



Serbian authorities must prosecute illegal hacking of journalists and activists

To:

Ms Ursula von der Leyen, President of the European Commission

Ms Roberta Metsola, President of the European Parliament

Mr Antonio Costa, President of the European Council

Ms Marta Kos, European Commissioner for Enlargement

Mr Javier Zarzalejos, LIBE Committee Chair

Ms Lena Düpont MEP, EPP LIBE Committee Coordinator

Ms Birgit Sippel MEP, S&D LIBE Committee Coordinator

Ms Fabienne Keller MEP, Renew Europe LIBE Committee Coordinator

Ms Tineke Strik, MEP, Greens/EFA LIBE Committee Co-Coordinator

Ms Saskia Bricmont, MEP, Greens/EFA LIBE Committee Co-Coordinator

Ms Estrella Galán MEP, The Left LIBE Committee Coordinator

Dear Sir or Madam,

On Monday, 16 December, Amnesty International [published a report](#) detailing the widespread illegal use of spyware against activists, journalists and members of civil society by the police and the Security Information Agency (BIA) in Serbia. The confirmed cases of 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” were singled out.

Amnesty’s Security Lab analysed the devices of Serbian citizens directly affected by the use of intrusive technologies and reliably determined that law enforcement authorities and BIA routinely use a new type of spyware that Amnesty International calls NoviSpy, along with the abuse of a highly sophisticated tool for data extraction from the Israeli company Cellebrite.

The modus operandi is particularly worrying. Members of civil society were infected with spyware during informational interviews with police or BIA officers, allegedly to protect them. When their devices were confiscated or out of their reach, the police and BIA used Cellebrite to forcibly unlock the device and download data from it, and install the NoviSpy spyware in the device through direct access. According to Amnesty's findings, NoviSpy can take screenshots and send them from the phone to the BIA server, but also obtain permissions to access the location, microphone and camera.

[Serbia has previously been linked](#) with multiple spyware tools, such as Pegasus, Predator and FinFisher., all of them incompatible with Serbian legislation. In Serbia, the possession, distribution and use of spyware, as a type of computer virus, is a criminal offence¹. Any unauthorised access to protected devices and data is also criminalised². Although certain laws³ allow the application of special evidentiary actions, including special measures of surveillance and data processing in exceptional cases, the use of spyware, with its intrusive and indiscriminate nature, exceeds the limits of the legal principles of necessity and proportionality, and the rights to the protection of personal data and to privacy, and is therefore illegal.

The use of spyware is happening in parallel with the deterioration of the human rights situation and rule of law in Serbia. In the past several years, citizens expressed their dissatisfaction in numerous protests against the government, which caused [increased repression](#) against activists, journalists, members of civil society and the opposition. As one of the most common tactics of intimidation are arrests and detentions, we are extremely worried that the use of intrusion software becomes increasingly widespread in Serbia and exacerbates human rights violations.

1 Pursuant to article 300 of the Criminal Code of the Republic of Serbia, "Creating and introducing of computer virus".

2 Pursuant to article 302 of the Criminal Code of the Republic of Serbia, "Unauthorised Access to Computer, Computer Network or Electronic Data Processing".

3 Pursuant to the Criminal Procedure Code of the Republic of Serbia, the Law on Police, Law on Security Information Agency and Law on Military Security Agency and Military Intelligence Agency.

We therefore call upon the European Union institutions to:

- Urge the Serbian Government to adhere to its own legal framework and immediately cease the illegal use of NoviSpy and other spyware, which disproportionately interferes with fundamental rights, and for which there are no adequate safeguards to prevent and redress harms to human rights.
- Urge the Serbian Authorities to halt the crackdown on civil rights and liberties, including arrests and intimidation of journalists, activists and protestors.
- Urge the Special prosecutor's office for High Tech crimes to investigate the circumstances under which spyware was used against activists in Serbia, and to make sure that remedies are available and accessible for victims, including guarantees of and protection against repetition,
- Urge 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 question regarding the situation.

Sincerely,

Signatories:

1. European Digital Rights (EDRi)
2. ACT Grupa - Croatia
3. Access Now
4. Alternatif Bilisim - Turkey
5. Amnesty International
6. ApTI - Asociația pentru Tehnologie și Internet - Romania
7. ARTICLE 19
8. Association CERNO - Croatia

9. Association SOFIJA - Croatia
10. Belgrade Centre for Human Rights - Serbia
11. Belgrade Centre for Security Policy - Serbia
12. Bits of Freedom - Netherlands
13. Centre for Civil Initiatives Poreč - Croatia
14. Centre for Contemporary Politics - Serbia
15. CESI - Center for Education, Counselling and Research - Croatia
16. Centre for Peace Studies - Croatia
17. Centre for Peace, Non-Violence and Human Rights - Osijek - Croatia
18. Centre for Women's Studies Zagreb / Centar za ženske studije - Croatia
19. Citizen D / Državljan D - Slovenia
20. Civic Initiatives - Serbia
21. Civil Society Development Foundation - Romania
22. Collective Ministry of Space - Serbia
23. Community Foundation Slagalica - Croatia
24. CRTA - Serbia
25. Croatian Youth Network - Croatia
26. CROSOL - Croatian Platform for International Citizen Solidarity - Croatia
27. Danes je nov dan - Slovenia
28. Documenta - Center for Dealing with the Past - Croatia
29. Electronic Frontier Finland (Effi) - Finland
30. Electronic Frontier Foundation (EFF)
31. Electronic Frontier Norway (EFN) - Norway
32. Electronic Privacy Information Center (EPIC)
33. epicenter.works - Austria
34. European Movement - Serbia - Serbia
35. European Sex Workers' Rights Alliance (ESWA)
36. GFF - Gesellschaft für Freiheitsrechte - Germany
37. Gong - Croatia
38. Homo Digitalis - Greece
39. Human Rights House Zagreb - Croatia
40. Independent Journalists Association of Serbia - Serbia
41. Initiative A11 - Serbia
42. Irídia - Center for the Defense of Human Rights - Spain
43. IT-Pol Denmark - Denmark
44. Iuridicum Remedium (IuRe) - Czech Republic
45. Lawyers' Committee for Human Rights (YUCOM) - Serbia
46. Life Quality Improvement Organization FLIGHT - Croatia

47. Metamorphosis Foundation for Internet and Society - North Macedonia
48. Partners for Democratic Change Serbia - Serbia
49. Politiscope - Croatia
50. Pravo na grad / Right to the City - Croatia
51. Renewables and Environmental Regulatory Institute (RERI) - Serbia
52. SHARE Foundation - Serbia
53. Slavko Ćuruvija Foundation - Serbia
54. SOLIDARNA Foundation for Human Rights and Solidarity - Croatia
55. Status M - Croatia
56. SUPERRR Lab - Germany
57. Udruga Zelena Istra - Croatia
58. Vrijschrift.org - Netherlands
59. Youth Initiative for Human Rights (YIHR) - Western Balkans