



UNWANTED WITNESS PRIVACY MOOT COURT COMPETITION

Dare . Participate . Win



Hypothetical Case

Uhuru kwa Faragha (Freedom for Privacy) v. The Republic of Azimia

Background Context

The Republic of Azimia, a member state of the East African Community (EAC), recently unveiled a nationwide initiative to implement a new National Identification System. This project, led by the National Civil Identification Commission (NCIC), seeks to modernize Azimia's identification infrastructure through the integration of sophisticated biometric technologies, including iris scans and facial recognition systems. The government asserts that the initiative will enhance public service delivery, strengthen national security, and promote inclusivity for marginalized populations, such as persons with disabilities and the elderly.

Despite its ambitious goals, Azimia's initiative has ignited significant controversy. The country has a well-documented history of poor adherence to the rule of law, characterized by inadequate oversight mechanisms, opaque governance practices, and systemic neglect of privacy rights. Notably, the National ID registration exercise commenced without the legally required Data Protection Impact Assessment (DPIA), as stipulated under Azimia's Data Protection Regulations. Civil society organizations and privacy advocates have expressed alarm, emphasizing that the absence of robust safeguards in collecting and storing sensitive biometric data creates heightened risks of misuse, unauthorized access, and severe human rights violations.

Uhuru kwa Faragha (Freedom for Privacy), a prominent civil society organization in Azimia, has filed a case at the East African Court of Justice (EACJ). They argue that the government's failure to conduct a DPIA and establish comprehensive privacy safeguards violates key principles enshrined in the Treaty for the Establishment of the East African Community, particularly those related to the rule of law, good governance, and human rights protection.

Facts of the Case

1. The Republic of Azimia launched a mass registration program requiring citizens to provide sensitive biometric data, including iris scans and facial recognition details, without conducting a DPIA.
2. Citizens were not sufficiently informed about the scope of data collection, storage practices, or potential data-sharing arrangements with third parties.
3. No publicly available privacy policy or framework exists to clarify the terms of data-sharing agreements, mechanisms for obtaining informed consent, or safeguards against data misuse.

4. The 2022 Auditor General's report on Azimia identified critical vulnerabilities within the NCIC's data management systems, including:
 - Absence of a comprehensive data migration strategy.
 - Weak security protocols for safeguarding sensitive personal data.
5. Previous government systems in Azimia have experienced breaches, with citizens reporting unauthorized access to personal data, further eroding public trust.

Legal Issues for Determination

1. Whether the failure by the Republic of Azimia to conduct a Data Protection Impact Assessment (DPIA) before initiating the mass registration violates its obligations under the Treaty for the Establishment of the East African Community.
2. Whether the mass registration exercise, in the absence of adequate privacy safeguards, infringes upon the privacy rights of the citizens of Azimia as guaranteed under regional and international legal frameworks.
3. Whether the Republic of Azimia's actions constitute a failure to uphold the principles of good governance, transparency, and accountability under the EAC Treaty.
4. What remedies or safeguards should the East African Court of Justice recommend to ensure compliance with data protection and privacy standards in Azimia?

Court of Jurisdiction

This case is brought before the East African Court of Justice as a court of first instance under Article 23 and Article 27 of the EAC Treaty.

Powered by: _____



In partnership with: _____



   @privacymoot
#UWPrivacyMoot2025
#UnwantedWitness