



HUMAN RIGHTS ACTION | AKCIJA ZA LJUDSKA PRAVA

## UNITED NATIONS

**Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye**

**Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Dainius Pūras**

**Special Rapporteur on the right to privacy, Mr. Joe Cannataci**

Podgorica, Montenegro, 8 July 2020

**Follow-up letter: PUBLICATION OF NAMES AND ADDRESSES OF PERSONS ORDERED SELFISOLATION DUE TO ASSUMPTION OF COVID-19.**

Dear Mr. Kaye, Mr. Pūras and Mr. Cannataci,

On 8 May 2020, you as the Special Rapporteurs addressed the Montenegrin Government with the aim of bringing to its attention information you have received concerning the publication of names of persons who were ordered to self-isolate due to the risk of COVID-19 infection.

Thank You very much for your interest in this case and for your letter to the Government.

As the 60-day deadline you provided for the Montenegrin Government to respond ended yesterday, we consider it important that we address you with this follow-up letter.

We would like to point out some inaccuracies in your letter to the Government of Montenegro, which we believe are important:

1. On the web site <https://spcommreports.ohchr.org/TmSearch/Results> when opening the summary of the case, it is noticed that the number of persons affected by the violation of the right to privacy indeed is 300, as you have stated in the letter to the Government. However, we need to inform you that this figure had in fact been much higher. Namely, the first time when the list was published on 21 March 2020, there were 1022 people on it<sup>1</sup>, a few days later when the data were updated, and the number was over 1800. Some media reported that the list contained up to 6,000 names<sup>2</sup>.

<sup>1</sup> Counted from the news portal CDM, that has published the initial list of persons on 21 March 2020, available at: <https://m.cdm.me/drustvo/spisak-osoba-koje-su-u-samoizolaciji-zastita-zdravlja-i-zivota-gradana-prioritet/>

<sup>2</sup> According to the site "europeanwesternbalkans" (available at: <https://europeanwesternbalkans.com/2020/03/25/revealing-identity-of-persons-in-self-isolation-in-montenegro-unconstitutional-experts-claim/>), on 24 March over 1800 names and addresses of persons

2. Only a few days after the list was set up, the web application "crnagorakorona.com"<sup>3</sup> was activated.<sup>4</sup> The application was created to collect personal data of citizens, whose identities (names, surnames, and addresses) were published on the website of the Government of Montenegro due to being issued with decisions on mandatory self-isolation. This application allowed citizens, who installed it on their phone, to locate the individuals who have been issued a decision on self-isolation. The app also had the option to include geolocation, which allowed the app administrators to see the movement of the person who installed the app. Our colleagues from the Center for Civic Education appealed to the authorities to prosecute those who have set it up but to no avail to date.<sup>5</sup>
3. In relation to the following sentence from your letter to the Government of Montenegro: *"Prior to the decision by the authorities to publish the names, the identities of individuals allegedly infected with COVID-19 had been revealed on social media. These individuals suffered threats, abuse and harassment online"*, we would like to inform you that on 22 March, the day following the Government's publication, another list of over 300 people in self-isolation appeared on social media.<sup>6</sup> In addition to names and surnames, this list included the Unique Personal Identity Numbers, ID card numbers, and mobile phone numbers of those individuals.<sup>7</sup> Some media claimed that that list had been published on the Government's website before the other official list, but that it had been withdrawn shortly after publication.<sup>8</sup> At first, the media reported that the list was published by mistake on the Government's website.<sup>9</sup> The Government denied this allegation on their Twitter account and claimed it had

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were published during the first 3 days after publication of initial list on 21 March. If taken into account that after this date the Government regularly updated the list, by mid-April, the number of published names had to exceed the figure of 2000. According to ZDNet article "Coronavirus: This tiny country is posting the names and locations of quarantined citizens" of 27 March, 2020, the names of nearly 6,000 people have been made available online, (27 March 2020), available at: <https://www.zdnet.com/article/coronavirus-this-tiny-country-is-posting-the-names-and-locations-of-quarantined-citizens/>

- 3 The application is no longer available on the Internet, while the website of the application is still active, available at: <https://crnagorakorona.com/home>
- 4 RFE: The 'hunting for the isolated' app is still active, (27 March 2020), available at: <https://www.slobodnaevropa.org/a/aplikacija-za-lov-na-izolovane-ali-i-dalje-aktivne/30513232.html>
- 5 CCE press release: "Remove crnagorakorona.com web application and prosecute its developers", (26 March 2020), available at: [http://cgo-cce.org/en/2020/03/26/ukloniti-web-aplikaciju-crnagorakorona-com-i-procesuirati-njene-kreatore/#.XvIb\\_igZPY](http://cgo-cce.org/en/2020/03/26/ukloniti-web-aplikaciju-crnagorakorona-com-i-procesuirati-njene-kreatore/#.XvIb_igZPY).
- 6 PCNEN: "The Government denies, citizen Babović says that it is rudeness" (22 March 2020), available at: <https://www.pcnen.com/portal/2020/03/22/vlada-negira-gradanin-babovic-kaze-da-je-to-bezobrazluk/> PCNEN shared a link to Facebook user profile Dragan Babovic who shared partial list on his Facebook page on 22 March, available at: <https://www.facebook.com/photo.php?fbid=10158115625247566&set=pcb.10158115625847566&type=3&theater>
- 7 Belgian weekly Le Vif: "Montenegro has published the names and addresses of people suspected of being ill", (8 April 2020), available at: <http://www.hracion.org/2020/04/08/korona-virus-crna-gora-objavila-imena-i-adrese-ljudi-za-koje-postoji-sumnja-da-su-bolesni/>; original article available at: [https://www.levif.be/actualite/europe/coronavirus-le-montenegro-balance-les-noms-et-adresses-des-personnes-suspectees-d-etre-malades/article-normal-1274153.html?fbclid=IwAR0\\_2EzfZTk6lpMW6rgHXJT\\_w3LXinGZ7zeUpOAeYZm3-cK1QiqkN0t-Vlw&cookie\\_check=1586332821](https://www.levif.be/actualite/europe/coronavirus-le-montenegro-balance-les-noms-et-adresses-des-personnes-suspectees-d-etre-malades/article-normal-1274153.html?fbclid=IwAR0_2EzfZTk6lpMW6rgHXJT_w3LXinGZ7zeUpOAeYZm3-cK1QiqkN0t-Vlw&cookie_check=1586332821)
- 8 On 22 March, daily Vijesti, published the article stating: „The list was published on the Government's website about half an hour before midnight, and at first, the list contained the identification numbers, telephone numbers and addresses of the citizens to whom the measure was determined, but then the list had been withdrawn.“ This article is no longer available. A screenshot of controversial article is available on the Government's Twitter account: <https://twitter.com/VladaCG/status/1241683082333347840/photo/1>
- 9 Since the article, stating that Government had published the list with names and ID numbers, was deleted, a screenshot of controversial article is available on Governments Twitter account: <https://twitter.com/VladaCG/status/1241683082333347840/photo/1>

never owned such a list.<sup>10</sup> They called on the competent authorities to investigate the circumstances of this case and invited the media to contact the Government Relations Service before publishing such news. On 30 April, HRA has sent a request to access information in order to find out whether the Basic State Prosecutor's Office had launched an investigation into this case. On 12 May, the HRA received the information that the investigation was ongoing, but there had not been any public announcement to date on the progress of the investigation on behalf of the State Prosecutor's Office.

According to our knowledge the Government of Montenegro has never taken any measures to prevent stigmatization of those infected with COVID-19 virus (including for example anti-stigma sensitization or campaigns) or the measures aimed to prevent threats against those individuals whose identities have been published by Government and by others. Also, the Government never took any measures to prevent dissemination by private actors of personal data of individuals ordered to self-isolate.

We hope that information given in this follow-up letter completes the picture regarding the violation of the right to privacy in Montenegro during the outbreak of the Covid 19 epidemic.

Given that there is no information on the web site of the United Nations Office of the High Commissioner, available at: <https://spcommreports.ohchr.org/TmSearch/Results>, whether the Government of Montenegro responded to your letter from 8 May, please let us know if the response have ever happened. We would be pleased with any relevant update regarding the case.

Also, we would be grateful if you could inform us whether you plan to give, in addition to the public announcement of the communication, a final opinion on the state of threat to the right to privacy due to the government's decision to publish the names of persons in self-isolation.

Sincerely Yours,



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Tea Gorjanc Prelević  
Human Rights Action  
Executive director

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<sup>10</sup> Montenegro Government Twitter post (22 March 2020) available at: <https://twitter.com/VladaCG/status/1241683082333347840>