

Ms Suzana GRUBJEŠIĆ
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative of Serbia to
the Council of Europe

Ref ► CINGO/Pres/Serbia

Strasbourg, 19 February 2025

Dear Ambassador

As you know, the Conference of INGOs through its Expert Council on NGO Law, follows the evolution and implementation of the legal framework related to Freedom of Association in Council of Europe member States.

Our attention has been drawn to letters sent by the Administration for the Prevention of Money Laundering and Financing of Terrorism (AMLU) to all banks in Serbia seeking data, information and documentation regarding the personal bank accounts of Katarina Đukić, Coordinator of ProGlas, Nebojša Petković from the "Ne damo Jadar" association, Maja Stojanović, Executive Director of Civic Initiatives, Sofija Todorović, Director of the Youth Initiative for Human Rights in Serbia and Predrag Voštinić from the Local Front in Kraljevo.

In the light of the foregoing, we wish to share with you our concerns about the incompatibility of such requests with Council of Europe standards on non-governmental organisations and the right to freedom of association

Firstly, the request for this information relating to these personal bank accounts is reminiscent of the similar request in 2019 for banks to hand over data about the transactions of dozens of Serbian individuals and NGOs known for their work on human rights, transparency and exposing corruption which rightly led the United Nations Special Rapporteurs on counter-terrorism and human rights, the situation of human rights defenders and the rights of peaceful assembly and association to see the use of the AMLU as risking the intimidation of civil society actors and human rights defenders and thereby restricting their work and muffling any criticism of the Government.

Secondly, the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism - MONEYVAL has already underlined that financial intelligence units like Serbia's AMLU lack the authority to request information without clear suspicion of money laundering or terrorism financing. In relation to the aforementioned AMLU's activity from 2019, MONEYVAL has cautioned Serbia not to misuse FATF

recommendations to target civil society and, indeed, has urged it to implement reforms to prevent future abuses.

Thirdly, the five persons in respect of whom the requests have been made work for organisations which have been long engaged in promoting democratisation, upholding the rule of law, improving electoral conditions and addressing other issues consistent with the values of the Council of Europe.

Fourthly, there has been no risk-based assessment showing that the organisations for which these persons work have the potential to act in breach of anti-money laundering and countering the financing of terrorism standards despite such an assessment being a prerequisite for any action affecting such organisations and their staff.

Fifthly, as the European Court of Human Rights has made clear, the arbitrary use of the criminal law against civil society activists will be seen as punishing them for their activities with a view to preventing them from continuing those activities, as well as having an unjustified chilling effect on the organisations for which they work.

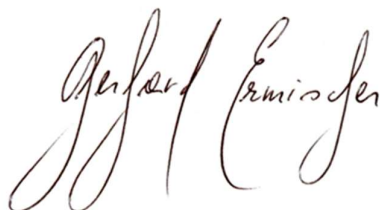
Finally, the making of the requests is based upon a vague assertion of unspecified criminal acts which clearly does not satisfy the standard of reasonable suspicion of a specific offence required for the interference with the right to respect for private life under Article 8 of the European Convention on Human Rights that is entailed by obtaining the information relating to the personal bank accounts concerned.

We fully appreciate the importance of taking action against money laundering and the financing of terrorism. However, such action should be well-founded and should not be, as the surrounding circumstances would appear to suggest, directed against persons who are criticising the Government in exercise of their right to freedom of expression under Article 10 of the European Convention on Human Rights.

Considering the foregoing, we call upon the Serbian authorities to desist from using the Law on the Prevention of Money Laundering and Financing of Terrorism in the absence of a well-founded suspicion of money laundering or terrorism financing and from being seen to target those who advocate for democratic principles and accountability, thereby ensuring that Serbia continues to fulfil its commitment as a member of the Council of Europe.

Yours sincerely,

Gerhard Ermischer
President of the Conference of INGOs

A handwritten signature in black ink, appearing to read 'Gerhard Ermischer', written in a cursive style.

Jeremy McBride
President of the Expert Council of NGO
Law of the Council of Europe

A handwritten signature in black ink, appearing to read 'Jeremy McBride', written in a cursive style.