

Appeals Court Revives Journalists' Case Against Spyware Manufacturer NSO Group

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The U.S. Court of Appeals for the Ninth Circuit today held that the district court had abused its discretion in dismissing a lawsuit brought by journalists and other members of El Faro—one of Central America's foremost independent news organizations—who were the victims of spyware attacks using NSO Group's Pegasus technology. The Knight First Amendment Institute at Columbia University and Selendy Gay PLLC, which represent the journalists, urged the court earlier this year to overturn the lower court ruling and allow the case to proceed in California, arguing that it's essential that spyware manufacturers be held accountable in U.S. courts when their spyware relies on the subversion of U.S. technology and is used to undermine press freedom. The appeals court remanded the case to the district court for further consideration.

"We're pleased with today's decision and look forward to seeking justice on behalf of El Faro journalists in U.S. court, where the case belongs," said Carrie DeCell, senior staff attorney and legislative advisor at the Knight First Amendment Institute, who argued the case in the Ninth Circuit. "Spyware manufacturers that participate in the persecution of journalists shouldn't be able to operate with impunity, and U.S. courts must ensure that they are held accountable for their actions where those actions violate U.S. law, as they did here."

In November 2022, the Knight Institute filed the lawsuit alleging that NSO Group violated U.S. law by developing, selling, and assisting in the deployment of Pegasus against El Faro. Between June 2020 and November 2021, El Faro's employees were subjected to at least 226 Pegasus infections. Through these attacks, their iPhones were accessed remotely and surreptitiously, their communications and activities were monitored, and their personal data was accessed and stolen. In recent years, NSO Group's spyware has been used by authoritarian and rights-abusing regimes to target journalists, human rights activists, and political dissidents around the world. This case is the first filed by journalists against NSO Group in U.S. court.

"We are gratified by the appeals court's decision and are eager for this case to proceed," said Carlos Dada, co-founder and director of El Faro. "We continue to believe that unregulated trade in spyware poses a fundamental threat to press freedom around the world."

In addition to DeCell, lawyers on the case include Jameel Jaffer, Alex Abdo, Stephanie Krent, and Allie Schiele for the Knight First Amendment Institute, and Corey Stoughton, Alvaro Mon Cureño, and Jacob Grover for Selendy Gay PLLC.

Read the full decision [here](#). More information about the lawsuit, *Dada v. NSO Group*, can be found [here](#).

Attorneys

- Corey Stoughton
- Alvaro Mon Cureño
- Jacob Grover