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The Electoral Committee of the Nigerian Bar Association (ECNBA)
ECNBA Secretariat, NBA House
9, Oro Ago Street
Garki, Abuja

Attention: Oluwaseun Abimbola, SAN

Dear Sir,

Re: Request for Access to Critical Information Regarding the 2024 NBA National Elections

You will recall that by my letter dated 21 July 2024, I requested “access to critical information and documents related to the recent Nigerian Bar Association (NBA) national elections”. The request was made for the purpose of enabling an independent audit of the national officers’ election that took place on Saturday, 20 July 2024, and pursuant to the clear and unambiguous provisions of paragraph 8(C), Part II of the Second Schedule of the NBA Constitution, 2015 (as amended) which provides that the ECNBA shall:

“establish a system that allows interested parties to access, in a timely manner, all critical information, documents, and databases used in an Elections process, or used in the normal operation of the Elections administration...”

Rather than accede to this request as mandated by the NBA Constitution, the ECNBA, by its letter of 25 July 2024 (“**the 25 July Letter**”), rejected the request citing data protection and voter confidentiality concerns. The ECNBA subsequently released a document which it titled “*NBA 2024 Elections (Post-Audit) Report*”.

The 25 July Letter

I have reviewed the contents of the 25 July Letter and observe that the reasons adduced by the ECNBA for its inability to provide the documents I requested for an independent audit are flawed and plainly untenable.

Firstly, the ECNBA is obligated by the NBA Constitution to grant access to the requested information and documents to interested parties. Members of the NBA who participated in the election are deemed to be aware of and accept this constitutional provision.

Secondly, the NBA Constitution mandates the ECNBA to ***establish a system that allows*** access to these documents. It is, therefore, well within the power of the ECNBA to set conditions for the provision of these documents to interested parties that will ensure that any ***legitimate*** data protection and voter confidentiality concerns that the ECNBA may have, are adequately addressed. For example, given that these

critical information and documents have been requested to enable an independent audit, the ECNBA can direct that the documents and information be released directly to the independent auditor who may further be required to sign a non-disclosure agreement.

Thirdly, even in the event that the requested information and documents are released directly to me, the ECNBA can do so under conditions that will ensure that they are not misused.

The framers of the Constitution of our beloved association clearly understood that electronic voting is neither failproof nor fraudproof and rightly preserved the right of a candidate to interrogate the electoral process following an election. It is unfortunate, in my respectful opinion, that the ECNBA views a legitimate request under the NBA Constitution for an independent audit as an attack on the integrity of its members.

Worse still, the fact that the ECNBA and the NBA are expending the Association's resources to defend an action filed by one of the presidential candidates for an order directing the release of documents that he has requested to enable him to conduct an independent audit of the electoral process calls into question the motives of the ECNBA and the leadership of the NBA. If the concerns are really about data privacy protection, will an order of court directing the release of the requested documents not address these concerns. The NBA is an organisation whose motto is the "promotion of the rule of law". If we find it difficult to respect the provisions of our own Constitution, how are we going to be able to fulfil our mandate?

In light of the foregoing, I feel constrained to reject the reasons adduced by the ECNBA in the 25 July Letter for not granting my request and to reiterate my request that I be granted access *"to critical information and documents related to the recent Nigerian Bar Association (NBA) national elections"*.

Let me state clearly that I am happy for the ECNBA to release the requested information and documents directly to an independent auditor who can be jointly appointed by myself, Mr Erojikwe, the ECNBA and even ElectionBuddy on conditions that will secure the safe and lawful handling of the information. It is difficult to see how this can constitute a violation of data privacy or a breach of voter confidentiality. I also do not see how it could amount to a breach of any duty that ElectionBuddy owes other users of its platform.

The NBA 2024 Elections (Post-Audit) Report

I have also had the opportunity to review the purported post-election audit report published by the ECNBA. I note that this so-called post-election audit falls far short of what is required to inspire confidence in the electoral process of the NBA. In any event, what I and other well-meaning members of the NBA have demanded is an independent audit and not an attempt by the ECNBA, INITS and Election Buddy to justify their respective actions in regard to the elections. Simply put, the ECNBA, INITS and ElectionBuddy cannot audit themselves.

Regarding the contents of the Post-Audit Report, my team and I have made the following observations:

- (i) The Report claims that INITS completed a Vulnerability Assessment and Penetration Testing (VAPT) on ElectionBuddy on 19 June 2024 (i.e. before the elections). The results of the VAPT were, however, not published before the elections or even after.
- (ii) There is no mention in the entire Report that a VAPT was conducted post-election. The closest to this being mentioned in the Report is the carefully crafted statement of the President of ElectionBuddy that *"at the completion of election, ElectionBuddy staff performed **limited** procedures which includes (sic) review of the voter's list, voting process, examination of the results, and inquiries of management"*.

- (iii) The Report shows that election links were not completely sent out at 12 am on election day. Relay race-style emailing and voting is hardly best practice as this creates opportunities for system abuse and security vulnerabilities. Best practice would be the use of inactive links sent ahead of time which would be activated at the start of the election for better security.
- (iv) Anomalies were reported in the Post-Election Audit Report, including server downtimes but details of these anomalies are not spelled out, resulting in a lack of transparency and real-time updates on server performance during critical election hours. This could potentially mask manipulation attempts or disruptions.

Our observations on the Report coupled with the failure of the ECNBA/ElectionBuddy to release the logs for the election period, especially the initial hours which could reveal server errors or attempted breaches make our call for an audit by a neutral third-party even more imperative.

I cannot end this letter without making this point. Paragraph 8(C), Part II of the Second Schedule of the NBA Constitution, 2015 (as amended), mandates the ECNBA to provide the information and documents that I have requested ***in a timely manner***. It recognises that with the passage of time, the provision of these documents and information may no longer serve a useful purpose. My request for these documents and information was made more than 36 days ago on 21 July 2024. I therefore request that these documents and information be provided without any further delay.

In the interest of transparency, systemic integrity, and fidelity to the oath sworn by its members to uphold the Constitution of our dear Association, I urge the ECNBA to expedite the release of the documents without further delay.

Yours faithfully,



Chukwuka Ikwuazom, SAN