



Checa, Andres Alfredo Torres (2018) *Talking about surveillance and human rights: how the Mexican press discussed the Gobierno Espia investigation*. [MSc]

<http://endeavour.gla.ac.uk/398/>

Deposited: 13 May 2021
Copyright © 2018 The Author

Copyright and moral rights for this work are retained by the author(s)

A copy can be downloaded for personal non-commercial research or study, without prior permission or charge

This work cannot be reproduced or quoted extensively from without first obtaining permission in writing from the author(s)

The content must not be shared, changed in any way or sold commercially in any format or medium without the formal permission of the author

When referring to this work, full bibliographic details including the author, title, institution and date must be given



University
of Glasgow

School of Social and Political Sciences

Talking about Surveillance and Human
Rights: How the Mexican press discussed
the *Gobierno Espía* Investigation

September 2018

Presented in partial fulfilment of the
requirements for the Degree of
M.Sc. in Human Rights and International
Politics

Table of Contents

Why I chose to write about this topic	7
Chapter One: Surveillance and Human Rights, an Academic Overview	12
Can Surveillance and Human Rights Be Compatible?	13
Surveillance as a Deterrent of Political Opposition.	16
Methodology	22
Chapter two: Mexico and the <i>Gobierno Espía</i> Investigation.....	31
Mexico under Enrique Peña Nieto: a brief overview.....	31
The <i>Gobierno Espía</i> Investigation	34
Chapter three: The Mexican media’s reaction to the <i>Gobierno Espía</i> investigation	45
Theme One: Corruption	48
Theme Two: Government’s Credibility.....	51
Theme Three: Accountability	54
Theme Four: Victims	58
Conclusions.....	62
References.....	67

*A mis padres, al Negro, a los Torres, a los Checka, a los Langostinos,
a los que vivían y se la vivieron en 52 Cecil St, al Colectivo Glasgow
University Solidarity, a Muranoco FC, a Plasti, a mi carni Mau, a
Santi, a CONACYT, a FUNED.*

A todos ustedes, gracias.

Abstract:

The purpose of this research is to analyse the relationship that exists between human rights and surveillance. The main objective is to assess the way public opinion and academia discuss the connections between the two topics. Specifically, evaluating the reactions that surfaced in the Mexican media after the disclosure of the *Gobierno Espía* investigation. The research draws upon mostly opinion columns that were published in Mexico once the investigation went public. Qualitative document analysis was performed over a sample of 88 different opinion columns, examining the key themes that better represented the discussion that happened in the Mexican press.

Upon examination, it is concluded that academia and public opinion agree on the negative effects that unregulated surveillance has on the enjoyment of human rights. In this particular case, the rights to association, protest and freedom of expression. However, the research also finds that the human rights' language and concepts are rarely heard in public opinion in Mexico, while other themes such as corruption and accountability are more recurrent. The latter leaves important reflections on the job human rights academics must do in order to communicate with broader audiences.

Word count: 13,754

Why I chose to write about this topic

“I don’t know if I’ll be in the country by then, I’m working on an investigation and I might need to leave Mexico if things go south.” It was a rainy night on June 2017 and I had asked a close friend of mine if he wanted to attend a football match later that week.¹ My friend works as a lawyer at R3D,² a young civil society organization devoted on protecting digital rights in Mexico. We met in the aftermath of the 2012 *#YoSoy132* student movement that surfaced the country during that year’s presidential election. The movement encompassed thousands of students coming from the most important public and private higher education institutions and it was the first movement with that characteristic since the 1968 generation (Olvera, 2018). Our main demands were of an electoral nature and although the movement ceased in 2013, one of its biggest contributions was the creation of a big network of young activists that emerged in Mexico’s political scene.

In 2012, I was still an undergraduate pursuing an International Relations’ degree and my friend had just finish his LLM. He was not living in Mexico during the months of protests but thanks to social media, he had become close with different cells of the movement,

¹ After reviewing different ethical considerations and acknowledging the violent context that Mexico is currently experiencing I have decided to anonymize the identity of my friend.

² R3D is an acronym in Spanish for Network in Defence of Digital Rights.

including my group of friends. When he returned, his concerns lead him to co-found R3D in 2014. Despite being a very young organization, R3D, became pioneer in documenting, investigating and denouncing several abuses the Mexican government was committing in the digital sphere.

Throughout the years, the organization stood against the promotion laws and public policies that restricted the use of the internet and that ultimately affected the enjoyment of basic human rights like the right to free speech, the right to association and the right to access information. Nevertheless, the investigation that they were working on June 2017 was, by far, their most important one and became one of the biggest scandals President Enrique Peña Nieto's administration had to deal with. I was unaware of the size of the bomb my friend was about to drop, but when he told me that he already had a backup plan to flee the country I truly worried.

Mexico has a poor record when it comes to human rights. Since 2006 the country has been torn apart because of the *War Against Drugs*. More than 200,000 people have been killed, around 35,000 are missing and in the mist of this conflict journalists and activists have become particularly vulnerable (Ángel, 2018). Since Enrique Peña Nieto was elected president in 2012, more than 40 journalists have been killed in the country for doing their job, making Mexico one of the most dangerous places in the world to be a journalist. Shockingly,

the government – in any of its three levels: municipal, state, federal - commits 48% of all aggressions against the press (Article 19, 2017).

The case is similar for activists, who have also suffered from political harassment and persecution. Sadly, my friends and I have been witnesses of that repression. In 2015, Nadia Vera, a former member of the *#YoSoy132* movement, and Ruben Espinosa a, freelance photojournalist, were murdered in their apartment in Mexico City alongside Alejandra, Yesenia and Mile other three women that happened to be with them that night (Pastrana, 2016). To this day no one has been prosecuted for this crime, and we still don't know who ordered them to be executed.

Nadia and Ruben met in the state of Veracruz in 2012 during that year's presidential run. Veracruz is one of the PRI's - Enrique Peña Nieto's political party – most important strongholds and as soon as the election was over repression was ordered by Javier Duarte, the governor of the state (Pastrana, 2016). Nadia participated in the *#YoSoy132* protests denouncing the election's results while Ruben was documenting the events for different media outlets. The constant aggressions and harassment she received forced Nadia to leave Veracruz in 2014. Soon after, Ruben followed. I never met them personally but due to the nature of their work and thanks to the networks formed in 2012, some of my friends did have a chance to know and work with them.

I tell this story to illustrate the level of violence and impunity we have been fighting against, the PRI and the President were not to be meddled with. Fearing for someone's life became a tangible reality amongst my closest friends and we knew we had to be cautious when staring directly at the government.

Just a couple of weeks after that football conversation with my friend at R3D, the New York Times had the organization's investigation – later known as *Gobierno Espía* -³ as an exclusive on the diary's first page, the title read: *Using Texts as Lures, Government Spyware Targets Mexican Journalists and Their Families*. It was on. The investigation dismantled the important surveillance machinery Enrique Peña Nieto's administration had mounted to surveil on activists, journalist and anyone that could be considered a threat to the political status quo, represented by the PRI and the President's most intimate circle.

The objective of this dissertation is to discuss the reactions that surfaced Mexico's public opinion after the disclosure of the *Gobierno Espía* investigation. In a country tainted by violence, impunity and human rights abuses how do we talk about surveillance and its nexus with human rights? What does the *Gobierno Espía* case tells us about

³ *Gobierno Espía* translates as Spy Government. Since the name in Spanish is the official name of the investigation I decided to leave it untranslated.

the challenges we face when discussing the limits of surveillance and its impacts on the enjoyment of human rights? Finally, what lessons can be learned from the gaps that exist between the concepts and language used in the academia and those of the public opinion?

The first chapter of the dissertation discusses the different debates that exist in academic literature when talking about surveillance and human rights. This chapter also introduces the qualitative methodology used when analysing the data collected for this research, explaining its advantages and limitations. Chapter two, introduces the *Gobierno Espía* investigation and its effects on Mexico, analysing the targets that were spied, the work they were doing and the topics they were investigating. Chapter three, assesses the different reactions that arose in the Mexican media, looking at recurrent themes and their ties with the broader discussion of surveillance and human rights. And lastly, chapter four, concludes on the research's different findings.

This dissertation also has a personal motivation and objective. The stories told and the people involved in them have made an important impression on my life over the span of the last six years. Telling their stories has, perhaps, the more important goal of raising awareness about the situation in Mexico, the challenges we face as a country and the everlasting pursuit of one day ending the armed conflict we are in. This dissertation is my grain of sand.

Chapter One: Surveillance and Human Rights, an Academic Overview

State surveillance is not a new practice. However, the advancements of technology and different contemporary historical events have modified the way we talk about the rules and norms that surround it. The events of September 11 2001, and the subsequent globalisation of terrorism and crime, urged nations to work in the creation of an *Orwellian* surveillance machinery designed to monitor everyone under the justification of national and international security (Robis, 2014). The limits of that machinery were to be questioned by different whistle-blowers' revelations, like the ones of Edward Snowden in 2013, which kindled debates over the limits of surveillance, particularly in relation to mass data collection and personal information of millions of users (Milanovic, 2015).

The tension in this debate lingers between those justifying the current machinery and practice of surveillance as necessary to guarantee national security, and those that claim the current system hinders various basic human rights – such as the right to privacy, freedom of speech, association and protest - as it allows the state to control different aspects of the life of their citizens. The relationship between surveillance and human rights is not clear either; international human rights law condemns the arbitrary use of surveillance and urges states to recur to this practice only when necessary (ICCPR, 1966; Margulies, 2016).

Yet, interpretation of the law allows states to continue to violate the right to privacy while arguing it is necessary for national security. The latter creates a gap that allows the misuse of mass collection and storage of personal information specifically in relation to sensitive data like health records, migrations status or bank accounts (Hagen & Olav, 2016; Robis, 2014).

This chapter includes an overview of the different postures that exist surrounding surveillance and human rights. Firstly, presenting the different sides of the debate: those that claim that given the times we live in surveillance is necessary for national security and those that argue that the practice of surveillance violates basic human rights. Secondly, discussing and providing examples of the negative consequences or *chilling effect* that surveillance has on human rights, specifically when it is used as a deterrent for activism, freedom of expression and investigative journalism (Richards, 2013). The concluding section of this chapter introduces the qualitative methodology that is used in the following chapters when analysing the *Gobierno Espía* case in Mexico.

Can Surveillance and Human Rights Be Compatible?

According to International Human Rights Law, the right to privacy is protected in Article 17 of the International Convention on Civil and Political Rights (ICCPR, 1966) that states:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

The Convention also mandates states parties to pass local laws and ensure that the right to privacy is protected. Therefore, any type of intrusion must be regulated by a suitable governmental authority and the intrusion must not violate the objectives of the Convention (Robis, 2014). Peter Margulies (2016) distinguishes two approaches to the interpretation of Article 17: The state-centric and the surveillance critics. State-centrics see, surveillance as entirely appropriate, and argue that when machines are programmed for the task – as opposed to humans – the act is inherently nonintrusive. Additionally, in the interpretation of international law extraterritoriality does not apply, therefore states are not bound to the law when surveilling individuals outside their jurisdiction, like in the case of international terrorist groups.

In contrast, surveillance critics, claim that surveillance is an intrusive practice that violates the right to privacy, regardless of human or a machined access to the information. They also claim that states must assure that individuals are granted equal protection both within state borders and internationally (Margulies, 2016).

Incredibly fast advancements in technology and our ever-growing technological dependence have resulted in the creation of detailed profiles of our lives. Even if we are unaware of it, those in control of our data know about almost every aspect of our life. Data collection is done by companies, websites, governments, and in many cases, the mining of information requires collaboration between the private and public sector (Richards, 2013; Hagen & Olav, 2016). This becomes problematic because the pace at which technology advances is faster than the response of Courts. If a case reaches international tribunals it could take years to be resolved. In the meantime, data collection and surveillance continues to evolve.

Ryan Calo, in his paper *Can Americans Resist Surveillance?* (2016), writes about the ability US citizens have to fight the different ways of government surveillance, a part from taking the matter to the courts, he also explains that citizens can elect officials that care about privacy, learn encryption or other techniques to protect their information, or pressure the different companies that hold their data. However, as Calo (2016) highlights, there are fundamental limitations to the latter. The primary concern being the lack of technical understanding possessed by electoral officials and citizens as well as the tedious and unfriendly processes of encryption and anonymity.

The number of challenges between surveillance and protecting human rights continue to grow as the relationship between technology

and the individual becomes more and more intertwined. Hagen & Olav (2016) argue in favour of surveillance; they maintain that surveillance has favourable impacts and guarantees security and safety. For example, monitoring the banking industry can benefit democracies as it can hold accountable corporate wrong-doing. A further application extends to using predictive and big data analysis to investigate serious crimes or terrorist attacks as these groups have also become more and more digitalized. Surveillance becomes a “powerful and sometimes necessary tool to ensure our security” (Hagen & Olav, 2016).

Yet, restrictions on its use must be enforced to avoid abuse. Robis (2014) explains that surveillance can be allowed when the duly governmental institution authorises it, as the violation of privacy can be justified if it is connected to an identified investigation. However, Robis (2014) recognizes that major countries, like the United States, have failed to fulfil their international and national obligations in that matter, and that little countermeasures exist to stop or prosecute abuses.

Surveillance as a Deterrent of Political Opposition.

The negative effects that surveillance has over individuals extends beyond the accumulation of data or access to sensitive information. Richards (2013) argues that the main danger of surveillance comes from the deterring effect it can have on the exercise of our liberties.

This so-called *chilling effect* can cause citizens “not to experiment with new or deviant ideas”, affecting many of the values and rights that justify the democratic state, like the right to free speech, association or protest. This happens because the relationship between the watcher and the watched is driven by an uneven dynamic of power. The fact that the government can access intimate aspects of their citizens lives – which includes possible political opposition – provides them with leverage that creates a space for coercion, blackmail and discrimination.

As explained by Wright & Raab (2012) a negative psychological impact occurs on individuals that believe they are being surveil as they often stop engaging in different political activities. In this regard, Kaminer (2015) explains that the creation of this mass surveillance machinery has been widely accepted due to triggered fear stemming from different historical events. It is precisely this public fear – related to terrorism, drug trafficking, and dictatorships – coupled with new technology, that has enabled and justified this unprecedented worldwide surveillance machinery.

It was until 2013, with the Edward Snowden leaks that the public got an idea of the size and power of this surveillance apparatus, awaking the need of awareness in this matter. Lessons learned from the Snowden leaks exposed how although each country has its own surveillance strategies, human rights violations remain constant

regardless of the type or political regime that governs the country.

Milanovic (2015) illustrates how democratic western countries like the Five Eyes (FYEY) composed of Australia, Canada, New Zealand, the United Kingdom and the United States, navigate the restrictions of local laws and collaborate internationally to share relevant information about their citizens or even more shockingly they spy on leaders of allied governments.

In authoritarian countries surveillance allows governing regimes to control their citizens' freedoms particularly their access to information. Take the example of China's *Great Firewall* where an online *army* blocks any sensitive information that could hinder China's politic and economic elites while at the same time monitors almost every aspect of their citizen's lives (Hughes, 2012). In North Korea, the introduction of tablets and smartphones was accompanied by a central strategy that sought to maximize and attract foreign investment, while at the same time preventing citizens from using the network to obtain or leak information outwith the country. The North Korean regime additionally uses cell phones to arbitrarily monitor users and spread governmental propaganda (Greitens, 2013).

In anocracies⁴ – countries with some democratic and autocratic characteristics – technological updates in surveillance are seen as a

⁴ The term *anocracy* is used in the *PolityIV* score that measures the level of democracy of a given country (Marshall & Gurr, 2014).

way to mimic advancements of *developed* first world democracies. The justification is similar: surveillance is needed to modernize police forces and intelligence institutions in order to achieve an effective national security policy. In practice, this new apparatus is used to deter political opposition or control the agenda over different strategic topics while keeping the façade of a democracy.

This can be seen in the case of Turkey. Bahçecik (2015) explains how the Turkish government endeavoured in a series of reforms that aimed to bring modernity to Turkish Police force through the integration of modern scientific methods. These methods included DNA databases and different surveillance techniques like wiretapping. In this instance, the lack of legal framework to protect human rights allowed the Turkish Police and other institutions to accumulate unrestricted information about their citizens. Particularly focused around the construction of profiles for populations of interest like political dissidents and civil society organisations.

Similar actions and justifications can be seen in Mexico during the *Gobierno Espía* case. As it will be introduced with further detail in the next chapter, Mexican officials justified buying highly invasive surveillance malware as part of the strategy to fight Drug Cartels. But, as it was discovered, this malware was used to spy on journalists, activists and human rights civil society organizations that were investigating different corruption scandals that involved the Army,

members of the presidential cabinet and the President and its family (Ahmed & Perlroth, 2017).

Summarizing, this chapter introduces an overview of the different positions central to debates over surveillance and human rights. As explained by Hagen & Olav (2016) the tension between the need for surveillance and the obligation of regulating it creates a paradox: while surveillance aims to better state's National Security policies, the enforcement of effective norms protect human rights - like the right to privacy - might defeat the original purpose. In this regard, Marguiles (2016) distinguishes two separate group of people: state-centrics, who see surveillance as necessary and appropriate, arguing that technological advancements allow it to be nonintrusive, therefore nonviolent, towards human rights; and surveillance critics, who argue that this practice needs to be heavily regulated as it inherently violates the rights of individuals.

Moreover, the debate recognizes that technology is evolving at a faster pace than laws in the matter. And surveillance must continue to evolve at pace because other actors – such as terrorist groups, private corporations and banks – are constantly updating themselves, therefore, in order to detect financial wrongdoing or potential threats to national security, the state has to be equally prepared (Hagen & Olav, 2016). Contrastingly, when it comes to citizens, the lack of technical understanding limits their ability to encrypt and anonymize their

information, as well as to pressure politicians or companies that hold their data (Calo, 2016).

However, the current debate over surveillance and human rights extends beyond law interpretation and mass collection of data.

Richards (2013) talks about the *chilling effect* invasive surveillance has on individuals, especially political opposition like journalists and activists. The state's ability to monitor almost every aspect of someone's life creates a psychological impact that deters the individual from engaging in different political activities (Richards, 2013; Wright & Raab, 2012). The latter can be seen in different countries across the globe, with examples that vary from democratic countries like the US and the UK, to authoritarian regimes like China and North Korea or anocracies like Turkey and Mexico (Bahçecik, 2015; Milanovic, 2015; Greitens, 2013; Hughes, 2012).

The *Gobierno Espía* case in Mexico illustrates the tensions that different authors in academia argue when discussing the relationship between human rights and surveillance. The case introduces an anocratic country that justifies the existence of highly invasive software as a key element to ensure national security, specifically in the fight against the different drug cartels that exist inside the country (Robis, 2014; Margulies, 2016; Hagen & Olav, 2016). Yet, in practice said software is used to monitor and surveil political opposition, potentially creating a *chilling effect* in their work, deterring them from

criticizing the government (Richards, 2013; Wright & Raab, 2012; Kaminer, 2015).

These relationships between surveillance and human rights are discussed in the next chapters, as well as analysing the tension that exists between the concepts used in academia and those that are used by the public opinion. Studying their similarities and their differences are key in understanding how societies talk about the different effects that surveillance has on the enjoyment of human rights.

Methodology

The objective of this dissertation is to assess the different reactions that emerged on Mexico's press after the disclosure of the *Gobierno Espía* investigation. Specifically, discussing how public opinion talks about surveillance and its impacts on human rights. Before getting into that analysis this section introduces the methodology used to answer the research question and it explains the advantages and limitations of document analysis and thematic analysis.

Since newspapers articles constitute the core of the dissertation's investigation this section of the chapter presents a discussion on why document analysis is a feasible qualitative research tool to answer the research question. The chapter also addresses the different limitations document analysis presupposes and the

justification over why this particular research tool was selected for the objectives of this dissertation.

As explained by Bryman (2016), document analysis covers a wide range of sources that vary in nature – such as diaries, letters, newspaper articles, official documents, internet sources – and are not produced to specifically meet the requirements of the researcher. Documents are relevant because their analysis helps to uncover details about culture, ethos or other political realities of a certain society in a given time.

However, much care needs to be taken into consideration when undergoing any type of document analysis. Atkinson & Coffey (2011), introduced the concept of *inter-textuality* to explain that documents don't exist purely on their own and they need to be situated in a broader context that necessarily links them to other documents as the second ones can be a result or a cause of the first ones. They continue to explain that documents need to be considered within the purpose of their creation as this is their defining ontological characteristic: documents don't expose a transparent reality but a biased one that reflect the reason upon which they were created. Acknowledging the latter is not only ethically responsible but also, by doing so, the analysis of a certain document becomes more helpful for the researcher as it exposes certain details or a studied reality.

Document analysis also provides the researcher with a number of advantages. Bowen (2009), lists some of them, such their *availability*, documents like official reports or newspaper articles are of public domain and can be easily accessed to via the Internet. They can be less *cost-effective* because they are not only easy to access but also, in some cases, the expensive and/or time consuming procedures to collect certain data has already been done allowing the documents to be used for new interpretations or studies. Documents analysis can also be *unobtrusive* meaning that the interference of the researcher does not affect the nature of the documents giving it more *stability* during manipulation.

These advantages have encouraged researchers from various disciplines to use document analyses as a helpful investigative tool. In sociology, Silverman (2017), presents a research that compares the representation of crime in two different geographic locations in the UK - London and a Northern Ireland City – exploring the different descriptions of similar crimes by local newspapers. Jacobs (1967), analysed a sample of suicide notes in order to find certain phenomenological patters among the writers. At the end, Jacobs was able to categorize the individual in six different groups including notes referring to an illness. Even fanzines can be an interesting documents to look at when analysing broader characteristics of a society, Wagg (2010) looked at the Manchester United fanzines during the years 2003-2009, the seasons in which Cristiano Ronaldo played for the *Red*

Devils. His study allowed not only to see the changes in the positive perception fans had over the Ronaldo as his 2010 transfer to Real Madrid approach, but also showed how Portuguese Mancunian migrants were always more supportive of Ronaldo as they too were seeking to prosper from international migration and the global economy.

Conducting document analysis presupposes limitations that need to be acknowledged by the investigator. Bowen (2009), explains that these disadvantages revolve around the notion of *bias*. Since documents are not produced to meet the requirements of the researcher they might not provide *sufficient detail* to answer the research question. The researcher has to be careful about the places from which he collects documents as the organizations, newspapers or mass-media outputs that produce them most certainly have specific agendas. This *biased selectivity* needs to be disclosed by the researcher. Finally, Scott (1990) suggest four criteria for assessing the documents: researcher has to question the *authenticity* of the document, the *credibility* of the source, the *representativeness* of the data and if the *meaning* of the evidence is comprehensible. Taking these criteria into consideration allows to diminish some of the disadvantages and helps answering the research question.

When dealing with documents there is not one unique way to analyse them. Researchers have to think on the objective of the

investigation in order to decide the most suitable method of analysis. Two of the most used methods are content and thematic analysis. According to Vaismoradi, et al. (2013) content analysis, may be more helpful when looking at patterns that repeat on the data. The kind of coding and its interpretation might require quantitative counts of the codes. In contrast, thematic analysis provides a detailed account of the information within the data. This approach emphasizes more on the context and its analysis is purely qualitative.

Thematic analysis aims to find recurrent themes that exist among different documents, structuring a narrative that facilitates the study of the documents in a broader context. The themes that result after the analysis of the texts create a network that joins the documents into a common narrative (Attride-Stirling, 2001). Thematic analysis moves beyond counting words or phrases that repeat all along the texts and instead it focuses on identifying main ideas that link the initial data. This kind of approach require much more interpretation from behalf of the researcher (Guest, et al., 2012).

For the purpose of this dissertation and taking into consideration the data used for the investigation, I have decided that the most suitable way of manipulating the chosen documents is through thematic analysis. This investigation overlooked an initial sample of 88 opinion columns written in more than 15 different media outlets including published newspapers and online sources. The

columns were written in the span of the first 10 days after the *Gobierno Espía* investigation was disclosed, from Monday June 19 2017 to Wednesday June 28 2017 and they incorporate articles written in media outlets coming from various backgrounds and ideologies.

The 88 columns were manipulated following the steps proposed by Attride-Stirling (2001): firstly, the columns were read and analysed trying to find general themes that seemed more recurrent among the authors. Secondly, the 88 columns were grouped in 4 general themes: *Corruption, Government's Credibility, Accountability* and *Victims*. Thirdly, I chose 20 articles out of the initial 88 sample and proceed to analyse them. The 20 articles sample was carefully selected, trying to choose those articles that proved to be more representative of the broader debate that occurred in the Mexican press while discussing the *Gobierno Espía* case.

Finally, using the 4 general themes I analyse the 20 articles sample, looking for ideas that linked the concerns of the authors. It is important to mention that after this final analysis all the articles could be linked to least two of the main themes. For example, articles that mainly talk about the – lack of – *Government's Credibility* also talk about *Corruption* scandals that occur in the country's past or while writing about the *Victims* of the investigation authors of the columns also refer to the lack of *Accountability* that exists in Mexican Institutions when dealing with these kind of cases. Combinations

between themes happen in all articles and some of them have all four themes present. Further detail of the findings and manipulation of the documents is explained in Chapter Three of this dissertation.

Before commencing the analysis of the *Gobierno Espía* case I would take the liberty of briefly explaining why document analysis and thematic analysis were chosen for this project. I will also recognize some of the limitations and biases this kind of research approach carries as it is important for the reader to be fully aware of them while going through my interpretation of the data.

Originally the research question was meant to be answered throughout interviews of some of the people involved in the *Gobierno Espía* investigation. However, after reviewing several ethical considerations and assessing the violent context of Mexico the decision of making interviews became less feasible as it could expose both the interviewer and the interviewees. In contrast, document analysis proposed several advantages. The documents chosen for the investigation of this dissertation are all of public domain and can be easily accessed from afar. Also, the authors chose to freely publish those columns after evaluating their own risk, and me reading, coding and analysing their work would not expose them more.

Although the more personal and intimate understandings on the implications of the case are lost after dropping the interviews, my own

bias as a Mexican and a Spanish speaker permits me to analyse in more depth the columns that were written, hence fully understanding the debate that was happening in the media. Also my knowledge of Mexican politics and my knowledge of Mexican idioms and expressions allows me to read ideas that might have not been explicit but that were still a core part of the messages in the columns. Document analysis might not be ideal but due to ethical and time considerations, and thanks to my own expertise in Mexican politics important findings can still be reached and are presented in the following chapters of this work.

Some important biases. I am an upper-middle class, heterosexual, male, activist, from Mexico City. Therefore, my interpretation of the texts is limited and determined by the latter. My experience as an activist might be the principal reason behind why I chose this topic for this dissertation, but it also plays an important role on how I read and interpret the texts. Although, I carefully tried to choose articles that better represented the different ideas in the media, unconsciously, I tend to give particular importance to voices that express or illustrate the violent context that Mexico lives at the moment, as I, like millions of Mexicans, have been personally impacted by it.

Another important thing is that my understanding of Mexican politics is tied to a very centric perspective driven by my own

condition as a resident of Mexico City. Even though, most of the articles are from national press, most of the authors - and myself - are from Mexico City. These supersizes a capital-centric political analysis of the events and invariably disregards the impact the *Gobierno Espía* case might have had at a more local level. This is an important consideration to bear in mind because due to the generalized violent context that the country is experiencing, it is precisely activists and journalists that are not from Mexico City the ones that are more exposed and that are more vulnerable.

With that said, the next chapters introduce the *Gobierno Espía* investigation and analyse the different sides of the debate that came to light in the Mexican press. The objective remains: use the *Gobierno Espía* investigation as an illustrative example of how general opinion discusses the relationship and implications that exist between the current surveillance machineries and its effects on human rights.

Chapter two: Mexico and the *Gobierno Espía* Investigation

Mexico under Enrique Peña Nieto: a brief overview

The human rights crisis that Mexico is currently experiencing did not start with the arrival of Enrique Peña Nieto to the presidency of the country in 2012. The, so-called, *War Against Drugs* started in 2006 when president Felipe Calderón decided to take the army and the federal police out to the streets to frontally combat the drug cartels. The results of this public policy were far from successful, in the six years that Claderón ran the country evidence of multiple human rights violations occurred all over Mexico and were especially alarming in the topics of forced disappearance, internal displacement, torture and homicides. However, when arriving in power in 2012, Enrique Peña Nieto decided to continue with the same frontal strategy. By the end of his term, in 2018, the country has experienced the most violent presidential term in history with a death toll of nearly 105 thousand homicides, a number higher than the 102 thousand that were killed during Claderon's mandate (Ángel, 2018).

The latter means that during the last twelve years Mexico has been living a conflict that accumulates more than 200,000 homicides. Also during those years, the number of disappeared add up to nearly 35 thousand, an average of 8 Mexicans missing per day (Camhaji, 2018). Likewise, the country has experienced an unrecognized internal displaced persons (IDPs) crisis with numbers that oscillate around

300,000 Mexicans that had to move internally due to the drug related violence or because of territorial, religious or political conflicts (CMDPDH, 2017). In short, the overwhelming human rights crisis in Mexico is due to an internal armed conflict that started in 2006 with Felipe Calderon and that was – even with enough evidence to prove it was not successful – continued by Enrique Peña Nieto in 2012.

Before running for president, Enrique Peña Nieto govern the State of Mexico, one of Mexico’s federal entities, from 2006-2012. His human rights legacy as a governor is - to say the least - questionable as he left the state with a peak in feminicides and was the main responsible behind the repressive police operation ordered against the people of Atenco, who were protesting against the construction of an airport in their agriculture lands during the Spring of 2006 (Fernandez, 2017; Gilly, 2012). The repression at Atenco tainted Peña Nieto’s years as governor, the police operative ended with hundreds arbitrarily detained, nearly 50 women sexually tortured by the police, 12 unjustly imprisoned and 2 persons killed, including a 14 year old (Gilly, 2012). However, despite his poor record on human rights he was considered as the front runner to represent the Institutional Revolutionary Party (PRI).⁵ His presidential campaign was marked by a somewhat complacent media coverage that failed to question him about various corruption scandals and his human rights legacy as a governor.

⁵ The PRI is a political party founded in the late 1920s. The party governed continuously from that decade up until the year 2000 without facing any kind of political opposition (Aguilar, 2008).

Immediately after arriving to power Peña Nieto was able to bring all political forces together behind a series of constitutional reforms known as the Pact for Mexico (PFM). The PFM included amendments in strategic sectors like telecommunications, energy, education, and others (Montes, 2013). The negotiation ability to rally almost every political party behind these new bills gave Peña Nieto an image of a statesman able to bring modernity to Mexico. He was the cover of Time Magazine (2014) on an edition titled *Saving Mexico* and a special report in The Economist (2012) was published under the name *The Rise of Mexico*. Even if homicide rates didn't decrease significantly the country experienced certain political stability from 2012-2014.

In 2014, that futile stability collapsed as different scandals came to light, starting with the forced disappearance of 43 rural students from the town of Ayotzinapa in the state of Guerrero, the case shocked the country as thousands of Mexicans took over the streets to demand the government about the whereabouts of the students (Goldman, 2014). Just a couple of weeks after the Ayotzinapa case the journalists of Aristegui Noticias published an investigation that linked a 7 million USD property, owned by the first lady, with Grupo Higa, a construction company that had won several tenders during Peña's presidency and previous mandate as a governor. The investigation was known as the *Mexican White House* and it unraveled a network of

conflict of interests between the presidential family and private contractors (Goldman, 2014; Cabrera, et al., 2014). After the events of 2014, other scandals of different nature were disclosed. Some of the affairs linked members of his cabinet in the embezzlement of public funds, involved the army and the federal police in extrajudicial executions or rose the tensions between Mexico and the United States. By 2018, Enrique Peña Nieto finish his term with a historically low 21% approval rate and an important debt in terms of accountability and human rights reparation (Ramos, 2018).

It was during this administration that the *Gobierno Espía* investigation took place, exposing how the federal government used a highly invasive malware known as *Pegasus* to surveil on journalists and activists that were working on sensitive cases that damaged Peña's image and that of the PRI. The *Gobierno Espía* case is not only emblematic as its consequences illustrate the way Mexico discussed surveillance and human rights, it is also very important for Mexico's contemporary politics because – as it is explained in the next section of this chapter - the targets and victims of the case were some of the main actors behind the investigations that exposed Enrique Peña Nieto's poor record on human rights and complicity in several corruption scandals.

The Gobierno Espía Investigation

The morning of June 19, 2017 the New York Times' first page published an article with a title that read *Using Texts as Lures, Government Spyware Targets Mexican Journalists and Their Families* the article continued:

Mexico's most prominent human rights lawyers, journalists and anti-corruption activists have been targeted by advanced spyware sold to the Mexican government on the condition that it be used only to investigate criminals and terrorists (Ahmed & Perlroth, 2017).

That same day, in Mexico City, the targets gave a press conference to explain the details of the *Gobierno Espía* case. According to the joint investigation - led by Citizen Lab at the University of Toronto and three different Mexican human rights CSOs - the Mexican government was able to infiltrate various mobile devices thanks to a software known as *Pegasus* sold by NSO Group, an Israeli intelligence private company (R3D, et al., 2017).

In order to infiltrate the device, the target receives a tailored text message with a fake web domain, the content of the message is written in a personalized manner that seeks to create an urge on the target so that it *clicks* on the provided link. Apparently nothing happens after the user *clicks* in the domain, but by doing so the targets allows authorization to download *Pegasus* into its phone, granting whomever sent the text message full control over the device. With *Pegasus* installed, the sender of the text message can now access any detail of the user's life including photos, videos, contacts, emails, texts,

calendar, phone calls and it can even turn on the device's camera, microphone and GPS (Perlroth, 2016; R3D, et al., 2017).

Pegasus is not only a highly invasive software, but it is also almost untraceable. Yet, in August 2016, investigators at the Citizen Lab and Lookout Security were able to track the software in the phone of Emirati human rights defender, Ahmed Mansoor.⁶ This case allowed Citizen Lab to explore more of the nature of *Pegasus*: how it worked and who was buying it. Investigators discovered that the fake links that were sent to the targets were tailored to impersonate news agencies, government portals or telecommunications providers of a specific country (Marczak & Scottt-Railton, 2016).

After dividing the domains by country, Citizen Lab found that Mexico was – by far - the country with the largest number of *Pegasus*' tailored fake links in the world, meaning that the Mexican government was an important NSO Group client and was trying, at least since 2016, to interfere the private communications of different persons of interest (Marczak & Scottt-Railton, 2016).

In this regard, and according to NSO Group, the software is sold exclusively to governments on the sole purpose of surveilling criminal groups, terrorist organizations or drug cartels and it should not

⁶ Ahmed Mansoor was sentenced in May 2018 to 10 years in prison because his social media posts “caused real damage to the United Arab Emirates’ reputation” (Amnesty International, 2018).

be used to spy on regular citizens. But the company also acknowledges that once the software is sold they lack control over how the government uses it (Perlroth, 2016).

The findings in the Mansoor's case raised concerns in Mexico where two local OSCs, SocialTIC and the Red en Defensa de los Derechos Digitales (R3D) contacted Citizen Lab over suspicion that *Pegasus* was being used against two activists and a scientist who were lobbying in favour of taxing soft drinks in the country. The result was the Citizen Lab investigation: *Bitter Sweet: Supporters of Mexico's Soda Tax Targeted With NSO Exploit Links* and it constituted the first studied precedent of *Pegasus* being used in Mexico to surveil activists (Marczak, et al., 2017). The Mexican government was unable to explain this espionage and as a consequence in May 2017 ten OSCs dropped out the Open Government Partnership, an international initiative that promotes the use of new technologies to fight corruption and increase accountability (Animal Político, 2017).

A month after, in June, the *Gobierno Espía* investigation came to light leaving no doubt of Mexico's government intentions over the purchase of *Pegasus*. The case compiles the stories of twelve different targets that received tailored SMS with a link to install the surveillance software. The report studied infection attempts from January 2015 to August 2016. The targets included individuals working for two OSCs,

a news media outlet, a TV and radio host, and investigators in an anticorruption think tank (Ahmed & Perlroth, 2017; R3D, et al., 2017).

The first OSC is the Centro De Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh) a Jesuit human rights organization founded in 1988. During the *Gobierno Espía's* time frame, the Centro Prodh was actively working in the case of the 43 missing students of Ayotzinapa, Guerrero; denouncing the extrajudicial executions ordered by the Mexican army in Tlatlaya, State of Mexico; accompanying the victims of sexual torture of Atenco; and was involved in the discussion over the General Law Against Torture (R3D, et al., 2017, pp. 9-16).

Mario Patrón, director of the Centro Pro, Santiago Aguirre, subdirector, and Stephanie Brewer, coordinator of international affairs were the targets within the organization. Each of them got different messages, for instance: Patron, who was working as intermediary between the GIEI – a group of international experts evaluating the 43 missing student's case – and the government, received a text that read “*THE MEXICAN GOVERNMENT BETS THE GIEI [malicious link]*”. Brewer received a message just a week after the 10th anniversary of the repression of Atenco and Aguirre got a couple where an allegedly student inquired him over his dissertation (R3D, et al., 2017, pp. 9-16).

The second OSC is Mexicanos Contra la Corrupción y la Impunidad (MCCI), a relatively new organization that specializes in

investigating corruption and impunity. The targets, Salvador Camarena and Daniel Lizárraga are renowned journalist with an important trajectory in Mexican media. Before working in MCCI, Lizárraga was part of the investigators who disclosed the *Mexican White House* affair and Camarena worked as an editor for different newspapers. Between May and June 2016, Camarena and Lizárraga received messages while working on an investigation that uncover a network of shell companies in the state of Veracruz, governed by Javier Duarte of the PRI. Their investigation triggered a series of events that ended with Duarte escaping Mexico and later captured in Guatemala (Ángel, et al., 2016).

Lizárraga received a fake text written as if his cell phone provider asked him to pay a debt. Camarena got two messages, one where the malicious link was supposed to show him sexual images of his partner and a second one where the link included photos of an alleged van that was recording the outside of his house (R3D, et al., 2017).

Carlos Loret de Mola, the third target of the *Gobierno Espía* case, is a TV morning news anchor, host of a radio news emission and writer of a column in one of Mexico's biggest newspaper, El Universal. From August 2015 to April 2016, Loret de Mola received eight infection attempts. During those months he had published a series of columns exposing the extrajudicial executions order by the Federal Police in Tanhuato, Michoacan where the Federal Police had executed

several civilians, moved their location, stack the bodies and later blamed them to be part of a criminal organization (Loret de Mola, 2015).

Soon after, Loret de Mola also covered the capture of Mexican drug kingpin, Joaquín “*El Chapo*” Guzmán, the attempts of the PRI to dismantle the Anticorruption Law, and wrote about the human rights crisis in Mexico. The messages he received included a malicious link to check a visa application to the United States, another supposedly from his cell phone provider and a couple more where someone told him about gossip being published about his life in a tabloid magazine (R3D, et al., 2017, pp. 37-42).

The journalists at Aristegui Noticias (AN) are the fourth group of targets in the case. In 2014, the news portal published the investigation “The White House of Enrique Peña Nieto” that denounced the conflict of interest between contractor Grupo Higa and the presidential family. The investigation explained how the first lady’s house – valued in 7 million USD - was under the name of Grupo Higa a company that benefited from several tenders under the Peña’s mandate as a governor and president (Cabrera, et al., 2014).

The investigation had several consequences: Firstly, China pull out from an agreement to build a train because Grupo Higa was part of the deal and secondly, the World Street Journal published another

investigation that linked the Secretary of the Treasury with a house that was also under Grupo Higa's name (Hernández Pérez, 2015; Montes, 2014). As retaliation, the president himself pressure the radio station where Carmen Aristegui worked and got her and her team fired. (Nájar, 2015).

The targets from Aristegui Noticias include Carmen Aristegui, anchor of the radio show and journalists Rafael Cabrera and Sebastián Barragán as well as Emilio Aristegui, son of Carmen and 17 years old at the time of the malware attack. The journalists at AN were also the targets that received the most attempts of infection. Carmen Aristegui alone received more than 20 messages that include alleged unrecognized charges to her credit card, problems with her cell phone bill and even the invitation to a costume party. His son, Emilio Aristegui, also received texts warning him about a fake Facebook and Twitter accounts using his identity and others informing him about his visa application to the United States. Rafael Cabrera and Sebastián Barragán got mainly messages from fake new sites and problems with their cell phone's carrier (R3D, et al., 2017, pp. 17-36; Ahmed & Perlroth, 2017).

The last targets of the *Gobierno Espía* case are Juan Pardinás and Alexandra Zapata from the Instituto Mexicano para la Competitividad (IMCO). The IMCO is a think tank devoted on investigating corruption, transparency and accountability. Juan

Pardinas, director of the institution, gave several statements in different forums denouncing the corruption scandals of president Peña's administration including his ties with Grupo Higa. IMCO was also part of the discussion and lobbying behind an anticorruption law that urged every public official to disclose their patrimonial declaration, conflict of interest declaration and tax returns. Zapata received malicious texts from fake news sites and Pardinas received an invitation to a funeral, the link was the alleged location of the event (R3D, et al., 2017, pp. 43-48).

The New York Times explained that the price for each time *Pegasus* is successfully installed on a device costs around \$77,000 USD and according to the company's contracts Mexico had paid NSO Group more than \$15 million USD for projects that commenced in 2013 (Perlroth, 2016). Other journalist investigations exposed several contracts and emails linked the purchase of *Pegasus* to, at least, three federal institutions: The Secretariat of National Defense (SEDENA), the Center for Research and National Security (CISEN) – Mexico's intelligence agency controlled by the Secretariat of the Interior – and the Office of the Attorney General of the Republic (PGR) (R3D, et al., 2017; Beauregard, 2017). The Mexican government failed to explain about the purchase and refuse to comment of the matter, justifying that due to the nature of the cases the information about *Pegasus* was classified (Beauregard, 2017).

It is important to highlight that soldiers from the SEDENA were involved in the extrajudicial executions in Tlatlaya, that the Federal Police – which responds to the Secretariat of the Interior – was responsible for the executions in Tanhuato and participated in the repression in Atenco and that the PGR was the federal dependency responsible to document and prosecute the case of the 43 missing students of Ayotzinapa. For at least three of the subcases – Centro Prodh, Carlos Loret de Mola and Aristegui Noticias - the agencies that bought *Pegasus* were being scrutinized and investigated by the targets.

Moreover, the *Gobierno Espía* report found a positive correlation between the attacks and key political events: As important conjectures happened the number of attempted attacks also intensified. The targets at the Centro Pro received most of the messages in critical dates surrounding findings on the 43 missing students' case. At MCCI, Salvador Camarena received a message the same day he published a column that demanded explanations on how nearly 35 million USD from the state of Veracruz disappeared during the mandate of Javier Duarte, from the PRI. In the case of Carlos Loret de Mola, from the eight attempts of infection, six were delivered in the exact day or with a couple of days of difference from his publications or appearances questioning the truth behind the Federal Police's operation in Tanhuato. The journalists at Aristegui Noticias received nearly forty messages with most of them staking in the days surrounding the presentation of the book "The White House of Enrique Peña Nieto".

And Alexandra Zapata from IMCO received two infection attempts in the days Congress was discussing the new Anticorruption Laws, including the Ley 3 de 3 (R3D, et al., 2017, pp. 55-60).

In a country that has experienced every single possible abuse, it is hard to predict the reactions of the media after the break of a crisis. Moreover, it could be said that Peña Nieto has witness a favourable media coverage since his time as a governor specially by traditional press such as newspapers. But, as the scandals stacked, his popularity also diminished.

In this regard the *Gobierno Espía* case is singular for various reasons. Firstly, it is an *investigation of investigations* meaning that the targets of the case are so varied that they constitute several cases of its own. Secondly, those particular cases are emblematic because they are already known by the Mexican public opinion and when they were disclosed they created an important turmoil in the country. Thirdly, the cases are varied in nature – some focus on conflict of interest or corruption scandals, while others exposed abuses by the army or the federal police – therefore predicting the reactions of the media was something complicated at the moment when *Gobierno Espía* investigation came to light. Next chapter analyses said reactions.

Chapter three: The Mexican media's reaction to the *Gobierno Espía* investigation

This chapter analyses the reactions different Mexican opinion column writers had over the *Gobierno Espía* case. The research was done by overlooking 88 opinion columns written in more than 15 different media outlets including published newspapers and online sources. The columns were written in the span of the first 10 days after the *Gobierno Espía* investigation was disclosed, from Monday June 19 2017 to Wednesday June 28 2017 and they incorporate articles written in media outlets coming from various backgrounds and ideologies.

Before the qualitative thematic analysis was performed on the data, interesting findings came to light about the nature of the 88 opinion columns. Milenio, El Universal and El Financiero are the three outlets that discussed the *Gobierno Espía* case the most, followed by Aristegui Noticias and La Jornada. The first three journals have a reputation of defending the president Enrique Peña Nieto's public policies and tend to lean more towards conservative political ideologies. In contrast, the other two are seen as part of the traditional leftist press. However, surprisingly, the vast majority of the columns fiercely denounce the use of *Pegasus* to spy on journalist and activists. Even journalists like Carlos Marin, Editorial Director of Milenio Diario and Pablo Hiriart, Director of Information of El Financiero, who have openly criticized and question the work of some of the targets of the *Gobierno Espía* investigation, now got behind the victims' back.

Perhaps, the fact that some of the victims work in these journals might be the strongest reason behind why traditional supporters of president Enrique Peña Nieto did not tolerate his actions in this particular case.

Another finding after looking at the 88 columns is that very few of them talk about the case as one that primarily constitutes a human rights violation. Furthermore, reference to articles of the Mexican Constitution or Human Rights Treaties – that Mexico has signed and/or ratify – are practically non-existent. Yet, as this chapter explains, the latter does not mean that there is little interest in Mexico's public opinion to demand an explanation and assurance of non-repetition over these kind of invasive practices. It is just proof of a very interesting dissonance between the language and concepts used in academic literature and those in public opinion. I will come back to this argument in the concluding section of this and next chapter, however I wanted to signpost it here as this finding was key while conducting the thematic analysis on the articles.

While human rights' language and concepts are difficult to find in the columns, other themes appear to be more prominent. After going through the 88 articles and analysing the most recurrent topics I decided to group them into 4 main themes: *Corruption*, *Government's Credibility*, *Accountability* and *Victims*. Then, I picked 20 articles that I found to be representative of these 4 main themes and proceeded to analyse them. It is important to mention that all the articles talk of at

least two of the main themes. For example, articles that mainly talk about the – lack of – *Government's Credibility* also talk about *Corruption* scandals that occur in the past or while writing about the *Victims* of the investigation authors of the columns also refer to the lack of *Accountability* that exists in Mexican Institutions when dealing with these kind of cases. Combinations between themes happen in all articles and some of them have all four themes present.

An important disclosure before presenting the analysis is that although the vast majority of articles solidarize with the victims and criticize the government's actions, there is a handful of them question the seriousness of the case and justify the existence of the government's surveillance machinery. However, I decided not to consider those articles in my final 20 sample for the following reasons:

Firstly, most of these articles are written by Ricardo Aleman a journalist known for writing about conspiracy theories, undermining the work of human rights organizations and have little to none rigor on his investigations. He has been fired from several media outlets and recently his column in *Milenio Diario*, and TV shows in *Televisa* and *Canal Once* were cancelled after he incited his Twitter followers to murder one of the presidential candidates in the 2018 election (El Financiero, 2018). Secondly, other couple of articles against the *Gobierno Espía* investigation where written in internet media outlets that are not particularly big and do not reach a broader audience. And

finally, some of those articles had no author and were signed on behalf of the whole media outlet.

I do not believe these articles are representative of the 88 initial sample as they speak for a marginal spectrum with very little credibility among Mexicans, focusing on them would supersize a posture of the debate that hardly exists. For the latter reasons I decided to focus on those articles that represent more of the actual discussion that occurred in Mexico after the *Gobierno Espía* case came to light.

Theme One: Corruption

The theme of *Corruption* appears on almost all of the articles, yet it is approached in various ways. The most recurrent one is acknowledging how the targets of the *Gobierno Espía* case were working on investigations that exposed corruption during Peña Nieto's government. Almost all of the columns coincide that the common denominator that links the victims of the case was the nature of the work they were doing and how the larger objective of that work was to expose corrupt practices of several Federal agencies, including the President, his family and members of the cabinet.

More interestingly, Mexico's public opinion reacted with awe and indignation after knowing that the elevated costs of infecting a target with *Pegasus* was used to surveil critics instead of fighting the drug cartels. Luis Miguel Cano (2017) wrote at Proceso:

Much more grave that [the government] uses public resources and the state apparatus to meddle in the most intimate circle of people's life.

Laura Rojas (2017) wrote at Excelsior:

If it is proven that the authorities are using resources destined to combat organized crime to spy on honest civilians, only because they are uncomfortable to the regime, we would be reaching a new level of embarrassment on regard on how this government acts (...).

Leo Zuckermann (2017) also at Excelsior:

It is a disgrace that institutions can't fight against the real enemies of the state, but they spend their time listening and watching different human rights defenders, journalist and activists. (...) The government is using public funds to find out about the private and intimate life of a citizen⁷ committed to fight against corruption.

These criticisms over the misuse of public funds don't come exclusively as a reaction of the *Gobierno Espía* case. The systematic tolerance and lack of action to pursue numerous corruption scandals that occur during the years of Peña Nieto's mandate was also something that opinion writers remarked on their columns. Carlos Elizondo (2017) questioned:

Several former governors spent years focused on looting their states. (...) What were the State agencies responsible of prosecuting those crimes doing during those times?

⁷ In this section of the article, Leo Zuckermann is particularly referring to Pegasus' target, Juan Pardinás who works with Zuckermann in the late night TV Show *La Hora de Opinar*.

While Jose Cárdenas (2017) also questioned in his column at El Universal:

Where were the ‘cyber-spies’ when El Chapo Guzman fled the Altiplano prison? Why did the gangs that steal petrol were not detected and stopped in time? (...) Why were former governors not investigated when their corrupt actions were seen everywhere?

In this regard the *Gobierno Espía* became an emblematic and ironic example of a government that had the infrastructure, resources and capability to investigate several corruption actions yet, it chose to use that infrastructure to spy those who were denouncing said corruption. The overwhelming evidence of embezzlement and misuse of public funds were topics under de radar for Mexican press. It comes as no surprise that public opinion did not tolerate the latter after investigation disclosed that once *again* the government was lying about how public resources were used.

The past experiences over the lack of commitment to fight corruption and the nature behind the surveillance in the *Gobierno Espía* case led some of the authors to deem the act of illegal surveillance as equal to a corrupt act. Leo Zuckermann (2017) denounced:

Once again the Peña’s Government is under suspicion of a corrupt operation, because illegal espionage is also corruption.

On that same line Miguel Pulido (2017) wrote at Aristegui Noticias:

Illegal and invasive surveillance activities have become inflexion points in which modern democracies jeopardize their stability. Because of that more than one responsible has crumbled. These scandals are consubstantial to those of corruption.

For Mexican opinion writers it is more simple to express the criminality of an act when its compared to corruption than when it is compared to a human rights abuse. While there is a lack of semantics around the human rights language there is a surplus of examples when it comes to talking about corruption and its consequences. I presented earlier on this chapter how this was a key finding and my reasoning behind why this happens is explained later on, however I cannot stress enough how the disparity between academic literature and public opinion it is illustrated very clearly in the reactions of the *Gobierno Espía* case.

Theme Two: Government's Credibility

The *Gobierno Espía* investigation helped as a reminder of several events that happened during Enrique Peña's mandate and that outraged Mexican society during their occurrence. The case also grouped in one event a series of scandals that together undermined the *Government's Credibility*. The targets of the *Gobierno Espía* case were working on investigations that exposed the Presidential Family, the Office of the Attorney General, the Federal Police, the Army, members of the Presidential Cabinet and other federal agencies. For that reason,

many of the columns written after the disclosure of the case questioned the reputation of the Mexican Institutions and reacted with scepticism after the Mexican authorities said that they were fully committed on investigating the people responsible of the illegal surveillance.

Templo Mayor (2017) a daily column at the Reforma newspaper perfectly illustrated that scepticism:

Thank goodness that the federal government has explained that they don't spy on activists, journalist and human rights defenders. Now we just have to believe them. One way to boost the government's credibility would be, for putting a crazy example, to seriously investigate these accusations, find the people responsible and present them to justice.

The criticisms continued over the subsequent days, especially after president Enrique Peña invited the victims of the *Gobierno Espía* case to present the correspondent law suits to the Office of the Attorney General (Sánchez, 2017). The statement backfired because the Office of the Attorney General was one of the Federal Agencies that was accused of buying the software. Manuel Fuentes (2017) doubted the Office of the Attorney General (PGR is its acronym in Mexico):

The Mexican government denies the facts, but evidence questions its allegedly innocence. The accusations for surveillance have been presented at the Office of the Attorney General (PGR), and they have to explain publicly and promptly the actions that will be carried out.

The PGR is a discredited institution in which no one relies upon and that only serves to protect the governmental vandalisms.

On that same line of questioning Carlos Puig (2017) wrote in his column at Milenio Diario:

The government says that the victims [of surveillance], should present their allegations at the PGR, but we know that the PGR is one of the institutions that bought the software. What if they are the spies?

The government's attempts to silence these criticisms recoil once again after the president said in a public event that he has also receives suspicious text messages but that he takes precautions not to open them and so should everyone else (Franco, 2017). José Luis Martínez (2017) criticize those statements in his column at Milenio Diario:

Apparently, for Peña Nieto the defence of his privacy is not important or it is not within the obligations of his government. His statements reveal the fragility of the presidential institution at the moment.

Carlos Puig (2017) quoted political analyst Jesus Silva-Herzog Márquez to illustrate the way the government was dealing with this crisis:

For several months now, the current administration presents itself as defeated before the public opinion, a government that doesn't even make an effort to present an argument.

Mexico's public opinion doubts the Institutions that in theory would be there to protect them. The ambiguity of the President's statements and the lack of commitment to pursue similar crimes in the past resulted on a sceptical reaction from Mexico's press. Authors see Mexican justice as a simulation that avoids responsibility and ultimately has only created a general sentiment of mistrust among the general public.

Theme Three: Accountability

The theme of *Accountability* is linked to the other two themes in almost a logical step. The past unresolved *Corruption* scandals and the fragility of the *Government's Credibility* created a somewhat unison voice that demanded reparation for the victims, an explanation about the invasive nature of the act and justice for the victims. Of course there was little expectation that Institutions like the Office of the Attorney General could effectively investigate and prosecute anyone for this case, therefore Mexican opinion writers urged other institutions to act promptly.

Luis Miguel Cano (2017) wrote at Proceso about the role of the Judicial Power:

(...) [T]he role of the Judicial Power has been question in the past days [after the disclosure of the Gobierno Espía case] (...) we now have to ask ourselves if in an authoritarian regime there is any Court that can protect human rights as this has become our last resort.

This is, one of the few columns that talks more about the importance of protecting human rights, however the rest of the article, Luis Miguel Cano questions if Mexico is institutionally prepared to act in accordance to human rights law.

Other authors wrote about the responsibilities the Legislative Power has as a counterbalance to Executive Power's abuses, Laura Rojas (2017) at Excelsior explained that:

[Congress'] Bicameral National Security Commission can revise the contracts that institutions like the PGR have signed. Let us hope that Congress will start assuming its controlling functions over the Executive Power in case that this is necessary.

In that same line of demand Jose Cardenas (2017) concluded:

We have to push the Bicameral National Security Commission to revise the government's contracts with the Israeli company that sold the Pegasus software. While facing this [accusations], the government must not disregard [its responsibilities] nor should it stay mute. Omission is not an option.

Some other columns were more sceptical about the effectiveness of any existent Mexican institution and proposed the idea of creating an independent commission being this the only way to ensure that any possible conflict of interests among dependencies could be avoided. Manuel Fuentes (2017) pointed out:

[It is] mandatory that parallel [to Institutional investigations] an independent diligence is ordered otherwise is difficult, not to say

impossible that a government would investigate itself when they are the main suspect of the crime.

But Salvador García Soto (2017) remarked that previous experiences with independent commissions have not been fruitful:

[When] the government seeks for credibility they go after the opinion and consultancy of international independent experts, but then, when those opinions are not sympathetic with the government the experts are mocked, and their work, reputation and impartiality are call into question.⁸

Finally, for other authors the *Gobierno Espía* case was an opportunity to remind their audiences that this kind of invasive practices are not tolerated elsewhere and that for similar scandals, important politicians have faced justice. Miguel Pulido (2017) wrote:

The government of Enrique Peña Nieto should take this matter [the *Gobierno Espía* case] very seriously. They could take a peek at the resignations in the Peruvian cabinet, the fall of nearly thirty people in the Administrative Security Department of Colombia, the judicial process of former president Martinelli of Panama, the results of the parliamentary investigation that concluded with the resignation of all the government of Luxemburg o the demission of CIA subdirector Michael Morell (...). The evidence is overwhelming, when it is done with political means: there is no such thing a spying just a little.

⁸ Salvador García Soto is particularly referring to the work of the Group of Interdisciplinary Independent Experts (GIEI) that was summoned to work over the Ayotzinapa case. The Group had the mandate of the Interamerican Commission of Human Rights and was expelled by President Peña Nieto as soon as their findings challenged the Office of the Attorney General's version of the story (García Soto, 2017).

Laura Rojas (2017) explained the role that Congresses in other parts of the world have played when dealing with corruption:

Recent examples of parliamentary control in the region that we must follow happened in Brazil, where former president Dilma Rousseff was subject of Impeachment before the National Congress, and in the United States where its Congress has called both Trump's legal advisor, Michael Cohen, and former FBI director, James Comey, to testify over the alleged Russian meddling in the electoral campaign.”

Despite little to non-evidence of actual *Accountability* happening in Mexico's recent history its worth highlighting that the country's public opinion did not hesitate to demand justice and clarification over the evidence presented in the *Gobierno Espía* case. The way for achieving justice could be demanded both locally or internationally but the urge for justice and transparency are common denominators among the opinion column writers. The criticism could be ironical or sceptical but the exigence stands.

Even if there is a unison demand for justice there is not a clear to achieve it. The latter, is an illustrative example of how Mexico's justice system is completely broken. Some authors such as Luis Miguel Cano and Salvador García Soto mention the role that human rights law and human rights international organizations could play in the matter, but their own realist expectations led them to a pessimistic conclusion in that matter. The harsh fact that there is practically no Institutional mechanism to denounce these type of violations becomes even more

grave when the *Gobierno Espía* investigation is situated in the greater context of Mexico's *War Against Drugs*.

Theme Four: Victims

Talking about the *Victims* is the fourth most recurrent theme in the opinion columns that followed the *Gobierno Espía* case. Specifically, in the columns that were written in the first days after the case was disclosed is easy to find expression of support and solidarity towards the victims of the case. One of the main reasons is because some of the targets that were infected by *Pegasus* are journalists that work in some of these media outlets. Such is the case of Carlos Loret de Mola who has a column at El Universal, Salvador Camarena that writes at El Financiero or the team of Carmen Aristegui that work at Aristegui Noticias. Carlos Loret de Mola (2017) publish his testimony as a target of *Pegasus* and wrote:

Especially in a context like this one, mi solidarity is with all – journalists, activists, human rights defenders – that have been subjects of the same attack. And my thoughts are with my [journalist] colleagues that have been killed, with their families and friends.

As seen in the prior quote showing solidarity was not enough and some authors also seize the moment created by the case to link the espionage towards activists and journalist as part of the broader context of violence against the press. Rubén Martín (2017) explains how surveillance could just be the beginning of other repressive actions:

Espionage (grave in itself) is just one practice within a repressive repertoire that goes crescendo. Spying, infiltrating, harassing, threatening and if that does not work, the State imprisons, tortures, or even kills and forcedly disappears.

On that line Jose Cárdenas (2017) noted:

The scandal becomes graver as we see the statistics of this bloody Mexico. According to the National System of Public Security, May [2017] was the month with the highest rate of homicides in the past 20 years. To use the national intelligence systems to spy those who don't represent a risk to social peace is the biggest contradiction in a time where the combat against insecurity is ineffective all across the country.

This is taken to the potential consequences surveillance has on the work of the targets. There is a common concern that the government not only spies on civilians but also wants them to know about the act. Different columns talk about the strategy of imposing fear amongst the targets so that they would stop their investigations. A secondary – or maybe primary – objective of the act of surveillance was to deter journalist and activist work. And although none of the authors specifically mention Niel M. Richards' (2013) concept of *chilling effect* the implications are the same. Javier Solorzano (2017) illustrates this on his column at La Razón:

[T]he only thing that we can conclude is that the real objective of spying, is intimidating. [The government] is meddling with their lives

and the lives of their relatives (...) looking to ultimately frighten and threaten them.

Jose Cárdenas (2017) at El Universal also refers as this practice as one that seeks to coerce:

Meddling in the private and public life of politicians, social activists and journalist shows us the paranoid façade of an administration focused on discovering, persecute, harass, and intimidate potential enemies.

Carlos Loret de Mola (2017) also explains this in his testimony:

In a moment where journalists in Mexico pay their work with their lives; surveillance could be seen as a minor issue. It is not. Because surveillance opens the doors to more threats: harassment, censorship, getting fired, kidnapped, disappeared, killed (...). [The government] wants to make us feel vulnerable.

Some of the words written by the authors might be perceived as an exaggeration. Terms like: *torture*, *disappear*, *harass*, *kill*, are strong words that should not be used slightly. Sadly, for the case of Mexico, they are not. The violent context that Mexico is experiencing has had a particular negative and gruesome consequence for journalists in the country. Since Enrique Peña Nieto started his administration in 2012 more than 40 journalists have been killed for doing their job, making Mexico one of the most dangerous places in the world to be a journalist. Moreover, 48% of all aggressions against the press are committed by the government in any of its three levels: municipal, state, federal (Article 19, 2017).

Taking the latter into consideration puts in perspective the length of the investigation. For the authors, this is not just a public policy that went wrong. It is an action that cannot be tolerated because allowing those practices would be an insult to the lives of those that have been killed during the past years. It normalizes the beginning of what could later end with terrible consequences.

Conclusions

The *Gobierno Espía* investigation illustrates the tensions that exists between the complex technical and political dimensions of surveillance versus the everyday aspects on the enjoyment of human rights. The discussions that surfaced the Mexican media after the disclosure of the investigation are representative of the different debates that academic literature on surveillance and human rights are currently holding. Specifically, when referring to the negative consequences that surveillance has on political activities and the different methods that are available to resist these invasive practices.

Richards (2013) refers to this deterring reaction as a *chilling effect* that – due to uneven dynamics of power - provides the government a leverage that creates a space for coercion, fear and the threatening of political opposition. In the data analysed the consequences of the *chilling effect* are noted and denounced by multiple authors that assure that the main goal behind the use of *Pegasus* was to harass, intimidate and create a sentiment of vulnerability among Mexico's journalists and activists (Solórzano, 2017; Loret de Mola, 2017; Cárdenas, 2017). The overwhelming evidence that criticizes Enrique Peña Nieto's actions in this particular case are not isolated facts. They respond to a broader and systematic context of violence that has shocked Mexico since 2006 and that has had, since then, direct repercussions in the journalistic activity (Ángel, 2018; Article 19, 2017).

Yet, there is a dissonance between the methods of resisting espionage that are proposed in some of the academic literature and the ones demanded by the Mexican media. Calo (2016), proposes three ways to fight against invasive surveillance: take the matter to the courts, elect officials that care about privacy and learn encryption. On that line Robis (2014), argues that if surveillance is going to exist it must be allowed only when the duly governmental institution authorises it.

What is learned from the Mexican case is that all of those measures are far happening. The opinion columns that write about the role of the judicial power or that mention Mexico's past experiences in international human rights tribunals have very pessimistic conclusions (Cano, 2017; García Soto, 2017). Something similar happens when authors insist that the Mexican Congress should take the *Gobierno Espía* investigation into consideration: their expectations meet the inefficiency of Mexico's institutions (Cárdenas, 2017; Rojas, 2017). The hope of accountability is shredded even more dramatically when the governmental institutions that are meant to protect the citizens from these abuses, are precisely the ones that purchased *Pegasus*, such as the Mexican Army and the Office of the Attorney General (R3D, et al., 2017; Beauregard, 2017).

Perhaps, the most important finding of this research is that during the aftermath of opinions that arose in the press after the disclosure of the *Gobierno Espía* investigation, there are little examples that refer to the case as one that constitutes a human rights' violation. In contrast, Mexican media was primarily focused on comparing this scandal with other corruption scandals of Mexico's recent past. Of course, some of the targets of the *Gobierno Espía* investigation – the team at Aristegui Noticias and the people at MCCI and IMCO – were explicitly working on exposing corrupt practices that were happening under Enrique Peña Nieto's mandate. But the other targets – the people at the CentroPro and journalist Carlos Loret de Mola – were surveil while working on cases that exposed severr human rights abuses order by the Army and the Federal Police, which included: extrajudicial executions and force disappearance.

The previous finding is the biggest dissonance between the way academic literature and public opinion talk about surveillance and human rights. For the first ones the link between the two topics is evident. While for the second ones, that link happens in a secondary sphere of importance. I believe that this happens for multiple reasons: Historically, in Mexico, there are very few examples of justice and accountability being served on the basis of human rights law, while in contrast there is more evidence of *crooked* politicians behind bars after the break of a corruption scandal. On that line, the lack of human rights justice mechanisms makes the whole human rights language and

concepts highly unfamiliar for writers and their audiences, and therefore is rejected and replaced by a known and familiar corruption rhetoric.

This does not mean that the *Gobierno Espía* investigation lacks elements for it to be considered a human rights violation. As a matter of fact, I hold, that the investigation exposes several abuses to multiple human rights, like the right to privacy and that its consequences deter the enjoyment of other rights like the right of association, freedom of expression and protest. More importantly, the investigation reveals the repressive nature of an administration that is leaving Mexico with an enormous debt in human rights reparation and accountability.

The *Gobierno Espía* case constitutes an illustrative example of some of the biggest challenges Mexico is facing at the moment. The targets of the case were investigating how the institutions that are meant to protect the civilians are turning against them. This is no minor issue in a country that since 2006 has accumulated more than 300,000 IDPs, 200,000 homicides, 35,000 forced disappeared and where being a journalist or an activist is considered a high risk work (Article 19, 2017; Camhaji, 2018; Ángel, 2018).

The discussion revolving the *Gobierno Espía* case also leaves greater reflections on the role academia must play when studying these kind of topics. The dissonance between the concepts used in literature

and those used by public opinion must serve as a reminder that if academic literature loses the ability to communicate with the general public, then the impacts of its investigations will remain available for just a selective audience.

I strongly believe that Mexico needs to push forward the human rights agenda but to do so, it is imperative that talking about human rights becomes something that is accessible to most Mexicans. Because, at the end, it is the majority of Mexicans the ones that have suffered the consequences of these irresponsible administrations and the violent contexts that they have created.

References

- Aguilar, L. A., 2008. El último tramo, 1929-2000. In: *Nueva Historia Mínima de México*. Mexico City: El Colegio de Mexico , pp. 469-521.
- Ahmed, A. & Perlroth, N., 2017. *Using Texts as Lures, Government Spyware Targets Mexican Journalists and Their Families*. [Online] Available at: <https://www.nytimes.com/2017/06/19/world/americas/mexico-spyware-anticrime.html> [Accessed 19 July 2018].
- Amnesty International, 2018. *UAE: Activist Ahmed Mansoor sentenced to 10 years in prison for social media posts*. [Online] Available at: <https://www.amnesty.org/en/latest/news/2018/05/uae-activist-ahmed-mansoor-sentenced-to-10-years-in-prison-for-social-media-posts/> [Accessed 18 July 2018].
- Ángel, A., 2018. *Homicidios repuntan en marzo: asesinatos en gobierno de Peña Nieto ya superan los que hubo con Calderón*. [Online] Available at: <https://www.animalpolitico.com/2018/04/homicidios-repuntan-marzo-gobierno-eqn/> [Accessed 4 July 2018].
- Ángel, A., Artega, V. H. & MCCI, 2016. *El caso de las empresas fantasma de Veracruz*. [Online] Available at: <https://www.animalpolitico.com/las-empresas-fantasma-veracruz/> [Accessed 5 July 2018].
- Animal Político, 2017. *Sociedad civil denuncia espionaje y rompe con la Alianza por el Gobierno Abierto*. [Online] Available at: <https://www.animalpolitico.com/2017/05/espionaje-alianza-gobierno-abierto/> [Accessed 21 July 2018].
- Article 19, 2017. *Democracia Simulada, Nada Que Aplaudir*, Mexico City : Creative Commons.
- Atkinson, P. & Coffey, A., 2011. Analysing Documentary Realities . In: *Qualitative Research: Issues of Theory, Method and Practice*. 3rd Edition ed. London: Sage.
- Attride-Stirling, J., 2001. Thematic networks: an analytic tool for qualitative research. 1(3), pp. 385-405.
- Bahçecik, Ş. O., 2015. The power effects of human rights reforms in Turkey: enhanced surveillance and depoliticisation. *Third World Quarterly*, 36(6), pp. 1222-1236.
- Beauregard, L. P., 2017. *El Gobierno mexicano declaró secretos los contratos sobre el 'software' del espionaje a periodistas*. [Online] Available at: https://elpais.com/internacional/2017/06/20/mexico/1497984473_017962.html [Accessed 20 July 2018].
- Bowen, G., 2009. Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*, August, 9(2), pp. 27-40.

Bryman, A., 2016. Social Reserach Methods. In: New York: Oxford University Press, pp. Ch 13, Ch 23.

Cabrera, R., Irving, H., Lizárraga, D. & Barragán, S., 2014. *La casa blanca de Enrique Peña Nieto (investigación especial)*. [Online] Available at: <https://aristeguinoticias.com/0911/mexico/la-casa-blanca-de-enrique-pena-nieto/> [Accessed 16 July 2018].

Calo, R., 2016. Can Americans Resist Surveillance?. *The University of Chicago Law Review*, 83(1), pp. 23-43.

Camhaji, E., 2018. *El drama de los desaparecidos en México se ceba con los más jóvenes*. [Online] Available at: https://elpais.com/internacional/2018/04/25/mexico/1524670527_083891.html [Accessed 5 July 2018].

Cano, L. M., 2017. *El Poder Judicial frente al #GobiernoEspía*. [Online] Available at: <https://www.proceso.com.mx/492242/poder-judicial-frente-al-gobiernoespia> [Accessed 22 August 2018].

Cárdenas, J., 2017. *El gobierno enseña los calzones*. [Online] Available at: <http://www.eluniversal.com.mx/entrada-de-opinion/columna/jose-cardenas/nacion/2017/06/23/el-gobierno-ensena-los-calzones> [Accessed 25 August 2018].

CMDPDH, 2017. *Desplazamiento Interno Forzado en México*. [Online] Available at: <http://cmdpdh.org/temas/desplazamiento-interno/> [Accessed 5 July 2018].

El Financiero, 2018. *Tras polémica, Ricardo Alemán deja Milenio*. [Online] Available at: <http://www.elfinanciero.com.mx/elecciones-2018/tras-polemica-ricardo-aleman-deja-milenio> [Accessed 22 August 2018].

Elizondo, C., 2017. *Espiar y no trabajar*. [Online] Available at: <https://www.excelsior.com.mx/opinion/carlos-elizondo-mayer-serra/2017/06/22/1171260> [Accessed 22 August 2018].

Fernandez, E., 2017. *Feminicidios en Edomex, en aumento, reportan*. [Online] Available at: <http://www.eluniversal.com.mx/articulo/metropoli/edomex/2017/03/7/feminicidios-en-edomex-en-aumento-reportan> [Accessed 6 July 2018].

Franco, M., 2017. *El presidente de México niega acusaciones de espionaje y declara: 'Todos nos sentimos espionados'*. [Online] Available at: <https://www.nytimes.com/es/2017/06/22/pena-nieto-desmiente-espionaje/> [Accessed 26 August 2018].

Fuentes, M., 2017. *Espiar como acto de gobierno*. [Online]
 Available at: <https://lasillarota.com/opinion/columnas/espiar-como-acto-de-gobierno/158704>
 [Accessed 22 August 2018].

García Soto, S., 2017. *Espionaje: ¿otro GIEI?*. [Online]
 Available at: <http://www.eluniversal.com.mx/entrada-de-opinion/columna/salvador-garcia-soto/nacion/2017/06/27/espionaje-otro-giei>
 [Accessed 22 August 2018].

Gilly, A., 2012. *Memorias de una infamia Atenco no se olvida*. [Online]
 Available at:
<http://www.jornada.com.mx/2012/06/09/politica/013a1pol>
 [Accessed 7 July 2018].

Goldman, F., 2014. *Crisis in Mexico: the disappearance of the forty-three*. [Online]
 Available at: <https://www.newyorker.com/news/news-desk/crisis-mexico-disappearance-forty-three>
 [Accessed 9 July 2018].

Greitens, S. C., 2013. What Can We Learn from Internet Data in Nondemocracies?. *Political Science and Politics*, 46(2), pp. 262-270.

Guest, G., MacQueen, K. M. & Namey, E. E., 2012. Chapter 1: INTRODUCTION TO APPLIED THEMATIC ANALYSIS. In: *Applied Thematic Analysis*. s.l.:SAGE Publications , p. 320.

Hagen, J. & Olav, L., 2016. Protecting the digitized society—the challenge of balancing surveillance and privacy. *The Cyber Defense Review*, 1(1), pp. 75-90.

Hernández Pérez, K., 2015. *5 puntos para entender el caso del tren México - Querétaro*. [Online]
 Available at: <https://expansion.mx/economia/2015/01/12/5-cosas-que-debes-saber-del-tren-mexicoqueretaro>
 [Accessed 16 July 2018].

Hughes, K., 2012. Free Speech in the Digital World under Threat?. *Economic and Political Weekly*, 47(46), pp. 18-19.
 ICCPR (1966) United Nations General Assembly.

Jacobs, J., 1967. A Phenomenological Study of Suicide Notes. *Social Problems*, Volume 15, pp. 60-72.

Kaminer, W., 2015. Human Rights Freedom's Future. In: G. S. Morson & M. Schapiro, eds. *The Fabulous Future?*. s.l.: Northwestern University Press, p. Chapter 6 .

Loret de Mola, C., 2015. *¿Qué no pasó nada en Tanhuato?*. [Online]
 Available at: <http://www.eluniversal.com.mx/entrada-de-opinion/columna/carlos-loret-de-mola/nacion/2015/08/18/que-no-paso-nada-en-tanhuato>
 [Accessed 16 July 2018].

Loret de Mola, C., 2017. *#GobiernoEsía. Mi Testimonio*. [Online]
 Available at: <http://www.eluniversal.com.mx/entrada-de-opinion/columna/carlos-loret-de-mola/nacion/2017/06/20/gobiernoespia-mi-testimonio>
 [Accessed 22 August 2018].

Marczak, B., Guarnieri, C., Crete-Nishihata, M. & Scott-Railton, J., 2017. *Bitter Sweet: Supporters of Mexico's Soda Tax Targeted With NSO Exploit Links*. [Online]
 Available at: <https://citizenlab.ca/2017/02/bittersweet-nso-mexico-spyware/>
 [Accessed 20 July 2018].

Marczak, B. & Scott-Railton, J., 2016. *The Million Dollar Dissident NSO Group's iPhone Zero-Days used against a UAE Human Rights Defender*. [Online]
 Available at: <https://citizenlab.ca/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/>
 [Accessed 22 July 2018].

Margulies, P., 2016. Surveillance by Algorithm: The NSA, Computerized Intelligence Collection, and Human Rights. *HeinOnline*, pp. 1045-1117.

Marshall, M. G. & Gurr, T. R., 2014. *Polity IV Project*. [Online]
 Available at: <https://www.systemicpeace.org/polity/polity4.htm>
 [Accessed 27 July 2018].

Martínez, J. L., 2017. *¿Quién lo espía, señor Presidente?*. [Online]
 Available at: <http://www.milenio.com/opinion/jose-luis-martinez/el-santo-oficio/quien-lo-espia-senor-presidente>
 [Accessed 20 August 2018].

Martín, R., 2017. *Gobierno espía, amenaza y también reprime*. [Online]
 Available at: <https://www.informador.mx/Ideas/Gobierno-espia-amenaza-y-tambien-reprime-20170624-0121.html>
 [Accessed 22 August 2018].

Milanovic, M., 2015. Human Rights Treaties and Foreign Surveillance: Privacy in the Digital Age. *HeinOnline*, 56(1), pp. 81 - 146.

Montes, J., 2013. *How Mexico Ended Political Gridlock*. [Online]
 Available at: <https://www.wsj.com/articles/how-mexico-ended-political-gridlock-1376620486>
 [Accessed 9 July 2018].

Montes, J., 2014. *Mexico Finance Minister Bought House From Government Contractor*. [Online]
 Available at: <https://www.wsj.com/articles/new-ties-emerge-between-mexico-government-and-builder-1418344492>
 [Accessed 19 July 2018].

Nájar, A., 2015. *El escándalo que condujo al despido de la destacada periodista mexicana Carmen Aristegui*. [Online]
 Available at:
https://www.bbc.com/mundo/ultimas_noticias/2015/03/150315_ultnot_mexico_mvs_radio_despide_aristegui_az
 [Accessed 13 July 2018].

Olvera, A.-D., 2018. *Del 68 al #YoSoy132: grietas en la historia*. [Online]
 Available at: <https://horizontal.mx/del-68-al-yosoy132-grietas-en-la-historia/>
 [Accessed 3 August 2018].

Pastrana, D., 2016. *La historia detrás del asesinato de Rubén Espinosa y Nadia Vera*. [Online]
 Available at: <https://aristeguinoticias.com/0108/mexico/la-historia-detras-del-asesinato-de-ruben-espinosa-y-nadia-vera/>
 [Accessed 18 July 2018].

Perloth, N., 2016. *How Spy Tech Firms Let Governments See Everything on a Smartphone*. [Online]
 Available at: <https://www.nytimes.com/2016/09/03/technology/nso-group-how-spy-tech-firms-let-governments-see-everything-on-a-smartphone.html?ref=collection%2Fbyline%2Fnicole-perloth>
 [Accessed 18 July 2018].

Puig, C., 2017. *Cuando cachan a un gobierno que espía*. [Online]
 Available at: <http://www.milenio.com/opinion/carlos-puig/duda-razonable/cuando-cachan-a-un-gobierno-que-espia>
 [Accessed 22 August 2018].

Puig, C., 2017. *La crisis de un gobierno mudo*. [Online]
 Available at: <http://www.milenio.com/opinion/carlos-puig/duda-razonable/la-crisis-de-un-gobierno-mudo>
 [Accessed 23 August 2018].

Pulido, M., 2017. *Vigilancia ilegal: expresión rabiosa de autoritarismos corruptos*. [Online]
 Available at: <https://aristeguinoticias.com/2106/mexico/vigilancia-ilegal-expresion-rabiosa-de-autoritarismos-corrutos/>
 [Accessed 23 August 2018].

R3D, Article 19 & Social TIC, 2017. *Gobierno Espía Vigilancia sistemática a periodistas y defensores de derechos humanos en México*. [Online]
 Available at: <https://articulo19.org/wp-content/uploads/2017/06/Reporte-Gobierno-Espía-Final.pdf>
 [Accessed 15 June 2018].

Ramos, R., 2018. *Impacta el periodo electoral en la aprobación del presidente*. [Online]
 Available at: <https://www.economista.com.mx/politica/Impacta-el-periodo-electoral-en-la-aprobacion-del-presidente-20180301-0153.html>
 [Accessed 9 July 2018].

Richards, N. M., 2013. The Dangers of Surveillance. *Harvard Law Review*, 126(7), pp. 1934-1965.

Robis, L. A., 2014. When does public interest justify government interference and surveillance?. *Asia-Pacific Journal on Human Rights and the Law*, 15(1 & 2), pp. 213-218.

Rojas, L., 2017. *Gobierno espía y las instituciones*. [Online]
 Available at: <https://www.excelsior.com.mx/opinion/laura-rojas/2017/06/25/1171786>
 [Accessed 22 August 2018].

Sánchez, E., 2017. *Peña ordena a PGR investigar presunto caso de espionaje*. [Online]
 Available at:
<https://www.excelsior.com.mx/nacional/2017/06/22/1171397>
 [Accessed 25 August 2018].

Scott, J., 1990. *A Matter of Record*. Cambridge: Polity.

Silverman, D., 2017. Research Design. In: M. Steele, ed. *Doing Qualitative Research*. London: SAGE Publication, pp. 109-112.

Solórzano, J., 2017. *Escandaloso*. [Online]
Available at: <https://www.razon.com.mx/escandaloso/>
[Accessed 20 August 2018].

Templo Mayor, 2017. *Templo Mayor*. [Online]
Available at:
<https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?id=114849&urlredirect=https://www.reforma.com/aplicaciones/editoriales/editorial.aspx?id=114849>
[Accessed 2018 August 2018].

The Economist, 2012. *Mexico and the United States*. [Online]
Available at: <https://www.economist.com/leaders/2012/11/24/the-rise-of-mexico>
[Accessed 28 July 2018].

Time Magazine, 2014. *Saving Mexico*. [Online]
Available at:
<http://content.time.com/time/covers/pacific/0,16641,20140224,00.html>
[Accessed 27 July 2018].

Vaismoradi, M., Turunen, H. & Bondas, T., 2013. Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study. *Nursing and Health Sciences*, Volume 15, pp. 398-405.

Wagg, S., 2010. Cristiano Meets Mr Spleen: Global Football Celebrity, Mythic Manchester and the Portuguese Diaspora. *Sports in Society*, Volume 13, pp. 919-934.

Wright, D. & Raab, C. D., 2012. Constructing a surveillance impact assessment. *Computer Law & Security Review*, Volume 28, pp. 613-626.

Zuckermann, L., 2017. *Espionaje ilegal también es corrupción*. [Online]
Available at: <https://www.excelsior.com.mx/opinion/leo-zuckermann/2017/06/20/1170776>
[Accessed 25 August 2018].