

To: Dr Michael O'Flaherty, Commissioner for Human Rights of Council of Europe

Title: Urgent Concerns Regarding Use of Spyware in Serbia

24 December, 2024
Belgrade, Serbia

Dear Commissioner for Human Rights of CoE, Dr Michael O'Flaherty,

On Monday, 16 December, Amnesty International [released a report](#) detailing the widespread illegal use of spyware against activists, journalists, and members of civil society in Serbia. Digital forensic analysis revealed that in 2024, the Ministry of Interior (MUP) and the Security Information Agency (BIA) repeatedly detained citizens, activists, and representatives of CSOs for questioning, during which their phones were seized. Authorities unlawfully bypassed device security measures using intrusive digital forensic tools, procured exclusively for national security protection and prosecution of serious crimes, and implanted spyware, thus violating the law. This enabled unrestricted access to all contents of the individuals' phones, including not only their personal data but also the personal data of their family members, friends, business associates, acquaintances, and other contacts. The report highlights confirmed cases involving Nikola Ristić from the group "SviĆe", activist from the initiative "Marš sa Drine" Ivan Bjelić, journalist from Dimitrovgrad Slaviša Milanov, environmental activist Ivan Milosavljević Buki, and an activist from the organisation "Krokodil".

While there were five documented cases confirming the use of intrusive tools, Amnesty International conducted interviews with 13 people targeted with spyware or digital forensic searches. Their phones exhibited signs of spyware, leading them to voluntarily seek forensic analysis by international experts. Amnesty's technical experts meticulously documented their findings, uncovering clear evidence of device compromise, including the presence of malicious applications. Furthermore, the analysis of the "NoviSpy" application revealed an IP address linked to a BIA server used to transmit stolen data from infected phones. Investigation determined that the phones were initially unlocked using forensic tools developed by the Israeli company Cellebrite. These tools can bypass security measures, retrieve deleted data, and access content stored in the cloud. The report also highlights that the Norwegian Ministry of Foreign Affairs donated this digital forensic tool to the Serbian Government through the United Nations Office for Project Services (UNOPS).

The use of spyware in the Republic of Serbia is not only illegal but constitutes a criminal offense under provisions of the Criminal Code related to unauthorized collection of personal data, computer viruses, and unauthorized access to protected devices and data. Although the Serbian Criminal Procedure Code permits special measures for the surveillance and recording of phone and other communications, the use of spyware falls outside these provisions and cannot be justified, as it grants unrestricted access to all data on a device, not just communication channels. The use of spyware for secret surveillance and communication recording fails to meet the principles of necessity and proportionality, which are essential to any such measures. These practices not only violate Serbian law but also contravene Article 8 of the European Convention on Human Rights, which guarantees the right to privacy and the protection of personal data. The European Court of Human Rights has consistently emphasized that surveillance measures must adhere to legal standards, be subject to independent oversight, and be applied only when strictly necessary and proportionate.

In Serbia, there have been previous indications of spyware usage, the most recent involving an attempted [remote infection](#) of civil society representatives' phones in late 2023. This incident fuelled suspicions that

state authorities may be using Pegasus and other spyware to target activists. The Amnesty's report also recalled findings indicating that servers linked to the Predator spyware are located in Serbia. Originally developed in North Macedonia, [Predator](#) is now a product of the Intellexa group of companies. That spyware has been deployed globally to target journalists, politicians, and activists, including incidents involving journalists and politicians in Greece, the President of the European Parliament, the President of Taiwan, and numerous activists worldwide.

The increasing use of spyware in Serbia is unfolding alongside a broader decline in democracy and the rule of law. In recent years, widespread public dissatisfaction has manifested in numerous protests against the government, prompting escalating repression targeting activists, journalists, civil society members, and opposition figures.

Notably, the Serbian government did not comment on the findings of the report, despite receiving the details prior to its publication. Following the report's release, the Security Information Agency (BIA) [stated](#) that it was "unable" to comment on Amnesty's study, dismissing the report as "serving the interests of certain agencies and pressure groups." The Ministry of Interior (MUP) [asserted](#) that digital tools are used in accordance with the law.

We therefore urge you to:

- Take into account the facts presented above and urgently request further information and clarifications from Serbian authorities,
- Identify possible shortcomings in the law and practice concerning human rights when it comes to use of spyware against journalists, activists, and protestors.
- Support Serbian independent institutions (Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection) to investigate the circumstances under which spyware was used against activists in Serbia.

We thank you for your consideration and remain at your disposal should you have further questions regarding the situation.

Sincerely,

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