



7.11.2022

MISSION REPORT

following the visit to Nicosia and Athens from 1 to 4 November 2022

Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware

Members of the mission:

Jeroen Lenaers	(EPP) (PEGA Chair, Leader of the
Mission)	
Sophia in 't Veld	(Renew Europe) – Rapporteur
Juan Ignacio Zoido Álvarez	(EPP)
Elissavet Vozemberg-Vrionidi	(EPP)
Sandra Pereira	(EPP)
Thijs Reuten	(S&D)
Sylvie Guillaume	(S&D)
Róza Thun und Hohenstein	(Renew Europe)
Saskia Bricmont	(Greens/EFA)
Stelios Kouloglou	(The Left)

Introduction

The delegation to Cyprus and Greece was carrying out the third mission of the PEGA Committee, following the trips to Israel in July 2022 and Poland in September 2022. The delegation was composed of 10 members representing seven nationalities and five different political groups.

Having first taken account of the information published in the press in the preceding weeks, the visit to Cyprus and Greece – which the coordinators had established as an absolute priority – was once again of capital importance for the PEGA Committee.

It should be recalled that the mandate of the Committee of Inquiry stipulates that it must ‘investigate the scope of alleged contraventions, or maladministration in the implementation, of Union law, resulting from the use of the Pegasus and equivalent surveillance spyware, collect information on the extent to which Member States, including but not limited to Hungary and Poland, or third countries use intrusive surveillance in a way that violates the rights and freedoms enshrined in the Charter, as well as assess the level of risk this poses to the values enshrined in Article 2 TEU, such as democracy, the rule of law and respect for human rights’ (P9_TA(2022)0071).

The PEGA delegation met various personalities to collect information and facts about the use of ‘Pegasus’, such as ministers from the Cypriot and Greek Governments; the Attorney-General of the Republic of Cyprus; the Chair and the members of the Committee on Institutions, Merit and the Commissioner for Administration and of the Committee on Legal Affairs, Justice and Public Policy of the Cypriot House of Representatives; the Director of the Greek police’s cybercrime division; legal experts; journalists; the President of the Hellenic Authority for Communication Security and Privacy (ADAE); NGOs; human rights defenders; and victims.

Summary account of meetings

I. Meetings of Tuesday 1 November

19:30-22:00: Meeting with Mr **Elias Stephanou**, legal expert, Mr **Fanis Makrides**, journalist, and Mr **Makarios Drousiotis**, writer.

After the delegation had been introduced by the Chair, Jeroen Lenaers, rapporteur Sophie in 't Veld immediately raised the numerous wiretapping scandals reported in the press, as well as the many software exports from Cyprus, which is home to the head office of the company of Tal Dilian, the 'spyvan' man.

Ilias Stephanou, a lawyer since 2008, and a former public prosecutor himself, had been given a special mandate from the Attorney-General to investigate the 'spyvan' case. He informed the delegation that he had produced a written report according to the rules in force in Cyprus. The information had been gathered from politicians and the intelligence services. Any questions would be taken after the reading of the report.

Having expressed a wish to obtain said report from the Attorney-General the next day, Sophie in 't Veld asked the first questions: if Tal Dilian was indeed handed a EUR 26 000 fine, why were the other charges dropped? Why was 'spyvan' investigated by the police after the intelligence services? What was discovered? Was Europol's assistance requested to decode the equipment? Is Cyprus still issuing licences? Is it still exporting this equipment?

Ilias Stephanou specified from the outset that he had not been informed of the details of the procedure followed after the written report. He added that the charges against the two natural persons had indeed been entirely withdrawn, and that the charges brought against a legal person concerned a personal data breach and the production of spying equipment. Regarding the other issues, he indicated that the answers to all these questions would have to be sought from the Attorney-General, as everything was in the report, and that he himself could not provide any answers.

Juan Ignacio Zoido then asked him whether he had noted any similarities between the 'spyvan' case and other cases. Ilias Stephanou replied that he could not say, as he did not have any evidence, and that only Europol could answer that question.

Thijs Reuten asked if there had been direct contact between suppliers and political parties in Cyprus and whether all-inclusive spyware 'packages' existed. Ilias Stephanou replied only that he could not answer.

Róza Thun und Hohenstein wondered whether pressure might have been exerted on journalists by the authorities. Ilias Stephanou answered in the affirmative, also mentioning the legitimate pressure from citizens.

Saskia Bricmont returned to the dropping of the charges against Tal Dilian and the arguments put forward. Ilias Stephanou stated that he had no basis on which to comment on the decision.

Stelios Kouloglou continued on the topic of the ‘spyvan’, mentioning that it had apparently been discovered that this van had been collecting data from thousands of individuals, and requested confirmation. He also asked whether he was personally in favour of the publication of his report. Ilias Stephanou explained that this van was not the only element involved: the data (IP addresses) did not go through the van, but were harvested at the airport. What is more, what happened there is not very clear, and other people would have to answer those questions. As for the publication of the report, he would not be against it. However, his job was simply to conduct the inquiry and submit the report to the Attorney-General.

Sophia in ’t Veld asked him what he knew about Bitzios’s firm – to which he answered that the authorities would know who the owner was – before inquiring whether Intellexa had been searched. The answer was ‘no’.

Saskia Bricmont responded by asking him if the State had knowledge of all Dilian’s investments in Europe. Ilias Stephanou said that it was aware of his real-estate investments, but that it was difficult to know about his business investments, as there is no private register.

Sophie in ’t Veld then wondered why this special arrangement had been reached with regard to the procedure, and whether the fact that the Public Prosecutor had delegated the inquiry to a private individual from the outside constituted an advantage. He answered that it was essentially a matter of shielding the inquiry from political pressures and of conducting an independent inquiry.

Stelios Kouloglou wanted to know whether there was a legal framework for wiretapping citizens in Cyprus, and what the consequences would be if such wiretapping was discovered to be illegal. He explained that, prior to 2011, no one could collect information through wiretapping; it was completely prohibited. This has changed: it is now possible to monitor people in real time in five identified cases of crime (in the event of corruption, for instance) for a period of five years. He added that, since 2020, receiving such metadata has been prohibited, the regulatory framework having been tightened again. The same happened in Greece recently.

Elissavet Vozemberg-Vrionidi then asked a question concerning legal wiretapping, recalling that in Greece it is possible, with the approval of a Public Prosecutor, to authorise surveillance on an individual in the event of a threat to national security, and wondered whether the same principle applied here. The answer she was given was that in Greece, a request from the Attorney-General and authorisation from the Court are required, whereas in Cyprus, all that is required is a request from a Public Prosecutor and then authorisation from a Magistrate. He added that, in the event of a problem related to national security, the request comes from the intelligence services.

Juan Ignacio Zoido wanted clarification of whether this wiretapping was done – with judicial authorisation – using spyware. Ilias Stephanou stressed that Cyprus’s 2007 law gives the police access to information stored on mobile phones or laptops.

The Chair, Jeroen Lenaers, thanked him for this extremely useful discussion.

It was then the turn of Mr **Fanis Makrides** and Mr **Makarios Drousiotis** to speak.

Fanis Makrides presented his report, outlining the main aspects of the inquiry. Israelis had been conducting surveillance since 2006. The Cypriot police then took an interest in Tal Dilian and, in 2016, produced a report on Avraham Avni, a colleague of Dilian's, and the cofounder of Intellexa. It turned out that Dilian had contacts in the ruling party, the Cypriot police, etc. The police nevertheless closed the case.

In 2017, Avni obtained Cypriot nationality, and invested EUR 2.5 million in a property. The authorities' reaction to our revelations was to search us to find out how we had obtained this information.

In 2019, the 'spyvan' case emerged. Dilian's and Avni's companies were identical. Three antennas were installed at Larnaca airport. However, on 19 September 2021, Michalis Angelidis, the brother of the Deputy Attorney-General, was a colleague of Avni. How could the Deputy Attorney-General be independent? It was said that he knew nothing about it. How are Dilian and Avni linked to the scandal in Greece? It is always the same individuals, the same interests. Why has the State been so lax on company law?

When legal action was brought against Dilian, his businesses changed their names.

The Papadakis press conference in 2022 revealed links between the 'spyvan' scandal and the Greek scandal. All political parties were purchasing surveillance systems.

On 24 October 2022, contracts with the Cypriot intelligence services dating back to 2014 were revealed.

Wiretapping was essentially unchecked. This is why businesses come to Cyprus: because nobody checks them. How is this software exported to third countries? These are dual-use products. NSO, for example, is present in Cyprus and Bulgaria. These are the countries from which the exports take place. There are around 20 businesses in the sector in Cyprus.

Makarios Drousiotis, who worked in the office of the President of Cyprus in 2013, has written three books on corruption in Cyprus.

Mr Drousiotis said that he had discovered in the course of his job that something was not right. Having become a victim himself, he produced a 40-page report via a private consulting firm in the Netherlands, as no one in Cyprus wanted to investigate.

Cyprus has been fertile territory for activities of this kind since 2004. A total of 29 Israeli companies have set up a base there, taking advantage of accelerated procedures. Such technology has been legalised and is used against Cypriot citizens. There is a kind of mutual backscratching between the Cypriot State and these firms.

The airport operation was carried out with the knowledge of the Cypriot Government, and with help from Israel.

In the President's office, there was arbitrary wiretapping, and the President read the reports from those wiretaps.

There is a grey area surrounding the national interest, linked to national security: it includes money laundering and the supply of arms.

Everything has been published in my books. No denials.

Sophie in 't Veld launched into a string of questions: What about Russian influence? Does the legislation cover ties with Israel? Is there an agreement with the Israeli Government? Are there ties with Greece? Regarding the 'spyvan', as the secret services did not have enough time to observe the equipment, what has happened since? Could useful assistance be sought from Europol?

Makarios Drousiotis replied that Cyprus is a very special case: there are major political problems; there are no checks and balances. The President does what he wants. There are no independent or autonomous institutions.

The best example is the case of Rybolovlev and his USD 9 billion fortune. His wife wanted half his fortune when they divorced. He invested in Cyprus and managed to get the authorities to pass a special law to prevent his wife from getting her hands on the part of his fortune invested in Cyprus. Public policy is excluded from the *acquis communautaire*. He even had his wife put in prison. She was kept there until she signed. He bought the favour of the President, the Attorney-General and the media, and also had very good relations with the State of Israel.

Fanis Makrides rounded off his comments by confirming there were indeed links between Cyprus and Greece, and that everything was in his report.

Juan Ignacio Zoido paid tribute to the investigative journalism that has done so much for democracy and the separation of powers. 'Are we to believe that nothing works in Cyprus? Neither the judiciary, nor investigative journalism, nor politics?' he asked, expressing his concern.

Makarios Drousiotis responded simply that this was a good summary of the situation, before Fanis Makrides drew attention to the fact that there is nothing being done to raise awareness of corruption in Cyprus. 'We have the system we deserve,' he added.

Thijs Reuten wanted to know whether they had felt unsafe or afraid. Makarios Drousiotis stated that he had been a victim of blackmail pressuring him to end his inquiry, and that the authorities did nothing about it. He took the precaution of handing over all his personal information so that he could not be accused of anything in the future. Fanis Makrides acknowledged that he personally had not experienced anything of the sort, and was determined to stick to the facts.

After Róza Thun emphasised that the very principle of this equipment was problematic, and Saskia Bricmont saluted the courage they had shown, Stelios Kouloglou once again asked about the links between Dimitriadis and Tal Dilian. Fanis Makrides answered that there was no testimony and no evidence.

Elissabeta Vozemberg-Vrionidi then spoke up in defence of the Cypriot State: 'I know there is justice in Cyprus,' she said, before adding that corruption was everywhere in Europe and that we cannot allow Cyprus to be depicted as the Kingdom of Corruption.

Makarios Drousiotis answered simply that everything had been published and that nothing had been denied.

II. Meeting of Wednesday 2 November

08:30-09:30 Meeting with Ms **Natasa Pilides**, Minister of Energy, Commerce and Industry, and Mr **Kyriacos Kokkinos**, Deputy Minister of Research, Innovation and Digital Policy.

Ms Pilides was accompanied by her Director for export licence authorisations and said she was happy to answer questions concerning the procedures. Mr Kokkinos, meanwhile, stated that the country had a serious legal system to govern these operations.

After the Chair, Jeroen Lenaers, had introduced the members of the delegation and the work of the PEGA Committee had been placed in its European context, Sophie in 't Veld attempted to confirm the information obtained the previous day: if 29 businesses from the sector have set up a base in Cyprus, then conditions must be conducive to exports. Why? Is the existing legal framework applied? Is there a control mechanism? Are there exports to the European Union as well as to third countries?

Ms Pilides pointed out that the number of businesses present in the sector was declining. There are now fewer than 10, not least because the legislative framework is applied more efficiently. To clarify matters, Kyriacos Kokkinos indicated that there were exactly nine active dual-use companies, including three producing spyware. They work '*en bloc*'. The rules are applied. There are no shortcomings in the system. The Cypriot State has contact with the European Commission and Israel and tries to take inspiration from them. Natasa Pilides took the floor again to acknowledge that the Cypriot State does not have the technical expertise to cover all risks, a responsibility delegated to the Governmental Advisory Committee – Ministry of Foreign Affairs, Ministry of Defence, etc. – which examines requests on a case-by-case basis and exercises control over all exports. Cyprus is not a party to the Wassenaar Arrangement because Turkey has blocked us. However, that does not make the framework any more flexible. Kyriacos Kokkinos stressed the fact that everything is blocked whenever the slightest doubt arises, and that the Cypriot State makes constant efforts to strengthen its framework, notably through the creation of a register, with registered businesses the only ones permitted to export. A criminal record check on the directors of these companies is a prerequisite to their registration.

Saskia Bricmont sought clarification, asking how many authorisations had been issued in the 'spyware' sector, whether Intellexa was registered, whether sanction mechanisms existed, and when the new binding framework would be ready.

Stelios Kouloglou, for his part, emphasised that 8 to 10 active companies in the sector was already a lot, and there must be a reason for this. He too wondered whether Tal Dilian and his businesses had obtained these authorisations.

After Juan Ignacio Zoido had asked whether the ministers had any suggestions to make, Róza Thun expressed a wish to see a list of these registered companies, particularly those producing

‘spyware’, before Thijs Reuten inquired about the guarantees provided to journalists and about the authority that approved the airport operation.

The Chair, Jeroen Lenaers, then raised a specific case: out of six interconnected companies in the sector, NSO had purchased three. Why?

Kyriacos Kokkinos replied that Cyprus’s ambition was to follow best practice, in accordance with EU law, and to introduce stricter controls. Ms Pilides pointed out the progress made and gave the answers: there were 30 such businesses in 2020 and only nine in 2022. Intellexa has no licence. There are companies associated with members of the NSO board of directors, but they do not have an export licence. Human rights are protected by the Ministry of Foreign Affairs. The new framework will be ready in the first quarter of 2023, in March or April. As for the airport operation, there is no information, and the Ministry of Transport would have to be consulted. In any event, the Cypriot State has no connection with Dilian.

10:00-11:00 Meeting with the Attorney-General, Mr George Savvydes

George Savvydes began the meeting by presenting the role of the Attorney-General.

The Chair, Mr Lenaers, thanked him and noted that Mr Stephanou had invited the delegation to ask him any detailed questions they deemed necessary.

The Attorney-General assured the delegation of his determination to protect fundamental rights.

According to the Cypriot Constitution, the Attorney-General’s office is independent. Its prerogatives include, in Article 4, the power to appoint a private investigator for a criminal investigation. At the end of said investigation, the decision is taken by the Attorney-General alone.

The legal framework is very restrictive: the principle of respect for privacy is enshrined in Article 7, but is also a right in and of itself (Article 17).

There are very specific cases of interference on the grounds of public security or war crimes, which require the consent of the Attorney-General. In such cases, a two-stage process is followed, in accordance with Law 92/1996 (on the confidentiality of communications), which governs interceptions. The penalties were made stricter in 2020, rising to EUR 100 000. There are solid safeguards concerning the surveillance of private communications. In some cases, there is a possibility of establishing a Committee of Inquiry in cooperation with the police.

George Savvydes nevertheless added that he could not pass on the Stephanou report: because the investigation was a criminal one, there was no report open to the public. No one in Cyprus can request information, as it is a criminal investigation. Stephanou’s work cannot be separated from the rest or considered in isolation, and is covered by investigative secrecy.

However, the judgment on the ‘spyvan’ has been rendered and is accessible.

The Stephanou report and the results of the police investigation are excluded from transparency requirements (Article 19.22.2): the right of inquiry of your Committee is limited by national law, as the spyvan case involves critical Cypriot infrastructure.

However, the following information can be shared:

- the case has no link with ‘Pegasus’ or ‘Predator’;
- the equipment has never been used by the company to monitor private communications;
- the ‘spyvan’ case does not involve Cyprus’s public authorities in any way.

Responding to Sophie in ’t Veld’s asking him why his predecessor had appointed Stephanou, the Attorney-General answered that he had no idea, but that it was not unusual (the appointment dates from 28 November 2019).

Juan Ignacio Zoido informed him that a very bleak picture of the situation had been painted to the delegation and once again asked for recommendations.

George Savvydes expressed his total disagreement with Drousiotis, who he felt had been driven by resentment. He added that no appeal was possible against a criminal investigation, and that a journalist could therefore not challenge it. A decision by the Attorney-General is final. The spyware was imported illegally as meteorology equipment. According to the information from Greece, the President gathered the relevant individuals together: ‘Pegasus’ and ‘Predator’ had not been used. The Attorney-General’s Office is helping to draft the new legislation.

Róza Thun then inquired as to whether any complaints had been made or any sanctions handed down. Saskia Bricmont, meanwhile, asked whether there was democratic control of the intelligence services, particularly with regard to the grey areas surrounding the Drousiotis case, before Stelios Kouloglou stressed the need to publish the Stephanou report to end any climate of suspicion.

The Attorney-General conceded that there had been a lot of complaints concerning cyberattacks against journalists. Drousiotis is a special case, in that he does not trust the Cypriot police and so decided to recruit a private agency. He does not know who authorised the wiretaps. When Drousiotis was working for the European Commission, the wiretapping was not necessarily linked to Cyprus, where wiretapping and content surveillance are subject to a strict protocol. What is done officially cannot be done through this kind of ‘malware’. Having found no reason to suspect that the State was at the root of the affair, the investigation was suspended.

George Savvydes confirmed that he did indeed have an *ex proprio motu* power, but that he could only refer a matter to himself if he observed a fact, not a mere allegation.

11:30-13:00: Meeting at the **House of Representatives**, with a delegation of members of the Committee on Institutions, Merit and the Commissioner for Administration (Ombudsman), chaired by **Mr Demetris Demetriou**, and a delegation of members of the Committee on Legal Affairs, Justice and Public Policy, chaired by **Mr Nicos Tornaritis**.

The exchange of views with the parliamentarians from the two committees essentially focused on the information obtained from the various previous interviews conducted since the PEGA delegation’s arrival in Cyprus.

Criticising the *omerta* on the subject from their country’s public authorities, the Cypriot parliamentarians mostly emphasised the importance of the PEGA Committee’s work, from which they expect a lot.

The Chairs of the two committees and of the PEGA agreed to stay in touch and to pool their information.

Meeting in Athens

19:00-20:30: Meeting with journalists – Ms Nektaria Stamouli, Mr Nikolas Leontopoulos, Mr Anastasios Telloglou, and Mr Yannis Souliotis

After the delegation was introduced by the Chair, Jeroen Lenaers, Anastasios Telloglou opened his remarks by stating that Greece cannot accept what Israel does not accept. Intellexa made USD 250 million from its business. Only the software should be able to be sold. Installation and operation of the software should remain the preserve of the client, and under the client's complete control. We should also remember the outright ban on selling to private individuals.

Yannis Souliotis commented on these obligations, explaining that a company had signed the same contract for the same equipment with a foreign service and with Greece, invoicing 3 million to the former and 20 million to the latter, as the Greek contract included an operations and maintenance service.

In 2018, Syriza signed to receive this system and signed six secret contracts on the digital communications of the police service, plus a scanner to identify surveillance systems. Its latest purchase came after the events in Lesbos in 2020 and cost EUR 9 million.

The companies concerned are very good at covering their tracks: Krikel is linked to an Italian company, ARSISLAB, and has chosen a Slovenian official representative. In any case, there is no possibility of a retroactive investigation.

Nikolas Leontopoulos was keen to point out that journalists had been prosecuted and that their trials would be starting soon. We have an institutional problem with wiretapping in Greece: there is legal and legitimate surveillance, which requires authorisation from a judge.

However, the problem is that there are more than 15 000 decisions to wiretap made per year on the grounds of 'national security'. In 2018, the Syriza government changed the law: previously, two judges were required to authorise such decisions; now, it is just one, and it is a person from the EYP, for whom it is very difficult to oppose a surveillance request.

Telecommunications operators in Greece know who is being monitored. We need archives to keep the recordings. The ADAE should set up digital archives.

Lavranos was not invited by the Committee of Inquiry, as officially he is not the owner of Krikel.

Nektaria Stamouli added that the situation is serious: the use of spyware is out of control.

Sophie in 't Veld requested further details about the process introduced in 2016.

Anastasios Telloglou answered that the legal system dated back to 2008, and that it was limited to 3G. By 2012, the system had become obsolete. In 2019, the switch to 4G necessitated an update. 'I was also physically surveilled,' he explained, emphasising that he had been photographed with Koukakis. The State was behind all that.

In 2021, Meta produced a report in cooperation with Citizen Lab, revealing that Predator was

used in seven countries. Of the 322 domain names concerned, 42 were Greek (13%). The people controlling these companies are all Israelis with European passports. Tal Dilian travels on a Maltese passport. The right to be informed about surveillance, as provided by law prior to 2021, needs to be re-established.

There are 60 legal interception requests per day.

III. Meetings of 3 November

Meeting with **former members of the Committee of Inquiry of the Greek Parliament:**

09:00-10:00: Mr Karathanasopoulos (KKE):

Sophia in 't Veld opened the session with several questions about the Greek political landscape: how is your party different from Syriza and PASOK? Have members of Nea Demokratia been wiretapped, too? Has the KKE lodged a complaint?

Mr Karathanasopoulos replied that there was no shared report with these parties, as neither Syriza nor PASOK wanted to make reference to the institutional framework currently being overhauled or to the European recommendations. Furthermore, these other parties have not taken any interest in the other intelligence services (US, Israel, etc.). He added that, apparently, some members of the current government are indeed being wiretapped. Finally, he explained that the KKE had exhausted all possible means of redress (the courts, ADAE) and that, as far as he knew, the public prosecutor was continuing his investigation.

Juan Ignacio Zoido noted this lack of a united front, and asked what the party's opinion was on the functioning of Greek democracy and on the freedom of the press.

Mr Karathanasopoulos criticised the government for being very 'classist', serving the interests of the bourgeoisie to the detriment of the working classes. 'The system is rotten,' he said, without hesitation. Freedom of the press is an illusion, as they are capitalist businesses and they will adapt. They are timorous and reluctant to criticise the system. The situation is the responsibility of this government, but also the previous one.

Róża Thun asked about the financial interests involved and the links and interdependence with Cyprus. Saskia Bricmont picked up on the subject by asking what had happened to the EUR 40 million provided by Europe for cybersecurity?

Mr Karathanasopoulos criticised the fact that no control is possible. It is all very well having a prosecutor assigned to the secret services, but now you need a second prosecutor to check the signatures of the first. We are talking about industrial-scale wiretapping on a daily basis: 15 000 wiretaps per year. Both ND and Syriza share a reactionary tendency to limit rights. There is a logic to all this: as economic activity is concentrated in fewer and fewer hands, the institutions become ever more reactionary.

The Chair, Jeroen Lenaers, noted that he had spoken about the US, Israeli and Turkish services, and asked him where he had got this information.

Mr Karathanasopoulos answered that the Greek secret services had confirmed these

allegations, as well as the contacts with some EU services. There was mutual assistance, but the US had wiretapped the elected government in 2007. The wiretapping has been proved, and the Americans do a lot of it.

10:00-11:00: Ms Evangelia Liapidou and Mr Dimitrios Biankis, PASOK:

The rapporteur, Sophia in 't Veld, returned to some previous questions that had remained unanswered: who from the government or from Intellexa used 'Predator'? Could anything be expected from the duo of Lavranos and Bitzios? What are the connections between Dimitriadis and PASOK? Finally, has it been confirmed that people from ND were also targeted?

Evangelia Liapidou criticised a patent lack of will: the Committee of Inquiry had summoned Sara Macia Amouh (Dilian's wife), who said that she could not come, and the Chair refused to conduct the interview by videoconference. Every effort was made to avoid summoning Intellexa – a company that is not actually checked by anyone – which is why we know nothing.

Bitzios and Lavranos were called as witnesses to explain to us how they are linked to the Greek Government. They did not answer. Dimitrios Biankis added that all we could do was speculate about the KRIKEL-INTELLEXA galaxy.

Juan Ignacio Zoido also wondered about the lack of a common report from the entire opposition and about the assessment of the functioning of the institutions and the justice system and the independence of the press.

Evangelia Liapidou conceded that such disunity was a kind of tradition in Greece. Each party wants to put what it considers most important at the centre of the report. Everyone agrees on the Androulakis scandal, even though attempts have been made to camouflage it.

Further details will have to be sought from the Chair of the Independent Authority! He has everything. The intelligence services have refused to submit to checks on the grounds of confidentiality.

Dimitrios Biankis immediately tempered this enthusiasm: we only need look at the composition of the committee and the procedure to understand that there is no desire for or chance of self-criticism.

Thijs Reuten then pointed out that all the opposition parties have a shared responsibility, before asking what three main changes should be made in new legislation and what the European Union could contribute.

Elissavet Vozemberg-Vriodini, for her part, preferred to stress the fact that this Committee of Inquiry was set up by the government on the initiative of the parliamentary minority. She also wanted to know what the harassment Rammos allegedly suffered entailed.

Evangelia Liapidou criticised the government's refusal to reform the intelligence services. They are now lobbying the government to reform the legislation based on the following proposals: decisions on the subject must be taken by an extended committee and not by a single person; the concept of national security must be defined; and the senior management of the intelligence agencies must be experienced and receive appropriate training. As for the harassment of Mr Rammos, it is up to him to answer himself.

11:00-12:00: Mr Dimitrios Tzanakopoulos, Syriza:

Dimitrios Tzanakopoulos took the floor without waiting for questions: in his view, there are two parallel scandals: spying with ‘Predator’, and infiltration of the State apparatus: Lavranos, Bitzios and Dimitriadis. Without their testimony, no inquiry is possible.

Sophia in ’t Veld added a question directly linked to Syriza: why did the value of the contract renegotiated by your government with Intellexa increase tenfold?

Elissavet Vozemberg-Vriodini wanted to know more specifically the connection between these companies and the Tsipras government, and whether the wiretapping of Vitsiolas was legal or not.

Róza Thun focused on the work of the Committee of Inquiry, seeking confirmation of who took the initiative to set it up and how long it worked for.

Saskia Bricmont noted a convergence of views among the various opposition parties, despite the absence of a joint report. She then wondered about the potential for joint follow-up work. Lidia Pereira wondered why, as a former minister, Androulakis did not ask the reason why he had been wiretapped while he still could. If it is a national security issue, they need to say so. Sylvie Guillaume sought proposals for political or legal changes, and wondered about the impact of these cases on the country’s democratic life.

Dimitrios Tzanakopoulos explained that Spirtzis had been wiretapped because he was criticising the intelligence services. As regards Androulakis, what is the threat? We cannot say ‘it’s classified, there’s nothing to see’. For the moment, there is no legal or regulatory framework that obliges the government to inform Androulakis or any other person that they are under surveillance or the reasons for that surveillance.

As regards the increase in the values of the contracts, in 2021 the new government signed a new contract for the purchase of new police security and communications systems based in the islands of the Aegean Sea, the previous contract from 2018 having expired.

12:00-14:00: Meeting with Mr Giorgios Gerapetritis, Minister of State

Giorgios Gerapetritis specified from the outset that he was not involved in the activities of the intelligence services. I am a Legal Adviser. I support PEGA and I want it to bear fruit. The legal wiretapping of Androulakis, plus a series of events linked to Predator.

In two weeks, a new law offering guarantees on the security of communications. Greece is going to ban any acquisition of this equipment and its use on Greek territory. Amendment of the law on personal data, in particular.

Sophia in ’t Veld:

- What were the reasons for wiretapping Androulakis?
- Who used Predator? The government? Intellexa? Third countries?
- Were members of ND also targeted?

Giorgios Gerapetritis:

I don’t know anything about these rumours. As for Androulakis, I don’t know anything and I

don't want to know anything. Nobody can know, unless the wiretapping entails a threat to national security.

Very strong legal monitoring and wiretapping system, essential for the country: refugees, 'war' with Turkey, espionage.

We cannot talk about national security with total transparency.

We invited Androulakis to contact the competent political authority, the Prime Minister. He did not do so because he wanted to derive political benefit from it.

Who uses Predator? I have no idea. Technology moves more quickly than legislation. We don't know. There is an independent judicial inquiry: All states are trying and failing to find even one guilty party.

We don't have 'Predator'.

Who uses it? Businessmen for their business, but that's just a suggestion.

Juan Ignacio Zoido:

It's a little like the metaphor of the bottle being half full or half empty.

What changes can be made to protect human rights and national security at once?

Opinions on the functioning of institutions?

Freedom of the press?

Giorgios Gerapetridis:

I will provide you with the draft text, which will touch on Rule of Law and freedom of the press.

The press is vehemently opposed to the government. Even when, for the first time in Greece's history, all the ministries have an independent internal affairs department!

There is a framework that governs lobbying.

A cap on gifts.

First time in 45 years that a Committee of Inquiry initiated by the minority has been authorised by the majority, even though it knew that it was going to be given a hard time.

Freedom of the press: I cannot accept that people convicted of terrorism should be able to publish articles from their cells and challenge the freedom of the press.

Thijs Reuten:

Legal surveillance authorised if justified.

1. If there were a reason to wiretap Androulakis, it would be national security. So why invite him for a private interview with the Head of the Intelligence Services?

2. Why try to hamper the work of the committee?

Giorgios Gerapetridis:

Personally, I would have gone to the interview, and I would have told the press.

Legal surveillance is legal by definition and is the preserve of the Public Prosecutor.

There were no unlawful court decisions in this case.

Róza Thun:

Greece's reputation is not good. Transparency authority/November law.

Is the right to be legally informed among the new provisions?

Freedom of the press?

Giorgios Gerapetridis:

We are going to take new measures on ex-post information. We are looking at the legislation in place across Europe: there is a whole range of legal possibilities.

Saskia Bricmont:

Why no inquiry on Intellexa? Because it is not the State.

Giorgios Gerapetridis:

There was an inquiry by the independent authority. It revealed neither illegal use nor illegal sales.

Stelios Kouloglou:

1. The government justified Androulakis on the grounds of national security or error. But which one is it?
2. Dimitriadis and Kontoleon were fired. Why, if it was justified?
3. Was the Androulakis file destroyed?
4. Freedom of the press: Koukakis: national security, really?
5. Gutter press, OK.

Giorgios Gerapetridis:

It was a systemic error; the mechanics of the system weren't right. But there is no 'right to know about it'.

Sylvie Guillaume:

1. Surveillance system due to migration pressure?
2. What is Greece doing with the EUR 40 billion it has been given for cybersecurity?

Giorgios Gerapetridis:

There is clearly a link with the particular migratory pressure that Greece is facing, but also with the country's geographical location.

15:15-16:00: Meeting with Mr **Vasilios Papakostas**, Director of the Greek police's cybercrime division.

Vasilios Papakostas essentially limited himself to saying that complaints are addressed to the Public Prosecutor, and that inquiries are carried out by his services, not by the police.

The legal framework in Greece is sufficient, in his view. 'We can conduct our inquiries and draw our conclusions. The rest is up to the Public Prosecutor.'

16:15-17:15: Meeting with Mr **Ioannis Kefaloyiannis**, former Chair of the Committee of Inquiry of the Greek Parliament.

Ioannis Kefaloyiannis pointed out that the Committee of Inquiry had held 10 meetings, including two on the procedure, conducted over 60 hours of hearings, and produced 5 500 pages of report that no opposition colleague had read. The report is not public; that is the rule.

No link has been established between the state and the use of spyware. ADEA said the same thing. And Krikel has had a contract since 2018.

No clear answer on the reasons for wiretapping Androulakis.

Stelios Kouloglou:

Why not hear from Koukakis and Dimitriadis? Why not ask the telecommunications operators to say how many Greek Members of Parliament are being wiretapped?

Ioannis Kefaloyiannis:

Because it wasn't in the mandate. The mandate covered only Androulakis and the KKE.

17:30-19:00: Meeting with victims, Mr **Christos Spirtzis**, Member of the Greek Parliament, and Mr **Thanasis Koukakis**, journalist

Christos Spirtzis: The EYP has competence over organised crime. The reference to national security is merely a pretext. Confidentiality within the framework of a parliamentary committee of inquiry should not have to be invoked.

Personally, I found six messages, which I kept and sent to Citizen Lab. There is no organisation to which you can send your equipment to be examined, and there has been no attempt to establish such a body.

Who is at the head of 'Predator'? Who gave the orders to start wiretapping? How much does it cost? This is not software that you can buy in a shop.

I asked Europol for help. I have no confidence in the Greek Government, and there are no hearings of witnesses. Europol wants to collaborate with the European Parliament on the subject. The illegal use of spyware by European countries must be prohibited. In the political history of Greece, the notion of the national interest has been subject to no control.

I don't know if it's just me; I think there is a long list of people.

I found 'entrapment' links on my phone. The Committee should closely monitor the contracts awarded to these companies.

We need democracy and an institutional framework. The Majority does what it wants in Parliament.

If there is an acquisition process, who is the client? Krikel has done business with the Greek government. Dimitriades is the godfather of Lavranos's son. Conversations must be kept for two years: they were still valid. Now, they have switched to a new system, and all the information has been erased.

Thanasis Koukakis: Criminal complaint against the members of INTELLEXA. Everything was integrated in the same file, with my first complaint and those of Spirtzis and Androulakis. Nobody has opened up the financial accounts of INTELLEXA or Krikel.

Journalistic investigations are the only ones to make any progress. There is clear cooperation between the Greek State and the 'deep state', and it goes much further than the use of this software.

1. Bitzios is a shareholder of INTELLEXA.
2. The sale of spyware is illegal in Greece.
3. The beneficial owner of Krikel is Lavranos.

IV. Meetings of Friday 4 November

09:00-10:00: Meeting with Mr **Christos Rammos**, President of ADAE, and Ms **Papanikolaou**

Sophia in 't Veld: We understand that many things are kept confidential in the name of national security. But secrecy is a problem.

Can no one have access to the committee's report? How are the various investigations progressing?

Christos Rammos: The criminal investigations are under way. We are performing our own checks. We are trying to see where the messages are coming from.

Juan Ignacio Zoido: Can you confirm that the archives on the wiretapping of Androulakis have been lost?

Christos Rammos: I can neither confirm nor deny. The relevant elements have been provided to the relevant committee.

Sylvie Guillaume: Do you have any useful elements to communicate to us? Particularly about the legality of and reasons for the wiretapping of Androulakis?

Christos Rammos: We are doing research on the identification. I don't know the reasons. But the procedure was legal. ADEA cannot check devices per se. We stop when we get to the operators. We can only track the path followed by messages.

Saskia Bricmont: Have you been pressured or harassed by the government? Can you confirm? Was there really no breach of the legislation in the Koukakis case? What are the legal grounds? Have requests been made to the police?

Christos Rammos: No comment.

Koukakis sent a request. For national security reasons, there was no notification.

Stelios Kouloglou: Always the same questions. There is a patent refusal to cooperate.

Christos Rammos: Everything is in an extremely confidential document. We work within the law. National security is a competence of Member States. I am cooperating in line with my duty.

Elissavet Vozemberg Vriodini: There are no proven facts. As regards the meeting with the committee, were you put under pressure? Do you agree with the coming legislative initiatives?

Christos Rammos: I'm not easily intimidated. I wasn't consulted on the coming legislative initiatives. The second public prosecutor is a good thing, but we don't know which way the government is going to go.

10:00-11:00: Meeting with NGOs and human rights defenders: Mr Stefanos Loukopoulos from *Vouliwatch*, Mr Lefteris Papagiannakis and Ms Fotini Kokkinak from the Hellenic

League for Human Rights, and Mr Stefanos Vitoratos from *HomoDigitalis*.

The Committee of Inquiry is undermining the role of Parliament, and that is shameful. There were only members of the majority on its bureau, and they don't know the list of witnesses. Key witnesses have been left aside: former ministers Bitzios and Lavranos, for example. The confidentiality clause is unconstitutional and breaches the rules. The intelligence services escape any control. The legal opinion on confidentiality was not authorised by the majority. Androulakis requested that his file be passed on to the parliamentary committee on transparency.

Findings

Debriefing meeting with the members of the delegation:

Sophia in 't Veld: Much more work to do now. There is no police investigation, and no one knows where the investigations currently under way are headed. There is an urgent need for transparency. All this is very worrying.

Juan Ignacio Zoido: All of this should lead us to be extremely cautious. The situation is similar to that of Poland and Hungary. We mustn't pretend to have solutions when we don't, and we must continue to work, without politicising the issue.

Sylvie Guillaume: The Greek Government's response is not sufficient or satisfactory. We need to unravel the thread.

Róża Thun: We need to emphasise the commercial aspects of the system.

Saskia Bricmont: More doubts and questions after than before. Not convinced by the Minister or the Chair of the Committee of Inquiry. No desire for transparency, apparently.

Lidia Pereira: We need to show caution. This is a concrete and specific situation. We are not going to solve everything overnight. We could do exactly the same exercise in Portugal. Perhaps part of the report could be made available? However, it remains very different from Poland and Hungary.

Thijs Reuten: Let's not show too much caution. We have an institutional role and a duty of solidarity. I have no enthusiasm for the Minister, who seems to be on a mission to discredit us.

Jeroen Lenaers: We will need to concentrate on the most relevant elements, and avoid excessive politicisation.