



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

WITH LAWYERS
IN 21 COUNTRIES

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

London/Düsseldorf, 30 October 2020

ELDH Appeal to the Serbian Government

ELDH is deeply concerned about reports from 28 July 2020¹ that the Serbian government suspects numerous human rights organizations in Serbia of money laundering and terrorist financing.

A total of 37 civil organizations, media and foundations and 20 private individuals were affected. In a letter to all commercial banks in Serbia, they were asked to provide information to the State Administration for the Prevention of Money Laundering (APML) about all accounts of the organizations and individuals concerned. According to Serbian law, such information may only be requested if there are reasonable grounds to suspect that the client is involved in certain crimes. The Association of Serbian Prosecutors and the Society of Serbian Judges have also raised the question why the APML has not informed the banks of its suspicions. The responsible state authorities were unable to provide a conclusive, consistent explanation for this.

On 29 July 2020 Amnesty International and the European Commission expressed deep concern about what Amnesty called Serbia's 'intimidating' investigation into the finances of 57 NGO and individuals in Serbia.²

Serbian civil society fears that those affected and the civil society critical of the government as a whole are being intimidated by the unjustified suspicion of money laundering and terrorist financing. Moreover, this suspicion is also extremely damaging to the reputation of those concerned. This is further aggravated by the fact that the affected organizations are

¹ <https://balkaninsight.com/2020/07/28/serbian-authorities-seek-bank-data-of-rights-groups-investigative-media/>

² <https://balkaninsight.com/2020/07/29/amnesty-urges-serbia-to-drop-probe-into-critical-ngos/>

ELDH European Association of Lawyers for Democracy & World Human Rights
President: Professor Bill Bowring, London | E-Mail: bill.bowring@eldh.eu | Phone +44 (0)781 048 34 39
Présidente d'honneur: Professeure Monique Chemillier-Gendreau, Paris
Secretary General: Thomas Schmidt (lawyer), Düsseldorf | E-Mail: thomas.schmidt@eldh.eu |
Phone +49 (0)172 68 10 888
Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D – 40233 Düsseldorf (Germany)
Website: www.eldh.eu

left in the dark about the results of government investigations and the criteria for risk assessment of civil society organizations.

The blanket request for information from banks does not comply with international and European recommendations, which recognize that not all non-profit organizations pose a risk and therefore require a differentiated, risk-based and proportionate approach by government authorities. There was also criticism that although civil society organizations were included in the account query, sports clubs and religious organizations were not. It was furthermore striking that the state authorities did not make direct contact with the organizations concerned, did not ask them to submit the necessary documents and did not give them the opportunity to respond. The government has even ignored the considerable efforts that civil society organizations have made to prevent money laundering and the financing of terrorism.

ELDH calls on the Serbian government to take action,

- to eliminate doubts about the legality of the request for information and the use of the information, in constructive dialogue with the organizations concerned,
- to establish transparency about the criteria by which organizations are classified as a risk in terms of the regulations on the prevention of money laundering and terrorist financing,
- Not to misuse the regulations and recommendations for the prevention of money laundering and terrorist financing to intimidate and suppress non-profit organizations critical of the government.