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Peña Nieto Government Accused of Spying on Journalists, Human Rights Advocates in Mexico

by *Carlos Navarro*

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President Enrique Peña Nieto's administration was put on the defensive by allegations that the federal government engaged in espionage against journalists, human rights advocates, and some business leaders. A report published in *The New York Times* in June said the Peña Nieto government used specialized spyware to monitor the cellular conversations of dozens of critics of the administration. The suspected targets of espionage include the prominent journalists Carlos Loret de Mola and Carmen Aristegui, human rights advocate Mario Patrón of the Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH), anti-corruption crusaders Salvador Camarena and Daniel Lizárraga, and Juan Pardinas and Alexandra Zapata of the business organization Instituto Mexicano para la Competitividad (IMCO).

Spyware used to access cell phones

According to the report, the government used a spyware program called Pegasus to access the cell phones of 88 individuals. The Israeli-based NSO Group, which developed the spyware, said Pegasus is sold exclusively to governments under an agreement that the program be used only to target terrorists and criminal organizations. At least three Mexican federal agencies acquired the spyware, *TheTimes* reported.

The report said authorities apparently gained access to the phones of the targeted individuals by sending text messages that installed the Pegasus spyware when opened. Once one of the text messages was opened, Pegasus would be deployed on that unit, allowing the government to monitor conversations. The software gives the attacker access to all the phone's files and the ability to control the camera and microphone.

A review of the targeted telephones by forensic analysts at Citizen Lab, which is affiliated with the University of Toronto's Munk School, confirmed that Pegasus had indeed targeted those particular individuals.

"This not the expected behavior of the head of state of a young democracy," said IMCO director Pardinas, who was the target of a hacking attempt.

The *New York Times* did not reveal a specific agency or agencies involved in the spying, although it's very likely that the surveillance was conducted by the three federal entities that acquired the spyware from the NSO Group—the defense ministry (Secretaría de la Defensa Nacional, SEDENA), the government's intelligence unit (Centro de Investigación y Seguridad Nacional, CISEN), and the attorney general's office (Procuraduría General de la República, PGR).

Columnist Raymundo Riva Palacio of the daily business newspaper *El Financiero* suggested CISEN conducted a large share of the surveillance. He noted that *TheTimes* only confirmed information he published two years ago about the use of Pegasus for spying on Mexican citizens.

“In October of 2015, this column spoke about the existence of the program by which CISEN conducted political espionage,” Riva Palacio wrote. He added that other agencies participated in espionage, including the federal police (Policía Federal), the Army, and 11 state governments. “They used a system that employed remote control to copy text messages and conversations on Google, MSN, and Skype, extracting all the data from the computers, including history of followed links, audios, and images.”

Riva Palacio said his 2015 report and subsequent reports about the software drew little reaction from the government. “The Times was a late-comer in reporting on this issue,” he wrote. “However, given that this is one of the more influential daily newspapers in the world, and any negative report [on Mexico] scares Mexican authorities, we must offer our thanks for this coverage, which just might provoke a reaction from President Enrique Peña Nieto.”

Others agreed that successive administration have engaged in espionage. “I am convinced that for decades the government spied on its people, and these clandestine operations were not necessarily centered on the activities of criminals and terrorists,” columnist Francisco Garfias wrote in the daily newspaper *Excélsior*. “The evidence is in the recordings that are frequently leaked to the media. They contain controversial telephone conversations and compromising videos images.”

Most of the cases of espionage cited by *The Times* occurred in 2015 and 2016, and the targets often involved human rights advocates, including the attorneys and organizations investigating the disappearance of 43 students from a teachers college (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) in Guerrero state ([SourceMex, Oct. 15, 2014](#), [Dec. 16, 2015](#), [Aug. 10, 2016](#)). The surveillance was allegedly ordered by former Attorney General Jesús Murillo Karam, Riva Palacio wrote.

The government is also said to have monitored Patrón and two other attorneys from PRODH during the 10th anniversary of alleged repression in the community of San Salvador Atenco in México state in 2006 ([SourceMex, May 17, 2006](#), [Feb. 14, 2007](#), [July 7, 2010](#)). PRODH was one of the organizers of the protests against the federal government and the México state government, where Peña Nieto was governor at the time.

Loret de Mola, a Televisa news anchor, said he started to receive the mysterious text messages, probably containing the spyware, around the time that he was writing about reports of extrajudicial executions by security forces in Toluca, Mexico state, in 2015. At the time, the security forces engaged in a gun battle with members of the *Cártel Jalisco Nueva Generación* (CJNG) at the cartel’s Rancho del Sol compound; the confrontation left 43 people dead, including 42 members of the CJNG ([SourceMex, May, 27, 2015](#)).

Some members of the organization *Mexicanos Contra la Corrupción y la Impunidad* (Mexicans Against Corruption and Impunity, MCCI) report having been targeted while examining the corrupt activities of former Veracruz governor Javier Duarte ([SourceMex, Oct. 12, 2016](#), and [March 1, 2017](#)). Duarte fled to Guatemala, where he is fighting extradition to Mexico ([SourceMex, April 19, 2017](#)).

Carmen Aristegui, who has ruffled the feathers of the administrations of former President Felipe Calderón ([SourceMex, March 9, 2011](#), and [Oct. 23, 2013](#)) and current President Peña Nieto with her investigative reports ([SourceMex, March 25, 2015](#)), was also a hacking target. Aristegui, who runs an independent news site and also collaborates with *CNNMéxico*, said she started receiving suspicious text messages in 2015 that might have led to the bugging of her phone.

Demanding accountability

The allegations that the government spied on its own citizens prompted broad outrage. In a press conference in Mexico City, journalists and human rights organizations demanded answers from the Peña Nieto government as well as legal reforms that would enact stricter control over the use of espionage tools.

“We demand accountability on the part of the Mexican government over the use of malware to conduct espionage; the opening of independent, exhaustive, and transparent investigations; as well as punishment for those responsible,” said Ana Cristina Ruelas, director of Artículo 19, a group that advocates for freedom of expression.

Loret de Mola initially declined comment, but later changed his mind. “After thinking about this issue, I came to the conclusion that this is not a small matter,” he said, suggesting that espionage encourages the government to engage in further acts of intimidation against citizens.

The monitoring of journalists is an effort by certain individuals in the government to suppress investigations into acts of malfeasance on the part of authorities, Loret de Mola said in an interview. “They want to make us feel vulnerable ... to make us aware that they are watching us and that they know all about our private and our work lives.”

Peña Nieto responded to the news reports and to the demands from civil society by acknowledging that the government had indeed acquired sophisticated software that is often used to spy on criminal organizations. However, the president denied that he had ordered any surveillance on citizens. Instead, he promised that the PGR would conduct an investigation into the allegations that the spyware was misused.

At a press conference during the inauguration of an industrial park in Jalisco, the president attempted to defend the integrity of his administration and suggested that he would also investigate those who “have raised false accusations” against the government, a statement for which he came under strong criticism.

He later he retracted and eventually denied that his administration was going to take any action against those making the accusations, the online news site Aristegui Noticias reported.

Some critics suggest the Congress has not done its part to rein in the administration. “Beyond the lack of checks and balances on the part of Congress, which is only now looking at this issue, it is worrisome that this president has declared himself a victim,” columnist Alfredo C. Villeda wrote in the daily newspaper Milenio. Villeda said it was astounding that the president has taken offense to allegations that the violations came from his own government, when agencies of his administration were the ones that acquired and used the malware.

Other activists took issue with the president’s decision to appoint the PGR to lead the investigation, as the federal prosecutor is one of the agencies suspected of conducting the surveillance against citizens. The agency in charge of protecting the rights of journalists (Fiscalía Especial para la Atención de Delitos Cometidos contra la Libertad de Expresión, FEADLE) will take charge of the investigation, officials said.

Several advocates called for an international entity to conduct the investigation. For now, the administration has stopped short of heeding this recommendation. But FEADLE director Ricardo

Sánchez Pérez del Pozo said he is looking into the possibility of seeking assistance from the US Federal Bureau of Investigation (FBI).

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