



The 3rd Unwanted Witness Privacy Moot Court Competition 2024

HYPOTHETICAL CASE

*"Safeguarding Electoral Integrity: Upholding Voter
Privacy in Democratic Processes"*

Parties Involved:

The East African Civil Liberties Union (EACLU) Vs Electoral Commission of Umoja (ECU)
Court:

East African Court of Justice (EACJ) (The Court is known for its jurisdiction over constitutional matters and fundamental rights, including privacy and data protection.)

1. In the Republic of Umoja, a prominent East African nation with a rich political history, the presidential elections mark a pivotal moment in its democratic narrative. Within the intricate political terrain of Umoja, the rule of law is a dynamic force, characterized by its nuanced interplay of legal frameworks and political realities.

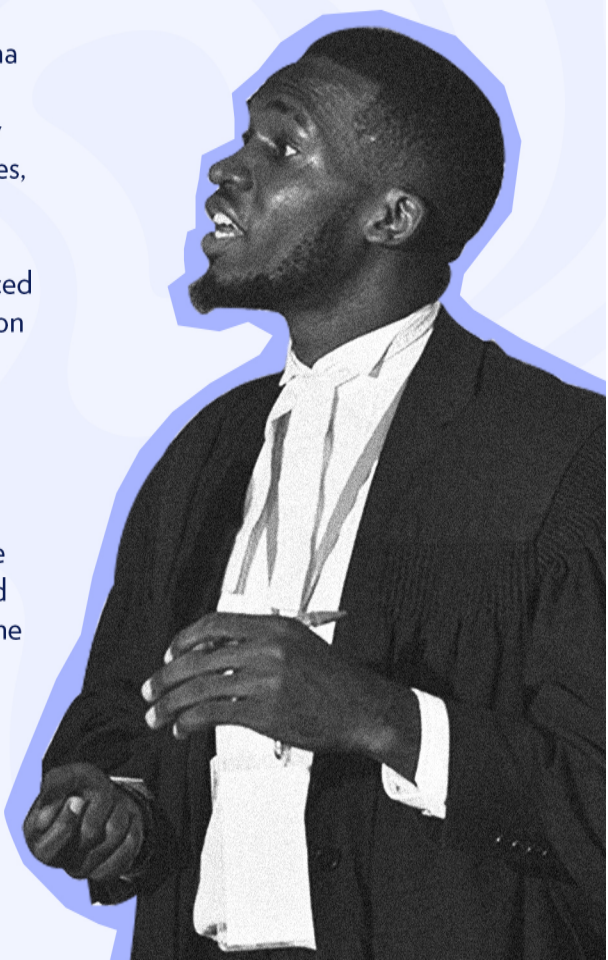
2. The economic terrain of the Republic of Umoja further contextualizes the significance of these elections. A burgeoning economy with sectors ranging from agriculture to technology, Umoja's developmental aspirations are intricately tied to the outcomes of its political endeavors. The intersection of economic interests and political dynamics underscores the gravity of the upcoming elections.

3. Previous elections, held with varying degrees of contention, have shaped the nation's democratic trajectory. The most recent presidential and parliamentary elections, conducted on 1st October 2024, unfolded against a backdrop of political diversity and fervor, featuring a range of candidates and political parties.

4. Noteworthy contenders in the presidential race included the Chama cha Umoja Demokrasia, (CUD) and the Muungano wa Maendeleo Umoja, (MMU), each embodying distinct political ideologies. The parliamentary elections witnessed a spectrum of candidates from various political entities, contributing to the vibrant democratic tapestry of Umoja.

5. However, these elections were not without challenges, as reports surfaced regarding malpractices and irregularities. Allegations of voter manipulation and electoral improprieties cast a shadow over the perceived fairness of the electoral process. Despite these concerns, the political landscape of Umoja remains resilient, with a diverse electorate actively engaged in shaping the nation's future.

6. In light of the multifaceted challenges and irregularities that marred the Republic of Umoja's recent presidential and parliamentary elections held on 1st October 2024, the Electoral Commission of Umoja, recognizing the imperative of rectifying these issues and fortifying the democratic foundation, collaborated with political stakeholders to embark on a pioneering technological initiative. Driven by a commitment to enhancing electoral integrity, this transformative endeavor incorporated state-of-the-art biometric technology.





7. Prior to the aforementioned elections, the integration of this cutting-edge biometric system became a pivotal aspect of the electoral landscape. The overarching goal was to modernize and streamline the electoral process, with a focus on not only ensuring the accuracy of voter registration but also fortifying defenses against fraudulent voting practices that had contributed to malpractices and irregularities in the recent electoral events.

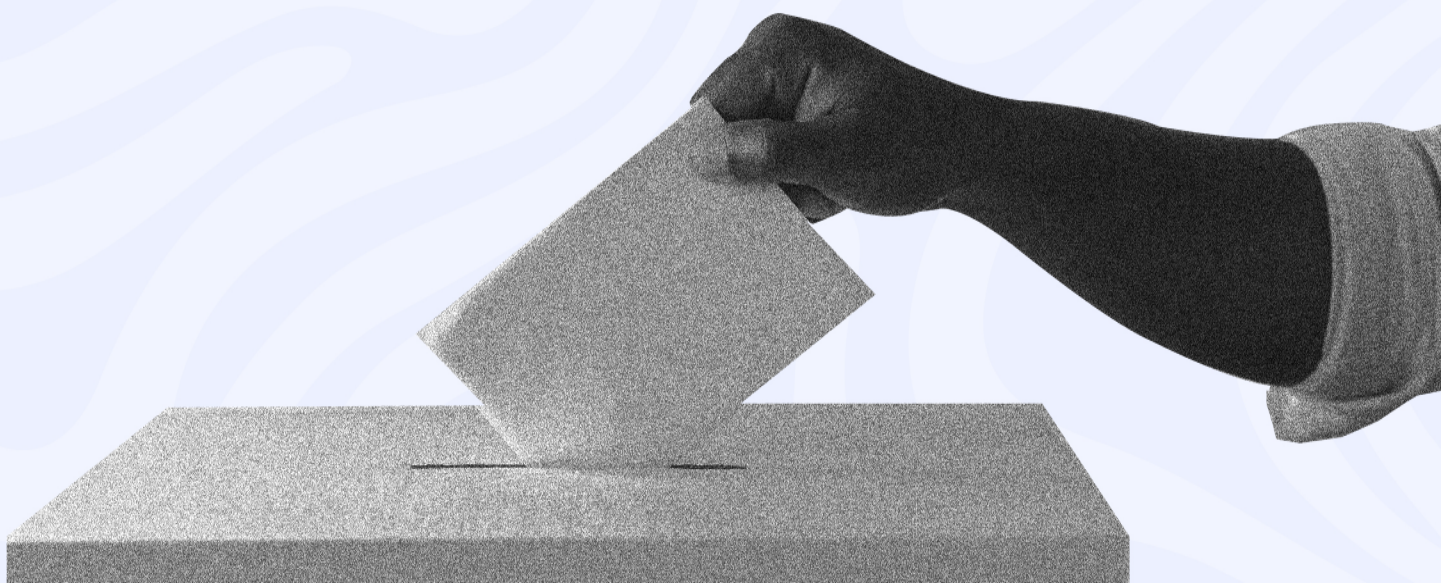
8. As the nation stood on the precipice of this transformative electoral process, the implementation of the biometric technology unfolded as a critical chapter in Umoja's democratic narrative. Against the backdrop of previous elections, characterized by a complex interplay of political and economic forces, the meticulous adoption of this technological initiative went beyond being a pragmatic step. Instead, it became a symbol of Umoja's unwavering commitment to advancing democratic principles and safeguarding the integrity of its electoral system.

9. The intricacies of this biometric system were revealed through its strategic design to gather and analyze distinctive biological traits, including fingerprints and facial recognition data. This sophisticated system aimed to establish a comprehensive database, with the primary purpose of authenticating the identities of voters throughout the electoral process.

10. However, as the nation navigated the complexities of this technological advancement, a cascade of concerns emerged, delving into the ethical and legal dimensions associated with the meticulous collection, secure storage, and purposeful utilization of voters' data. This multifaceted exploration underscores the intricate web of considerations surrounding the implementation of such advanced technology within the electoral landscape.

11. After the elections held on 1st October 2024, a whistleblower affiliated with a technology firm intricately engaged in the development of the biometric system came forward with substantial and detailed allegations of potential data breaches and misuse. The whistleblower contends that specific political entities, in a calculated maneuver, actively sought unauthorized access to the biometric database. Their objective extended beyond mere access, as these political parties are alleged to engage in systematic voter profiling.

12. This profiling, according to the whistleblower's disclosure, was intricately tied to an orchestrated effort to influence voting decisions through the strategic deployment of targeted messaging. The sensitive personal information obtained from the biometric database was purportedly employed as a tool for tailoring persuasive content to impact the electoral choices of individual voters. These multifaceted claims underscore a complex web of potential misconduct, involving unauthorized access, voter profiling, and the manipulation of personal data for political influence during the electoral process.





13. The East African Civil Liberties Union (EACLU), a civil society organization, has initiated legal proceedings against the Electoral Commission of Umoja, alleging that the deployment of biometric technology by the Electoral Commission infringes upon citizens' constitutional right to privacy and violates data protection laws. The EACLU contends that the collection, storage, and potential misuse of biometric data pose substantial risks to voter privacy and personal security.
14. In response, the Electoral Commission of Umoja (ECU) defends its position by emphasizing the indispensability of biometric technology in preventing voter fraud and upholding the integrity of the electoral process. The ECU asserts that robust safeguards and encryption measures have been implemented to ensure the security of citizens' biometric information.
15. Divergent perspectives emerge as the EACLU expresses reservations about the potential political exploitation and voter intimidation arising from the use of biometric data. In contrast, the Electoral Commission of Umoja (ECU) advocates for the benefits of biometrics, emphasizing its capacity to foster fair and transparent elections. The conflicting viewpoints underscore the complex interplay between privacy concerns and the perceived necessity of biometric technology in electoral procedures.
16. The East African Court of Justice (EACJ) has issued summons to the parties involved in the case, summoning them to a hearing on the merits. Recognizing the significance of these proceedings, the East African Civil Liberties Union (EACLU) is concurrently seeking an injunction to halt the utilization of the biometric system.
17. This move by the EACLU is motivated by the urgent need to suspend the usage of the biometric system until a comprehensive investigation into its ethical and legal implications can take place. The organization believes that a thorough examination of the technology is necessary to ensure that it aligns with ethical standards and respects individuals' legal rights.
18. The hearing, which will involve the presentation of oral arguments and closing statements, is scheduled to take place during a regular session of the EACJ in Nairobi from 13th to 20th September 2024. Specifically, the hearing will be held at the Islamic University in Uganda-Kampala and Daystar University Faculty of Law in Nairobi.
19. It is during this important session that the parties involved will have the opportunity to present their arguments in support of their respective positions. The EACJ, as an impartial judicial body, will carefully consider these arguments along with any evidence presented before making a fair and just decision regarding the future utilization of the biometric system.
20. The 3rd Unwanted Witness Privacy Moot Court Competition 2024 hypothetical case raises several key legal issues, including:
- Does the utilization of biometric technology in voter registration and authentication infringe upon citizens' right to privacy? How does the collection and storage of biometric data align with existing data protection laws and international privacy standards?
 - What measures are in place to ensure the security and confidentiality of the collected biometric data? Are there safeguards against potential data breaches or misuse by unauthorized parties?
 - Do the election management bodies and associated political entities adhere to fair and lawful practices in accessing and utilizing voters' personal data? Are there mechanisms in place to prevent exploitation or manipulation of such data for political gain?
 - What regulatory framework or oversight mechanisms exist to hold the Electoral Commission and collaborating entities accountable for maintaining the ethical standards of data usage? Is there transparency in how the data is accessed and utilized by various stakeholders?