

JUDGE CONFIRMS SURVEILLANCE WITH PEGASUS AGAINST JOURNALIST CARMEN ARISTEGUI; FGR MUST CONTINUE WITH INVESTIGATIONS



On Friday, January 12, 2024, Judge Luis Benítez Alcántara issued an acquittal sentence in favor of Juan Carlos García Rivera, accused by the Attorney General's Office (FGR) of being one of the authors of the crime of illegal interception of communications against the journalist Carmen Aristegui, using the Pegasus malware.

When handing down the sentence, the judge considered it proven that the journalist's phone was infected with Pegasus between 2015 and 2016, as was demonstrated during the trial appearances by experts from the Citizen Lab at the University of Toronto.

The judge also accepted that the attacks against Aristegui occurred as a result of her journalistic activity on cases of corruption in high political spheres during the previous administration, such as the investigation known as President Peña Nieto's White House. Furthermore, he pointed out that the intervention of private communications without a court order represents an attack on the journalist, with the purpose of inhibiting her work and putting her integrity, and that of her relatives and sources, at risk.

However, the judge considered that the Prosecutor's Office did not sufficiently prove that García Rivera had participated directly in the illegal intervention of Aristegui's private communications and ordered his immediate release.

The judge regretted that access to justice could not be guaranteed to Carmen Aristegui due to the failure of the Prosecutor's Office to meet the standards of proof and urged the agency to continue with the investigations until those responsible for the illegal surveillance are found. In the same way, it is important that progress be made regarding the investigations of the rest of the surveillance victims who lodged complaints more than six years ago.

The result of the trial confirms the urgent need for the Prosecutor's Office to direct its investigations towards all responsible, be these private actors and/or public officials of the former Attorney General's Office (PGR), the former Intelligence and National Security Agency (CISEN) and the Ministry of National Defense (SEDENA), whose acquisition and use of Pegasus in the previous government has been fully documented.



Likewise, there remains a need to move forward with investigations into the Pegasus surveillance cases that have been reported during the current government, perpetrated by the Armed Forces against human rights defenders and journalists, as has been documented by the investigation “*Ejército Espía*”.

It is regrettable that more than six years after the complaints were filed, impunity for illegal surveillance against dozens of victims continues. The work of human rights defenders and journalists remains under threat as long as those responsible for these acts are not brought to justice.

Therefore, in addition to the urgency of the investigations, it is essential that the necessary reforms be carried out to guarantee that the acquisition and use of surveillance technologies stop being abused, as well as adopt a moratorium until there are sufficient regulatory frameworks that control its use in accordance with human rights.

PRESS INQUIRIES

Pepe Flores

+52 55 5103 8527

contacto@r3d.mx



R3D
Red en Defensa
de los Derechos Digitales

