after the illegal ban of a political party, a criminal case was also opened against our lawyer. For a RUDE ANSWER TO the SBU INVESTIGATOR in correspondance!!!! What a nice European country.

2:57 PM · Jun 28, 2022

Gonzalo Boye 
@boye_g

Russia asks the West a timeline of invasions to be able to organize its vacations noticiasdenavarra.com/actualidad/pol... vía **@noticiasnavarra**



5:31 PM · Feb 17, 2020

Mr Josep Lluís Alay, Mr Puigdemont's chief of staff, is one of the CatalanGate "victims" repeatedly connected with Russian secret services, and he allegedly travelled frequently to Moscow to secretly obtain the Kremlin's support. Mr Alay has publicly expressed fascination for Russian and Soviet spies and has met some of them personally.



Josep Lluís Alay
@josepalay



At **@vpartal** its editorial says today: "Yesterday I was able to extensively talk with Elena Vavilova, the Russian spy that lived as an illegal KGB agent in the US for 25 years. She has an riveting story, absolutely incredible... història fascinant, absolutament increïble..." vilaweb.cat/noticies/ofega...



22 Apr, 2021



Josep Lluís Alay
@josepalay



The great Soviet spy from WWII, Richard Sorge, very close to the spy Ursula Kuczynski, also appears in the novel "The rogue's secret" by **@E_VavilovaFoley**



Josep Lluís Alay
@josepalay

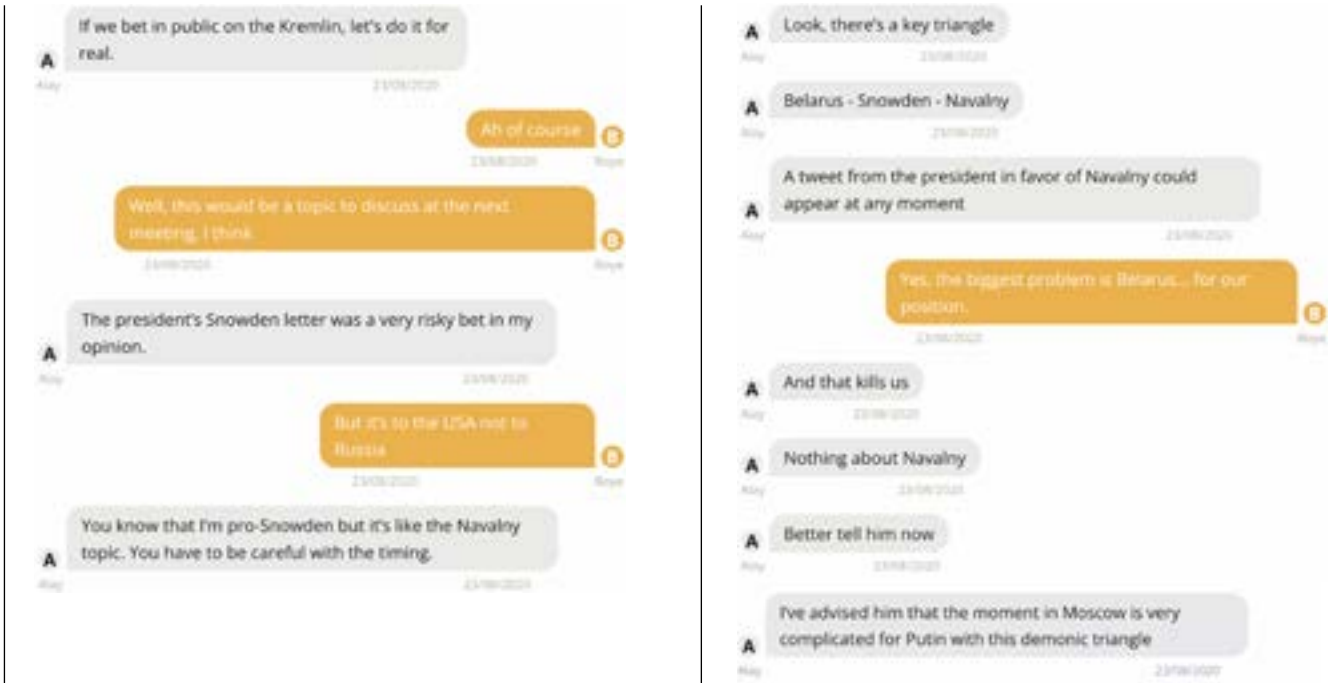


The Russian Soviet spy Elena Vavilova **@E_VavilovaFoley** was also in Barcelona at an indeterminate date. After finalizing her services for the KGB and the SVR, she spends her time writing spy thrillers from Moscow.





Aug 5, 2021


In private conversations leaked to OCCRP, Mr Alay and Mr Boye discussed Mr Puigdemont's public stance vis-à-vis Russia and Snowden. Mr Alay also shows Mr Boye a private conversation with Mr Evgeny Primakov, a former politician and diplomat who had been recently appointed as head of the Rossotrudnichestvo Russian government agency, in which he compares the situation in Catalonia with the "oppressive things being done to Russians in Ukraine"³⁵²



In the last of his trips to Moscow, in February 2020 —just months before the leak of the names of Catalan leaders supposedly attacked by Pegasus— Mr Alay presumably met Mr Edward Snowden,³⁵³ who became a key figure in the pro-independence referendum media campaign in October 2017, alongside Mr Julian Assange.

352/  OCCRP. 3 September 2021. *Catalan Separatists Tailored Public Messaging to Avoid Antagonizing Russia: 'You Have to Avoid Navalny For Sure'* <https://www.occrp.org/en/investigations/catalan-separatists-tailored-public-messaging-to-avoid-antagonizing-russia-you-have-to-avoid-navalny-for-sure>


353/  Apparently, Mr Snowden was “first on the agenda” of Mr Alay’s visit. OCCRP. *Catalan Separatists Tailored Public Messaging to Avoid Antagonizing Russia: 'You Have to Avoid Navalny For Sure'*. 3 September 2021, <https://www.occrp.org/en/investigations/catalan-separatists-tailored-public-messaging-to-avoid-antagonizing-russia-you-have-to-avoid-navalny-for-sure>


 El Confidencial. *Emissaries of the Catalan government had been travelling to Moscow up until 2020 to secretly obtain Putin’s support.* 14 March 2022, https://www.elconfidencial.com/espana/2022-03-14/emissaries-catalan-government-travelled-moscow_3390880/


Together, Mr Snowden's and Mr Assange's tweets in support for Catalan secession accounted for over a third of all Twitter traffic under the hashtag #Catalonia.³⁵⁴ Mr Assange or Mr Snowden had never displayed any particular interest for Spanish politics or Catalonia before 2017. However, the two men have been suspected of having links with Russian secret services,³⁵⁵ and were instrumental in tipping the narrative in favour of Catalan nationalism immediately before the illegal referendum of October 2017. Hashtagify established that Mr Snowden, Mr Assange, Wikileaks and RT were the four most influential accounts for #Catalonia.³⁵⁶ Assange, for instance, tweeted 97 times in Catalan —a language he does not speak— between September 2017 and April 2019, and on 1 October 2017 he tweeted 109 times on Catalonia.³⁵⁷


354/  *The Guardian. Disruption games: why are libertarians lining up with autocrats to undermine democracy? 19 November 2017, <https://www.theguardian.com/technology/2017/nov/19/trump-russia-fake-news-libertarians-autocrats-democracy>*

 *Political Capital. How How Assange and Snowden led the Russian forces in Catalonia, 17 May 2019, https://politicalcapital.hu/russian_sharp_power_in_cee/publications.php?article_read=1&article_id=2417*

355/  *E.g., Reuters. La inteligencia rusa manipula a Snowden, dice el ex director de la NSA. 7 May 2014. <https://www.reuters.com/article/oestp-seguridad-eeuu-snowden-idESKBN0DN1BH20140507>*

 *New York Times. After Arrest of Julian Assange, the Russian Mysteries Remain. 11 April 2019, <https://www.nytimes.com/2019/04/11/us/politics/julian-assange-wikileaks-russia.html>*

 *Al Jazeera. The trouble with Edward Snowden. 18 December 2022, <https://www.aljazeera.com/opinions/2022/12/18/the-trouble-with-edward-snowden>*

356/  *The Sydney Morning Herald. On Catalan independence, Julian Assange, Edward Snowden emerge as surprise backers. 26 September 2017. <https://www.smh.com.au/world/on-catalan-independence-julian-assange-edward-snowden-emerge-as-surprise-backers-20170926-gyoqxs.html>*

357/  *El Mundo. Julian Assange: un tuit cada 13 minutos a favor del 'procés'. 12 April 2019, <https://www.elmundo.es/papel/historias/2017/12/07/5a27f628ca474121568b4588.html>*


On 21 September 2017, Snowden shared Mr Puigdemont's opinion piece published by The Guardian and called Spanish attempts to prevent the illegal referendum "a violation of human rights".³⁵⁸



Credit: El Confidencial Mr Alay visits Russian Newspaper Komsomolskaia Pravda in 2019.³⁵⁹

Spanish Guardia Civil links Mr Snowden, Mr Assange and the Kremlin's disinformation campaign on Catalonia with Mr Oriol Soler,³⁶⁰ who is another collaborator of Mr Puigdemont, and who was also arrested and investigated, alongside Mr Alay, Mr Madi and Mr Vendrell, for their relationship with the organisation of Tsunami Democràtic.³⁶¹ Moreover, Mr Gonzalo Boye also visited Mr Snowden in 2019 and both expressed publicly that Pegasus was being used to spy on lawyers, just a few months before the scandal in Catalonia broke.³⁶² In August 2020, three presumed CatalanGate victims of , Mr Puigdemont, Mr Alay and Ms Ponsati, signed a petition to Mr Donald Trump requesting Mr Snowden's pardon.³⁶³

Finally, Mr Snowden has been shortlisted by Catalan nationalist parties to testify in the Pegasus committee launched at the Catalan Parliament.³⁶⁴

358/  Edward Snowden. @Snowden. Twitter. 21 September 2017, https://twitter.com/Snowden/status/910882660960088065?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E910891664490860545%7C-twgr%5E61d1601bfaca49b2e526c4e8b925b03a455a-26c4%7Ctwcon%5Es4_&ref_url=https%3A%2F%2Fwww.elpuntavui.cat%2Fpolitica%2Farticle%2F-%2F1244594-edward-snowden-denuncia-la-repressio-espanyola-a-catalunya.html

- 359/  *El Confidencial, El nº2 de Puigdemont visitó un diario del Kremlin en 2019 y se fotografió con un retrato de Putin. 3 March 2022, https://www.elconfidencial.com/espana/2022-03-03/ucrania-rusia-putin-puigdemont-alay-kremlin-diario_3385059/ For a long time Mr Alay used this picture on his Twitter profile.*
- 360/  *Catalan News. Businesspeople related to independence push detained. 28 October 2020, <https://www.catalannews.com/politics/item/businesspeople-related-to-independence-push-detained>*
- 361/  *20 Minutos. Quién es Oriol Soler, detenido en una investigación del ‘procés’ y de Tsunami Democràtic, 28 October 2020, <https://www.20minutos.es/noticia/4434070/0/quien-es-oriol-soler-detenido-investigacion-proces-tsunami-democratic/>*
- 362/  *Edward Snowden, @Snowden. Twitter. 9 November 2019, <https://twitter.com/Snowden/status/1193227686358999045?s=20> and <https://twitter.com/Snowden/status/1193232647427895297?s=20>*
-  *Gonzalo Boye. @boye_g. Twitter. 9 November 2019, https://twitter.com/boye_g/status/1193228293316730880?s=20*
- 363/  *Catalan News. Businesspeople related to independence push detained. 28 October 2020, <https://www.catalannews.com/politics/item/businesspeople-related-to-independence-push-detained>*
- 364/  *Parlament de Catalunya, Departament de Comunicació. Compareixences aprovades per la Comissió d’Investigació sobre l’Espionatge de Representants Polítics, Activistes, Periodistes i llurs Familiars per part del Regne d’Espanya amb els programes Pegasus i Candiru, 20 January 2023, https://www.parlament.cat/web/actualitat/noticies/index.html?p_format=D&p_id=270482494*



Edward Snowden
@Snowden



The Spanish crackdown on inconvenient speech, politics, and assembly in **#Catalonia** is a violation of human rights.



Gonzalo Boye
@boye_g



Excellent meeting with **@Snowden @benwizner @WolfgangKaleck** and the rest of their legal team in charge of their defence... because not everything is Law.



5:31 PM · Feb 17, 2020

Although all these links could be merely coincidental, it is difficult to understand why Citizen Lab completely disregarded them when establishing hypotheses of authorship of espionage and its potential legality. Several international stakeholders could have a clear interest in monitoring these politicians and activists, as they could be contributing to a destabilisation operation that could have far reaching consequences for Europe. Russian secret services may be interested in magnifying the number of victims in the report as a means to discredit Spain and Western governments in general. The operation of political interference in Europe was well known and affected other countries such as the UK and France.³⁶⁵ This omission seems more unusual given the great concern that Mr Deibert expressed publicly regarding Russian digital warfare until 2017 (see this tweets below).³⁶⁶

365/



France TV. La Fabrique du Mensonge Au cœur de la propagande russe. 11 December 2022, <https://www.france.tv/france-5/la-fabrique-du-mensonge/la-fabrique-du-mensonge-saison-3/4367680-au-coeur-de-la-propagande-russe.html>



Carnegie Europe. Russia's Long-Term Campaign of Disinformation in Europe. 19 March 2020, <https://carnegieeurope.eu/strategieurope/81322>

366/



Since 2017, Citizen Lab does not seem to have investigated Russian hacking and phishing operations – and focused only on Kremlin's online censorship–. Citizen Lab. Search Result for: Russia <https://citizenlab.ca/?s=Russia>



Edward Snowden @snowden · Nov 9, 2019

Government claim they hack people to prevent "crime and terrorism", but **@NYTimes** finds even democracies are now routinely hacking "human rights activists, journalists, religious leaders and dissidents".

An important story, and perhaps a final warning:



nytimes.com
Spyware Maker NSO Promises Reform but Keeps Snooping
(Published...)

Gonzalo Boye @boye_g · Nov 9, 2019

Replying to @Snowden and @nytimes
And lawyers!!!

Edward Snowden @Snowden

Replying to @boye_g and @nytimes

Definitely, definitely lawyers.

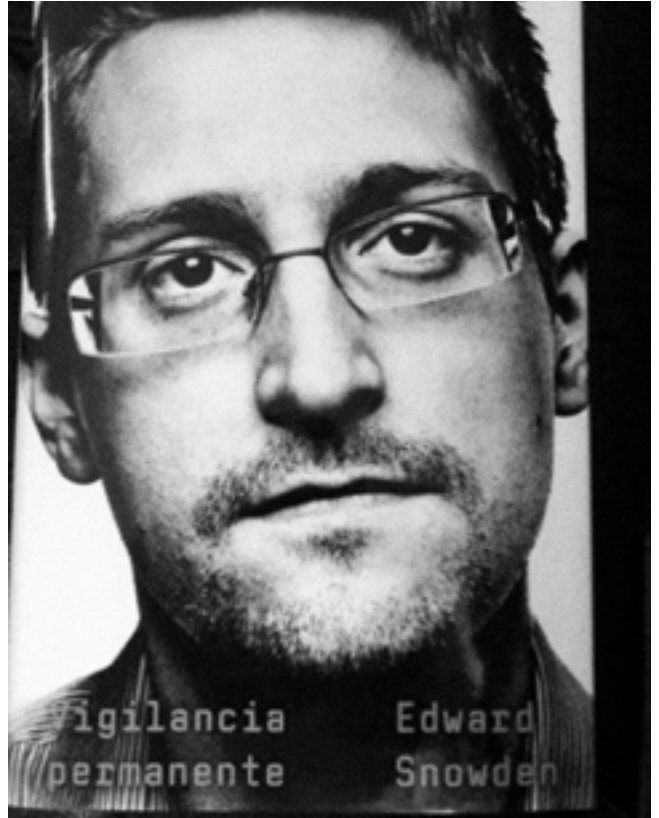
Nov 9, 2019

Josep Lluís Alay @josepalay

@Snowden Permanent Surveillance.
An accurate description of today's Catalonia under permanent legal and illegal surveillance by the Spanish police.

Gonzalo Boye @boye_g

"Permanent Surveillance" an essential book written by **@Snowden**



Sep 23, 2019

Edward Snowden @Snowden · Oct 21, 2019
Everyone knows **@boye_g** recognizes the Spanish police's "search" for what it is: political repression. It should alarm us that even in democracies lawyers, publishers, and ordinary people are facing retaliation for work involving political principles.
ecchr.eu/nc/en/press-re...

Gonzalo Boye @boye_g

Replying to @Snowden

Thanks Edward for your support

Nov 9, 2019



profdeibert
@RonDeibert

...

A segment of Russia's influence operations have pivoted to Spanish speaking audiences, amplifying conspiracies about bio-labs and nuclear contamination

RT and Sputnik in Spanish boosted by Russian embassy tweets and suspicious accounts by **@DFRLab**



link.medium.com
RT and Sputnik in Spanish boosted by Russian embassy tweets and sus...

17 Mar



profdeibert
@RonDeibert

...

Russia hackers had targets worldwide, beyond US election apnews.com/3bca5267d45445...
Overlap w Tainmted Leaks report: citizenlab.ca/2017/05/tainte...

07 nov 2017



profdeibert
@RonDeibert

...

See for example our piece "Cyclones in Cyberspace" (2012) about Russia-Georgia conflict journals.sagepub.com/doi/abs10.117...

15 Mar 2017



 **profdeibert** @RonDeibert ...

Russia's Winning the Electronic War
foreignpolicy.com/2015/10/21/rus...

22 Oct 2015

 **profdeibert** @RonDeibert ...


How Russia Targets U.S. Military Vets with trolls, fake news politi.co/2rhgLNx via @politicomag

12 Jun 2017

 **profdeibert** @RonDeibert ...


Russia's Hybrid Warriors Got the White House. Now They're Coming for America's Town Halls.
foreignpolicy.com/2017/09/26/rus...

03 Oct 2017

 **profdeibert** @RonDeibert ...

Germany says Russia probably behind cyber attack on Bundestag reut.rs/1TaAPUy via @Reuters

13 May 2016

 **profdeibert** @RonDeibert ...

Special Report: HP Enterprise let Russia scrutinize cyberdefense system used by Pentagon reut.rs/2x9RdA0

22 Oct 2015

 **profdeibert** @RonDeibert ...

A reconstruction of Russia's Twitter disinformation, influence op in the last hours of 2016 elections thebea.st/2hRDdWO?source... via @thedailybeast

08 Nov 2017

 **profdeibert** @RonDeibert ...

Putin brings China's Great Firewall to Russia in cybersecurity pact theguardian.com/world/2016/nov...

29 Nov 2016

 **profdeibert** @RonDeibert ...

Once a Defender of Internet Freedom, Putin Is Now Bringing China's Great Firewall to Russia huffingtonpost.com/andrei-soldato... via @theworldpost

04 May 2016


A non-confirmed but plausible hypothesis is that the very good relationship that Mr Snowden has with both Mr Boye and Mr Deibert could have weighted in the decision of Citizen Lab to consider Mr Boye, Mr Alay and other participants in the report connected to Russia and Tsunami Democràtic as victims and not as suspects of criminal actions against Spain.³⁶⁷ Their trust and mutual admiration has been manifested constantly since 2013, when the former NSA agent granted an important share of the leaked documents to Mr Deibert, which boosted Citizen Lab's international profile and helped their work against state-sponsored digital surveillance.³⁶⁸

Mr Deibert has interviewed Mr Snowden, hosted a Q&A with his lawyer, and even invited Mr Snowden to apply for a Citizen Lab fellowship.³⁶⁹ Mr Snowden appears in "Black Code", a Documentary about the work of Mr Deibert;³⁷⁰ he has denounced publicly NSO Group and disseminated Citizen Lab's and Amnesty Tech's evidence against the Israeli spyware company, repeatedly.³⁷¹ He has also praised Mr Deibert's work:

"No one has done more than Ron Deibert and his lab to expose the enemies of the Internet".³⁷²

Edward Snowden

Quote on the front cover of Mr Deibert's Reset book

367/  *Mr Snowden, Mr Deibert and Mr Boye have a common personal acquaintance: high profile journalist Glenn Greenwald. The four of them have defended publicly Mr Julian Assange. Mr Greenwald has nonetheless erased his exchanges on Twitter with Mr Boye. See, Jose Javier Olivas. @josejolivas. Twitter. https://twitter.com/josejolivas/status/1530117887758942208?s=20&t=YXO9-_0mUdYieOfr-q8HDJw*

 https://twitter.com/josejolivas/status/1530117902510301186?s=20&t=YXO9-_0mUdYieOfr-q8HDJw

 https://twitter.com/josejolivas/status/1530117914698948609?s=20&t=YXO9-_0mUdYieOfrq8HDJw

 https://twitter.com/josejolivas/status/1530117939638194182?s=20&t=YXO9-_0mUdYieOfrq8HDJw

- 368/  See Mr Deibert's testimony. CBC. I received a chunk of the Snowden disclosures — and what I learned blew my mind. 9 November 2020, <https://www.youtube.com/watch?v=eWqnmGqpPZY>
- 369/  Deibert, R. (2016). My conversations with Edward Snowden. 3 April 2016. <https://deibert.citizenlab.ca/2016/04/chatting-with-snowden/>
-  Access Now. Fireside Chat: Ron Deibert, Edward Snowden & Amie Stepanovich - The Hub. Youtube. 1 April 2016, <https://www.youtube.com/watch?v=yGDqXokPGiE>
-  University of Toronto. Snowden lawyer discusses need for Citizen Lab with director Ron Deibert. 4 February 2016, <https://politics.utoronto.ca/2016/02/snowden-lawyer-discusses-need-for-citizen-lab-with-director-ron-deibert/>
- 370/  IMDB. Black Code. 2016. <https://m.imdb.com/title/tt5937964/>
- 371/  CTECH. Edward Snowden Slams Israeli Spyware Firm. 7 November 2018, <https://www.calcalistech.com/ctech/articles/0,7340,L-3749337,00.html>
-  The Wire. Youtube. Your Smartphone Is Worse Than A Spy in Your Pocket: Edward Snowden. 22 July 2021, <https://www.youtube.com/watch?v=quj2NG34834>
-  Mr Snowden also seems to be a personal acquaintance of Mr Guarnieri, the tech lead at Amnesty Tech and former Citizen Lab Fellow. See for instance the event at Studentersamfundet i Trondhjem. Meet Snowden. Youtube. 11 March 2018, <https://www.youtube.com/watch?v=nQ83xLdOtCQ>
- 372/  Deibert, R. (2020). Reset: Reclaiming the Internet for Civil Society. The CBC Lectures. House of Anansi Press. <https://houseofanansi.com/products/reset>



Edward Snowden @Snowden



Reporters writing on the Apple-NSO story should understand this lawsuit would not be *possible* without years-long investigations of @citizenlab, who are close to single-handedly responsible for uncovering the bulk of what we know about the NSO group's darkest deeds.

John Scott-Railt... Jun 28
 BREAKING NOW: @Apple just filed a major lawsuit against NSO Group.
 Apple also notifying some recent targets...
[Show this thread](#)

Apple sues NSO Group to curb the abuse of state-sponsored spyware

23 Nov, 2021



Edward Snowden @Snowden



Huge: @citizenlab catches ISPs invisibly redirecting download requests for popular programs, injecting them with government spyware. Unencrypted web traffic is now provably a critical, in-the-wild vulnerability. 20-30% of top internet sites affected.

citizenlab.ca
BAD TRAFFIC: Sandvine's PacketLogic Devices Used to Deploy Government Spyware in Turkey...

15:03 · 09 Mar 2018



Edward Snowden @Snowden · Jul 21, 2021

Replying to @rj_gallagher

You do know Amnesty & Citizenlab actually examined phones whose numbers were on the list and found forensic evidence of Pegasus, right? Pretty irresponsible to amplify an obviously false statement.



Edward Snowden @Snowden · Jul 21, 2021

Replying to @Snowden and @rj_gallagher

Every story makes it clear that the 50k figure refers to a superset of people who were entered into a system (such as for HLR lookups), but did not necessarily have exploits launched against them. Hulo is trying to muddy the waters without commenting on confirmed infections.



Edward Snowden @Snowden



Here's the question: if the list of numbers was delivered from Mars, so long as forensically examining many of the phones bearing those numbers were in fact infected by Pegasus, who should we look to for an explanation?

The answer is not Martians, but NSO.

3:59 · 22 Dec 2017



Edward Snowden @Snowden



Haaretz confirms reports by @Citizenlab showing Saudi Arabia's purge of regime opponents was fueled by the #NSO group, an out of control Israeli hacking company. Before Khashoggi's murder, three of his contacts were targeted by SA using NSO's burglary kit.



haaretz.com
Israeli NSO negotiated with Saudis advanced cyberattack capabilities sale, Haaretz reveals...

Mr Snowden seems to acknowledge that sometimes the lists of suspected victims of Pegasus have been leaked to Citizen Lab:

“Here’s the question: if the list of numbers was delivered from Mars, so long as forensically examining many of the phones bearing those numbers were in fact infected by Pegasus, who should we look to for an explanation? The answer is not the Martians, but NSO”.³⁷³


Strangely enough, in a video published by Anonymous in 2021, Mr Snowden recommends people to contact Citizen Lab whenever they believe to be spied on but pretends not to know Mr Deibert, just a few months after he wrote his praising remarks for him.³⁷⁴


“...with that link, but you send it to a group like Citizen Lab. It’s run by a guy named Ronald Deibert I believe, you guys will have to fact-check me on that one, I think he just published a book about all of this. But it’s really they are the world leaders, in my opinion, in basically”.


373/  Edward Snowden. @snowden. 21 July 2021, https://twitter.com/Snowden/status/1417885711517298694?s=20&t=6A-1NbPb0eY26SYm9Mk_eQ


374/  Anonymous Oficial. Nobody Knows About This “Prepare Yourself”. Youtube. 24 February 2021, https://www.youtube.com/watch?v=d40oHhECx_I

Whether Mr Snowden's relationship with Mr Deibert and Mr Boye has something to do with the CatalanGate investigation remains a conjecture, but what seems confirmed is that many of the presumed "victims" in this investigation have been trying to conceal their relationship with Russia. The contacts between Kremlin's agents and Catalan nationalism seem to embarrass part of this movement, and some of the participants in the CatalanGate investigation in particular. For instance, Mr Josep Rius claimed that the attempts to link Mr Puigdemont with Russia were "fake news" during a parliamentary debate on 7 April 2020,³⁷⁵ and Ms Riba claimed "I can to [sic] confirm that the Catalan Government never had contact with Russia, never, and my party now are, is [sic] the Catalan Government...we never, never have contact, the Catalan Government with Russia [sic]" in a public hearing at the Council of Europe on 12 December 2022.³⁷⁶ Two days after Ms Riba's statement, a French TV network aired a documentary in which Mr Victor Terradellas — an assistant of Mr Puigdemont—, confirmed what he had already confirmed in court:³⁷⁷ that Russian emissaries had met with the Catalan Government in *Casa dels Canonges*, the official residence the President of the *Generalitat* on 26 October 2017. Their discussion revolved around the independence of Catalonia and during that meeting, the Russian emissaries said that once independence was declared, they could provide financial and military aid.³⁷⁸ At the very least, Citizen Lab could have considered this notorious relationship as a potential limitation or caveat in their report and undertaken some precautionary measures to avoid any potential interference from Russia or those collaborating with them.

375/  *Crónica Global. El Parlament rechaza condenar los "contactos" de Puigdemont y su entorno en Rusia. 7 April 2022, https://cronicaglobal.elespanol.com/politica/parlament-evita-condenar-contactos-puigdemont-entorno-rusia_637368_102.html*

376/  *Pace public hearing, 1:11:00. https://www.youtube.com/watch?v=zZft_10cWJs*

377/  *El País. Un investigado declara que un emisario del Kremlin ofreció en 2017 a Puigdemont una videollamada con Putin. 11 May 2022, <https://elpais.com/espana/catalunya/2022-05-11/un-investigado-declara-que-puigdemont-se-reunio-con-un-exdiplomatico-ruso-en-pleno-proces.html>*

378/  *The Objective. Un asesor de Puigdemont admite por primera vez que Rusia les ofreció 10.000 soldados. 15 December 2022, <https://theobjective.com/espana/2022-12-15/asesor-puigdemont-rusia/>*


13


Unusual reaction
from the University
of Toronto

At least three different requests were sent to open an independent investigation at Munk School, University of Toronto, on the “CatalanGate; Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru” report published on 18 April 2022:

- | *A letter signed by 16 professors from a variety of research institutions (including: University of Barcelona, Elcano Royal Institute, Leiden University, Queen Mary University, CIDE, UNED, CSIC, University of Granada, IE Business School) was sent on 20 May 2022, alongside a 20-pages document summarising a series of ethical and methodological issues detected in the “CatalanGate” report.*³⁷⁹
- | *A letter signed by over 100 professors and independent intellectuals from a variety of institutions (including Yale University, University of Seville, Harvard Medical School, University of Northumbria, Autonomous University of Barcelona, Carlos III University, Pompeu Fabra University, Beijing Foreign Studies University, etc.) was sent on 5 July 2022.*³⁸⁰
- | *A letter was sent by MEP Jordi Cañas on 12 July 2022.*

These petitions were motivated by the serious methodological and research ethics issues detected in the report, by the public testimonies of many of the participants, and by the formal statement that the Director of Citizen Lab, Mr Ronald Deibert made public on 13 May 2022. Mr Deibert’s statement was a response to a list of questions submitted by a group of Members of the European Parliament from the Renew group to the President of the University of Toronto, Mr Meric Gertler, on 11 May 2022. Mr Deibert’s responses increased suspicions of malpractice, due to the contradictions with the testimonies of participants, deliberate omissions, and determination to avoid sharing any relevant information that could be used by other researchers to validate or reproduce some of the analyses that had led to quite strong conclusions and accusations against a private firm and the Government of Spain.

379/  *Letter to the University of Toronto 20 May 2022, <https://paginadelforodeprofesores.files.wordpress.com/2022/05/letter-to-uoft-recommending-independent-investigation-citizen>*

380/  *Letter to the University of Toronto 5 July 2022, <https://paginadelforodeprofesores.files.wordpress.com/2022/07/letter-to-university-of-toronto-by-foro-de-profesores-5-july-2022-re-catalangate-report.pdf>*

The request to open the investigation included an observations document with 22 pages providing evidence and requesting answers regarding a multitude of issues compatible with instances of research misconduct,³⁸¹ as collected in section 4 of the Framework to Address Allegations of Research Misconduct of the University of Toronto.³⁸² These included potential fabrication of data, financial misconduct, failure to provide relevant information or materials to the University's research ethics board, false or misleading statements contrary to good faith reporting, failing to include collaborators that participated in the forensic analyses for the report, wilfully misrepresenting findings, etc. This letter, although addressed to Ms Lorraine Ferris, Associate Vice President, Research Oversight and Compliance at the University of Toronto, was copied to the President of the University, the Director of the Munk School, the Director of Internal Audit, the Director of Citizen Lab, the President of the Social Sciences and Humanities Research Council, and to several MEPs.

Ms Lorraine Ferris responded dismissing the petition on 31 May 2022 and ignoring the evidence provided. The first signatory of the letter tried to clarify several of the aspects in the petition and some of the allegations that she had apparently misinterpreted in several emails —on 1 June, 22 June and 14 July 2022— and reminded her that the request for an internal investigation was in line with the Principles of Good Governance³⁸³ of the University of Toronto, its Research Integrity Policy,³⁸⁴ and the 2010 Expert Panel on Research Integrity report,³⁸⁵ as well as with the basic academic expectations on transparency and public accountability. Moreover, new allegations of potential research misconduct were included in the email sent on 14 July 2022. However, all responses given by the University of Toronto were elusive and the last message received from Ms Ferris, on 18 July 2022, was simply an identical response to the one she sent to dismiss the other two letters that had requested an independent investigation —one from a group of over 100 professors from many different universities, and another from Jordi Cañas MEP—. The last message sent on 19 July 2022, was addressed exclusively to Mr Peter Loewen, the Director of the Munk School of Global Affairs and Public Policy, but he never responded.

The author of this review also contacted the members of the Research Ethics Board of the University of Toronto regarding the participation of Mr Elies Campo in the investigation, the disclosure of conflicts of interest, the disclosure of potentially problematic ethics issues regarding the specific investigation in Catalonia and the funding of this investigation. However, the response received from Ms Margaret Pichora-Fuller on 29 April 2022 was very short, ambiguous, and ignored most of the questions. The follow up request to Ms Pichora-Fuller on that same day was never acknowledged. Presumably, no specific permissions were requested or granted regarding the investigation in Catalonia, and the Ethics board was not informed that forensic analyses and case selection for the report were conducted by political parties. This seems as if the University Research Ethics Board granted Citizen Lab a sort of "free pass" on the Pegasus

project, and Citizen Lab had interpreted that they could act similarly in democracies and in authoritarian countries, assuming the absence of rule of law and the illegality of police monitoring.

Giving such a blanket license to conduct highly sensitive research (without further validation of research ethics committees) and blocking any attempt to launch an independent investigation is extremely problematic. University of Toronto may be inadvertently creating incentives for reckless and unacademic behaviour. The observed non-reported (material and political) conflict of interests compounded with a non-transparent and unaccountable behaviour can be construed as against the ethos of academia. It is unclear if this case is representative of a surprisingly lax research ethics policy at the Munk School and the University of Toronto, or if this is just simply an exception that illustrates the existence of differentiated standards and expectations to comply with usual social science research ethics regulations within these Canadian institutions.

Given the lack of collaboration and credible explanations by the Research Oversight and Compliance office and the Research Ethics Board, the Ombudsperson of the University of Toronto, Mr Bruce Kidd, was contacted on 22 July 2022 and requested formally to intervene in the case and convince the University of Toronto and the Munk School to open an investigation on the matter.

- 381/  *Olivas Osuna, J.J. (2022). Methodological and ethical issues in Citizen Lab's spyware investigation in Catalonia, document publicly available on ResearchGate: https://www.researchgate.net/publication/361140330_Methodological_and_ethical_issues_in_Citizen_Lab's_spyware_investigation_in_Catalonia*
- 382/  *Framework to Address Allegations of Research Misconduct of the University of Toronto (2013) <https://research.utoronto.ca/media/48/download>*
- 383/  *The Preamble of the Principles of Good Governance of the University of Toronto refers to: "...the need to be seen to be accountable – through transparency – to all parties interested in and supporting the University ..." University of Toronto. Governing Council. Principles of Good Governance (2010). <https://governingcouncil.utoronto.ca/system/files/import-files/principles7288.pdf>*
- 384/  *Research Integrity page. The University of Toronto states: "U of T strives to uphold the highest standards of research integrity and will respond to allegations of research misconduct according to the Framework to Address Allegations of Research Misconduct". University of Toronto. Research Integrity. <https://research.utoronto.ca/research-integrity/research-integrity>*
- 385/  *Expert Panel on Research Integrity (2010). Honesty, Accountability and Trust: Fostering Research Integrity in Canada. Council of Canadian Academies https://cca-reports.ca/wp-content/uploads/2018/10/ri_report.pdf*

However, Mr Bruce Kid rejected the request claiming that someone outside the University would not fall under his jurisdiction, but also expressed that if someone fell under their jurisdiction, they would be redirected to the abovementioned Research Oversight and Compliance office:

“The terms of reference for the University Ombudsperson preclude me from investigating a complaint arising from someone who does not fall under the jurisdiction of the University’ Governing Council, as well as complaints that do not fall under our jurisdiction. Please note that if a member of the UofT community who fell under our jurisdiction was to contact us with similar concerns about the activities of the Citizen Lab, we would redirect their complaint to the Research Oversight & Compliance Office”.³⁸⁶

Additionally, a Freedom of Information and Protection of Privacy Act (FIPPA) request was filled on 22 July 2022 (Request #22-0052).³⁸⁷ On 22 August 2022, Mr Rafael Eskenazi, Director of Freedom of Information and Protection of Privacy Office, acknowledged that records responsive to the request had been located but that since the records may affect the interests of third parties they had to undertake a consultation.

On 21 September 2022 Mr Eskenazi fulfilled partially the formal transparency request. The request included the release of 6 types of data:

^{386/} Email from Mr Bruce Kidd to Mr José Javier Olivas Osuna on 2 August 2022.

^{387/} A two pages Freedom of Information Request Form was submitted by José Javier Olivas Osuna digitally to the Freedom of Information and Protection of Privacy Office on 22 July 2022.

A

→ *Income or other sources of funding received by Citizen Lab since 2017. Including the funding from Munk School / University of Toronto as well from the detailed amount of funding received by any other institution and private individual, including anonymous donors, funding from research grants, funding as payment of potential services by Citizen Lab to third parties, etc. Please provide the dates in which payments or allocations were made.*

B

→ *Any other type of significant donation, perk, material compensation or gift received by the Citizen Lab or its faculty members*

The University of Toronto released a spreadsheet that included the amounts received by Citizen Lab, and the date, but did not include the names of the funding organisations. Citizen Lab's funding was 1,750,135 CAD for the academic course 2019-2020, when the investigation in Catalonia started, and the funding obtained for the academic course 2021-2022 was 3,713,603 CAD (a 112% increase). The information regarding the names of the funding organisations was later requested several times to the Freedom of Information and Protection of Privacy Office, but to not avail. After several exchanges and periods of time theoretically necessary to consult with affected stakeholders, on 30 January 2023, this office announced that "the information of the funders/donors in parts A & B of your request has been withheld under FIPPA s. 18(1)(c) because disclosure could reasonably be expected to prejudice the economic interests or the competitive position of the University".³⁸⁸ The justification provided is far from satisfactory. Concealing the names of all funding individuals and organisations of a research centre belonging to a public university is extremely unusual and likely problematic from a legal point of view.

C

→ *Information about alternative sources of funding declared to Munk School/University of Toronto by the faculty members and staff of the Citizen Lab (if you are not able to reveal the names of the recipients or the names of the organisations that employ them or enjoy their services outside Munk School/UofT, please provide the anonymized information, e.g., staff member 1 conducts paid work for an IT security consulting firm, staff member 2 seats and is paid for their work in the board of an international NGO, etc.) Please include all known alternative activities reported to the Munk School/UofT since 2017 (even those that have ceased by the time of the access request).*

The University of Toronto determined that any responsive records to part C of the request would be excluded pursuant to section 65(6) of FIPPA because FIPPA does not apply to records collected, prepared, maintained or used by, or on behalf of the University in relation to employment-related matters in which the University has an interest.

³⁸⁸ Email from Ms Lindsay Mills to Mr José Javier Olivas Osuna on 30 January 2023.

D

→ *Information about any services contract signed by the Citizen Lab with any organization related to the Pegasus project (it could be contracts related to services provided or received). Please include also the dates, amount and data to identify the organisation or individual contractors involved.*

E

→ *Minutes from the meetings at Citizen Lab and the Munk School in which there were any references to the Pegasus or Candiru spyware investigation in Catalonia.*

The University of Toronto claimed that they did not locate any records responsive to parts D and E of the request, which seems very strange given the magnitude of the project and the evident contacts with independence parties and organisations since July 2020.

F

→ *Copies of any agreements and meetings' minutes between Citizen Lab and Apple, Citizen Lab and WhatsApp/Facebook, Citizen Lab and any communication/PR company, as well as between Citizen Lab and any Catalan political organisation or firm, since 2017.*

The University of Toronto located 124 pages of records responsive to part F of the request, but it was the decision of the University to release only 9 pages in full and 3 pages in part, as follows:

- *112 full pages have been withheld from disclosure because they contain detailed research information the disclosure of which could reasonably be expected to be harmful to research, consistent with FIPPA section 65(8.1) and FIPPA does not apply to these records*
- *A portion of 1 page has been withheld, pursuant to FIPPA section 14(1)(e), because disclosure could reasonably be expected to endanger the life or physical safety of a law enforcement officer or any other person, and pursuant to FIPPA section 20, because disclosure could be expected to threaten health and safety*
- *Portions of 2 pages have been withheld pursuant to FIPPA section 21 because they are comprised of personal information, the disclosure of which would constitute an unjustified invasion of personal privacy.*



FREEDOM OF INFORMATION & PROTECTION OF PRIVACY OFFICE

September 21, 2022

Dr. José Javier Olivas Osuna

Delivered via E-Mail (J.J.Olivas-Osuna@lse.ac.uk)

Dear Dr. José Javier Olivas Osuna:

Re: Request #22-0052 – Access Decision

Thank you for your request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) for:

I would like to request the following information regarding the Citizen Lab:

a) Income or other sources of funding received by Citizen Lab since 2017. Including the funding from Munk School / University of Toronto as well from the detailed amount of funding received by any other institution and private individual, including anonymous donors, funding from research grants, funding as payment of potential services by Citizen Lab to third parties, etc. Please provide the dates in which payments or allocations were made.

b) Any other type of significant donation, perk, material compensation or gift received by the Citizen Lab or its faculty members (sic)

c) Information about alternative sources of funding declared to Munk School/University of Toronto by the faculty members and staff of the Citizen Lab (if you are not able to reveal the names of the recipients or the names of the organisations that employ them or enjoy their services outside Munk School/UofT, please provide the anonymized information, e.g., staff member 1 conducts paid work for an IT security consulting firm, staff member 2 seats and is paid for their work in the board of an international NGO, etc. Please include all known alternative activities reported to the Munk School/UofT since 2017 (even those that have ceased by the time of the access request).

d) Information about any services contract signed by the Citizen Lab with any organization related to the Pegasus project (it could be contracts related to services provided or received). Please include also the dates, amount and data to identify the organisation or individual contractors involved.

FIPPA REQUEST

e) Minutes from the meetings at Citizen Lab and the Munk School in which there were any references to the Pegasus or Candiru spyware investigation in Catalonia.

f) Copies of any agreements and meetings' minutes between Citizen Lab and Apple, Citizen Lab and WhatsApp/Facebook, Citizen Lab and any communication/PR company, as well as between Citizen Lab and any Catalan political organisation or firm, since 2017.

As detailed in my August 22, 2022 letter to you in this matter, the University provided notice to third parties whose interests may be affected by the disclosure of records responsive to your request and sought representations from third parties regarding those records.

In making its decision, the University carefully considered all relevant factors, including previous Orders of the Information and Privacy Commissioner of Ontario (the IPC) and the submissions of the affected third parties.

It is the decision of the University to respond to the parts of your request as follows:

Parts A and B of your request:

In response to parts A and B of your request, please find a spreadsheet (attached as Appendix A to this correspondence) detailing the “[i]ncome or other sources of funding received by Citizen Lab since 2017...(part A), which includes “[a]ny other type of significant donation, perk, material compensation or gift received by the Citizen Lab or its faculty members (sic)” (Part B).

Part C of your request:

The University has determined that any responsive records to part C of your request would be excluded pursuant to section 65(6) of FIPPA because FIPPA does not apply to records collected, prepared, maintained or used by, or on behalf of the University in relation to employment-related matters in which the University has an interest.

Parts D and E of your request:

Careful searches by the University did not locate any records responsive to parts D and E of your request.

Part F of your request:

A careful search by the University located 124 pages of records responsive to part F of your request. It is the decision of the University to release 9 pages in full and 3 pages in part, as follows:

- 112 full pages have been withheld from disclosure because they contain detailed research information the disclosure of which could reasonably be expected to be harmful to research, consistent with FIPPA section 65(8.1) and FIPPA does not apply to these records;

- A portion of 1 page has been withheld, pursuant to FIPPA section 14(1)(e), because disclosure could reasonably be expected to endanger the life or physical safety of a law enforcement officer or any other person, and pursuant to FIPPA section 20, because disclosure could be expected to threaten health and safety; and
- Portions of 2 pages have been withheld pursuant to FIPPA section 21 because they are comprised of personal information, the disclosure of which would constitute an unjustified invasion of personal privacy.

FIPPA section 50(1) allows you to appeal any decision made by the University, within 30 days, by notifying the Information and Privacy Commissioner/Ontario (the IPC). Therefore, you may appeal this decision within thirty days of the date of this letter. The IPC's contact information is as follows:

2 Bloor Street East
Suite 1400
Toronto, Ontario M4W 1A8
Telephone: 416) 326-3333 (Toll Free: 1-800-387-0073)
Email: info@ipc.on.ca

A third party will also have 30 days to appeal the decision to the IPC pursuant to FIPPA s. 28(8)(a) before any records can be disclosed to you pursuant to FIPPA s. 28(8)(b).

If you choose to appeal this decision, you should quote the above file number to the IPC and provide a copy of your original request and this decision letter. You will also be required to provide the IPC with an appeal fee of \$25.00.

If you have any questions, please do not hesitate to contact me via email at rafael.eskenazi@utoronto.ca or by telephone at 416-416-427-4963.

Yours truly,



Rafael Eskenazi, Director
Freedom of Information and Protection of Privacy Office

TABLE 4

FIPPA REQUEST

Appendix A


End Date	Total Funding		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	USD/other	CAD						
31.12.2021	1,000,000	1,304,917		328,049	327,718	649,150		
31.10.2021	1,400,000	1,800,680	450,170	450,170	450,170		450,170	
31.07.2021	450,000	586,845		191,703	195,876	199,266		
31.11.2021	300,000	503,790		167,930	167,930	167,930		
31.01.2022	-	355,950			124,300	141,250	72,924	
31.12.2022	360,000	468,540			156,180	156,180	156,180	
31.12.2022	350,977	487,469	104,167	227,875	41,667			
31.12.2020	150,000	200,910		200,910				
31.10.2021	1,100,000	1,443,310		949,181		494,129		
31.05.2022	100,000	120,420					120,420	
30.11.2024	450,000	765,585					255,195	
30.12.2025		1,521,600					380,400	
28.02.2025	750,000	952,650						317,550
31.03.2025	300,000	375,240						
-	850,000	954,295	40,362	41,167	41,972	42,828	47,196	
-	540,000	664,600	274,093					
30.09.2020	290,000	381,176		189,515	191,661			
30.09.2022	290,000	367,744				191,801	175,943	
-	25,000	33,343			33,343			
-	200,000	251,500				251,500		
-	-	25,000		5,000	10,000	10,000		
-	16,525	21,040				21,040		
		10,000					10,000	
		100,000					100,000	
		89,779	2,984	3,565	9,319	21,980	44,575	7,357
31.12.9999		1,150,000					1,150,000	
31.12.9999		750,000					750,600	
	8,922,502	15,686,381	871,776	2,755,065	1,750,135	2,347,054	3,713,603	324,907

On 9 November 2022, the University of Toronto released the pages corresponding to two contracts (excluding the Appendixes):

- *A contract of 46,900 CAD with BYFACILITY S.L. represented by Mr Axel Gasulla Roglà (sole administrator), for the visual design, front end, back end and maintenance of a web page. Contract signed by Mr Peter Loewen Director of Munk School of Global Affairs and Public Policy) and Ms Melanie Woodin (University of Toronto) on 5 April 2022. This contract was presumably to develop the infographics webpage for the CatalanGate report that is signed by Domestic Data Streamers. The amount devoted to an infographic website is very unusual in the academic world where budgets are very limited. It is noteworthy that the company is set in Barcelona.³⁸⁹*
- *A contract of 7,500 CAD with Mr Milan Schramek to create an animation to complement a Citizen Lab report on digital transnational repression. The contract was signed on 7 December 2021.*

Among the 112 pages withheld there are presumed contracts signed between Citizen Lab and Catalan political organisations, Apple and/or WhatsApp/Facebook but the University does not want to share this information. It is important to note that Mr Deibert stated clearly in a formal letter responding to Renew EMPs that “The Citizen Lab has never been commissioned to find evidence for a lawsuit by any parties to any litigation, including Apple. Under no circumstances would we undertake commissioned research.”³⁹⁰ The existence of such contracts seems to contradict Mr Deibert’s assertions and could potentially entail an undisclosed economic conflict of interests which could imply a breach of the University of Toronto’s Research Integrity framework.

389/  Website presumably commissioned by Citizen Lab:
<https://catalonia.citizenlab.ca/>

 Alex Mr Gasulla Roglà is the CSO – Founding Partner of Domestic Data Streamers <https://domesticstreamers.com/>

390/ Mr Ronald Deibert letter to Jordi Cañas page 6.

Citizen Lab should not operate within academia if they are not willing to follow the very basic academic conventions, accountability norms and deontological code. If they do not observe the scientific method and they simply do industry work or political activism, they could establish themselves as a private firm or as an NGO and continue their collaboration with Big Technological corporations and political parties from there. Alternatively, they could set themselves up publicly as a consulting branch of the University and specify their sources of funding as well as the economic and political interests underpinning their research. Presenting as academic a piece of research that does not follow the minimal academic standards is a deceptive practice.


The indifference shown by Ms Ferris, and the other leaders of the University of Toronto that were copied in several of the message exchanges, and therefore aware of the serious allegations and of the very insufficient justifications for not investigating the case allegations, is very problematic. Citizen Lab is very influential, and it has contributed to bringing a great deal of media attention and funding to Munk School and the University of Toronto. However, if they were so confident that Citizen Lab was operating respectful of their research integrity policy, why acting in such a non-transparent way, providing late and ambiguous responses and disregarding well documented evidence pointing at likely research misconduct? Even when they have been shown the accusations made in the report and the propaganda campaign to hyperbolically discredit Spain internationally, an European democracy and EU Member State, they have shown no apparent concern or interest in clarifying any potential mistake or misunderstanding.

14


The “victims” of “illegal espionage”


It is not clear why Citizen Lab apparently did not use any control group in the investigation or why there is no references to the analyses of devices of people that were not directly connected to secessionist movements. Citizen Lab did not acknowledge whether, among the 1,400 users in the WhatsApp list, there were some other Spanish citizens in addition to the five Catalan politicians and activists mentioned —Mr Torrent, Mr Maragall, Ms Gabriel, Mr Domingo and Mr Miquel—, or how they ruled out the hypothesis that non-secessionist Spaniards could also be victims of spyware attacks. As suggested earlier, it is apparent that fieldwork sought to confirmed only the hypothesis of illegal espionage by Spanish government on pro-independence politicians and activists.


Many of the participants in the investigation were either fugitives, jailed or undergoing trial at the time that Citizen Lab's investigation took place. For instance, Mr Anna Gabriel³⁹¹ Ms Marta Rovira,³⁹² Mr Antoni Comín,³⁹³ Ms Meritxel Serret, Ms Clara Ponsati and Mr Carles Puigdemont were fugitives with arrest warrants.³⁹⁴ Mr Jordi Sànchez and Mr Jordi Cuixart were already sentenced and imprisoned.³⁹⁵ Mr Artur Mas,³⁹⁶ Mr David Madi,³⁹⁷ Mr Xavier Vendrell,³⁹⁸ Mr Josep Maria Jové³⁹⁹ and Mr Gonzalo Boye⁴⁰⁰ were involved in court trials accused of corruption and other crimes during the CatalanGate investigation fieldwork. Some of the other participants were monitored with judicial authorisation: Ms Elsa Artadi, Mr Albert Batet, Mr David Bonvehí, Mr Marc Solsona, Mr Carles Riera, Mr Sergi Miquel, Mr Jordi Baylina, Mr Pau Escrich, Mr Xavier Vives, Mr Marcel Mauri, Ms Elisenda Paluzie, Mr Jordi Bosch, Mr Joan Matamala, Mr Josep Lluís Allay, Mr Xavier Vendrell and Mr Pere Aragonès.⁴⁰¹ Several other victims also faced police investigations related to presumed illegal activities, such as Ms Laura Borrás, Mr David Fernández, Mr Arià Bayé, Mr Ferran Bel, Mr Joan Ramon Casals and Mr Joaquim Torra (see table of victims in the Appendix).

391/  *La Vanguardia. La orden de detener a Anna Gabriel tendrá efectos en España e internacionales. 22 February 2018, <https://www.lavanguardia.com/politica/20180222/44970315359/anna-gabriel-orden-detencion-efectos-internacionales-suiza.html>*

392/  *Crónica Global. La Fiscalía pide una orden de busca y captura internacional contra Marta Rovira, 23 Mars 2018, https://cronicaglobal.lespanol.com/politica/fiscalia-orden-busca-captura-marta-rovira_129551_102.html*


393/  *CoSalud.es. Orden internacional de detención para Antoni Comín, 3 November 2017, https://www.consalud.es/autonomias/cataluna/orden-internacional-de-detencion-para-antoni-comin_43656_102.html*

394/  *La Vanguardia. La juez Lamela emite la orden internacional de busca, captura y prisión de Puigdemont. 3 November 2017, <https://www.lavanguardia.com/politica/20171103/432558010022/juez-orden-detencion-puigdemont.html>*

-  *El País. Estos son los siete líderes del ‘procés’ huidos de España, 19 July 2018, https://elpais.com/politica/2018/07/19/actualidad/1532005516_928674.html*
- 395/  *TV3. Notícies. Jordi Cuixart y Jordi Sànchez, condenados a 9 años de cárcel por sedición. 9 November 2021, <https://www.ccma.cat/324/jordi-cuixart-y-jordi-sanchez-condenados-a-9-anos-de-carcel-por-sedicion/noticia-es/2955685/>*
- 396/  *ABC. Artur Mas, inhabilitado hasta 2020. 5 February 2019, https://www.abc.es/espana/catalunya/politica/abci-artur-mas-inhabilitado-hasta-2020-201902051229_noticia.html*
- 397/  *El Periódico. Una jueza liga el proceso por facturas falsas de David Madí al ‘caso 3%’. 20 May 2021, <https://www.elperiodico.com/es/politica/20210520/jueza-david-madi-caso-3-facturas-falsas-11746090>*
- 398/  *El Periódico. La Guardia Civil implica a Vendrell y Madí en el Tsunami por sus conversaciones. 21 June 2021, <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>*
- 399/  *El Confidencial. La Fiscalía pide hasta siete años de prisión a los cargos intermedios de ERC por el 1-O, 17 February 2023, https://www.elconfidencial.com/espana/2023-02-17/la-fiscalia-pide-hasta-7-anos-de-prision-a-los-cargos-intermedios-de-erc-por-el-1-o_3577710/*
- 400/  *ElDiario.es. La Audiencia Nacional confirma el procesamiento por blanqueo de Gonzalo Boye, abogado de Puigdemont. 28 June 2021, https://www.eldiario.es/politica/audiencia-nacional-confirma-procesamiento-blanqueo-gonzalo-boye-abogado-puigdemont_1_8081620.html*
- 401/  *ElMón. Pegasus: la llista dels 18 espíats pel CNI amb aval del jutge, al descobert. 14 May 2022, <https://elmon.cat/politica/pegasus-llista-18-espíats-cni-422781/>*

The way in which a large part of the “victims” in the CatalanGate decided to promote in a coordinated way the launch of the Tsunami Democràtic platform on Twitter on 2 September 2019 —all quoting the same message in a same way— illustrates how they acted as a well-organised network.



Diana Riba i Giner 
@DianaRibaGiner

...

The repression is hard and we know that the violation of civic and political rights will not stop. But what's at play here is so important that we cannot stop either.

Let's again become a **#TsunamiDemocràtic**

Tsunami Democràtic @tsunami_dem · 02 Sep 2019

Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Quim Torra i Pla 
@QuimTorraPla

...

Rights, if not exercised, lose their meaning. Every day, we have to defend democracy and of our civic, political and social rights, including the right of self-determination. We are committed. Good luck and go forward!
#TsunamiDemocràtic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019

Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Elisenda Paluzie
@epaluzie

...

Let's open a new cycle, let's get our initiative back, always non-violently
#TsunamiDemocràtic #ObjectiuIndependència

Tsunami Democràtic @tsunami_dem · 02 Sep 2019

Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



FreeRomeva
@FreeRomeva

...

Tic TAC tic TAC tic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019

Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Toni Comín
@toni_comin

...

Let's not let the tsunami stop. Action and non-violent mobilization to answer to the repression and overwhelm it. Our democracy and freedom is at play here.
#TsunamiDemocràtic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019

Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Ernest Maragall i Mira 
@ernestmaragall

...

Let's break the repression wall that the State has built with a new **#TsunamiDemocràtic** with the impulse of mobilization, collective action and the defence of democracy and our freedoms, starting for those in prison or exile.

Tsunami Democràtic @tsunami_dem · 02 Sep 2019

Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



ANCBru
@ANCBru



Our rights are at stake. We are going to defend them by means of non-violent civil disobedience. Since "Freedom is not something that anybody can be given, freedom is something people take, and people are as free as they want to be". James Baldwin

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Marta Rovira Vergés ✓
@martarovira



As we defended the polls and our right to vote, we will defend democracy and our rights and freedoms as many times as necessary. A referendum is not a crime. Defending the independence is not one either.
#TsunamiDemocràtic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



David Bonhevi
@davidbonhevi



Voting can never be a crime, lets' answer the possible unlawful sentence together!

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Josep Lluís Alay
@josepalay



May the Tsunami Democratic carry away injustice and repression from our home!

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Alfred Bosch ✓
@AlfredBosch



Against the repression hurricanes, democratic tsunamis. Welcome **@tsunami_dem** to democratically and pacifically answer a historical injustice.

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



Roger Torrent i Ramió ✓
@Rogertorrent



In front of the democratic involution of the State, let us unite to defend our rights and freedoms non-violently. Voting has never been a crime!


#TsunamiDemocràtic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019



 **krls.eth / Carles Puigdemont**  @KRLS ...

We have to get our initiative back, in every field. This is a good way, intelligent. Compromise with non-violence makes us stronger, no body doubt that. And yes, now starts the time of the takeover.

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019

 **Oriol Junqueras**  @junqueras ...

Junqueras: voting is not a crime! Democracy will prevail above everything and we unite to defend it! Always!
#tsunamidemocratic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019

 **Pere Aragonès i Garcia** ...
@perearagones

Voting, having a referendum is not a crime. Neither is independence. We will defend it always and everywhere! Democracy and freedom always, let us unite!
#TsunamiDemocràtic

Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...

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02 Sep, 2019

 **Josep Costa** ...
@josepcosta

I have joined already. What about you?


Tsunami Democràtic @tsunami_dem · 02 Sep 2019
Recuperem la iniciativa!
Amb la noviolència i la desobediència civil com a eines, avancem-nos a la sentència. Canviem l'estat de les coses:...


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02 Sep, 2019

Therefore, the presumed participation in illegal activities of so many of the voluntary participants in the CatalanGate study—that any democratic government would have not only the right, but also the obligation to investigate—was public and well documented. It is extremely surprising that Citizen Lab did not consider as a possibility that these participants may not be victims, but on the contrary, members of a network that was using illegal means in a secessionist project and trying to use the reputation of the Canadian research institute to help discredit the accusations and the evidence that was being collected, in several judicial and police investigations, against them.

It is also relevant that some of the alleged victims were making very controversial public statements during the period in which the research was conducted. For instance, Ms Paluzie, former leader of the 80,000 members strong secessionist organisation ANC, openly called for breaking the law and implementing a unilateral declaration of independence.⁴⁰² Similarly, some of the nationalist leaders, considered as victims in the report, claimed that they “will do it again” (“*ho tornarem a fer*”) referring to the attempt to achieve unilaterally the independence of Catalonia.⁴⁰³

402/  *Europa Press. Paluzie (ANC) insta a preparar una DUI efectiva y ve “poco realista” pactar la autodeterminación, 5 September 2021, <https://www.europapress.es/catalunya/noticia-paluzie-anc-insta-preparar-dui-efectiva-ve-poco-realista-pactar-autodeterminacion-20210905110043.html>*

403/  *Cuixart, J. (2019). *Ho tornarem a fer. Quan la injustícia és la llei, la desobediència civil és un dret*. Barcelona: ARA Llibres. Junqueras, O. & Rovira, M. (2020), *Tornarem a vencer (i com ho farem)*. Barcelona: ARA Llibres. *La República*. [VÍDEO] Cuixart: “*Ho tornarem a fer i no en tinc cap dubte, perquè l’única lluita que es perd és la que s’abandona.*” 11 July 2020, <https://www.larepublica.cat/noticies/video-cuixart-ho-tornarem-a-fer-i-no-en-tinc-cap-dubte-perque-lunica-lluita-que-es-perd-es-la-que-sabandona/>*

 *The Yellows Catalonia. *The Yellows 21 – Ho ternarem a fer*. Youtube. 17 June 2019, <https://youtu.be/yqjIyscbi7o>*

Most of the assumed victims of illegal espionage were investigated, facing, or awaiting trial or already sentenced for a variety of crimes —mostly linked with achieving political independence of Catalonia by illegal means—. Many of them had strong direct connections with several of the other participants forming a network of political activists before and throughout the period of the CatalanGate investigation. This network was attempting to provoke a unilateral secession of Catalonia relying on means Spanish Courts had repeatedly declared as illegal —and sometimes unconstitutional— and presumably with support of Russian secret services. Commonly accepted research ethics protocols would suggest that several questions are responded to assess whether this constitutes a case of research misconduct —with potential legal spill-over effects in Spain—:

- A → *Was the University of Toronto informed that many of the participants were undergoing trial or had arrest warrants by the Spanish justice before they were first contacted?*
- B → *Did the University of Toronto give permission to Citizen Lab to warn the secessionist leaders about the presumed surveillance by the Spanish security services?*
- C → *Did Citizen Lab ask the participants in the investigation to maintain confidentiality and only warn people selected by the team, to prevent interference with the course of justice in Spain?*
- D → *Did any member in Citizen Lab express concerns that their assistance to the abovementioned network of secessionist leaders could have a negative impact in the stability of Spain?*
- E → *Is there any specific ethical or security protocol in place at the University of Toronto concerning the involvement in research of subjects who are suspected and/or formally investigated for involvement in criminal activities?*
- F → *Were participants' known criminal charges disclosed to the Research Ethics Board?*

The University of Toronto has not provided any response to these questions yet and the elusive responses when asked about these very serious issues seem to indicate that no special precautionary measures were in place during fieldwork in Catalonia.

VICTIMS CATALANGATE

Citizen Lab List of presumed victims	Catalangate.cat website	Fugitives from justice with international warrants	Monitored with Court Authorisation ¹	Sentenced to prison	Involved in police investigations or trials	Personal relationship with investigated activists and politicians
Jordi Cuixart	Jordi Cuixart			Jordi Cuixart sentenced to 9 years for sedition ²		Partner of Meritxell Bonet. Friend of Junqueras, Puigdemont and Jordi Sànchez among others
Carles Puigdemont	Carles Puigdemont	Carles Puigdemont	Carles Puigdemont		Carles Puigdemont is investigated on rebellion and misappropriation of public funding, as well as regarding the organisation of Tsunami Democratic ³	Member of the Catalan Government that declared unilaterally independence
Oriol Junqueras	Oriol Junqueras		Oriol Junqueras	Oriol Junqueras sentenced to 13 years for sedition and misappropriation of public funds ⁴		Member of the Catalan Government that declared unilaterally independence
Alba Bosch	Alba Bosch					
Albano Dante Fachin	Albano Dante Fachin					Friend of Puigdemont, Jon Iñarritu, Toni Comin, etc. ⁵
Albert Batet	Albert Batet		Albert Batet			Personal friend of Carles Puigdemont
Albert Botran	Albert Botran				Albert Botran (investigated in 2017 for participating in a tribute to Terrorist group Terra Lliure) ⁶	Fernandez, Riera and Botrán presented a joint complaint regarding Pegasus. Fernandez and Botrán have collaborated repeatedly
Andreu Van den Eynde	Andreu Van den Eynde					Friend of David Fernandez. Friend and lawyer of Roger Torrent ⁷

Anna Gabriel	Politician (CUP) / first politician non member of Catalan Government signing the Unilateral Declaration of Independence	Anna Gabriel	Anna Gabriel	Anna Gabriel investigated by the Supreme Court on rebellion charges and by National High Court by her relationship with CDRs ⁸	Close collaborator of Riera
Antoni Comín	Politician (ERC)	Antoni Comín	Antoni Comín	Antoni Comín Investigated by Supreme Court on rebellion charges and in the "Voloh" case ⁹	Friend and close collaborator of Puigdemont
Arià Bayé	Political activist, member of secessionist organisation ANC	Arià Bayé		Aria Baye was arrested in 2017 for participation in violent riots, he was acquitted in 2021 ¹⁰	Paluzie, Domingo, Urpi and Sánchez made a joint formal complaint against NSO
Arnaldo Otegi	Leader of EH Bildu / Former member of ETA terrorist group			Arnaldo Otegui was sentenced to 10 years for being member of ETA, freed in 2016 ¹¹	
Artur Mas	Politician (CDC and PdeCAT) former President of Catalonia	Artur Mas		Artur Mas was condemned for disobedience and deemed co-responsible for returning 5 million euros spent on the illegal 9N referendum in 2014 ¹²	Artur Mas chose Puigdemont as his successor
Carles Riera	Politician (CUP)	Carles Riera	Carles Riera	Carles Riera was investigated regarding the Tsunami Democràtic violent protests ¹³	Close collaborator of Gabriel
David Bonvehí	Politician (PDeCAT)		David Bonvehí		Up to 2020 close collaboration with Puigdemont
David Fernández	Politician (CUP). He coined the term "Tsunami Democratic" in 2014 referring to the 9N (illegal) independence referendum	David Fernández		David Fernandez was investigated regarding the Tsunami Democràtic violent protests ¹⁴	Personal friend of Cuixart. Fernandez, Riera and Botrán presented a joint complaint regarding Pegasus. Fernandez and Botrán have collaborated repeatedly

VICTIMS CATALANGATE

Citizen Lab List of presumed victims	Catalangate.cat website	Fugitives from justice with international warrants	Monitored with Court Authorisation	Sentenced to prison	Involved in police investigations or trials	Personal relationship with investigated activists and politicians
David Madi	David Madi			David Madi sentenced to 14 months on fraud charges ¹⁵	David Madi was arrested and investigated within "Voloh case" ¹⁶	Personal friend of Puigdemont
Diana Riba	Diana Riba					Wife of secessionist leader imprisoned and then pardoned Raul Romeva. Jordi Solé, Josep Maria Jové and Diana Riba presented a joint formal complaint against NSO
Dolors Mas	Dolors Mas					Friend of Puigdemont
Dr. Elias Campo	Dr. Elias Campo					Father of Elies Campo and husband of Maria Cid
Elias Campo	Elias Campo				Elies Campo was investigated for participating in the creation of Tsunami Democratic app ¹⁷	Author of the report, he collaborated with Xavier Vives, Jordi Baylina, Pau Escrich, Puigdemont
Elisenda Paluzie	Elisenda Paluzie		Elisenda Paluzie		Elisenda Paluzie was investigated for justifying the use of violence for the independence cause in TV ¹⁸	Paluzie, Domingo, Urpi and Sánchez made a joint formal complaint against NSO
Elsa Artadi	Elsa Artadi		Elsa Artadi		Elsa Artadi was investigated for her secret meetings with Kremlin emissaries before declaration of independence and "Catalan CNI" ¹⁹	Close collaborator of Puigdemont ²⁰

Ernest Maragall	Politician (ERC)	Ernest Maragall					He coined the term CatalanGate. Ernest Maragall and Roger Torrent made a joint formal complaint regarding presumed espionage with Pegasus
Ferran Bel	Politician (PDeCAT)	Ferran Bel				Ferran Bel was investigated for participating in the organisation of the illegal referendum in 2017 ²¹	Collaborated with Puigdemont ²²
Gonzalo Boye	Lawyer of Carles Puigdemont and many other secessionist leaders / Former convict for collaboration with ETA terrorist group	Gonzalo Boye	Gonzalo Boye	(In prison for terrorist charges but freed in 2002)		Gonzalo Boye investigated for money laundering for a drug trafficking organisation ²³	Close collaborator and personal friend of Puigdemont. Coordinated the process of identification of victims within Junts per Catalunya
Jaume Alonso Cuevillas	Politician (Junts per Catalunya) and lawyer of Carles Puigdemont and other secessionist leaders	Jaume Alonso Cuevillas					Close collaborator of Puigdemont ²⁴
Joan Matamala	Entrepreneur and activist	Joan Matamala	Joan Matamala			Joan Matamala was investigated for participating in the creation of Tsunami Democratic app ²⁵	Personal friend of Carles Puigdemont. Collaborator of Jordi Baylina
Joan Ramon Casals	Politician (Junts per Catalunya)	Joan Ramon Casals				Joan Ramon Casals was investigated for participating in the organisation of the illegal referendum in 2017 ²⁶	Close collaborator of Joaquim Torra
Joaquim Jubert	Politician (Junts per Catalunya)	Joaquim Jubert					Collaborator of Jordi Sanchez
Joaquim Torra	Politician (Junts per Catalunya), former President of Catalonia	Joaquim Torra				Joaquim Torra was investigated and condemned for disobedience ²⁷	Collaborator of Puigdemont who appointed him as successor ²⁸
Jon Iñarritu	Politician (EH Bildu)	Jon Iñarritu					Friend of Puigdemont, Comin, Dante Fachin, etc. ²⁹

VICTIMS CATALANGATE





















Citizen Lab List of presumed victims	Catalangate.cat website	Fugitives from justice with international warrants	Monitored with Court Authorisation	Sentenced to prison	Involved in police investigations or trials	Personal relationship with investigated activists and politicians
Jordi Baylina	Jordi Baylina		Jordi Baylina		Jordi Baylina was investigated for participating in the creation of Tsunami Democratic app ³⁰	Partner of Sonia Urpi. Collaborated with Xavi Vives, Pau Escrich and Elies Campo. Collaborated with Puigdemont and Joan Matamala
Jordi Bosch			Jordi Bosch			Personal friend and collaborator of Jordi Cuixart
Jordi Domingo	Jordi Domingo				Jordi Domingo was investigated for his participation in the creation of "CNI Catalan" ³¹	Paluzie, Domingo, Urpi and Sànchez made a joint formal complaint against NSO
Jordi Sànchez	Jordi Sànchez		Jordi Sànchez	Jordi Sanchez sentence to 9 years for sedition ³²		Paluzie, Domingo, Urpi and Sànchez made a joint formal complaint against NSO
Jordi Solé	Jordi Solé					Jordi Solé, Josep Maria Jové and Diana Riba presented a joint formal complaint against NSO
Josep Costa	Josep Costa				Josep Costa was investigated and arrested for disobedience ³³	Close collaborator of Puigdemont
Josep Lluís Alay	Josep Lluís Alay		Josep Lluís Alay		Josep Lluís Alay was investigated in Voloh case on corruption charges ³⁴	Close collaborator of Puigdemont

Josep Maria Ganyet	IT entrepreneur and political activist	Josep Maria Ganyet					Josep Maria Ganyet was investigated for his participation in the creation of "Catalan CNI" and Tsunami Democratic app ³⁵	Collaborated with Torra
Josep Maria Jové	Politician (ERC)	Josep Maria Jové					Josep Maria Jové was arrested and investigated for coordinating the logistics of the illegal referendum in 2017 ³⁶	Close collaborator of Oriol Junqueras. Jordi Solé, Josep Maria Jové and Diana Ribba presented a joint formal complaint against NSO
Josep Rius	Politician (Junts per Catalunya)	Josep Rius						Close collaborator of Puigdemont ³⁷
Laura Borràs	Politician (Junts per Catalunya)	Laura Borràs					Laura Borràs investigated on corruption charges ³⁸	Close collaborator of Torra ³⁹
Marc Solsona	Politician (PDeCAT)	Marc Solsona					Marc Solsona was investigated for participating in the organisation of the illegal referendum in 2017 ⁴⁰	
Marcel Mauri	Political activist, vice-president of Omnium	Marcel Mauri				Marcel Mauri	Marcel Mauri was investigated regarding the Tsunami Democratic violent protests	
Marcela Topor	Wife of Carles Puigdemont, journalist	Marcela Topor						Wife of Carles Puigdemont
Maria Cinta Cid	Mother of Elies Campo, health consultant	Maria Cinta Cid						Mother of Elies Campo and wife of Dr. Elias Campo
Marta Pascal	Politician (PNC former PDeCat)	Marta Pascal					Marta Pascal was investigated by the Supreme court for rebellion and disobedience but was not prosecuted ⁴¹	Marta Pascal collaborated closely with Mas but often opposed Puigdemont

VICTIMS CATALANGATE

Citizen Lab List of presumed victims		Catalangate.cat website	Fugitives from justice with international warrants	Monitored with Court Authorisation	Sentenced to prison	Involved in police investigations or trials	Personal relationship with investigated activists and politicians
Marta Rovira	Politican (ERC)	Marta Rovira	Marta Rovira			Marta Rovira was investigated by the Supreme court for rebellion and disobedience ⁴²	Member of the Catalan Government that declared unilaterally independence
Meritxell Bonet	Journalist and political activist at Omnium / partner of Jordi Cuixart	Meritxell Bonet					Partner of imprisoned and then pardoned secessionist leader Jordi Cuixart
Meritxell Budo	Politician (Junts per Catalunya)	Meritxell Budo				Meritxell Budo was investigated in a corruption case ⁴³	Close collaborator of Torra
Meritxell Serret	Politican (ERC)	Meritxell Serret	Meritxell Serret			Meritxell Serret was investigated for disobedience ⁴⁴	Member of the Catalan Government that declared unilaterally independence
Miriam Nogueras	Politician (Junts per Catalunya) / member of the Spanish Congress parliamentary congress for official secrets.	Miriam Nogueras					
Oriol Sagrera	Politician (ERC)	Oriol Sagrera					Close collaborator of Roger Torrent. Collaborator of Van den Eynde
Pau Escrich	IT entrepreneur and political activist	Pau Escrich		Pau Escrich		Pau Escrich was investigated for the participation in the creation of Tsunami Democratic app ⁴⁵	Collaborated with Xavi Vives, Jordi Baylina and Elies Campo

Pere Aragonès	Politician (ERC), President of Catalonia	Pere Aragonès	Pere Aragonès				Collaborator of Oriol Junqueras who appointed him as successor
Pol Cruz	Political activist at Omnium	Pol Cruz					Collaborator of Puigdemont
Roger Torrent	Politician (ERC)	Roger Torrent				Roger Torrent investigated on disobedience charges. He was also accused by the Constitutional Court of breaching the rights of Catalan MPs in the opposition ⁴⁷	Ernest Maragall and Roger Torrent made a joint formal complaint regarding presumed espionage with Pegasus
Sergi Miquel	Politician (PDeCAT)	Sergi Miquel	Sergi Miquel			Sergi Miquel was investigated for his participation in the creation of Tsunami Democratic app ⁴⁸	Collaborator of Puigdemont
Sergi Sabrià	Politician (ERC)	Sergi Sabrià					Collaborator of Pere Aragonès
Sònia Urpí	Political activist member of secessionist ANC	Sònia Urpí					Urpí is the partner of Baylina. Paluzie, Domingo, Urpi and Sanchez made a joint formal complaint against NSO
Xavier Vendrell	Politician (ERC) and entrepreneur. Suspected leader of Tsunami Democratic. Former member of the terrorist group Terra Lliure	Xavier Vendrell	Xavier Vendrell			Xavier Vendrell investigated in "Voloh", for his implication in Tsunami and presumed corruption charges ⁴⁹	Oriol Junqueras selected Vendrell to coordinate the strategy to organise the referendum ⁵⁰
Xavier Vives	IT entrepreneur and political activist	Xavier Vives	Xavier Vives			Xavier Vives was investigated for participating in the creation of Tsunami Democratic app ⁵¹	Collaborated with Xavi Vives, Pau Escrich and Elies Campo
Clara Ponsati	Politician (Junts per Catalunya)	Clara Ponsati				Clara Ponsati investigated for rebellion and misappropriation of public funding ⁵²	Collaborated with Jordi Baylina, Pau Escrich and Elies Campo

- 1/  <https://www.lavanguardia.com/politica/20220505/8243657/caso-pegasus-espionaje-cni-paz-esteban-congreso-comision-ultimas-noticias-hoy-en-directo.html>
- 2/  <https://www.ccma.cat/324/jordi-cuixart-y-jordi-sanchez-condenados-a-9-anos-de-carcel-por-sedicion/noticia-es/2955685/>
- 3/  https://www.eldiario.es/catalunya/puigdemont-principal-carpeta-proces-tribunales-espera-desjudicializacion_1_9581694.html
- 4/  <https://www.lavanguardia.com/politica/20191014/47901758567/oriol-junqueras-sentencia-1o-caso-proces-condena.html>
- 5/  <https://www.lavozdeasturias.es/noticia/actualidad/2021/07/28/rahola-reune-puigdemont-circulo-amigos-paella-verano-celebro-2016/00031627468522266533659.htm>
- 6/  https://www.elespanol.com/espana/20220428/botran-investigado-enaltecer-terrorismo-defensor-putin-cni/668433543_0.html
- 7/  <https://www.ccma.cat/tv3/alcarta/preguntes-freqvents/99-la-nova-banda-de-rock-dandreu-van-den-eynde/video/6122106/>
- 8/  <https://magnet.xataka.com/en-diez-minutos/anna-gabriel-y-su-huida-a-ginebra-de-que-le-acusa-el-supremo-y-que-dicen-las-leyes-suizas>
- 9/  <https://www.larazon.es/espana/20210615/tblls6o2mvfwphfqz233vwgsq.html>
- 10/  <https://unilateral.cat/2017/05/08/detinguts-4-membres-del-sindicat-destudiants-sepc/>
- 11/  https://kangaroo.vocento.com/tr-pixel.gif?continue=https://www.abc.es/espana/abci-cuales-delitos-oteguido-condenado-201906271122_noticia.html&ref=
- 12/  <https://www.elmundo.es/espana/2021/10/06/615da5de21efa0ff2b-8b461b.html>
- 13/  https://www.antena3.com/noticias/espana/salen-luz-nuevos-nombres-politicos-independentistas-espiados-autorizacion-cni_2022050662757009eb0a930001cccc8d.html
- 14/  https://www.elconfidencial.com/espana/2019-10-18/puigdemont-cup-informaticos-1o-mueven-hilos-tsunami-democratic-852_2288811/
- 15/  <https://www.elmundo.es/cataluna/2022/10/25/63581f1121efa0361d8b4593.html>
- 16/  <https://www.elperiodico.com/es/politica/20210520/jueza-david-madi-caso-3-facturas-falsas-11746090>
- 17/  <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>
- 18/  <https://www.lavanguardia.com/politica/20191106/471426260395/fiscalia-investiga-elisenda-paluzieanc-violencia-declaraciones.html>
- 19/  <https://www.vozpopuli.com/espana/guardia-civil-reuniones-cni-catalan-elsa-artadi.html>
- 20/  https://www.elconfidencial.com/espana/cataluna/2021-07-03/manda-junts-jordi-sanchez-maniobra-partido_3164939/


- 21/  https://elpais.com/politica/2017/09/19/actualidad/1505825351_174090.html
- 22/  <https://ebredigital.cat/2017/11/14/ferran-bel-va-assessorar-a-puigdemont-per-presentar-se-amb-junts-per-catalunya/>
- 23/  https://www.eldiario.es/politica/audiencia-nacional-confirma-procesamiento-blanqueo-gonzalo-boye-abogado-puigdemont_1_8081620.html
- 24/  https://www.elconfidencial.com/espana/cataluna/2021-07-03/manda-junts-jordi-sanchez-maniobra-partido_3164939/
- 25/  <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>
- 26/  <https://www.vilapress.cat/texto-diario/mostrar/1436394/ex-alcalde-molins-joan-ramon-casals-exalcalde-molins-investigado-desobediencia-1>
- 27/  <https://www.elperiodico.com/es/politica/20220511/torra-condenado-pancarta-generalitat-13640287>
- 28/  https://elpais.com/ccaa/2018/05/10/catalunya/1525973613_424317.html
- 29/  <https://www.lavozdeasturias.es/noticia/actualidad/2021/07/28/rahola-reune-puigdemont-circulo-amigos-paella-verano-celebro-2016/00031627468522266533659.htm>
- 30/  <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>
- 31/  <https://www.20minutos.es/noticia/5070783/0/la-guardia-civil-situa-a-empresarios-e-informaticos-en-el-cni-catalan-que-se-reunio-con-cdr-para-aupar-la-republica/>
- 32/  <https://www.ccma.cat/324/jordi-cuixart-y-jordi-sanchez-condenados-a-9-anos-de-carcel-por-sedicion/noticia-es/2955685/>
- 33/  <https://www.lavanguardia.com/politica/20211027/7819603/detenido-josep-costa-comparecer-tsjc.html>
- 34/  https://www.elconfidencial.com/espana/cataluna/2022-04-20/juez-investiga-patrimonio-alay_3411694/
- 35/  <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>
- 36/  <https://www.lavanguardia.com/politica/20180214/44785003439/guardia-civil-jove-cerebro-ejecutor-10-ordenes-junqueras-marta-rovira.html>
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- 40/  https://elpais.com/ccaa/2017/09/19/catalunya/1505805699_062547.html

- 41/  https://www.eldiario.es/politica/artur-marta-pascal-neus-lloveras_1_2774360.html
- 42/  <https://www.elindependiente.com/politica/2018/02/19/marta-rovira-libertad-fianza-declarar-supremo/>
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- 45/  <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>
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- 51/  <https://www.elperiodico.com/es/politica/20210621/guardia-civil-vendrell-madi-tsunami-11844090>
- 52/  <https://www.economista.es/politica/noticias/9034710/03/18/15/Ponsati-se-entregara-el-miercoles-en-una-comisaria-de-Edimburgo.html>

15

Collaborators
of Citizen Lab try
to silence the author
of this report

The author of this report has met with a campaign that tried to delegitimise him publicly since he started discovering the flaws in the CatalanGate investigation shown above (Table). The Spanish press noted this smear campaign in July 2022.⁴⁰⁴ There is plenty of evidence of this attempts to discredit his work on social networks:

404/  *El Triangle. El entorno de Citizen Lab lanza una campaña de insultos en Twitter contra quienes cuestionan su 'CatalanGate' 25 July 2022, <https://www.eltriangle.eu/es/2022/07/25/el-entorno-de-citizen-lab-lanza-una-campana-de-insultos-en-twitter-contra-quienes-cuestionan-su-catalangate/>*



Jens Wiechers @jwiechers

Replying to @MalwareTechBlog

I think the Spaniard is just an ultranationalist, which even people with PhDs can be, sadly. That should motivate his reasoning. The journalist I get more of a paid comms interference vibe from, from looking through her past stuff, too.

Feed me scanlines @devnetse...
Replying to @MalwareTechBlog
Juan José is an ultranationalist that would go to great lengths to fuck with Catalans. He's just riding this wave and paid by other people.

Feed me scanlines @devnetse...
Sorry, Jose Javier. I need some help :)

Lukasz @maldr0id
Replying to @MalwareTechBlog @joseolivas and 2 others
That's what I don't get either. They aren't very good at their job and I assume that whoever pays them probably has enough money to pay someone better.
That being said @elconfidencial has published an article yesterday citing Jose and Jonathan.

Mark Owen Jones @marcownjones
hmm interesting, of course this is what they want. Do you have a link to the article?

Lukasz @maldr0id
Replying to @marcownjones @joseolivas and 3 others
Here you go:



RAGEPATH @ragepath
Replying to @ragepath @joseolivas and 4 others
Not saying that's what going on here. But like, captive academics of the fossil fuel industry and tobacco industry convinceced a lot of people there is a good value proposition to investing in fraudulent academic credentialism as a long con.

Marcus Hutchins @MalwareTechBlog
Replying to @ragepath @joseolivas and 3 others

I'd bet \$100 someone is paying Jose off. His initial thread and the later attempt to dismiss all criticism with "they're all just friends of citizenlab" is giving me big paid stooge energy.

9:04 · 17 Jul, 2022

profdeibert @RonDeibert

Replying to @joseolivas
The main (and thoroughly debunked) "evidentiary" source for the far-right, pro-spain disinformation campaign making false & defamatory charges against @citizenlab and me is now comparing our methods to Nazis and asserting crop circles are due to secret US military experiments...1/

17:03 · 14 Jul, 2022

Marcus Hutchins @MalwareTechBlog

Replying to @joseolivas
Imagine having so little credibility that your argument is literally "the only guy making this claim must be correct and everyone opposing it is just friends of the person the claim is against". I want to tell myself you're just a moron, but I'm pretty sure you're NSO payroll

18:20 · 16 Jul, 2022



Marc Owen Jones 
@marcowenjones



It's a very key point. One has to wonder why @irinatsukerman_ and @joseolivas are really doubling down the work of a discredited and unethical hacker doing apologetics for NSO Group. Literally selecting the bad source among the good ones is unacademic

Marcus Hutchins  @MalwareTechBlog

Replying to @joseolivas

Ok, let's talk about pre existing bias. You took the only, and I mean only, researcher holding such hostile views towards those entities and ignored his complete lack of credibility and skill because it reinforced your point. You are a stooge.

19:16 · 05 May, 2022



Infosec Nietzsche
@nihlsec



Replying to @joseolivas @jonathandata1 and 4 others

Well José maybe you're the useful idiot in this case, as Jonathan appears to be using your credentials and sharing of his work as validation for it's accuracy whereas you were only sharing it out of interest as it aligns with your conclusions regarding Citizen Labs work.



Marcus Hutchins  @MalwareTechBlog

Replying to @jonathandata0

[Jose Javier Olivas is typing]



The Old Guard @jonathandata0

Another example of not ad hominem: Jose you're a tool. Eat my ass.



Marc Owen Jones
@marcowenjones



Replying to @joseolivas @jonathandata1 and 2 others

No shit. And from the person with a very ostentatious LSE logo in the background of a profile pic. Methinks thou doth protest too much

16:49 · 15 Jul, 2022

Likewise, an influential expert in digital security, Nadim Kobeissi, also denounced this campaign.⁴⁰⁵



Nadim Kobeissi (@nadim@symbolic.so...
@kaepora

...

A number of researchers (@joseolivas), @irinatsukerman_ etc) have been pointing out the bankrupt scientific methodology that Citizen Lab have been applying to their forensic reports, only to be met with predictable Twitter ad-hominem etc. As a reminder, my thread fro last year:

Nadim Kobeissi (@nadim@symbolic... @MalwareTec...

I decided to give the recent Pegasus coverage the benefit of the doubt and spent my lunch break looking up other reports by the same folks.

In a report published last week, their "only" evidence for attribution is a "self-signed" TLS certificate. That's not evidence.

Jul 20, 2021

A defamatory letter was sent on Monday 21 November 2022 to the members of the PEGA Committee of Inquiry at the European Parliament to attempt to veto the testimony of the author of this report on a hearing on 28 November 2022, to which he had already been invited and confirmed as a participant on Friday 18 November 2022. The letter was quickly drafted after a member of the PEGA Committee leaked the information regarding the participation of the author of this critical review to Citizen Lab. This defamatory letter includes a series of serious and unfounded accusations that were, it appears, designed to undermine his professional credibility.

405/



Nadim Kobeissi, @kaepora, 18 July 2022,
<https://twitter.com/kaepora/status/1549007373175586818?s=20&t=QqTUVTSiNKHw2s8Q-7vE9rw>


For example, this letter claims that the author of this report:

“Is engaged in a pattern of harassing researchers and victims. This includes promoting conspiracy theories and false claims about researchers, spyware victims like Carine Kanimba, and institutions. He consistently promotes false technical claims, despite being informed by experts of their falsity” and that he is “part of a larger disinformation campaign to discredit the work of trusted organizations against spyware, and to deflect the committee from its fact finding mission. We believe that providing either of these individuals a platform at EGA will further propagate organized disinformation campaigns and harassment of spyware victims, and dissuade victims from testifying in the future”.


The defamatory letter was also sent to major news outlet such as The Guardian, Euractiv, and Politico, presumably to give as much publicity to the accusations as possible and to prejudice the public against the evidence that the author of this critical review collected during months of independent investigation of the CatalanGate case.

The Guardian⁴⁰⁶ invited the author of this report to share his views on the accusations, and both Euractiv⁴⁰⁷ and Politico⁴⁰⁸ decided to amend the articles they had initially published, once they were contacted by the author of this review. All the organisations that presumably signed and sent the defamatory letter against the author of this report Access Now, Article19, Digital Rights Foundation, Electronic Frontier Foundation, Human Rights Foundation, Red en Defensa de los Derechos Digitales (R3D), Red Line for Gulf (RL4G), and the individuals signing it have a close working relation with Citizen Lab.⁴⁰⁹ Confirmation on the authorship of the defamatory letter has been requested to the signatory institutions by the author and his lawyer, but none of them has responded confirming or rejecting their participation in the letter. It is unlikely that these organisations had time to conduct any minimal internal debate and decide to support such a controversial action over a weekend. The author of this review is not aware of any attempt to confirm authorship of the letter by the Secretariat of the PEGA Committee.

It is noteworthy that on 23 November 2021, Mr John Scott-Railton celebrated the formal announcement of the court complaint of Apple vs NSO with a Twitter thread in which, among other things, he congratulated several of the other organisations that presumably signed the defamatory letter, for their contribution collecting evidence against NSO.

406/  *The Guardian. Pegasus spyware inquiry targeted by disinformation campaign, say experts. 28 November 2022, <https://www.theguardian.com/world/2022/nov/28/pegasus-eu-parliament-spyware-inquiry-targeted-disinformation-campaign>. This article was signed by Ms Kirchgaessner and Mr Jones, who presumably received the defamatory letter from Citizen Lab.*

407/  *Euractiv. EU Parliament's spyware investigation on Spain continues to spur controversy. 24 November 2022 (updated 28 November 2022) <https://www.euractiv.com/section/digital/news/eu-parliaments-spyware-investigation-on-spain-continues-to-spur-controversy/>*


408/  *Politico. EU spyware probe has a problem: Spain. Updated 28 November 2022, <https://www.politico.eu/article/eu-spyware-probe-problem-spain-pedro-sanchez-margaritas-robles/>*

409/ *Several of the signatories had also been invited to the committee, such as Mr Ben Wagner, Ms Cindy Cohn, Ms Carine Kanimba and Mr David Kaye had also been previously invited to testify.*

“I see @Apple’s lawsuit as partly triggered by findings & efforts of so many of our @citizenlab peers: E.g. @AmnestyTech @accessnow @RSF_inter @EFF @pressfreedom @R3Dmx @article19org & many more”.⁴¹⁰







As explained in a previous section, Mr Deibert is one of the five members of the committee of the Ford Foundation that decides the allocation of the \$10 million reward that Apple has destined to the organisations that, as Mr Scott-Railton claims, have collaborated in the collection of incriminatory evidence against NSO for the Cupertino giant.⁴¹¹ These organisations may have felt compelled to support Citizen Lab’s letter to veto the testimony of the author of this report —or at least not to formally refuse their involvement in it— given that Mr Deibert is a key figure in the allocation of Apple’s funding. The fact that none of the alleged signatory organisations has confirmed or refused their support for the defamatory letter suggests the possibility that they did not institutionally endorse it but may be fearful to reject authorship publicly —as Mr Deibert reputation would be damaged—.

410/  *John Scott-Railton, @jsrailton, Twitter, 23 November 2021; Tread stored in TreadReaderApp <https://threadreaderapp.com/thread/1463206324704059401.html>*

411/  *Apple. Newsroom. Apple expands industry-leading commitment to protect users from highly targeted mercenary spyware. 6 July 2022, <https://www.apple.com/newsroom/2022/07/apple-expands-commitment-to-protect-users-from-mercenary-spyware/>*

It is ironic that the Citizen Lab authors, who have published a report named “CatalanGate” that suggests that the Spanish Government is engaging in “unrestrained, unnecessary, and disproportionate” illegal surveillance of Catalan civil society —based on non-replicable analyses and non-verifiable data collected by pro-independence parties and activists themselves—, accuse an academic researcher with a proven record of peer reviewed publications⁴¹² —whom studies the connection between populism and disinformation and has been conducting an investigation independently since April — of being a “conspiracy theorist”.⁴¹³ This attempt to silence a critical voice is also problematic, given that many of those who had provided testimony regarding Catalonia in the PEGA Committee were either presumed victims, members of Citizen Lab, had ties with the Canadian research institute or had defended Catalan nationalists publicly.⁴¹⁴ Ms Stephanie Kirchgaessner has published dozens of articles based on Citizen Lab’s work. Mr Bill Marczak is a senior fellow at Citizen Lab and co-author of the CatalanGate report. Ms Cindy Cohn is executive director of the Electronic Frontier Foundation, organisation that presumably signed the defamatory letter. Ms Marwa Fatafta is a member of Access Now, another organisation that signed the defamatory letter; she frequently collaborates with Citizen Lab. Mr Claudio Guarneri is a former Citizen Lab Fellow and lead technologist at Amnesty Tech, an organisation that continuously collaborates with Citizen Lab. Ms Carine Kanimba signed the defamatory letter. Mr Ian Beer has collaborated with Citizen Lab in the analysis of Forcedentry. Mr Ben Wagner also signed the letter, having participated in a roundtable organised by the Catalan Generalitat in Brussels alongside three prominent independence activists on 13 July 2022, including Ms Paluzie. GenCat. Impact of Modern Spyware Tools on Fundamental Rights. This veto further unbalanced the list of testimonies and gave credence to unfounded accusations that sought to undermine the credibility of the author of this review and silence all the evidence collected in it.

It is important to remember that more than 100 well-established academics⁴¹⁵ share many of the concerns regarding the CatalanGate study collected in this critical review, and that they asked the University of Toronto to open an independent research misconduct investigation into the report. The veto of this testimony upon request of an organised group with vested interests sets a very dangerous precedent for the European Parliament and clashes with the mandate of the PEGA Committee of Inquiry, which seeks to “make sure that all the facts become publicly known”, as stated by its president, Mr Jeroen Lenaers.⁴¹⁶

- 412/  ResearchGate. Jose Javier Olivas Osuna, <https://www.researchgate.net/profile/Jose-Javier-Olivas-Osuna>
- 413/  Letter to the University of Toronto 5 July 2022, <https://paginadelforodeprofesores.files.wordpress.com/2022/07/letter-to-university-of-toronto-by-foro-de-profesores-5-july-2022-re-catalangate-report.pdf>
- 414/  For instance, Mr David Kaye had already been contacted by ERC to participate in the communication campaign that the independence movement launched in July 2020, accusing the Spanish Government of espionage, even before the forensic analyses of the devices. Roger Torrent (2021). Pegasus, page 152. He also requested dropping the charges of rebellion and refers to the Catalan leaders in prison as “political prisoners”. Facebook. Carles Puigdemont i Casamajo <https://www.facebook.com/watch/?v=561833904536956>
-  https://exteriors.gencat.cat/en/ambits-dactuacio/afers_exteriors/delegacions_govern/ue/agenda/act_220713_pegasus.
- 415/  Letter to the University of Toronto 20 May 2022, <https://paginadelforodeprofesores.files.wordpress.com/2022/05/letter-to-uoft-recommending-independent-investigation-citizen>
- 416/  EU Debates. Eudeabates.tv. Youtube. EU Parliament PEGA Committee investigates the use of Pegasus and other spyware. 21 September 2022, <https://www.youtube.com/watch?v=LciskOzRD4Y>

16

Conclusions

Perceived status or reputation are not enough in academic research. Analyses must be transparent, properly documented and independently peer reviewed: the CatalanGate report is patently lacking on all those fronts, as all types of irregularities and conflicts of interests occurred. A once well respected “cybersecurity watchdog” may now be acting in a partial and non-rigorous manner to help Big Tech corporations and nationalist political parties to file lawsuits.

Citizen Lab refers to their prestige and reputation in order to dispel well-documented criticisms, and to compensate for their unorthodox lack of transparency regarding their research. This opacity affects not just infection data and samples, but also information that does not constitute any danger to participants’ privacy, such as when, how, where and by whom the forensic analyses were conducted. Reputation alone should not be considered as a valid justification for opaque research practices. More so given that Citizen Lab is a very influential player in the field of cyber security, whose work is used as evidentiary basis in many parliamentary and judicial investigations and reproduced by international media impacting public opinion.

The evidence provided by the CatalanGate report is clearly insufficient to make specific accusations such as those addressed against the Spanish government. There are not enough grounds to claim that Spain engaged in illegal, unrestrained, unnecessary, or disproportionate espionage on Catalan politicians and activists, as Citizen Lab suggests.

This report seems to be a key element of a political propaganda campaign whose aim is to present a large network of politicians and activists as victims of Spain’s security forces. Several of these “victims” were involved in very serious crimes that aimed to provoke a civil insurrection to achieve the secession of Catalonia. The timings of Citizen Lab’s report in April 2022, and of previous announcements in July 2020, seem perfectly convenient for these activists and politicians in their attempt to mitigate the negative effect of the revelations regarding collaboration with Russia, corruption, and coordination of violent groups to take control of the territory. The research was presented as a way to delegitimise Spanish institutions including its government, judiciary, and security forces.

Given the lack of scientific rigour and the severity of the methodological and ethical issues noted in this document, an independent investigation of the research processes is recommended. This is to ensure that potential mistakes or malpractices do not have unintended negative impacts on third parties, nor taint the reputation of the University of Toronto.

Courts of Justice and committees of inquiry—such as those in the European and Catalan Parliaments— should ask Citizen Lab and/or the presumed victims for the devices and for the data collected in the CatalanGate investigation, so that they can be independently verified by forensic experts without previous affiliation or institutional links with the Canadian research institute. Such independent experts should be tasked with reproducing the analyses and assessing the validity and reliability of the findings. Such analysis could also serve to rule out potential tampering with evidence and fabrication of positive results taking advantage of the absence of a chain of custody for the evidence.

The apparent support that a prestigious academic institution, like the University of Toronto, has provided (voluntarily or involuntarily) to a large-scale disinformation campaign against Spain's democratic institutions deserves further attention. Refusal to open an internal investigation and reluctance to provide the information requested about Citizen Lab's study in Catalonia clashes with their public accountability and transparency policy, and may be considered an anomaly in a research organisation that can rightfully claim to be among the best in the world. The evidence provided in this review illustrates the complexity and variety of actors and institutions that may be instrumentalised in modern political disinformation tactics and campaigns (Benkler et al. 2018; Krafft & Donovan 2020; Llorca-Asensi et al. 2021; Curiel et al. 2022).⁴¹⁷

Those who have been previously monitoring the technological giants should not become now their agents and work to divert public scrutiny away from these companies and their duties vis-a-vis European citizens. Governments and, of course, spyware companies should be held publicly accountable, and should be better regulated. However, that goal does not always justify the means. This is particularly the case in the context of academia in an era when disinformation is becoming increasingly a challenge to democracy. If academics end up breaking their standards and deontological conventions, science and education may be discredited. Both universities and journalists, as well as public representatives, must exercise their powers to ensure the veracity of information, and reprimand abuses of authority and manipulation by groups with vested political and economic interests. Today that disinformation techniques are becoming more sophisticated and difficult to counter, this should be a priority.



Benkler, Y., Faris, R., & Roberts, H. (2018). *Network propaganda: Manipulation, disinformation, and radicalization in American politics*. Oxford University Press.; Krafft, P. M., & Donovan, J. (2020). *Disinformation by design: The use of evidence collages and platform filtering in a media manipulation campaign*. *Political Communication*, 37(2), 194-214; Llorca-Asensi, E., Sánchez Díaz, A., Fabregat-Cabrera, M. E., & Ruiz-Callado, R. (2021). "Why Can't We?" *Disinformation and Right to Self-Determination. The Catalan Conflict on Twitter*. *Social Sciences*, 10(10), 383; Curiel, C. P., Rúas-Araújo, X., & Barrientos-Báez, A. (2022). *Misinformation and Fact-checking on the disturbances of the Procés of Catalonia. Digital impact on Public and Media. KOME: An International Journal of Pure Communication Inquiry*. <https://dx.doi.org/10.17646/KOME.75672.88>

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Acknowledgement

This critical review collects the information gathered between April and January 2023 regarding the CatalanGate investigation and report. Much of the information compiled has been made public earlier on Twitter and in some opinion pieces written by the author of this review. Several academics and journalists helped through the process of data collection. The author was contacted in November 2022 by Mr Jordi Cañas EMP and commissioned to write a report that compiled and organised all the information on the case previously shared that could be useful for the deliberations regarding the case of espionage in Spain.

About the author

José Javier Olivas Osuna is the Principal Investigator of the “Interdisciplinary Comparative Project on Populism and Secessionism” (ICPPS) and of “Populism and Borders: a Supply and Demand-Side Comparative Analysis of Discourses and Attitudes” (PBSDCA) project at the Department of Political Science and Administration of the National Distance Education University (UNED) in Madrid. He is also Research Associate at LSE IDEAS and has conducted public policy consulting work for the EU and other international organisations. He holds a PhD in Government (LSE), and an MSc in Public Policy and Administration (LSE). He previously completed University degrees in Economics and Business (ETEA, University of Córdoba), Market Research (ETEA) and European Studies (EDHEC, Lille).

José Javier coordinated the research project “Debating Brexit impact at local level: a mixed methods comparative study” (with Mary Kaldor) and several teaching innovation activities and projects at the LSE. He also co-lead the project “Democracia y actitudes populistas en Andalucía: un análisis comparado multidisciplinar” (with Manuel Arias Maldonado) and has collaborated with the projects Psycorona, Varieties of Democracy (V-Dem) and the CIVICA consortium project “Local mobilization against the EU. Territorial dimensions of populist Euroscepticism”. His research interests also include public policy, borders, political communication, disinformation, responses to COVID19 and democratisation. He has published in journals such as *Governance*, *Politics and Society*, *European Journal of Political Research* and *European Journal of Communication*, and is the author of the “monograph *Iberian Military Politics Controlling the Armed Forces during Dictatorship and Democratisation*” (Palgrave). José Javier speaks Spanish (native), English, French, Portuguese, and Italian. He writes policy papers for international organisations, and is frequently interviewed in media, writes academic blog posts and is active on Twitter: @josejolivas

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The FSC® certification ensures that this printed material was sourced from forests managed to strict environmental, social and economic standards.

In April 2022, CitizenLab published a report called ‘CatalanGate: Extensive mercenary spyware operation against Catalans using Pegasus and Candiru’ on the alleged use of these spyware programs to infect the phones of at least 65 politicians, lawyers and members of organisations in the Catalan separatist sphere.

While Catalan separatism, in a perfectly orchestrated campaign, used this report politically to accuse Spain of spying on citizens for ideological reasons, some academics publicly denounced that the Citizen Lab investigation contained several anomalies that questioned whether the report or its authors could be considered as neutral expert sources.

During the work of the European Parliament’s PEGA Committee, created to determine the violation of fundamental rights by the use of spyware by governments or corporations, Citizen Lab managed to veto the presence in the session dedicated to Spain of José Javier Olivas, one of the academics who questioned the “CatalanGate” report.

By accepting cancellations, censorship and vetoes of those who, through academic rigour and methodology, criticised or questioned the sources used to compile the final report, a worrying message was sent about the lack of impartiality, plurality and contrast of arguments and ideas, which could threaten the credibility of the conclusions of the Commission’s work.

It is for this reason, and with the determination to combat censorship, vetoes and cancellations at the seat of European democracy, that I am publishing this critical review of Citizen Lab’s “CatalanGate” report by professor, academic and researcher José Javier Olivas.

May this study help to avoid confusing suspicion, conjecture or speculation with certainty, may it serve to contribute arguments to the public debate, and may it help to provide a basis for a truthful opinion on which to make the right decisions to defend the rights and freedoms of European citizens without sacrificing our values and principles.