

MONEYVAL

THE CHAIR

Ref ► DGI/IN

**Fionnuala D. Ní Aoláin**  
Special Rapporteur on the promotion and  
protection of human rights and fundamental  
freedoms while countering terrorism

**Clément Nyaletsossi Voule**  
Special Rapporteur on Rights to Freedom of  
Peaceful Assembly and of Association

**Mary Lawlor**  
Special Rapporteur on the situation of  
human rights defenders

Strasbourg, 15 December 2020

Dear Ms Ní Aoláin,  
Dear Ms Lawlor,  
Dear Mr Voule,

Thank you for your letter of 6 November 2020 concerning allegations related to the restriction and coercion of civil society actors for their work and criticism of the Government of Serbia.

The Council of Europe is the leading pan-European Human Rights organisation. Its aim is to protect and promote Human Rights, democracy and the Rule of Law, including the freedom of expression and association, as well as the rights of journalists and human rights defenders. As an integral part of the Council of Europe, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), which I chair, functions with due regard to these overarching principles and objectives.

As regards your referral, the Council of Europe initiated a number of steps aimed at preliminary information-gathering and engagement with the Serbian authorities on this issue. Together with the Secretariat, I contacted the Serbian authorities responsible for anti-money laundering and combating the financing of terrorism with a request for clarification. The Council of Europe Office in Belgrade was alerted to and engaged with the Serbian authorities on the matter on the ground. Subsequently, on 26 November 2020, the Serbian authorities organised a meeting with the involvement of the representatives of the international community in Belgrade, including key international donor-state embassies in Serbia, the Delegation of the European Union, the Office of the Council of Europe, as well as MONEYVAL Secretariat, Bureau members and myself.<sup>[1]</sup> The allegations outlined in your letter were raised

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<sup>[1]</sup> Please be informed, that an invitation to this Conference was also sent to the UN Office in Belgrade and the MONEYVAL Secretariat separately informed the Special Procedures Branch of the OHCHR on the event, however there was no UN attendee in the meeting.

by the MONEYVAL Secretariat in the meeting and were discussed by the participants. In subsequent exchanges, the Serbian authorities provided the MONEYVAL Secretariat with additional information on the actions undertaken by them vis-à-vis the non-profit sector.

According to the Serbian authorities, the information-gathering effort on non-profit organisations (NPOs) was conducted in the context of a strategic analysis in preparation for an update of their National Risk Assessment scheduled to take place in 2021 and required by the international standards. This exercise involved the collection of information on a broad range of non-profit organisations operating in Serbia selected based on pre-set risk criteria.

That said, MONEYVAL Bureau discussed this issue and concluded that your referral falls, in part, within the mandate of the Committee. MONEYVAL shall discuss, at its upcoming Plenary meeting in April 2021, whether the provisions of FATF Recommendations 8 (Non-profit organisations) and 29 (Financial Intelligence Units - FIUs) were complied with as regards the scope of the NPO definition and risk criteria used by Serbian authorities to determine the range of NPOs under review; and the use of a discriminate approach to requesting information from reporting entities in the context of the FIU's analysis. Depending on the outcome of this discussion, the Plenary may decide to subject this issue to further follow-up by requesting the Serbian authorities to take specific actions to rectify any shortcoming (if identified) and/or refer the issue to other Council of Europe bodies in accordance with their mandate, to be followed-up independently or jointly with MONEYVAL.

Should you wish to continue following this matter, I would encourage you to engage with the UN representatives in MONEYVAL (UN Office on Drugs and Crime and the UN Counterterrorism Executive Directorate) so that UN officials taking part in our meeting could present your views on the matter to the MONEYVAL Plenary. I would also kindly request that you send us any additional information that you believe may be useful to ensure a fully informed discussion at our Plenary meeting, including any sanitised text of the original referrals made to you by the Serbian NPOs.

Yours sincerely,



Elżbieta Franków-Jaśkiewicz

Cc: Dr. Marcus Pleyer, President of the FATF  
President@fatf-gafi.org

Cc: Mr. David Lewis, FATF Executive Secretary  
David.Lewis@fatf-gafi.org