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To: European Parliament
Committee of Inquiry
to investigate the use of Pegasus
and equivalent
surveillance spyware
To the attention of Mr. Jeroen LENAERS MEP
Chairman
Mrs. Sophia IN 'T VELD
Rapporteur

Brussels, 18 January 2022

Mr. Chairman, Mrs Rapporteur,

We hereby contact you on behalf of our client, Mr. Alexandros SINKA, Attorney At law, member of the Bar Association of Cyprus.

Our client has been recently informed by electronic and press media in Cyprus and Greece that his name is mentioned in the draft Report “of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware” (2022/2077(INI)) dated 28.11.2022 drafted in the context of the works of the “Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware ».

Indeed, paragraph 92 of the said Report reads as follows:

“92. According to recent testimonies in light of the judicial investigations in the van case, lawyer **Aleksandros Sinka** has had significant influence in the move to Greece. **Sinka** - who formerly played

*a key role in the centre-right DISY party - apparently had good relations with both Dilian and Avni¹. It appears that **Sinka** was also an acquaintance of former General Secretary of the Greek government Dimitriadis. Both men held positions in the Bureau of the European Democrat Students (EDS), the student organisation of the European People's Party (EPP). Between 2003 and 2004, **Sinka** served as Chairman and Dimitriadis as Vice-Chairman². Dimitriadis allegedly introduced his friend and Greek businessperson Felix Bitzios to **Sinka**, in view of Bitzios' long-standing dispute in the Cypriot court. **Sinka** in turn recommended lawyer Harris Kyriakidis to help Bitzios in his dispute. Kyriakidis equally had good relations with the DISY³."*

Our client has a deep respect for the European Parliament and the role it plays as the direct representative of the European people in the Framework of the European Institutions. Our client is a strong supporter of the European ideas since his student years and his involvement in the European student movement. He therefore also understands, appreciates and respects the MEPs and more particularly the important role of the EU "Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware ».

Our client respectfully requests the introduction of an amendment for the removal of paragraph 92 or at least of his name from the draft Report; due to the fact that its content is (i) unsubstantiated; (ii) untrue; (iii) defamatory; (iv) it was inserted without any act nor intention for verification; and (v) it was inserted by infringement of the Legal Framework of the European Parliament's Temporary Committees of Inquiry set out in Decision 95/167/EC.

The reference to the alleged role of our client is unsubstantiated. The source mentioned in the draft Report⁴ is an article of the Greek newspaper "To Vima", which makes reference to our client using his initials "A.S." without explicitly mentioning his name. As a source of information, the said article refers vaguely to "more recent testimonies". It is unprecedented that an article with anonymous sources and vague references can be included as a source in a Report of the European Parliament.

It is worth noting that the day after the publication of the above-mentioned article in the newspaper "To Vima", our client contacted the author of the article, expressing his respect to the freedom of press and presented him with the facts as they are presented below in this Letter. Following this communication, the author of the initial article, published a subsequent article⁵, dated 13th November 2022 which **does not refer anymore to Alexandros Sinka as a key person** involved in the Predator matter, makes no reference to Mr. Dilian, mentions that Mr. Dimitriadis contacted our client in relation to a possible representation for Mr. Bitzios that our client confirmed this, and that our client knew Mr. Avni as stated below. It is therefore surprising that the Draft Report considers as facts only the unsubstantiated reference to our client in the first article and makes no reference to the second article of the same journalist that rectifies the initial inexact information.

In addition, following the publication of the article in Greece and the innuendo that it is referring to our client, our client then immediately, the very next day, publicly spoke live on radio to "Politis media group" in Cyprus⁶, presenting the facts. Our client stated that a few years ago, Mr. Bitzios contacted him, without knowing him and without being his client; our client did not want to take on Mr. Bitzios' case and recommended another lawyer. As for Tal Dilian, our client declared that he

¹ [To Vima. The unknown "bridge" between Greece and Cyprus for the eavesdropping system.](#)

² EDS. 2003/2004 Bureau.

³ [To Vima. The unknown "bridge" between Greece and Cyprus for the eavesdropping system.](#)

⁴ Footnotes 174 and 176 of the Draft Report

⁵ [To Vima. Who brought and activated the Predator in Greece](#)

⁶ [Politis. Telloglou on Politi 107.6 regarding surveillance/Pegasus – How Al. Sinka answers regarding his relation with Avni.](#)

does not know him and has never had any contact with him. In relation to Avni Sahak, our client mentioned that from 2012 to 2016 in his capacity as Secretary of International Relations of DISY, he helped the Jewish community of Cyprus, of which Mr. Avni was president, with some advice on the matter of building a synagogue in Larnaca,; and that the last time our client met Mr. Avni was in 2018, at the inauguration of the synagogue, adding that their relations were social.

This statement by our client was publicly available, and is completely ignored in the draft Report.

Furthermore, the Greek investigative journalist, Mr. Tasos Telloglou - who has reported extensively on the matter at hand, and has met the members of the PEGA Committee during their visit in Athens in November 2022- was invited on the same radio show, immediately prior to our client's participation, in order to comment on the article of "To Vima", which was the basis of the paragraph 92 in the draft Report. He declared that Mr. Sinka never denied that he had then recommended lawyers to Mr. Bitzios regarding a legal dispute on an unrelated matter, and that the transfer of Intellexa to Athens - the company which at the same period of time allegedly was related to the spyware - was a coincidence. He even stated that the allegation that our client was involved to the transfer of the spyware was "simplistic". The full intervention of Mr. Telloglou can be found on the link in the footnote⁷.

Our client indeed is a friend of Mr. Dimitriadis with whom he met more than 20 years ago in the context of a European Student Organisation. Our client understands that this personal relationship is the target of the press article and the conclusions are unfounded. Therefore, the article of "To Vima", referred to in Par. 92, jumps into hasty, simplistic and unsubstantiated conclusions.

Most importantly, the insertion of the name of our client in the Draft Report is contrary to Decision 95/167/EC of the European Parliament, the Council and the Commission of 6 March 1995 "on the detailed provisions governing the exercise of the European Parliament's right of inquiry" laying down the rules of procedure for the "Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware ».

Indeed, according to Article 3, Paragraph 8 of the said Decision, it is clearly stipulated that "*In so far as is necessary for the performance of its duties, the temporary committee of inquiry may request any other person to give evidence before it. The temporary committee of inquiry shall inform any person named in the course of an inquiry to whom this might prove prejudicial; it shall hear such a person if that person so requests*".

Our client has never been informed by the Committee of the inclusion of his name in the Draft Report nor was he given the right to present his position thereon. Such a way of acting infringes not only the above procedural rules but most importantly, basic human rights of our client namely the right to good administration under article 41 of the Charter of Fundamental Rights of the European Union, according to which,

- "1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union. 2. This right includes:
- the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;

⁷ [Politis, Telloglou on Politi 107.6 regarding surveillance/Pegasus – How Al. Sinka answers regarding his relation with Avni.](#)

-the obligation of the administration to give reasons for its decisions.

The European Parliament is conferred the duty to safeguard the fundamental rights throughout the Union. It is rather unfortunate that the Committee infringed its procedural obligation to “inform any person named in the course of an enquiry” as it should have done for our client, and deprived our client’s right to be heard, by a committee of the European Parliament, that has been established, inter alia, to pursue and ensure the protection of the same human right that constitutes one of the most vital foundations of the European Union’s values.

Based on the above, and taking into account that Par. 92 of the draft Report contains unsubstantiated, untrue and defamatory allegations towards our client, our client respectfully requests the introduction of an amendment for the removal of the said paragraph or at least his name from the draft Report. The inclusion of his name in the Draft Report has already caused damage to his reputation and professional credibility. Additionally, if his name does remain in the final version of the Report, such damage will significantly increase. Indeed, following the leak of the initial version of the draft Report to the press, a number of subsequent articles in Greece and Cyprus, used the credibility of the European Parliament and of the PEGA Committee, as a confirmation of the unsubstantiated and untrue allegations of the first “To Vima” article⁸.

At the same time, based on the above, the draft Report at its current form, damages the integrity of the European Parliament and breaches the obligations of the European Parliament to protect the fundamental human rights that it was entrusted to protect.

N. Korogiannakis



⁸ See indicatively:

[Kathimerini Cyprus. PEGA – Cyprus is an attractive destination for spyware products;](#)

[Alpha News. Surveillance. Answers are sought after the Pega Report;](#)

[Dialogos. Surveillance: AKEL raised the issues of the spy van, the software production, and the political entanglement; Offsite. A number of questions raised by AKEL regarding surveillance;](#)

[Pandora Box. PEGA Report: “The Predator came to Greece via Cyprus – Alexandros Sinka’s Important influence of” – \(PEGA\) confirms Documento](#)