

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE WARRI JUDICIAL DIVISION
HOLDEN AT WARRI

SUIT NO: FHC/WCS/187/2025

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF FUNDAMENTAL RIGHTS UNDER SECTIONS 34, 35, 41 AND 46 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)

AND

IN THE MATTER OF PUBLIC INTEREST LITIGATION SEEKING A JUDICIAL PRONOUNCEMENT ON THE CONSTITUTIONALITY OF POLICE OFFICERS CONDUCTING STOP AND SEARCH OPERATIONS WITHOUT A VISIBLE NAME TAG AND FORCE NUMBER AND THE RIGHT OF CITIZENS TO RECORD SUCH INTERACTIONS FOR ACCOUNTABILITY

BETWEEN:

BETWEEN:

MAXWELL NOSAKHARE UWAIFO,
(For himself and in the interest of the Nigerian public)



APPLICANT

AND:

1. THE INSPECTOR-GENERAL OF POLICE
2. THE NIGERIA POLICE FORCE
3. THE POLICE SERVICE COMMISSION
4. ATTORNEY-GENERAL OF THE FEDERATION

RESPONDENTS

ORIGINATING SUMMONS

BROUGHT PURSUANT TO SECTIONS 34, 35, 36, 37, 38, 39, AND 41 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED), ARTICLES 5, 6, 7, 9 AND 11 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (RATIFICATION AND ENFORCEMENT) ACT, CAP A9, LFN 2004; ORDER II RULES 1 AND 2 OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES, 2009, ORDER II RULES 1-5 OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES, 2009, SECTIONS 4 AND 7 OF THE NIGERIA POLICE ACT, 2020 AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT

LET THE RESPONDENTS within 14 days after the service of this summons on them, inclusive of the day of such service, cause an appearance to be entered to this summons which is issued upon the application of Maxwell Nosakhare Uwaifo of Lex Phronesis Legals, of No. 57, NNPC Housing Complex road, Ekpan, Delta State, who seeks the determination of the following:

QUESTIONS FOR DETERMINATION:

1. Whether, having regard to the provisions of Sections 39 and 46 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Applicant or any other Nigerian citizen has the constitutional right to record, video, or document police officers conducting law enforcement functions in public spaces without harassment, intimidation, or arrest.
2. Whether the actions of officers of the Nigeria Police Force in harassing, threatening, seizing mobile phones, or unlawfully arresting citizens for recording or attempting to record police officers during stop and search or checkpoint operations do not amount to a gross violation of the fundamental rights to dignity of the human person, freedom of expression, and personal liberty as guaranteed under Sections 34, 35, and 39 of the Constitution.
3. Whether, having regard to the combined provisions of sections 34, 35, 36, 37, and 39 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), it is not unlawful and unconstitutional for operatives of the Nigeria Police Force to mount checkpoints, engage in stop and search operations, and conduct road patrols without wearing uniforms bearing their names and force numbers, thereby concealing their identities.
4. Whether the refusal or failure of police officers to identify themselves in the course of engaging with citizens on public roads does not amount to a breach of the applicant's and other Nigerians' fundamental rights to dignity of person, personal liberty, fair hearing, and freedom of expression.
5. Whether the refusal, failure, or neglect of the 1st to 3rd Respondents to issue clear policy directions or disciplinary measures against errant officers involved in these acts does not amount to dereliction of duty and a breach of the Respondents' obligations to enforce and uphold constitutional rights.
6. Whether the Applicant, as a Nigerian citizen and legal practitioner, is entitled to approach this Honourable Court in a representative and public interest capacity to seek the enforcement of the above stated rights and the protection of members of the public from abuse by the Respondents.

RELIEFS SOUGHT:

1. A Declaration that the Applicant and all Nigerian citizens are entitled under Section 39 of the Constitution to freely express themselves, including by recording and publishing matters of public

interest, particularly the conduct of law enforcement agents performing public duties in public spaces.

2. A Declaration that any attempt by officers of the Nigeria Police Force to prevent or punish such acts of recording, under threat of arrest, harassment, or seizure of devices, is unconstitutional, unlawful, and a violation of fundamental rights under Sections 34, 35, and 39 of the Constitution.
3. An Order of Perpetual Injunction restraining the Respondents, their officers, agents, privies, or any person acting under their instructions from further harassing, intimidating, threatening, arresting, or otherwise infringing the rights of the Applicant or any Nigerian for video recording police officers on duty in public.
4. A Declaration that the acts of police officers engaging in patrols, stop and search operations, and other public interactions without wearing uniforms that visibly display their names and force numbers is unconstitutional, illegal, and a breach of sections 34, 35, and 36 of the Constitution and the Police Act.
5. An Order of Perpetual Injunction restraining the Respondents, their agents, officers, or privies from further engaging in stop and search or checkpoint operations without ensuring all operatives wear uniforms bearing their full names and force numbers.
6. An Order directing the 1st to 3rd Respondents to issue a clear directive and training guideline to all officers of the Nigeria Police Force affirming the public's right to record and report police activities conducted in public spaces, including at checkpoints and during stop and search.
7. An Order mandating the 2nd and 3rd Respondent to discipline any officer found to have acted in breach of this right.
8. An Order mandating the 3rd Respondent (Police Service Commission) to issue a circular or directive mandating all officers on public engagement duties to wear full uniforms with identification, and to initiate disciplinary action against any defaulters.
9. The sum of ₦80,000,000 (Eighty Million Naira) only as general and exemplary damages against the Respondents for the repeated infringements of the rights of the Applicant and members of the public.
10. Such further or other orders as this Honourable Court may deem fit to make in the circumstances of this case.

DATED THIS 31st DAY OF July, 2025

MAXWELL N. UWAIFO, LLB, BL, LLM, ACarB

Counsel to the applicant
Lex Phronesis Solicitors (Ips).
(Angel's chamber),

No. 57, NNPC Housing Complex Road, Ekpan/Warri,
Uvwie Local Government Area,
Delta State

Lexphronesisolicitors@gmail.com
07068840273



FOR SERVICE ON THE RESPONDENTS;

1. Nigeria Police Force
Louis Edet House, Shehu Shagari Way, Garki, Abuja, FCT.
2. Inspector-General of Police
Louis Edet House, Shehu Shagari Way, Garki, Abuja.
3. Police Service Commission
Plot 64, Cadastral Zone B16, Sector Centre B, Jabi, Abuja, FCT
4. ATTORNEY-GENERAL OF THE FEDERATION
Ministry of justice, Abuja

FEDERAL HIGH COURT OF NIGERIA
WARRI DIVISION.
CASHIER
SIGN: Paul
DATE: 31-7-2025

3212-9533-1209

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RESPONDENTS

AFFIDAVIT IN SUPPORT OF THE ORIGINATING SUMMONS

I, **MAXWELL NOSAKHARE UWAIFO**, Nigerian citizen, adult male, legal practitioner of Lex Phronesis Legals, No. 57, NNPC Housing Complex Road, Ekpan, Delta State, do hereby make oath and state as follows: **THAT**

- 1. I am the Applicant in this matter and by virtue of that, I am familiar with the facts deposed to herein.
- 2. I bring this application in both my personal interest and the interest of the public, pursuant to the Fundamental Rights (Enforcement Procedure) Rules, 2009.

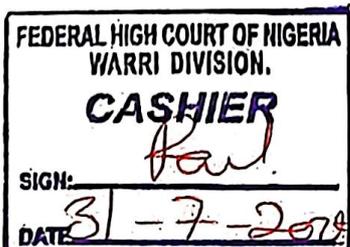
3. I am a lawyer, father, taxpayer, and a citizen of Nigeria who frequently travels by road within and outside Delta State.
4. On the 10th day of May 2025, while travelling from Benin to Warri, immediately after the Sapele roundabout, I encountered a group of men who blocked the road with a vehicle and were stopping cars in a manner that appeared to be a police checkpoint.
5. They flagged me down and began to question me in a harsh and aggressive manner, without any lawful basis or reasonable suspicion of wrongdoing on my part.
6. I attempted to observe and possibly record the exchange with my mobile phone because of their tone and conduct, which gave the impression of extortion or harassment.
7. Immediately I brought out my phone, one of the men, dressed in black and appearing to be a police officer, threatened to arrest me and demanded that I put my phone away.
8. They did not wear any name tags, nor did they introduce themselves. They also made no effort to disclose their identity or provide a reason for their conduct.
9. The vehicle they used was a Toyota Sienna, painted black, with no police inscription, no plate number, and no markings whatsoever to identify it as a police vehicle.
10. The entire interaction was intimidating, and the men created a hostile atmosphere. I could not confidently ask questions or even continue to record for fear that I would be manhandled or unlawfully detained.
11. I had to comply in fear, and leave quietly because I did not want to risk being physically assaulted, arrested, or having my phone forcefully taken from me.
12. Due to this fear and their threatening demeanor, I could not gather any concrete evidence, and I also could not record the video or identify them clearly due to the absence of name tags and their use of an unmarked vehicle.
13. I have heard and seen many similar instances where police officers intimidate, harass, and even assault Nigerians simply for recording them or questioning their unlawful acts at checkpoints.
14. I have also repeatedly observed, across various states of Nigeria and in my personal travels, that police officers routinely conduct stop and search operations on public highways without displaying any name tags or visible force numbers on their uniforms.

15. I have, on multiple occasions, been subjected to these random stop and search encounters where the officers bore no identifying insignia whatsoever and were dressed in partial or improper uniforms.
16. In another occasion in Warri, Delta State, around the Effurun Roundabout axis in June, 2025, I was stopped by armed police officers conducting checks. None of them displayed any name tag or badge, and no force number was visible on their uniforms.
17. I was deeply unsettled by the fact that I could not identify any of the officers by name or number, and they were operating out of an unmarked Toyota HuliX with no police insignia, plate number, or department.
18. The officers carried firearms and issued commands with aggression, making it unsafe and imprudent for me to demand their identification or question their authority.
19. The lack of visible identification on police officers creates a culture of impunity, enables abuse of office, and renders accountability impossible where such officers engage in extortion, assault, or unlawful detention.
20. I have spoken to many Nigerians, both within and outside the legal profession, who have shared similar experiences and fears of being unable to identify the officers who violate their rights during such encounters.
21. These actions by men who appear to be officers of the Nigeria Police Force amount to a serious violation of the rights of citizens to dignity, liberty, and freedom of expression guaranteed by the Constitution.
22. In most cases, victims are left without redress because of the anonymity and untraceability of these officers, made possible by the systemic disregard for identification protocols and use of unmarked vehicles.
23. The conduct of these men caused me emotional trauma, fear, and psychological distress and has since left me with a sense of vulnerability whenever I see armed men on the road, regardless of whether they are in uniform.
24. I am aware that no law prohibits a citizen from recording a public officer carrying out public functions in a public space, especially when such actions appear unlawful.
25. The Police Act, 2020 and the Nigeria Police Force Regulations, both envisage a transparent system of accountability and require proper identification of officers while performing public functions.

26. The continued failure of police officers to identify themselves while interfacing with civilians constitutes a violation of Sections 14(2)(b), 34(1), and 35(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
27. This conduct also violates the clear provisions of Section 66 of the Police Act, 2020, and is contrary to democratic policing standards globally.
28. I believe that the actions of the men I encountered, and similar experiences suffered by many Nigerians, are facilitated by the failure of the 1st to 3th Respondents to regulate, monitor, and discipline officers under their supervision.
29. I bring this suit not just to vindicate my own rights but also to challenge a growing pattern of abuse of power by law enforcement personnel operating without transparency or accountability.
30. The general and exemplary damage is to redress the ongoing violation and discourage future infractions.
31. I verily believe that it is in the interest of justice, public order, and constitutional governance that this Honourable Court intervenes to protect my rights and those of millions of Nigerians who suffer similar abuse.
32. I depose to this affidavit in good faith, believing the contents to be true and correct to the best of my knowledge and in accordance with the Oaths Act.


DEPONENT

Sworn to at the Federal High Court Registry,
Warri, Delta State
This 31st day of July, 2025



3212-9533-1209

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RESPONDENTS

WRITTEN ADDRESS IN SUPPORT OF THE ORIGINATING SUMMONS

I.0 INTRODUCTION

This Written Address is filed in compliance with Order 34 Rules 3 and 5 of the Federal High Court (Civil Procedure) Rules, 2019. The Applicant invokes the original jurisdiction of this Honourable Court for the interpretation and enforcement of provisions of the Constitution and statutes violated by the Nigeria Police Force, whose officers on routine stop and search operations and roadblocks fail to wear name tags, operate unidentifiable vehicles, and actively obstruct citizens from filming such encounters, thereby violating rights and enabling impunity.

2.0 ISSUES FOR DETERMINATION

The Applicant respectfully urges the Honourable Court to determine the following:

1. Whether the refusal of officers of the Nigeria Police Force to wear name tags or display their force numbers while carrying out stop and search or roadblock operations is not in violation of Sections 34, 35, and 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Sections 5, 6, 9, and 66 of the Nigeria Police Act 2020.
2. Whether the prevention, threat, or intimidation of citizens from filming, recording, or documenting police officers during official duties violates the constitutional right to freedom of expression, press, and access to information under Section 39 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Section 1 of the Freedom of Information Act 2011.
3. Whether the Applicant is not entitled to public interest redress and declaratory reliefs including damages arising from these infractions.
4. Whether the Applicant has the locus standi to institute this action in public interest, under the Fundamental Rights (Enforcement Procedure) Rules 2009.
5. Whether the 1st to 3rd Respondents have a constitutional and statutory duty to ensure proper identification of their personnel while engaging in any interaction with the public.

3.0 ARGUMENT OF ISSUES

ISSUE ONE:

Whether the refusal of officers of the Nigeria Police Force to wear name tags or display their force numbers while carrying out stop and search or roadblock operations is not in violation of Sections 34, 35, and 36 of the Constitution, and Sections 5, 6, 9, and 66 of the Nigeria Police Act 2020.

The duty to identify oneself in the exercise of public power is an essential ingredient of accountability and the rule of law. The Nigeria Police Force is a creature of statute, and is bound by both Section 214 of the 1999 Constitution and the Police Act, 2020.

Under Section 66 of the Police Act 2020, it is provided that:

"A police officer while on uniform duty shall at all times wear a name tag and identification number clearly displayed on his uniform."

Further, Section 8(1)(c) of the Act provides that one of the core duties of the Police is to **"protect and uphold the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter, and other applicable laws."**

The unlawful and systemic failure of officers to wear identification (name tags and force numbers) creates a climate of impunity, frustrates any attempt to report misconduct, and exposes citizens to abuse with no possibility of redress, as no one can be held accountable. This violates: section 34(1): dignity of the human person, section 35(1): right to liberty, section 36(1): right to fair hearing, section 41(1): freedom of movement

These rights are justiciable and enforceable under Section 46(1) of the 1999 Constitution.

See: I.G.P v. Ubah (2015) LPELR-25624(CA): **the court held that arbitrary police actions violate fundamental rights and warrant judicial intervention.** Also in Kalu v. The State (1998) 13 NWLR (Pt. 583) 531: **dignity of the human person includes protection from inhumane, degrading, and arbitrary treatment by security personnel.** in Ahmed v. Nigeria Army (2013) 4 NWLR (Pt. 1345) 213: **a government agency is liable for systematic abuse by its officers.** Lastly in Fawehinmi v. Akilu (1987) 4 NWLR (Pt. 67) 797: **no government agent is above accountability.**

Furthermore, the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, which is a statute of equal standing with the Constitution, reinforces the obligation to prevent arbitrary violations of rights by state agents. See Abacha v. Fawehinmi (2000) 6 NWLR (Pt. 660) 228. It is submitted that every law enforcement officer has a duty of clear identification during operations. Section 66(1) of the Police Act, 2020 requires officers to wear proper identification when in uniform. The deliberate refusal to do so facilitates extortion, abuse of power, and undermines the right to personal liberty (Section 35), dignity of the human person (Section 34), and fair hearing (Section 36).

In Fawehinmi v. Inspector General of Police (2000) 7 NWLR (Pt. 665) 481, the Court of Appeal emphasized the importance of accountability in policing and public law enforcement. Anonymous officers create a system of impunity.

ISSUE TWO:

Whether the prevention, threat, or intimidation of citizens from filming or recording police officers during official duties violates Section 39 of the Constitution and Section 1 of the Freedom of Information Act 2011.

The Right to Record is Protected by the Constitution

The act of recording police officers in the lawful execution of their public duties falls squarely within the ambit of Section 39(1) of the 1999 Constitution, which provides:

"Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."

This provision guarantees the Applicant's right to receive and disseminate information, including visual and audio data obtained lawfully in public. A police officer, while on duty in a public space, cannot shield his actions from public scrutiny nor claim a violation of privacy where none exists.

The courts have upheld the broad scope of Section 39. In *Arthur Nwankwo v. The State* (1985) 6 NCLR 228, the Court of Appeal held that:

"Freedom of expression is the bulwark of democracy. A responsible and responsive government must allow its citizens to express themselves freely."

This principle is directly applicable. The Applicant's recording of police conduct is a valid exercise of civic responsibility.

There is No Law Prohibiting Recording of Police Officers

Neither the Criminal Code Act, Penal Code, Police Act, 2020, nor any other statute in Nigeria criminalizes the act of recording public officials. Any interference with the Applicant's exercise of this right must, under Nigerian constitutional law, be justified under Section 45(1), which requires a law of general application and a legitimate aim such as public safety or order.

In the absence of such a law, any arrest, harassment, or intimidation of the Applicant is arbitrary and unlawful.

Police Officers Performing Public Functions Have No Reasonable Expectation of Privacy

The police, in carrying out their duties, are acting as agents of the State, and such conduct must be subject to public scrutiny. In *All Nigeria Peoples Party v. Inspector General of Police* (2006) CHR 181, the court held that:

"Public officials owe a duty to the public to operate transparently and must not conduct themselves in secrecy, especially in a democratic setting."

This principle supports the Applicant's argument that he is entitled to monitor and document the conduct of police officers as part of civic oversight.

Recording Does Not Constitute Obstruction of Duty

The Respondents may argue obstruction. However, under Section 197 of the Criminal Code or Section 149 of the Penal Code, obstruction must entail physical or active interference with lawful duty. Passive recording with a phone does not meet that threshold.

In *I.G.P. v. Ubah* (2014) LPELR-24250 (CA), the Court of Appeal emphasized that where a citizen exercises his constitutional right peacefully, the police have no justification to arrest or detain such a person.

Recording is a Tool of Accountability Consistent with International Best Practices

Nigeria is a signatory to the African Charter on Human and Peoples' Rights (ratified and domesticated under Cap A9, LFN 2004), which under Article 9 reaffirms the right to receive and disseminate information. The

United Nations Code of Conduct for Law Enforcement Officials encourages transparency, and recording serves as a check on excesses.

The use of body worn cameras by police forces globally, and the admissibility of recordings in judicial panels (e.g., the EndSARS Judicial Panels), underscore the public interest in preserving the right to record.

Section 39(1) of the Constitution guarantees the freedom to hold and express opinions, including through film and other media. Section 1 of the FOI Act provides that every person shall have the right to access public information and records. A police officer performing public duties in a public space is not exempt.

In *Umar v. FRN* (2020) LPELR-50897(CA), the Court held that the exercise of fundamental rights in public spaces is protected unless demonstrably harmful. Similarly, in *Esabunor v. Faweya* (2019) 7 NWLR (Pt. 1671) 316 SC, the Supreme Court emphasized that statutory rights are not mere decorations but are meant to be enforced.

ISSUE THREE:

Whether the Applicant is not entitled to public interest redress and declaratory reliefs including damages arising from these infractions.

The Court is Empowered to Grant Declaratory Reliefs for Violation of Constitutional Rights

It is trite law that where a court finds that a citizen's constitutional rights have been violated or are threatened, the court has the power and the duty to make declaratory orders affirming the unlawfulness of such conduct.

In *Fawehinmi v. Abacha* (2000) 6 NWLR (Pt. 660) 228, the Supreme Court held that:

"Where a person establishes that his fundamental right has been, is being or is likely to be infringed, he is entitled to the declaration sought, as such declarations are not granted at the discretion of the court but as a matter of right."

The Applicant has established that police officers acting under the authority of the Respondents routinely operate without name tags or visible force numbers, in violation of Section 66(1) of the Police Act, 2020 and Sections 34 and 35 of the 1999 Constitution. The Applicant is, therefore, entitled to a declaratory relief, affirming the illegality of such conduct and the Respondents' obligation to respect the Constitution and enabling laws.

Compensation Must Follow Proof of Breach of Fundamental Rights

Section 35(6) of the 1999 Constitution provides that:

"Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person."

The principle that compensation flows naturally from a breach of fundamental rights has been upheld in several judicial authorities. In *Odogu v. A.G. Federation* (1996) 6 NWLR (Pt. 456) 508, the Court of Appeal held:

“The Constitution guarantees compensation as a remedy for breach of fundamental rights. It is automatic upon proof of unlawful conduct.”

The harassment and intimidation of the Applicant for merely recording public officers or encountering unnamed, unidentifiable officers constitute psychological trauma and threat to liberty, warranting compensation. The court is not constrained by proof of special damages; general damages and compensation are at large and rest within judicial discretion.

Exemplary (Punitive) Damages Are Warranted Where State Agents Act With Malice, Impunity or Arbitrary Power

Exemplary damages are awarded not merely to compensate but to punish arbitrary, high-handed, and oppressive conduct by public officers, and to deter future abuses. The Supreme Court in *Ogbeche v. G.E.C.* (2001) FWLR (Pt. 58) 1127 at 1142, held:

“Exemplary damages are awarded where the defendant’s conduct is sufficiently outrageous to merit punishment... especially in cases involving oppressive or unconstitutional action by government servants.”

Similarly, in *UBA Plc v. BTL Ind. Ltd.* (2006) 19 NWLR (Pt. 1013) 61, the Court held that exemplary damages are appropriate where there is reckless disregard for the law, rights of others, or abuse of power.

In the instant case, the Respondents' conduct permitting unidentified armed personnel to engage with civilians; threatening lawful recording; and systematically violating clear statutory provisions reflects reckless indifference to constitutional order. It warrants not only a declaratory reprimand but a financial deterrent in the form of exemplary damages.

The Applicant was subjected to intimidation and was unable to gather evidence due to the unlawful conduct of anonymous officers in an unmarked Sienna vehicle, a violation of both constitutional and statutory safeguards.

In *Uzoukwu v. Ezeonu II* (1991) 6 NWLR (Pt. 200) 708, the Court of Appeal held that once a right is violated, even in the absence of physical injury, the Court can and should award damages as a recognition and remedy for the breach.

We urge this Honourable Court to grant the sum of N80,000,000 (Eighty Million Naira) as general damages for the trauma, fear, and violation of fundamental rights.

ISSUE FOUR:

Whether the Applicant has the requisite locus standi and whether the suit discloses a reasonable cause of action.

The issue of locus has evolved in Nigerian jurisprudence. In *Centre for Oil Pollution Watch v. NNPC* (2019) 5 NWLR (Pt. 1666) 518 SC, the Supreme Court emphasized that where an action concerns public interest or the enforcement of legal obligations by public authorities, an Applicant does not need to show personal injury.

Likewise, in *Fawehinmi v. President* (2007) 14 NWLR (Pt. 1054) 275, the Supreme Court restated that any Nigerian citizen can bring a suit for interpretation or enforcement of public rights, especially where abuse or arbitrariness is alleged.

Under the Preamble to the Fundamental Rights (Enforcement Procedure) Rules 2009, particularly paragraph 3(e):

"The Court shall encourage public interest litigation in the human rights field and no human rights case may be dismissed or struck out for want of locus standi."

Paragraph 4 further provides that actions may be brought by:

"Anyone acting in his own interest"

"Anyone acting on behalf of another person"

"A public interest litigation initiated by a concerned citizen"

In *Center for Oil Pollution Watch v. NNPC* (2019) 5 NWLR (Pt. 1666) 518 at 553, the Supreme Court held that:

"A person who seeks to challenge a constitutional or statutory infraction that affects the public has locus standi even where he has not suffered personal injury."

Thus, the Applicant, a Nigerian citizen and legal practitioner, possesses sufficient interest and is acting in the public good, as permitted by law.

Also the affidavit in support has shown that the Applicant had a firsthand encounter, suffered fear and frustration, and now seeks enforcement of the law and public protection. This is sufficient to ground standing and show a justiciable cause.

Issue 5: Duty of the Respondents

The Respondents Derive Their Authority from Law and Are Bound by the Constitution

The 1999 Constitution of the Federal Republic of Nigeria (as amended) is the supreme law of the land. By Section 1(1), it is expressly stated that:

“This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.”

By this provision, the Respondents, including the Nigeria Police Force, are not above the law and must exercise their duties in strict compliance with constitutional provisions and statutory obligations.

Furthermore, Section 4 of the Nigeria Police Act, 2020 clearly outlines the functions of the Nigeria Police Force, which include:

“The prevention and detection of crime, protection of lives and property, maintenance of public safety, law and order...”

This statutory mandate imposes both positive and negative duties: to act lawfully to protect rights and to refrain from conduct that infringes upon the constitutionally protected rights of citizens.

Public Officers Are Constitutionally Mandated to Respect Fundamental Rights

The Constitution provides a bill of rights in Chapter IV, and it is the duty of all public authorities including the Respondents to respect, protect, and promote these rights. The duty is reinforced under Section 46(1), which empowers courts to grant redress where fundamental rights are threatened or breached.

In *Minister of Internal Affairs v. Shugaba Darman* (1982) 3 NCLR 915, the Court of Appeal held that:

“Public officers must at all times act in conformity with the Constitution. Any act inconsistent with the Constitution is null and void.”

Thus, where police officers act in a manner that infringes upon personal liberty (Section 35), dignity (Section 34), or freedom of expression (Section 39), they breach the constitutional order and are personally and institutionally liable.

The Respondents Have a Statutory and Ethical Duty to Be Identifiable and Accountable

Section 66(1) of the Nigeria Police Act, 2020 imposes a clear duty on police officers:

“A police officer while on duty shall always wear or carry means of identification including his name tag and service number.”

This statutory requirement is not ornamental—it is a safeguard of transparency, accountability, and lawful conduct. By deploying officers without names or force numbers, the Respondents breach their duty of care to the public, undermine civilian oversight, and render themselves vulnerable to allegations of complicity in unlawful acts.

As held in *I.G.P. v. Ubah* (2014) LPELR-24250 (CA), the police must act in accordance with due process and their statutory mandate. Any deviation amounts to an abuse of power.

The Duty to Prevent Abuse Includes the Duty to Train, Supervise and Discipline

The Respondents, particularly the 1st Respondent, have an institutional duty not only to prevent rights violations but to ensure that: Police officers are properly trained on human rights; Officers who violate citizens' rights are disciplined; Preventive measures are in place to stop systemic abuse (e.g., anonymous patrols, arbitrary arrests).

In *Ezegbu v. F.A.T.B. Ltd.* (1992) 1 NWLR (Pt. 220) 699, the Court of Appeal emphasized the principle that **a person who authorizes or permits an unlawful act may be jointly liable with the actual perpetrator. Thus, the failure of the Respondents to control and supervise unnamed officers constitutes a breach of their legal and fiduciary duty.**

The Public Trust Doctrine Binds State Actors to Serve the People Lawfully

All public power is a trust. As agents of the state, the Respondents must act with utmost fidelity to the rights of citizens. They hold arms and power in trust for the people, not against them. The Hon. Court in *A.G. Bendel State v. A.G. Federation* (1981) 10 SC 1, affirmed that governmental powers must be exercised for the benefit of the people and within legal limits.

The Nigeria Police Force and the Police Service Commission are duty-bound to regulate and supervise all officers and men under their command.

May I respectfully refer my lord to Section 6(1) of the Police Service Commission Act, which empowers the Commission to discipline erring officers. Section 4 of the Police Act vests the IGP with the responsibility to enforce discipline and uphold professional conduct.

The unchecked failure of officers to wear name tags and force numbers is evidence of administrative negligence and operational disorder, and the Respondents are vicariously liable.

5.0 CONCLUSION

The acts and omissions of the Nigeria Police Force as detailed in this suit represent a continuous violation of the rule of law and public confidence in law enforcement. I humbly pray that, my lord pronounce that

anonymous policing, arbitrary obstruction of recording public officers, and intimidation of citizens must no longer be tolerated in a democratic society.

The Applicant therefore urges this Honourable Court to grant all the reliefs sought.

DATED THIS DAY OF JULY, 2025



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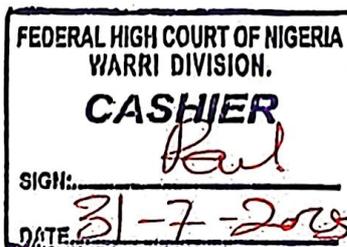
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FOR SERVICE ON THE RESPONDENTS;

1. Nigeria Police Force
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2. Inspector-General of Police
Louis Edet House, Shehu Shagari Way, Garki, Abuja.
3. Police Service Commission
Plot 64, Cadastral Zone B16, Sector Centre B, Jabi, Abuja, FCT
4. ATTORNEY-GENERAL OF THE FEDERATION
Ministry of justice, Abuja



3212-9533-1209



IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE WARRI JUDICIAL DIVISION
HOLDEN AT WARRI

SUIT NO: FHC/WR/CS/87/2025

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF FUNDAMENTAL RIGHTS UNDER SECTIONS 34, 35, 41 AND 46 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)

AND

IN THE MATTER OF PUBLIC INTEREST LITIGATION SEEKING A JUDICIAL PRONOUNCEMENT ON THE CONSTITUTIONALITY OF POLICE OFFICERS CONDUCTING STOP AND SEARCH OPERATIONS WITHOUT A VISIBLE NAME TAG AND FORCE NUMBER AND THE RIGHT OF CITIZENS TO RECORD SUCH INTERACTIONS FOR ACCOUNTABILITY

BETWEEN:

BETWEEN:

MAXWELL NOSAKHARE UWAIFO, =====
(For himself and in the interest of the Nigerian public)

APPLICANT

AND:

1. THE INSPECTOR-GENERAL OF POLICE
2. THE NIGERIA POLICE FORCE
3. THE POLICE SERVICE COMMISSION =====
4. ATTORNEY-GENERAL OF THE FEDERATION

RESPONDENTS

REPLY ON POINT OF LAW TO THE 4TH RESPONDENT'S WRITTEN ADDRESS

1.0 INTRODUCTION

1.1 This Reply is directed strictly to issues of law raised by the 4th Respondent. The 4th Respondent filed no Counter-Affidavit, meaning the Applicant's affidavit evidence is uncontroverted. The law is settled that unchallenged affidavit evidence is deemed admitted and must be relied upon by the Court.

1.2 The 4th Respondent cannot contradict facts by Written Address. Written Address is not evidence.

2.0 WHETHER THE 4TH RESPONDENT IS A PROPER PARTY

2.1 The 4th Respondent argues she is not a necessary party. That submission is contrary to long-standing constitutional jurisprudence. Where the interpretation of the Constitution, federal statutes, or legality of federal executive agencies is in issue, the Attorney-General of the Federation is not only a proper party, but a necessary one.

See *A.G. Federation v. A.G. Lagos State* (2013) 16 NWLR (Pt. 1380) 249 where the Supreme Court held that the AGF is the constitutionally recognised representative of the Federation in all legal questions affecting federal executive powers.

Also in *A.G. Ondo State v. A.G. Federation* (2002) 9 NWLR (Pt. 772) 222 the Court held that the AGF is the custodian of the public interest in constitutional litigation.

And in *Fawehinmi v. President* (2007) 14 NWLR (Pt.1054) 275, the Court made it clear that, any Nigerian can challenge executive illegality, and the AGF must defend such suits.

2.2 The Applicant is not asking the Court to direct the AGF to manage police operations. The Court is being asked to interpret the Constitution and Police Act, which the AGF is constitutionally mandated to defend.

2.3 Thus, the AGF cannot escape party status by saying operational control belongs to the IGP. Constitutional accountability is not operational control.

3.0 STATUTORY INTERPRETATION OF SECTION 66 OF THE POLICE ACT

3.1 The 4th Respondent argues that there is no express statutory requirement for name tags. That interpretation is legally incorrect. Section 66(1) states:

"A police officer while on uniform duty shall at all times wear a name tag and identification number clearly displayed on his uniform."

This wording is clear, mandatory, and unambiguous,

The Court in *Chief G.A.N. Ofofille v. C.A. Aloizo Esq* (2021) LPELR-54159 (CA) held, **where words are clear, the court must give them their ordinary meaning.** Also see, in *Abegunde v. Ondo State House of Assembly* (2014) 9 NWLR (Pt.1412) 256, **Court must apply the literal rule where statute is clear.**

Thus, anonymity of officers is unlawful.

3.2 The Courts has consistently held that statutory powers must be exercised in conformity with the Constitution.

See I.G.P. v. Ubah (2014) LPELR-24250 (CA), **Police powers must conform to due process and cannot be exercised arbitrarily.** Also Kalu v. The State (1998) 13 NWLR (Pt. 583) 531, **dignity and liberty of citizens must be protected by security personnel.**

3.3 Anonymous policing undermines accountability, creates impunity, and violates Sections 34, 35, 36, and 39 of the Constitution.

4.0 THE RIGHT OF CITIZENS TO RECORD POLICE OFFICERS

4.1 The 4th Respondent's contention that citizens cannot record police officers is inconsistent with binding authority and constitutional interpretation.

See Section 39(1) of the 1999 Constitution guarantees every citizen's right to: **"receive and impart ideas and information without interference."**

Recording public officers performing public duties is the purest form of imparting and receiving information.

See Arthur Nwankwo v. State (1985) 6 NCLR 228, **Freedom of expression is the foundation of democratic oversight of public officials.** All Nigeria Peoples Party v. IGP (2007) CHR 181, **Public officials have no expectation of secrecy when performing public functions.** And Umar v. FRN (2020) LPELR-50897(CA), **Exercise of fundamental rights in public spaces is protected unless demonstrably harmful.**

4.2 There is no Nigerian statute that prohibits citizens from recording police officers performing public duties.

Under **Section 45(1)**, any restriction must be:

- (a) by a law of general application, and**
- (b) necessary in a democratic society.**

The 4th Respondent cites no such law.

4.3 The Applicant's unchallenged affidavit shows intimidation, threats, attempted arrest, and the use of unmarked vehicles. These are classic markers of arbitrary policing that the Court condemned in Fawehimi v. I.G.P (2000) 7 NWLR (Pt. 665) 481, **anonymous or secretive policing breeds impunity and violates constitutional norms.**

5.0 UNCHALLENGED AFFIDAVIT EVIDENCE MUST BE ACCEPTED AS TRUE

5.1 The 4th Respondent filed no Counter-Affidavit. The law is unequivocal: Where a party fails to controvert affidavit evidence, the Court is bound to accept it as true. See Akinsete v. Akindutire (1966) NMLR 147

- Ogojejeofa v. Ogojejeofa (2006) 3 NWLR (Pt. 966) 205 and INEC v. Ologun (2021) LPELR-55437 (CA)

Thus, the Applicant's narrative of intimidation, fear, threats, and illegal conduct stands legally admitted.

6.0 THE SUIT IS NOT FRIVOLOUS, PUBLIC INTEREST LITIGATION IS ENCOURAGED

6.1 The 4th Respondent's claim that the suit is frivolous contradicts modern Nigerian jurisprudence.

We respectfully urge my lord to see *Centre for Oil Pollution Watch v. NNPC* (2019) 5 NWLR (Pt. 1666) 518 (SC), where the Court held that "any Nigerian can sue to enforce public interest obligations without showing personal injury." also see in *Fawehinmi v. President* (2007) 14 NWLR (Pt. 1054) 275 the Courts are to encourage public interest litigation, especially where abuse of power is alleged. And in *Ukeje v. Ukeje* (2014) 11 NWLR (Pt. 1418) 384, the Court made it clear that, the Constitution must be interpreted progressively to protect rights.

6.2 The Fundamental Rights Enforcement Procedure Rules specifically provide under the Preamble: "No human rights action shall be dismissed for want of locus standi."

Hence, the suit is competent, well-founded, and firmly within constitutional jurisdiction.

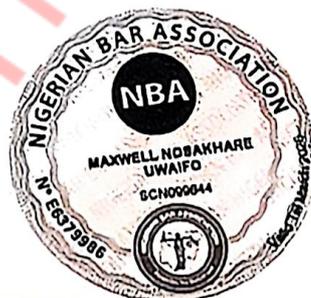
7.0 CONCLUSION

The 4th Respondent's objections are contrary to constitutional principles, statutory interpretation, and binding judicial authorities. The Applicant's affidavit stands unchallenged, and the legal issues raised are well within the constitutional mandate of this Honourable Court.

The Court is respectfully urged to:

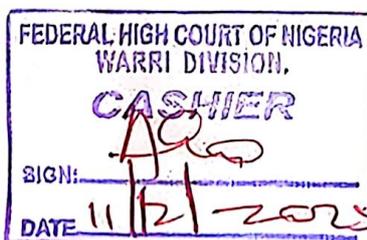
- (a) Reject the 4th Respondent's arguments;
- (b) Uphold the Applicant's Originating Summons; and
- (c) Grant all reliefs sought.

DATED THIS DAY OF DECEMBER, 2025



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FOR SERVICE ON THE RESPONDENTS;

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2. Inspector-General of Police
Louis Edet House, Shehu Shagari Way, Garki, Abuja.
3. Police Service Commission
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4. **Maimuna Lami Shiru (Mrs.)**
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