

Congress of the United States
Washington, DC 20515

December 6, 2017

The Honorable Rex Tillerson
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Tillerson:

We write to express our concern regarding the recent reports on the illegal use of advanced government spyware against prominent human rights defenders and journalists as well as international diplomats and a citizen of the United States by the government of Mexico. We urge you to make protecting the rights to privacy and the freedom of expression a top priority in our bilateral agenda with Mexico and to closely monitor the Government of Mexico's investigation into the public officials and government agencies that may have been involved in the spyware attacks.

A June 19 *New York Times* article, and two accompanying civil society reports authored by Mexican and Canadian cybersecurity and digital rights groups, revealed that three Mexican federal agencies, the Ministry of Defense (SEDENA), the federal Attorney General's Office (PGR), and the Central Intelligence and National Security Agency (CISEN), had spent more than \$80 million since 2011 on a sophisticated surveillance tool known as *Pegasus*. NSO Group, the Israeli cyberarms manufacturer that makes the spyware, says it sells the tool exclusively to government entities under the condition that it only be used against suspected terrorists and criminal organizations. However, we understand that *Pegasus* has been used in Mexico to spy on some of the government's most outspoken critics.

Pegasus targets smartphones by sending a malicious link that, when opened, turns the victim's phone into a powerful surveillance device. Once the smartphone is infected, the software can monitor all aspects of a person's cell phone activity, including calls, texts, and emails, and can even use the microphone and camera to record and surveil the victim. The targets of these cyberattacks report having received messages that ranged from personal and sexual taunts, fake alerts and news, warnings of kidnappings and threats to personal safety, and even impersonations of diplomats from the Embassy of the United States in Mexico.

The victims include anti-corruption activists and influential journalists Carlos Loret de Mola, Carmen Aristegui, as well as Aristegui's 16-year-old son, who was residing in the United States at the time. Further victims include human rights defenders, such as staff of the Miguel Agustín Pro Juárez Human Rights Center (Centro Prodh), including Stephanie Brewer, a US citizen. Centro Prodh represents the families of the 43 students from Ayotzinapa, Guerrero who, evidence suggests, were forcefully captured by Mexican security forces and subsequently disappeared in 2014, as well as eleven women who were tortured and sexually abused by security forces under the command of President Peña Nieto when he was governor of the State of Mexico. This case of sexual torture is currently before the Inter-American Court of Human Rights.

A July 10 *New York Times* article revealed that the Pegasus spyware was also used against two members of the Interdisciplinary Group of Independent Experts (GIEI) appointed by the Inter-American Commission on Human Rights (IACHR) to provide technical assistance in the Mexican government's investigation into the disappearance of the 43 students from Ayotzinapa. Because of their work, the Group of Experts had been granted a status similar to diplomatic immunity, making it even more difficult to imagine that this intervention would have been authorized by a Mexican judge. The spying against the GIEI took place while the experts were preparing a report that criticized Mexican officials for obstructing their work in the investigation.

These spyware attacks come in the context of an increasingly concerning situation for human rights defenders and journalists in Mexico. The Committee to Protect Journalists and Reporters Without Borders continue to rank Mexico one of the most dangerous countries in the world to practice journalism. According to a recent Article 19 report, during the first half of 2017, a journalist was attacked every 16 hours in Mexico and 50 percent of documented aggressions (140 cases) were perpetrated by public officials.

While the Mexican government has stated that they have opened investigations into these cases, over five months later it has yet to provide information on the results of any inquiry. The work of journalists, human rights defenders, and anti-corruption activists is crucial to a vibrant, free, and democratic society and their work has never been more important. Attacks against criticism and dissent of the Mexican government this past year have increased in number, gravity, and sophistication.

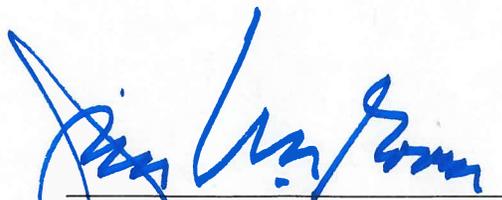
In light of these revelations of illegal activities by Mexican federal agencies, we strongly urge you to raise with the Mexican government the need for a prompt and thorough investigation into this matter, to ensure that the investigation is conducted with complete transparency and independence, and make certain that the victims of the spying are informed of the progress in the case. We also request that the State Department separately examine elements of the case that are concerning or potentially unlawful, including spying on a US citizen, on a foreign citizen while they were residing in the US, and on foreign investigators granted diplomatic immunity, as well as the impersonation of the United States government by a foreign entity. Further, we request that the State Department inform us as to the safeguards on spyware technology, such as Pegasus, to strictly limit its purchase and use by government entities.

As you work to continue to strengthen the United States' relationship with Mexico as an important neighbor and ally, we call on you to emphasize the need for Mexico to uphold rights to privacy, freedom of expression and information, and to condemn the threats and attacks against journalists and human rights defenders.

Sincerely,



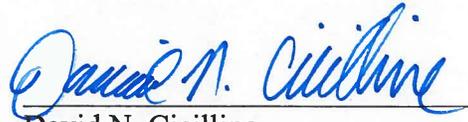
Alan Lowenthal
Member of Congress



James P. McGovern
Member of Congress



Sheila Jackson Lee
Member of Congress



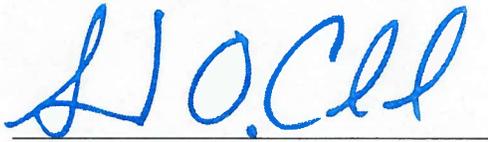
David N. Cicilline
Member of Congress



Michael E. Capuano
Member of Congress



Luis V. Gutiérrez
Member of Congress



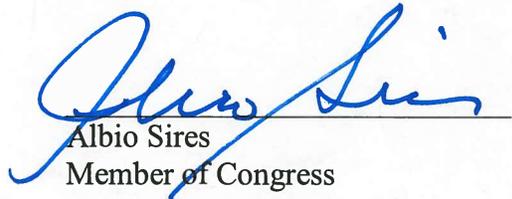
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