

January 15, 2023 | Myanmar

JFM calls on Israel's Attorney General to take urgent action following application for criminal investigation into Cognyte's business in Myanmar

An application for a criminal investigation into the activities of the NASDAQ-listed Israeli surveillance firm Cognyte Software Ltd and officials from the Ministry of Defense and Ministry of Foreign Affairs has been filed with Israel's Attorney General, over the suspected aiding and abetting of crimes against humanity in Myanmar.

The application concerns Cognyte winning a tender from the state-owned Myanma Posts and Telecommunications (MPT) for a fixed data lawful interception gateway in 2020, with knowledge that it would provide the Myanmar military with capabilities to tap the calls of activists, journalists and politicians, thereby supporting the military's international crimes. At the time, no safeguards were in place to protect the people of Myanmar from military surveillance.

The application:

- argues that Cognyte and officials in Israel's Ministry of Defense and Ministry of Foreign Affairs aided and abetted crimes against humanity by supplying the Myanmar military with access to surveillance equipment knowing that the military was committing atrocity crimes;
- calls for concerned individuals to be prosecuted under Israel's Penal Code;
- calls on Israeli authorities to immediately seize relevant documents from the offices of Cognyte, the Ministry of Defense and the Ministry of Foreign Affairs to avoid the concealment of evidence and potential disruption to the investigation.

The application was filed with Israel's Attorney General Gali Baharav-Miara on January 2 by the advocate Eitay Mack on behalf of more than 60 Israeli citizens, among them the former speaker of the Knesset Avraham ("Avrum") Burg, prominent academics Prof. Eva Illouz, and Prof. Ruth HaCohen Pinczower, and human rights activists.

JFM calls on Israel's Attorney General to take urgent action in response to the application.

Cognyte's Myanmar tender was revealed in leaked documents published by Justice For Myanmar.

Since the illegal coup attempt, the junta has built up a digital arsenal that supports its crimes against humanity, which have included the murder of more than 2,700 people and the arbitrarily arrest of more than 17,200, who face widespread torture.

In its 2021 country report on human rights in Myanmar, the US State Department found that "the regime regularly monitored private electronic communications through online surveillance; there were numerous reports that the regime monitored prodemocracy supporters" and that the military bought surveillance technology before its coup attempt.

MPT is controlled by the junta, and is jointly operated by the Japanese multinationals KDDI and Sumitomo Corporation.

In addition to the complaint for a criminal investigation, a letter has been sent to Israel's Defense Exports Controls Agency (DECA) of the Ministry of Defense demanding it immediately cancel export and marketing licences granted to Cognyte for interception equipment to Myanmar.

Cognyte, formerly Verint Systems, has a history of selling surveillance technology to notorious regimes, including South Sudan, and it has been banned from Facebook. Last month, Norway's sovereign wealth fund decided to exclude Cognyte over human rights concerns.

Cognyte has partnered with Khine Thitsar Company Limited, a Myanmar company whose owner Justice For Myanmar recently identified as brokering the supply of arms through an associated company, Bamar Pte Ltd. Khine Thitsar updated its website in the past weeks to list Cognyte as a partner and vendor.

According to a Justice For Myanmar source, Khine Thitsar received a payment from Cognyte in October 2021, more than eight months after the military launched its coup attempt.

The application for a criminal investigation follows a similar 2018 submission by Eitay Mack into the aiding and abetting of atrocity crimes by Israelis who exported arms to Myanmar; and a 2022 application requesting a criminal investigation into corruption over Israeli arms companies' dealings with the Myanmar broker Dr Tun Min Latt and his conglomerate, Star Sapphire Group.

Justice For Myanmar is concerned that the 2018 complaint has not yet led to a criminal investigation and calls for it to be expedited.

Justice For Myanmar spokesperson Yadanar Maung says: "The complaint filed against Cognyte and Israeli officials raise urgent questions over Israeli support for the Myanmar military's surveillance capabilities, which it uses to commit crimes against humanity.

"Cognyte's contract with MPT comes in the aftermath of the Myanmar military's crime of genocide against the Rohingya, and in a context where there were no safeguards to protect the people of Myanmar from military surveillance.

"It is inexcusable that Israeli officials approved Cognyte's business in Myanmar, which has continued following the military's coup attempt.

"Israeli officials and those in Cognyte who have enabled the supply of arms and dual use goods to the Myanmar military, aiding and abetting international crimes, must be held accountable.

"Cognyte's business with MPT also raises serious questions for its joint operators, KDDI and Sumitomo Corporation, who have failed to fulfil their international human rights responsibilities.

"We call on KDDI and Sumitomo Corporation to immediately end all technical and financial support to the Myanmar junta, or responsibly divest.

"Investors in Cognyte, KDDI and Sumitomo Corporation should use their leverage to pressure these companies to end support for the junta immediately, or divest.

"Governments must urgently do more to cut the junta's access to surveillance equipment, arms and funds, including through sanctions on Khine Thitsar Company Limited, the individuals involved and all other military brokers."

Eitay Mack, Advocate, says: "The state of Israel has played a very important role in the establishment and organisation of the Myanmar military through its military aid, which has included weapons, training and military knowledge. The Myanmar military has used these with the intention

to attack the people of Myanmar in an attempt to illegally seize power.

“Until now it was known that due to a petition to the High Court of Justice and huge public and media outrage in Israel, at the beginning of 2018 Israel’s Ministry of Defense and the Ministry of Foreign Affairs decided to stop all Israeli military exports to Myanmar and all Israeli defense companies stopped their activities there. This is what was said repeatedly to journalists, Knesset members and other individuals who contacted the MOD and the MFA.

“Now, JFM managed to prove that Israel’s MOD and MFA have lied, and again prioritised their interests with the Myanmar military over international law and any sense of morality.

“The danger is not theoretical. Cognyte's interception system could help the military’s manhunting of democracy activists and journalists. The fate of anyone in Myanmar located and arrested with the help of Cognyte's interception system would be to suffer the worst horrors.

“Cognyte didn't operate in Myanmar on its own. In order to transfer the company's system to Myanmar, it needed an export license, and even the participation of Cognyte in the tender in Myanmar required a marketing license, both from Israel’s MOD and MFA.

“This is why Cognyte and all the Israeli officials who allowed its operation in Myanmar must be brought to justice.”

More information:

Read the full text of the application for a criminal investigation [here](#)

Read the full letter to DECA [here](#)

Read our feature on Cognyte’s business in Myanmar [here](#)

See details of the Myanmar military’s tools of digital repression [here](#)

[Justice For Myanmar](#), a group of covert activists campaigning for justice and accountability for the people of Myanmar, is calling for an end to military business and for federal democracy and a sustainable peace.

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