

# Greece's Predatorgate

## The latest chapter in Europe's spyware scandal?

After Hungary, Poland and Spain, Greece is the latest Member State accused of spying on journalists and opposition politicians. While the opposition is seeking transparency and is steadily increasing the pressure, the Greek government has acknowledged select surveillance operations but insists on their legality and categorically denies purchasing or using the commercial Predator spyware. This EPRS paper synthesises the fast-paced and highly politicised developments at national level and contextualises the European Union's responses. It refers to the EPRS study 'Europe's PegasusGate' for more information and possible ways forward.

### Spyware operations in Greece

While secret services frequently **intercept** communication in transit, **spyware** is particularly useful to circumvent encryption of internet communication services and to directly exfiltrate communication data processed by the target system. The latest revelations show that at least one Greek journalist and one opposition leader were targeted with the 'Predator' **spyware** ('Nova/Helios' in its [updated](#) version). Unlike some versions of NSO's [Pegasus spyware](#), Predator spyware [requires](#) that the target click on a phishing link in order to infect the system. It allows operators to monitor every aspect of a target's phone, including calls, messages, photos and video. Cybersecurity experts from [Citizen Lab](#) and [Google](#) indicated that actors purchasing Predator spyware are probably government-backed. The news outlet *Kathimerini* [questioned](#) whether the Greek National Intelligence Service (EYP) might have licensed the software. Concerning **interception technologies**, *To Vima* [reported](#) in 2020 that the EYP intended to procure technology that would enable it to map internet communication, like traditional telecommunications.

After forensically confirming the hack with the research laboratory Citizen Lab, investigative news outlet Inside Story [broke](#) the story, on 11 April 2022, that the mobile phone of financial journalist **Thanasis Koukakis** had been infected with Predator. Four days later, another investigative news outlet, Reporters United, [revealed](#) that the National Intelligence Service (EYP) had also intercepted Koukakis' communications from June to August 2020 for reasons of national security and with authorisation from the in-house public prosecutor, Vasiliki Vlachou. Despite journalists [establishing](#) links between spyware companies and high-ranking government officials, the National Transparency Authority (EAD) [cleared](#) the government in its ex officio investigations. At a closed-door hearing on 29 July, EYP Director Panagiotis Kontoleon [reportedly](#) confirmed to the Committee on Institutions and Transparency of the Greek Parliament that the EYP had carried out surveillance of Koukakis.

The scandal only gained nation-wide attention once opposition leader (PASOK-Kinal) and MEP **Nikos Androulakis** (S&D) [made public](#), in July 2022, that he had filed a lawsuit with the Prosecutor's Office of the Supreme Court that an attempt had been made to hack his phone using Predator on 21 September 2021. The revelations came only a few days after the EAD had [cleared](#) the government in its investigations concerning the surveillance of Koukakis. An investigation by the Hellenic Authority for Communication Security and Privacy (ADAE) at Androulakis' telecommunications provider [revealed](#) that his electronic communications had been intercepted by the EYP with the formal authorisation of the public prosecutor responsible, Vlachou. She signed the authorisation in September 2021, which, according to [reports](#), coincides with the attempt to bug his mobile phone with the Predator spyware. Citing government sources, the same article states that the former EYP Director explained to the government that the surveillance of Androulakis followed requests from the Ukrainian and Armenian intelligence services. The Greek government [denied](#) being the source of these leaks and both countries [rejected](#) any notion of involvement.

According to a November 2021 [article](#), in July 2020 the government tasked the EYP with monitoring the activity of citizens who participated in rallies against pandemic-related restrictions and vaccines, but also people dealing with migration, [including](#), prominently, the journalist **Stavros Malichudis**.



## National developments and positions

One day after further [details](#) implicating high-ranking officials became known, the Secretary General (SG) to the Prime Minister, Grigoris Dimitriadis, and EYP Director Kontoleon resigned. On 8 August 2022, Prime Minister Kyriakos Mitsotakis [acknowledged](#) that the EYP wiretapped Nikos Androulakis, but, despite being [responsible](#) for overseeing the EYP, denied having knowledge of these operations and insisted on their legality. The prime minister clarified that Kontoleon was removed for [mishandling](#) the issue and that Dimitriadis 'assumed the objective political responsibility' by resigning. The prime minister refrained from commenting on the (distinct) Predator phonetapping and left many [questions](#) open, including who operates the spyware. He [suggested](#) intervening in four areas of the EYP framework.

Aiming to enhance transparency, on 9 August 2022 the government [introduced](#) an Act of Legislative Content, which reinstates two-prosecutor authorisation for surveillance operations – previously abolished by SYRIZA in 2018 – and, for the first time, makes an opinion from the competent parliamentary committee mandatory to appoint the EYP Director. Under the new rule, the ruling majority of the oversight committee [endorsed](#) the appointment of [Themistoklis Demiri](#) as Director of the EYP. The Act does [not](#) enhance transparency in all areas, since it does not repeal the March 2021 provision that prevents the ADAE from informing, ex post, surveillance targets about surveillance measures taken for reasons of national security, as in [Koukakis's case](#). The ADAE president and two staff members [consider](#) that the provision, introduced in March 2021 by the ruling party, violates the constitutionally guaranteed right to protection of confidentiality and privacy. Its impact is amplified by the [increased](#) use of national security grounds to justify surveillance measures. [Androulakis rejected](#) an unofficial government briefing and asked for his file to be forwarded to the supervisory authorities. Former Minister of Justice [Michalis Stathopoulos](#) and Professor [Evangelos Venizelos](#) consider the surveillance of Androulakis to be illegal.

In addition, Members of the Greek Parliament addressed the scandal in various institutional formations. After Androulakis broke the story, the opposition [convened](#), with the necessary two-fifths [quorum](#), a session of the **parliamentary oversight committee** on 29 July 2021, as well as two subsequent [sessions](#). The Committee [invited](#) the directors of implicated institutions, but many speakers only disclosed [sparse](#) information. [Echoing](#) spokesperson Oikonomou, the new EYP Director [implied](#) that the file on Androulakis's surveillance may have been destroyed. Journalist Vassilis Lambropoulos [considers](#) that, in accordance with the law, the file should not be erased before December 2023. On 6 September 2022, the special parliamentary **committee of inquiry**, [backed](#) by the opposition, [began](#) its work. The committee is set to deliver its conclusions within one month.

Various prosecutors, with different remits, have launched investigations into the [Koukakis](#) and [Androulakis](#) surveillance cases. The ADAE unanimously [decided](#) to audit two police directorates and the EYP. On 6 September, the ADAE was [scheduled](#) to visit the EYP premises and request the handover of relevant files. Arguably, the ADAE is [responsible](#) for the case rather than the Hellenic Data Protection Authority (HDPa).

**Is press freedom at stake?** On the day of his resignation, former SG Dimitriadis [delivered](#) lawsuits, criticised as being [SLAPPS](#), to news outlets and journalists. In addition, spokesperson Oikonomou [discredited](#) *Politico* correspondent Nektaria Stamouli over her [recounting](#) of Athens' response to the European Commission.

## EU actions and responses

In a [response](#) to the [Commission](#), the Greek Permanent Representation to the EU noted that 'there is no violation of the EU data protection *acquis*' and that it was 'highly debatable' whether the points raised by the Commission lay within Union competences, but assured its cooperation with the Commission. [Reacting](#) to Greece's letter, the **Commission** acknowledged Greece's competence for national security and stated that it continued to collect information on spyware cases and the interplay of EU and national legal frameworks.

After eight spyware-related [hearings](#), the **PEGA Committee** scheduled, for 8 September 2022, an exchange of views on the use of spyware in Greece. [Reportedly](#), it is reserving the hearing of Androulakis for a later session. It is reported that European Parliament President Roberta Metsola [wants](#) the committee to examine the 'banning' of such 'illegal' practices.

For an overview of **possible ways forward** and preliminary remarks on **EU competences**, see the synthesis, summary table 3, and annexes I and II of the **EPRS study 'Europe's PegasusGate'**. Europol Deputy Executive Director Jean-Philippe Lecouffe appeared [hesitant](#) to risk straining Europol's [new](#) mandate by launching ex officio investigations into Member State spyware cases, as [proposed](#) by Sophie in 't Veld (Renew, the Netherlands).