

## **Murdered, surveilled and sued: decisive action needed to protect journalists and salvage press freedom in Greece**

**Greek journalism is under sustained threat from the impact of the surveillance scandal “Predatorgate”, the unresolved killing of a reporter, abusive legal action and economic and political pressures. Following a mission to Athens, eight international organisations today call on the Government and Prime Minister to show political courage and urgently take specific measures aimed at improving the climate for independent journalism and salvaging press freedom.**

Although Europe has been shaken by the revelations about the targeting of Greek media professionals with spyware and the 2021 killing of veteran crime reporter Giorgos Karaivaz, the domestic authorities - though verbally supportive of the European Union’s action in favour of press freedom - have done little to remedy the problems. Following the recent parliamentary elections and nomination of the new Government, our organisations conducted a joint mission to Athens to analyse the underlying reasons for the recent erosion of media freedom and examine the possible opportunities for improvement. Between 25 and 27 September 2023, they met a variety of media with the broadest possible range of editorial lines, officials of several state bodies, and civil society stakeholders.

The delegation was composed of the six members of the Media Freedom Rapid Response (MFRR): ARTICLE 19 Europe, the European Centre for Press and Media Freedom (ECPMF), the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), the International Press Institute (IPI) and the Osservatorio Balcani e Caucaso Transeuropa (OBCT) - joined by the Committee to Protect Journalists (CPJ) and Reporters Without Borders (RSF).

The mission identifies four significant systemic challenges for press freedom in Greece, which when combined contribute to distrust between the journalists and the Government and a toxic and dangerous environment for critical and independent reporting: arbitrary surveillance, threats to the safety of journalists, abusive lawsuits as well as economic and political pressures. Taking specific measures proposed by the delegation and complying with European standards will allow the Government of Prime Minister Kyriakos Mitsotakis to make a clear demonstration of political commitment to improve press freedom in Greece and renew the trust of the media community.

### **Provide guarantees against and punish arbitrary surveillance**

Between 2020 and 2022, a number of journalists and media owners were subjected to wiretapping by the National Intelligence Service (EYP), which is controlled by the Office of the Prime Minister, under the pretext of protecting national security. Some also faced illegal surveillance with the powerful Predator spyware. Although numerous complaints were filed, justice has not yet been served for these serious cases of violation of individual privacy and of confidentiality of journalistic sources, a cornerstone of press freedom. Despite our alerts and [specific proposals](#), the legislation regulating surveillance has undergone only cosmetic changes or changes designed to let the government off the hook. In line with the European

Parliament's [recommendations](#) and the extensive case law of the European Court of Human Rights, we ask:

- The Government and Parliament to urgently adopt amendments to the legislation, which will oblige competent prosecutors to provide a justification for any surveillance undertaken in the interest of national security that allows for proper scrutiny of its legality and proportionality, set up independent and effective judicial oversight o, allow for effective access to information by persons targeted with surveillance by removing the arbitrary three-year time limit and reinstating the sole responsibility of the Hellenic Authority for Communication Security and Privacy (ADAE), and establish specific safeguards for journalists;
- The Government to quickly propose and the Greek President to adopt the decree - as stipulated in the law - regulating the use of spyware by the state, while applying the above-mentioned safeguards;
- The Greek justice system to bring justice for the illegitimate and illegal spying on media professionals in a swift, independent and transparent manner, using the evidence provided by the journalists' investigations and treating the specific cases as a felony (rather than as a misdemeanour which expires after five years).
- The Government and Parliament to refrain from taking any steps that weaken the functional independence of the ADAE and ensure the body is free to carry out its mandate to investigate wiretapping without political pressures

### **Take enforceable action against impunity for crimes against journalists**

With the unsolved murder of crime reporter Giorgios Karaivaz as the gravest example, this mission finds that attacking a journalist in Greece continues to go unpunished in virtually all cases. We welcome the arrest in April 2023 of two suspected assassins in connection with the murder of Karaivaz, however, the [case remains in a state of impunity](#) as middlemen and masterminds have not been apprehended and no convictions have been secured. This delay in securing justice sends a worrying signal that impunity for the murder of journalists is tolerated. Other investigations of serious physical attacks on journalists have followed a similar course, such as the 2010 murder of Sokratis Giolias and the [eleven physical attacks](#) on media houses and journalists' homes since 2019. Two further recent acts of violence and hostility against journalists [Giorgos Papachristos](#) (Ta Nea) and [Kostas Vaxevanis](#) (Documento), underline the need for urgent action.

After meetings with various Government officials, we conclude that no concrete measures have been taken to expedite justice. Complete data on attacks against journalists is not publicly available and no specific protocol for investigations of crimes against journalists appears to be in place. The establishment of the Task Force for the protection of journalists is a step in the right direction, but it requires sufficient resources, a timeline and the political backing required to be effective. Information on why investigations of these cases are not leading to convictions remains with individual prosecutors, and oversight authorities have not prioritised this issue.

In line with the [case law](#) of the European Court of Human Rights and the [European Commission's Recommendation on the Safety of Journalists](#), we ask:

- The Public Prosecutor to dedicate additional resources and seek assistance from international bodies such as Europol in the case of the murder of Giorgios Karaivaz;
- The Parliament and Government, especially the Ministry of Civil Protection and Justice, to prioritise and commit to prompt, effective and independent investigations of crimes against journalists by dedicating additional resources and staff to these cases, recognising their special nature and impact on the public sphere;
- The Prosecutor of the Supreme Court to commission an independent evaluation of all unresolved cases of attacks against journalists, including cases involving police violence, the conclusions of which should be publicised;
- The newly established spokesperson of the Prosecutor of the Supreme Court to take a leading role in the regular dissemination of information about investigations to restore faith in the commitment to justice and ensure greater transparency about ongoing investigations, in particular towards the victims and their families;
- The Task Force to prioritise the establishment of a monitoring platform in which all attacks, including digital attacks and threats, are recorded and followed.

### **Abusive litigation, including Strategic Lawsuits Against Public Participation (SLAPPs)**

When journalists in Greece report critically on powerful business and political interests, the possibility of facing abusive or frivolous legal action looms over them. During the mission, we heard from several journalists who face Strategic Lawsuits Against Public Participation (SLAPPs) and other abusive litigation from politicians and business owners who accuse reporters of defamation or the infraction of other laws including GDPR for their reporting on political affairs, environmental crimes, corruption and other matters in the public interest.

This weaponised abuse of the civil and criminal legal system serves not to seek proportionate legal redress but rather to silence critical voices, tying up financial and human resources as reporters and newsrooms must spend an inordinate amount of time in court to defend against baseless accusations. Especially for smaller outlets and freelance journalists, SLAPPs pose an existential threat as often the compensation demanded greatly exceeds their resources, which further exacerbates their intended chilling effect beyond the targeted journalist.

We ask:

- The Government, Parliament and judicial bodies to take effective, appropriate and proportionate measures to address manifestly unfounded or abusive court proceedings against public participation, in line with the [European Commission's April 2022 Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings](#);
- The Government to provide transparency on the steps taken by publishing its forthcoming report to the European Commission on the implementation of the April 2022 Recommendation;
- The Government and Parliament to ensure that amendments to the rules applicable to criminal defamation do not have an inadvertent negative impact on press freedom and ensure adequate time for public debate and consultation of Greek and international stakeholders to provide their input on pertinent legislative changes.

## Media independence and pluralism

Undercutting these issues, the Greek media ecosystem continues to suffer from multiple long-term and systemic challenges that negatively affect the landscape for independent journalism and press freedom. Many of these issues can be traced to the country's prolonged financial and economic crisis, which severely weakened the media market and deepened the toxic entanglement of media with vested political and business interests. While the media market remains densely populated, political polarisation is deeply ingrained and media pluralism is weak. Ownership of major print and television channels by familial dynasties and shipping magnates, many of whom have political connections and cross-ownership interests in industries dependent on state contracts, exposes these media to potential conflicts of interest and weakens their editorial independence. As a result, although direct acts of censorship are rare, self-censorship is rife within the journalistic profession and certain topics are widely understood to be off-limits. The economic precariousness of journalists in Greece caused by low wages and weak industry protections leaves media professionals more vulnerable to editorial pressures. Economic weaknesses in the media market likewise expose Greek media to capture by vested interests.

While several regulatory and legal reforms have been implemented by the Government in the last few years to try and address these issues, so far their impact remains unclear. Positive changes include the new Registry for Print Media (MET) and Registry for Electronic Press (MHT), which aim to improve the transparency of media ownership, including beneficial ownership. Under a new system, media not registered in these bodies are not eligible to benefit from state advertising. The Ethics Committee and the Directorate for Media Oversight likewise represent a new approach, which will hopefully have a positive impact on improving media ethics. Greater transparency over the allocation of state funding to media is also essential. However, the direct oversight of the Hellenic Broadcasting Corporation (ERT) and the Athens-Macedonian News Agency by the office of the Prime Minister continue to pose questions over the independence of both public media bodies, despite ostensible safeguards. The independence and competence of the National Council for Radio and Television (NCRTV) regulator remains in doubt.

While the country benefits from a small but highly professional group of independent and investigative media publishing vital public interest journalism, these titles remain isolated on the fringes of the media landscape and lack systemic support. The combination of these many challenges means Greek journalism faces a crisis of credibility, being one of the EU countries with the [lowest level](#) of trust in media by citizens. The challenges of pluralism and media independence are among the most complex to address and any positive developments in Greece will require action and responsibility from journalists and media, backed by unions, supported by strong political will from the Government.

*To begin this process the Government should:*

- Take concrete steps to better regulate the fair and non-discriminatory allocation of state advertising to media in a transparent manner and based on strict and publicly available criteria;

- Enforce the full implementation of the transparency of media ownership in Greece in an accessible and regularly updated ownership registry for all forms of media, including beneficial ownership;
- In consultation with media stakeholders, develop reforms aimed at safeguarding independent journalism in line with provisions outlined in the proposed European Media Freedom Act (EMFA).

*The media community should:*

- Support the pending establishment of an independent self-regulatory Media Council to enhance adherence to journalistic ethics, ensuring that the composition of this body is pluralistic and representative;
- In media owned by wealthy and politically connected commercial interests, particularly in legacy broadcast and print media, journalists and editors should establish strict internal safeguards to prevent all forms of interference of owners and other politics and business interests, while also protecting editorial independence and journalistic freedoms and discouraging self-censorship.

*Journalist unions and associations should:*

- Enhance cooperation to fight for the rights and freedoms of journalists, as well as collective agreements to improve working conditions and labour rights of all media workers;
- Continue to support and contribute to the work of the government Task Force, while also pushing the body to be more ambitious in its approach to strengthening the safety of journalists and improving the broader situation for media freedom.

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A detailed report with expanded recommendations will be published in the upcoming weeks, in both Greek and English, and will be shared with domestic stakeholders and European institutions.