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Joint Letter to the European Commission on the Rule of Law in Greece

Pia Engelbrecht-Bogdanov · Tuesday, February 6th, 2024

February 6, 2024

Ms Ursula von der Leyen

President of the European Commission

cc: Ms Věra Jourová

Vice-President for Values and Transparency

Mr Didier Reynders

Commissioner for Justice

Dear President von der Leyen,

We, the undersigned 17 organisations who actively monitor and defend the rule of law and human rights in Europe, are writing to you to express our strong concern about the ongoing deterioration of the rule of the law and fundamental rights in **Greece**.

Some of the most serious and persistent breaches of European Union (EU) rule of law treaty obligations include a major ongoing [surveillance scandal](#), government [interference in media](#), [abusive lawsuits against journalists and activists](#), and an overall unsafe working environment for journalists, including [two unresolved murders](#) of journalists. In addition, under the New Democracy government, the [criminal justice system](#) has been used to threaten civil society groups and activists. [Registration requirements](#) for nongovernmental groups working on migration and asylum have imposed an unreasonable burden on them.

Numerous groups have documented these developments,^[1] including in recent stakeholder submissions for the 2024 Rule of Law-report.^[2] [The 30 January report by several press freedom organisations](#), clearly shows the need for more EU action in favour of press freedom in Greece. For the second year in a row, the country ranked last in the EU in Reporters Without Borders' [World](#)

Press Freedom Index. United Nations Special Rapporteur on human rights defenders, Mary Lawlor, highlighted similar concerns in her [March 2023 report](#) including the Greek authorities' curbs on media freedom, the lack of media pluralism in the country, and surveillance of journalists using commercial spyware and wiretapping. Lawlor's report also noted that migrant rights defenders "have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them, to a shocking degree."^[3]

Despite the deteriorating climate for the independent press and civil society in Greece, the European Commission has remained largely silent, or inactive, in seeking to hold the Greek government to account. The Commission, including in its 2023 Rule of Law report, expressed concerns about the situation of journalists and civil society, but we regret that neither the report nor the Commission's related statements on Greece reflect the severity of the situation.^[4]

Spyware and Surveillance

Among the issues described in this letter, we highlight the spyware scandal and its aftermath. These events illustrate several of the persisting problems and affect the rule of law at its core: state surveillance of journalists raises urgent privacy and free expression concerns and affects the ability of the press to hold authorities to account. It interferes with media freedom and violates the confidentiality of journalistic sources, protected under the European Convention on Human Rights and EU Charter of Fundamental Rights. Such surveillance has a chilling effect on journalism and its role in a democratic society.

On 22 May 2023, the European Parliament's Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA) made a number of [recommendations](#) to Greece. These recommendations include the need for strengthening "institutional and legal safeguards, (.), as well as independent oversight mechanisms"; to "urgently clarify the situation surrounding the misuse of spyware in Greece"; and restore "full independence of the judiciary and all relevant oversight bodies".^[5]

Instead of addressing these recommendations, the Greek authorities have taken several steps in the past months to deliberately reduce levels of transparency and scrutiny, thereby limiting the scope for remedy to the victims of surveillance, including journalists, activists, politicians, and Members of the European Parliament concerned. These steps included: the [appointment](#) without the prescribed parliamentary majority of four new members of the Hellenic Authority for Communication Security and Privacy (ADAE); the oversight authority investigating the wiretapping by the Greek intelligence service (EYP); [the summoning of two members of ADAE as suspects by the judiciary](#); and, the [intimidation of the head of ADAE, Christos Rammos](#), by politicians and parliamentarians.

Journalists whose work has been instrumental in revealing the spyware scandal in Greece are meanwhile facing [multiple lawsuits](#) by former government official Grigoris Dimitriadis. Before his resignation on 5 August 2022 – amid the revelation of the spyware scandal – Dimitriadis oversaw the functioning of the EYP as general secretary to the Prime Minister's office. These lawsuits have been widely identified by [media freedom organisations](#) as [SLAPPs](#): intimidation attempts directed at muzzling public interest reporting.

The Greece chapter of the 2023 Rule of Law Report uncritically presents the Greek government's

remedies to these concerns, without calling into question their effectiveness. These remedies include the Task Force for the Protection of Journalists, established in response to recommendations by the European Commission, but seen by the press freedom community as a smokescreen tactic aimed at placating international criticism and diverting attention from the government's failure to deliver real transparency, accountability, and justice on rule of law issues relating to press freedom.^[6]

Although national security remains a Member State competence, the European Commission cannot continue to turn a blind eye when surveillance may have led to abuses of EU law. The PEGA Committee concluded that contraventions and maladministration in the implementation of Union law have taken place in Greece. The Commission should consider these contraventions together with the aforementioned attacks on fundamental rights and the rule of law in Greece, including the failure to investigate attacks on journalists and provide them with a safe working environment, the crackdown on civil society and migrant rights defenders; and the failure to take effective steps against SLAPPs against media and civil society. Flagrant and obvious abuses of EU treaty values must be independently and thoroughly investigated. We call on the European Commission to:

- Fully investigate such reports with a view to seeking for clear and effective remedial action, openly and publicly, by the Greek authorities.
- In the 2024 Rule of Law report on Greece, provide a clear, detailed, and comprehensive picture of the rule of law deterioration with measurable, concrete and timebound recommendations to the authorities.
- Make an accurate and impartial assessment of where Greece's breach of both rule of law and fundamental rights obligations, as well as its obligations for sound management of EU funds, could result in triggering the suspension of EU funds to the country.

SIGNED:

Article 19 Europe

Committee to Protect Journalists (CPJ)

European Centre for Press and Media Freedom (ECPMF)

European Federation of Journalists (EFJ)

Free Press Unlimited (FPU)

Greek Council for Refugees (GCR)

Hellenic League for Human Rights

HIAS Greece

Human Rights Watch (HRW)

Inside Story

International Press Institute (IPI)

OBC Transeuropa

Reporters Without Borders (RSF)

Refugee Support Aegean (RSA)

Solomon

Transparency International EU (TI EU)

Vouliwatch

^[1] See, among others, reports by [A Safer World for the Truth](#), [CPJ](#), [HRW](#), [IPI](#), [Media Freedom Rapid Response](#), and [RSF](#)

^[2] See, among others: [Joint submission by Greek and international CSOs and media organisations for the 2024 Rule of Law-report](#) and [Joint submission by Vouliwatch Greek Council for Refugees \(GCR\) HIAS Greece Refugee Support Aegean \(RSA\) Hellenic League for Human Rights Reporters United](#)

^[3] <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders>

^[4] https://ec.europa.eu/commission/presscorner/detail/ga/statement_20_380;
https://ec.europa.eu/commission/presscorner/detail/en/statement_23_4441

^[5] These recommendations were also reflected in the [reports and statements](#) of the European Parliament's Rule of Law Monitoring Group.

^[6] [Joint Rule of Law submission on Greece, January 2024](#); [MFRR, January 2024. Mission Report: Stemming the Tide of Greek Media Freedom Decline](#).

This entry was posted on Tuesday, February 6th, 2024 at 9:52 am