

The Right Hon Sir Anerood JUGNAUTH,
Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National
Development Unit
New Treasury Bldg, Intendance Street,
Port Louis
16th June 2015

Dear Sir,

We, the undersigned, who have participated in a long campaign against the compulsory biometric ID Cards, wish to put on record

- 1) Our concern following the decision of Government to await the Supreme Court Judgment, and Government's subsequent decision on how to act;
- 2) Our demand concerning the urgent need for a new legal framework for ID Cards.

The *Lepep Alliance* undertook to destroy the biometric data in the central data-base of the Ramgoolam ID Card when it came to power. Your Government, instead of acting politically on this issue on coming to power, or at the very least changing the stand of the Government when given the opportunity by Judge Balancy, chose to await the Supreme Court Judgment. Now that the Supreme Court has said, in no uncertain terms, in its 6th Conclusion that: "*the provisions in the National Identity Card Act and the Data Protection Act for the storage and retention of fingerprints and other personal biometric data collected for the purpose of the biometric identity card of a citizen of Mauritius are unconstitutional*", it is of deep concern to us that the Cabinet has announced on 5 June that people who have lost their card or who are first-time applicants should sign a "Consent Form" for something not only illegal in an ordinary way, but now declared "unconstitutional".

The Government chose to wait for the Supreme Court judgment, chose not to act politically, chose not to change the stand that the Ramgoolam Government had taken in Court, and now that there is a judgment, the Cabinet seems to be flouting it.

We have to mention the Communiqué issued by the Ministry of Communications, Technology and Innovation, too. The Ministry is "*en voie d'élaboration*" of a new permanent ID Card application process, which means reverting to the old "notab" system of witnesses, a system that used to be in place for Passport applications. We find this procedure both unreliable and humiliating. It implies that only members of the professional elite, and not anyone from amongst the broad masses of the people, can vouch for someone's identity. Many people do not move in professional circles. The professionals, in any case, just have to take on faith the documents shown to them by an applicant; they have no choice but to do this. Our experience is that someone known to a professional as "Pulmania" might easily have a birth certificate in the name of "Rajeshwaree", and be known as Mrs. "Pulmania *Panchoo*", because her common law husband signs "Panchoo", while her surname is still, in fact, "Rangheet". Only someone who knows her well can be a reliable witness. All citizens should have equal access to being witness within their own circles.

We believe that you, as Prime Minister, have no political option but to immediately proceed with the destruction of the centralized biometric data, and to recall the National Assembly so as to vote a new legal framework for the ID Cards, to make it more acceptable to people living in a modern, democratic society; in particular so as to:

- Furnish temporary ID documents for the interim period (to cover new applicants and those who have lost their cards).
- Remove the compulsory nature of the ID card from the permanent legal framework; eliminate the fines and prison sentences altogether, make the card voluntary, as it used to be.
- Remove any legal obligation to present the card to people in authority, as was sought in *Pravind Jugnauth v. The State*, and is thus presumably Government's wish.
- Remove the need to furnish fingerprints, even for conversion into "minutiae" stored in the card; it must be recalled that the ID Card remains State property, and the State will thus be storing minutiae, which are biometric data *par excellence*.
- Propose a means to de-activate the chip containing minutiae of fingerprints on the card itself.
- Provide for any two witnesses, who already have an ID Card, to vouch for the identity of an applicant; this is more stringent than witnesses to marriage.
- Stop the taking of biometric photos that make people unrecognizable, and that cross out their faces in an insensitive way, and the return to ordinary photos which are both more useful for recognition and more respectful of the individual.
- Set up an enquiry into the Labour government spending Rs1.5 billion on this useless project, and as to where the money ended up; at the same time publish the total cost of the public funds *saved* by not continuing the updating and securing of the data for the biometric database.

Many individuals wrote letters (copy appended) specifically withholding consent for biometric data to be taken from us.

We thus re-iterate our call on you to recall the National Assembly to legislate so as to avoid forcing applicants to have recourse to something now known to be unconstitutional, and so as to create a more democratic legal framework that respects individual freedom to live in peace without having to show papers to the Authorities, or pay fines and risk prison.

Yours sincerely,

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 (Copy to Minister of Technology, Communications and Innovation)

Members

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