

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the right to privacy

Ref.: AL SRB 1/2025
(Please use this reference in your reply)

3 April 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 52/4, 55/2, 52/9, 50/17 and 55/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **interference into the privacy of five human rights defenders regarding their personal financial data in Serbia; the use of spyware against journalists and activists; criminalization of environmental human rights defenders and raid on the offices of CRTA; as well as public smear campaigns against journalists, CSOs and human rights defenders.**

Ms. Maja Stojanović is a human rights defender and the Executive Director of Civic Initiatives (CI) for 11 years. CI aims to support democratization and good governance by encouraging greater citizen participation in decision-making processes, also focusing on civil society strengthening, monitoring policies related to civil society and political rights, and improving electoral conditions, media freedoms, and Serbia's European integration.

Ms. Sofija Todorović is a human rights defender and the director of Youth Initiative for Human Rights (YIHR). She has long engaged in human rights activism, focusing on Serbia's wartime past, transitional justice, and building peace and trust between the peoples of the former Yugoslavia. YIHR addresses war crimes committed in the name of the Serbian population and is often targeted by authorities for being accused of anti-Serb politics.

Ms. Katarina Đukić is part of ProGlas, an initiative founded in 2023 by intellectuals and public figures aiming to restore democratic order, legal integrity, and political institutions in Serbia. The initiative advocates for social tolerance, increased citizen involvement in political decisions, and improved electoral conditions.

“Ne damo Jadar” is a movement founded by farmers in the Jadar valley opposing lithium mining due to its harmful environmental consequences. Ms. Nebojša Petković is an environmental human rights defender who organized protests against mining. He actively highlights harmful ecological practices and illegal actions by institutions, raising awareness about actions that favour private interests over public

good.

The 'Local Front' is a citizen's association in Kraljevo advocating for the fight against corruption and ensuring strict compliance with laws and procedures in local government bodies and public institutions. Local activist Mr. Predrag Voštinić, has been regularly targeted by local and state officials.

CRTA (Centre for Transparency, Research and Accountability) is a Belgrade-based non-governmental organization focusing on the rule of law, democratic dialogue and accountability. Since 2016, CRTA has carried out election observation activities nationally and locally in Serbia.

CRTA was the subject of a previous communication (SRB 1/2024) sent to Your Excellency' Government. We thank you for the reply dated 20 April 2024.

The Lawyers' Committee for Human Rights (YUCOM) is an organization advocating for human rights and promoting active participation of citizens in legal initiatives.

According to the information received:

1. Violations of privacy

On 31 December 2024, the Administration for the Prevention of Money Laundering, an administration body within the Ministry of Finance has requested from all banks in Serbia personal data on bank accounts of five human rights defenders. The defenders concerned were not informed, and the public became aware of this on 6 February 2025, when an article was published in the weekly magazine *Radar*.

In the letter sent to all banks in Serbia, dated 31 December 2024, signed by the Acting Director of the Administration Željko Radovanović, data, information and documentation were requested regarding the accounts of Ms. Maja Stojanović, Executive Director of Civic Initiatives, Ms. Katarina Đukić, Coordinator of ProGlas, and Ms. Sofija Todorović, Director of the Youth Initiative for Human Rights.

On 16 January 2025, a same request was sent concerning the bank accounts of Mr. Predrag Voštinić from the Local Front; and on 23 January 2025 for the bank accounts of Mr. Nebojša Petković from the "Ne damo Jadar" association.

All letters from the Administration requested the same information, including: "1. Circulation on dinar and foreign currency accounts with the specified basic inflows and outflows and data on whose order payments are made and in whose favour payments from the account are made. 2. Current account balance. 3. Data on persons authorized to dispose of funds on those accounts. 4. Are the mentioned persons authorized on the accounts of other persons. 5. Documentation and data on transactions in which named persons are nostro principals or users of loro remittances (SWIFT messages and documents on which consent entries were made). 6. Whether persons own safes and whether

they are authorized by other persons' safes. 7. And all other available data and documentation related to the business activities of the mentioned persons (e.g. loan agreements, guarantee agreements, guarantees, as well as other documentation in which the persons appear as signatories of the contract or are in the capacity of authorized persons)".

The Government responded to media inquiries by stating that they “had checked the data of the activists at the initiative of another state body, due to the suspicion of multiple criminal acts”. The response did not clarify the criminal acts or the state agency concerned, arguing that it could jeopardize the detection of a criminal offense or the conduct of pre-investigation proceedings.

The five human rights defenders and their organizations have previously publicly criticized the policies of the Government. Additionally, these five individuals concerned have faced hostility not only from high-ranking state officials but also from tabloid media campaigns aimed at discrediting them. They were the target of a smear campaign, with the tabloid press accused them of being behind the ongoing protests in Serbia and acting on behalf of the interest of foreign powers.

2. Use of surveillance and spyware on activists and journalists

It is reported that advanced phone spyware alongside mobile phone forensic products were used to unlawfully target journalists, environmental activists and other individuals in a covert surveillance campaign. Serbian police and the Security Information Agency (Bezbedonosno-informativna Agencija – BIA) have reportedly used an Android spyware system, NoviSpy, to covertly infect individuals’ devices during periods of detention or police interviews. The spyware products used were reportedly used by Cellebrite, a firm headquartered in Israel.

NoviSpy can capture sensitive personal data from a target phone and provide capabilities to turn on a phone’s microphone or camera remotely, while Cellebrite forensic tools are used to both unlock the phone prior to spyware infection and also allow the extraction of the data on a device.

The devices of human rights defenders and journalists were infected during arrests and detention by police on various suspicions, including driving under the influence of alcohol. The individuals concerned had to hand in their mobile devices during their interrogation and questioning, and they appeared tampered with afterwards. This tactic of installing spyware covertly on people’s devices during detention or interviews appears to have been widely used by the authorities.

3. Criminalization of environmental human rights defenders

Since August 2024, a significant escalation in the repression of environmental activists protesting lithium mining has been reported. As the protests gained momentum, the government responded with increasing force, viewing these environmental demonstrations as a threat to its authority. In the span of ten days,

at least 33 arrests were made across 17 cities. Many protesters were charged with criminal and misdemeanour charges including calling for violent change of the constitutional order, disturbing public order, and obstructing police work. In addition to the arrests, several activists, some of whom did not even attend the protests, were called for an ‘informative talk’ with the police.

Activists also reported having their phones confiscated, homes searched without warrants, and being detained for their social media posts.

From 20 August 2024 onwards, a smear campaign was launched on *TV Informer* against 39 organizations and 11 donor organizations. This campaign extended beyond the protestors against lithium mining to include civil society organizations that promote democratic values and human rights. State-aligned media outlets have labelled NGOs as foreign agents working to destabilize Serbia. Similar statements also came from the Governor of the National Bank, the President of Serbia, members of the Government and MPs. The *TV Informer* program furthermore included detailed charts of NGO finances and accused these organizations of using donor funds to finance protests.

4. Smear campaigns and stigmatization of journalists

Government officials, members from the ruling party and media outlets reportedly affiliated with the latter have reportedly been actively leading and participating in smear campaigns and the spread of misinformation against independent journalists and media. Such attacks, mostly been expressed on social media posts or in remarks to the press, have reportedly included insults and threats directed at journalists working independently and for the N1 news organization, among others. This discourse emanating from public officials stigmatized and criminalized the professional activity of the targeted journalists.

In this context, several journalists have been subjected to incidents of verbal and physical attacks by unidentified citizens in recent months. Journalists reporting on public affairs often face intimidation and harassment in connection to their work.

On 11 March 2025, approximately one hundred individuals blocked the N1 television building in Belgrade, preventing journalists and employees from carrying out their work freely. Public officials reportedly participated in this blockage. Although present, the police reportedly did not intervene to end the blockade or ensure the uninterrupted operation of the media organization.

5. Police raid of CRTA and other NGO premises

On 25 February 2025, at 9:42 a.m., anti-corruption police entered the premises of CRTA in Belgrade. Approximately 20 officers from the Police Crime Directorate, some of whom were armed, were involved in the raid, acting on behalf of the Unit for Combatting Corruption of the Chief Public Prosecutor’s Office. The police officers reportedly did not present a court order to search the offices but acted under the Prosecutor’s request to collect information.

The information gathering reportedly mainly focused on the documents related to the USAID grants received by CRTA in the 8 previous years. Under police supervision, CRTA staff members collected and photocopied documents requested by the police officers, amounting to some 8.500 pages. The police remained in CRTA's offices for about 28 hours, rotating in three shifts. Meanwhile, the director of CRTA had to remain on the premises the entire time. The tabloid press reported about the raid 20 minutes before it had even began, creating the impression that the police had leaked information beforehand.

According to the Chief Public Prosecutor, preliminary investigations were initiated in order to collect information about suspicions of money laundering and abuse of power by unidentified individuals.

On 9 March 2025, President Vučić, in a media address broadcast live on *TV Informer*, stated, among others: "Those who directly received money from abroad to carry out a colour revolution—there will be surprises in the coming days, you'll see... Do you know that the organization USAID paid €190,000, through CRTA and some other NGOs, to an organization called '*Da smradovi odu*'? €190,000. Imagine that wonderful humanitarian and humane aspect of USAID and CRTA, where the organization '*Da smradovi odu*' receives €190,000, not dinars."

In reality, the budget for the project in question reportedly amounted to 180,502 RSD (around 1,500 EUR) for three months and involved street actions, developing online tools for reporting pollution, mapping local infrastructure problems, collecting signatures and submitting them to the Zrenjanin local government.

On 13 March 2025, CRTA filed a criminal complaint for unauthorized handling of information and documentation seized from CRTA during a raid conducted by members of the Criminal Police Directorate (UKP) and for forwarding this information to the President of the Republic.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we express our serious concerns at what, if added together, appears to be a systematic campaign aimed at discrediting human rights defenders, election observers and journalists in the country, through various means. The reported surveillance and use of spyware, the concerted media campaigns, coupled with the criminalization of journalists and media outlets, environmental human rights defenders and pro-democracy organizations creates an atmosphere of fear in the country, resulting in the shrinking of civic space and media freedom as well as self-censorship and backsliding in terms of the enjoyment of fundamental rights, including freedom of expression.

The deployment of armed police while collecting information from organizations, and the use of media announcements appears to be a deliberate act of intimidation that contributes to the stigmatization of civil society and activism in general. Besides, forcing the representatives of the organizations to remain on-site amounts to a de facto detention. We are greatly concerned about the violation of privacy and risk for the safety of those concerned arising from the information taken from the premises of the organizations, which included some sensitive personal data from

employees, contractors, partners, participants in activities, and other relevant actors. In an environment of hostility and distrust, labeling a civil society actor as a "foreign agent" or collaborator of "foreign agents" puts them at risk of being attacked.

In this regard, we emphasize that States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression, including journalists, human rights defenders, activists and other citizens (CCPR/C/GC/34, para. 23). We recall that freedom of the press is an essential component of the right to freedom of expression and States should actively take measures to safeguard it and ensure conditions of safety for journalists and media professionals to exercise their work. We emphasize that public officials have a remarkable responsibility in the use of their public discourse and we note that, when stigmatizing or criminalizing journalists, media outlets, human rights defenders or civil society organizations, such discourse risks leading to attacks and physical violence against those targeted.

We recall the recommendations made by the Special Rapporteur on the right to freedom of opinion and expression after her visit to Serbia and Kosovo in 2023, which included, among others, the following:

- (a) Review, in consultation with civil society and media organizations, existing structures for the protection of journalists with a view to assessing their effectiveness, and set up effective, well-resourced multi-stakeholder coordination mechanisms to provide prompt and effective protection to journalists, human rights defenders and social activists against online and offline intimidation, threats, attacks and violence;
- (b) Ensure that all cases of threats and attacks against journalists, human rights defenders and activists are investigated promptly, effectively, thoroughly and impartially and that perpetrators are brought to justice;
- (d) Provide appropriate training and capacity development for prosecutors and judges on issues relating to hate speech, the safety of journalists and freedom of expression;
- (e) Consider establishing an offence of "intimidation against journalists" in legislation or issuing appropriate guidelines to cover cases of threats and intimidation, including online attacks, that are harmful but do not meet the current definition of "endangerment of safety";
- (f) Adopt laws and policies against vexatious libel claims (strategic lawsuits against public participation), allowing for the possibility of their early dismissal and other mitigation measures, and provide relevant training for the judiciary, while upholding access to justice and support to victims ([A/HRC/56/53/Add.2](#) , para. 98).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to any steps taken by your Excellency's Government to effectively protect journalists, human rights defenders and others from unauthorized surveillance, smear campaigns, discrediting public statements and unwarranted raids.
3. Please provide information as to what steps have been taken to ensure that human rights defenders, non-governmental organizations, journalists, media workers and media outlets in Serbia are able to carry out their legitimate work, including by exercising their right to freedom of opinion and expression, in a safe and enabling environment, free from any physical, judicial or other forms of intimidation and harassment.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ana Brian Nougrères
Special Rapporteur on the right to privacy

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In particular, the facts alleged, if proved correct, appear to be in contravention of articles 9, 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), succeeded to by Serbia on 12 March 2001. These articles provide for the rights to liberty and security of the person, not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against him or her, not to be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence and to freedom of opinion and expression. These articles shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

We would also like to call your Government's attention to General Assembly resolution A/RES/71/199 where States note that "while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law."

With regard to permissible restrictions to the right to privacy, we would like to refer to the general comment No. 31 of the Human Rights Committee on the nature of the general legal obligation on States parties to the ICCPR establishes that and that "any restrictions on any of [those] rights must be permissible under the relevant provisions of the Covenant. Where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights."¹ The Human Rights Committee has later specified that States must ensure that any interference with the right to privacy, should be authorized by laws "(a) publicly accessible; (b) contain provisions that ensure that collection of, access to and use of data are tailored to specific legitimate aims; (c) are sufficiently precise, specifying in detail the precise circumstances in which any such interference may be permitted, the procedures for authorizing, the categories of persons who may be placed under surveillance, the limits on the duration of surveillance, and procedures for the use and storage of the data collected; and (d) provide for effective safeguards against abuse."

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs,

canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. ([CCPR/C/GC/34, para. 34](#)).

After her visit to Serbia and Kosovo in 2023, the Special Rapporteur on the right to freedom of opinion and expression made, among others, the following recommendations to your Excellency’s Government:

- (a) Review, in consultation with civil society and media organizations, existing structures for the protection of journalists with a view to assessing their effectiveness, and set up effective, well-resourced multi-stakeholder coordination mechanisms to provide prompt and effective protection to journalists, human rights defenders and social activists against online and offline intimidation, threats, attacks and violence;
- (b) Ensure that all cases of threats and attacks against journalists, human rights defenders and activists are investigated promptly, effectively, thoroughly and impartially and that perpetrators are brought to justice;
- (d) Provide appropriate training and capacity development for prosecutors and judges on issues relating to hate speech, the safety of journalists and freedom of expression;

- (e) Consider establishing an offence of “intimidation against journalists” in legislation or issuing appropriate guidelines to cover cases of threats and intimidation, including online attacks, that are harmful but do not meet the current definition of “endangerment of safety”;
- (f) Adopt laws and policies against vexatious libel claims (strategic lawsuits against public participation), allowing for the possibility of their early dismissal and other mitigation measures, and provide relevant training for the judiciary, while upholding access to justice and support to victims ([A/HRC/56/53/Add.2](#) , para 98).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the International Covenant on Civil and Political Rights).

Elaborating on the obligations of state parties to the Covenant stemming from article 21 of the ICCPR, the Human Rights Committee, in its general comment No. 37, if the conduct of participants in an assembly is peaceful, the fact that certain domestic legal requirements pertaining to an assembly have not been met by its organizers or participants does not, on its own, place the participants outside the scope of the protection of article 21. Furthermore, the Committee clearly stated that there is a presumption in favour of considering assemblies as peaceful.¹

¹ Human Rights Committee, *General Comment No. 37*, CCPR/C/GC/37, paras 16 and 17

We also wish to remind your Excellency's Government that article 22 of the ICCPR guarantees the right to freedom of association. No restrictions may be placed on the exercise of this right unless they are "prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, [and] public order [...]" Any limitations of the rights must be implemented pursuant to a domestic legal basis that is sufficiently foreseeable, accessible and provides for adequate safeguards against abuse.

We also remind your Excellency's Government that the right to freedom of association is an essential component of democracy as it empowers individuals to "express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable", as enunciated in the Human Rights Council resolution 15/21.

In addition, the Special Rapporteur on freedom of peaceful assembly and of association noted that "negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights" (A/79/263 para. 11).

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right, noting that guaranteeing a "safe climate" constitutes one of the substantive elements of this right.