

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE WARRI JUDICIAL DIVISION
HOLDEN AT WARRI
ON TUESDAY, THE 17TH DAY OF MARCH, 2026
BEFORE HIS LORDSHIP HON. JUSTICE H.A. NGANJIWA
JUDGE

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

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**

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..... **RESPONDENTS**

J U D G M E N T

The Applicant commenced this suit by way of an Originating Summons dated and filed 31/7/2025, wherein he formulated questions for determination as follows;

- 1. Whether having regard to the provisions of Sections 39 and 46 of the Constitution of the Federal Republic**

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JUDGMENT IN
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DATE *18-3-2026*

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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 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

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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.

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In anticipation of a favourable resolution of the questions for determination, the Applicant sought for reliefs as follows: -

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 or 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.

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4. A Declaration that the acts of the 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 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 check point 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.

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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 N80,000,000 (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.

The Originating Summons is accompanied by 32 paragraphs affidavit deposed to by **Maxwell Nosakhare Uwaifo, Esq** and a written address dated 3/7/2025. In response to the 4th Respondents Counter affidavit, the Applicants filed a reply on point of law dated 11/12/2025.

On 19/1/2026, **M.N. Uwaifo Esq.**, appeared in person for himself, being the Applicant in the instant case; he adopted his processes and urged the court to grant the reliefs sought.

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In reaction to this suit, the 4th Respondent's filed a written address dated 4/12/2025.

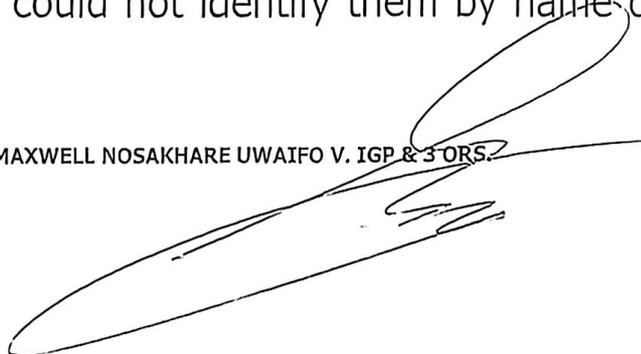
At the hearing of the suit, **O.F Ezekhaigbe Esq.**, learned counsel for the 4th Respondents adopted his processes and urged the court to dismiss the suit.

The 1st to 3rd Respondents filed no process whatsoever, despite being served with the originating processes.

BACKGROUND FACTS OF THE CASE

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The Applicant was travelling from Benin to Warri, on the 10/05/2026, after Sapele roundabout, in Delta State, he was flagged by a group of men, who blocked the road with a Toyota Seinna Vehicle. They spoke harshly to him and when he brought out his phone to record the incident, one of the men dressed in Black, who appeared to be a policeman threatened to arrest him. The men have no name tags for identification and they did not identify themselves nor did they disclose the reason for the stop and search exercise. Sometime in June 2025, around Effurun roundabout axis, Warri, Delta State the Applicant was also stopped by some armed police men in uniform, but they have no name tag, or badge and force number on their uniforms. He was deeply unsettled because he could not identify them by name or



number and the Toyota Hilux they were using was unmarked and has no plate number. The conduct of the Policemen caused him emotional trauma, fear and psychological distress. The Applicant has heard and seen many similar instances where police officers intimidate, harass and assault Nigerians for recording them or questioning their unlawful acts at checkpoints. He brought this suit on behalf of himself and the interest of the public. The 1st to 3rd Respondents did not file any response; While the 4th contended that it has no power to interfere in the operations of the Police, that it can only advise the police on the position of law where necessary.

DETERMINATION OF THE MATTER

Learned Counsel for the Applicants posed five issues for determination to wit:

- 1. Whether the refusal of the Nigerian 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.**

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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 arises 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?

On his part, learned counsel for the 4th Respondent formulated a sole issue for determination, to wit:

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“Whether the refusal of officials of the Nigeria Police Force to wear name tags or display their force numbers while carrying out stop and search or roadblock operations is 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?”

Having read and understood the processes of parties, and for the sake of brevity, I hereby formulate a sole issue for determination thus:

Whether the Applicant has proved his case to be entitled to the reliefs sought?

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ARGUMENTS OF COUNSEL

The Applicant, being a legal practitioner, conducted his case personally and submitted that the failure/refusal of officers of the Nigeria Police Force to wear any means of identification while carrying out stop and search or road block operations is contrary to **Section 214 of the 1999 Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Section 66 of the Police Act, 2020** and that the failure to identify themselves creates an atmosphere of impunity, frustrates any attempt to

report misconduct, and exposes citizens to abuse without the possibility of seeking redress as they cannot be held accountable. These acts exhibited by officers of the 1st to 3rd Respondents violates the Applicants and other Nigerians Fundamental Human Rights as contained in **Section 34(1), 35(1), 36(1) and 41(1) of the 1999 Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act** which reinforces the obligation to prevent arbitrary violations of rights by state agents. Reliance was placed on **I.G.P V UBAH (2015) LPELR – 25624 (CA), AHMED V NIGERIAN ARMY (2013) 4 NWLR (PT. 1345)213, ABACHA V FAWEHINMI (2000) 6 NWLR (PT. 660) 228 and FAWEHINMI V INSPECTOR GENERAL OF POLICE (2000) 7 NWLR (PT. 665) 481.**

The Applicant also submitted that the act of recording police officers, while in the lawful execution of their duty in public, falls within **Section 39 of the 1999 Constitution of the Federal Republic of Nigeria**, which empowers citizens to freely express themselves, hold opinions, receive and impart ideas and information without interference. It is also his submission that the provision guarantees the Applicant's right to receive and

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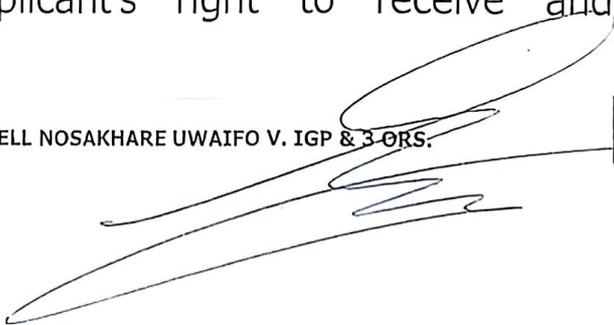
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disseminate information including visual and audio data and that a police officer while on duty in a public space, cannot shield his actions from public scrutiny nor claim a violation of privacy where none exists.

He maintained that neither **the Criminal Code, Police Act, 2020** or any other statute in Nigeria criminalizes the act of recording public officials. According to the Applicant, any interference with the Applicant's exercise of this right must be justified under **Section 45(1)** which requires a law of general application and a legitimate aim such as public safety or order, in its absence, any harassment, arrest or intimidation of the Applicant is arbitrary and unlawful, that the police as agents of the state government must be subject to public scrutiny. Reliance is placed on **ALL NIGERIA'S PEOPLES PARTY V INSPECTOR GENERAL OF POLICE (2006) CHR. 181**

Counsel submitted that should the police argue obstruction, both **Section 197 of the Criminal Code and Section 149 of the Penal Code** define obstruction to mean physical or active interference with lawful duty, passive recording with phone does not meet that threshold. Counsel maintained that recording is a tool for accountability consistent with international best practice

to which Nigerian is a signatory to the African Charter on Human and Peoples Rights as a result the refusal by officials of the 1st to 3rd Respondents to allow Nigerians record their activities is in breach of **Section 39(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)**

He further submitted that, where a court finds that a citizen's constitutional right has been violated or are threatened, the court has the powers to make declaratory orders affirming the unlawfulness of such conduct. The Applicant argued that, having established that police officers acting under the authority of the Respondents routinely operate without name tags or visible force numbers in violation of the Police Act and the Constitution, it is a proper situation where the court should grant such reliefs as compensation must follow breach of fundamental Rights even in the absence of physical injury. Reliance was placed on **FAWEHINMI V. ABACHA (SUPRA), ODOGU V A.G FEDERATION (1996) 6 NWLR (PT. 456) 508, OGBECHÉ V G.E.C (2001) FWLR (PT. 58) 1127 AT 1142.**

He further submitted that any Nigerian Citizen can bring an action on public interest litigation without showing personal injury. He also submitted that as a Nigerian Citizen and a lawyer, he

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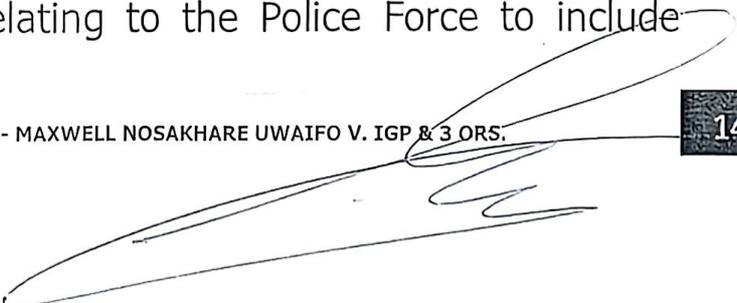
possesses sufficient interest. The affidavit in support of its originating application showed that he had a first-hand encounter, suffered fear and frustration and now seeks enforcement of the law and public protection. Reliance was placed in the cases of **CENTRE FOR OIL POLLUTION WATCH V. NNPC (2009) 5 NWLR (PART 1666) 518 SC, FAWEHINMI V. PRESIDENT (2007) 14 NWLR (PART 1054) 275**

He finally submitted that the 1st Respondent has an institutional duty not only to protect rights violations but to ensure that police officers are properly trained on human rights and that officers who violates citizen's rights are disciplined and preventive measures put in place to stop systemic abuse. He maintained that the Nigerian police force and the Police Service Commission are duty bound to regulate and supervise all officers and men under their command. Reliance was placed in the cases of **MINISTER OF INTERNAL AFFAIRS V SHUGABA DARMAN (1982) 3 NCLR 915 CA, EZEGBU V F.A. T. B LTD (19920 1 NWLR (PT. 220 699.**

On his part, the 4th Respondent Counsel reproduced Sections **5, 6, 9 and 66 of the Nigeria Police Act, 2020** in explaining the functions of the Nigeria Police Council, being the highest policy making body in matters relating to the Police Force to include

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organization and administration of the Police Force and all other matters relating to the Police force (not being matters relating to the use and operational control of the police force, or the appointment, disciplinary control and dismissal of members of the police force)...

Counsel submitted that by **Section 9 of the Police Act**, the powers of the Inspector General of Police include, among other things, the development of an overall national policing plan which inputs from the Police Headquarters and all the various Police formations nationwide before the end of each financial year, setting out the priorities, objectives, cost implications and expected outcomes of policing for the next succeeding financial year.

Learned counsel submitted that by **Section 6(3) of the Police Act, 2020** the Police Council which comprises of the President of the Federation, State Governors, Chairman of the Police Service Commission and the Inspector General of Police though responsible for the organization and administration of all other matters relating to the Police Force are not responsible for their operational control. The literal rule of interpretation should be construed in interpreting the statute. Reliance was placed on

**CHIEF G.A.N OFODILE & ANOR V C.A ALIOZO ESQ & ORS
(2021) LPELR 54159 (CA).**

The 4th Respondent's counsel also submitted that wearing of name tags or display of force numbers while carrying out stop and search operations are part of the matters relating to the use and operational control of the Police Force which is strictly the function of the 1st Defendant. He submitted further that **Section 66** did not suggest that a police officer while on uniform duty must wear a name tag or any means of identification displayed on his uniform.

Counsel maintained that Sections 49, 50 and 51 of the Police Act empowered the 1st Respondent and his officers to carry out stop and search on vehicles, person or a place if they reasonably suspect such a person of having committed a criminal offence as a result acted within their statutory powers. According to counsel, the suit is frivolous and it amounts to an improper use of legal process. Reliance was placed on **U.B.N. LTD V EDAMKUE (2004) 4 NWLR (PT. 863) 221, UKACHUKWU V U.B.A (2005) 18 NWLR (PT. 956) 1** among others.

He also submitted that there is no statute or provision of the law that empowers the 4th Respondent to enquire and investigate day

to day, operations and activities of the 1st to 3rd Respondents as enquiring into their activities will amount to acting *ultra vires* its function as chief law officer of the Federation, whose advice can only be employed by the 1st to 3rd Respondents when solicited. Reliance was placed in the cases of **ATTORNEY GENERAL OF ANAMBRA STATE V ATTORNEY GENERAL OF THE FEDERATION (2005) 9 NWLR (PT. 931)572, ATTORNEY GENERAL OF THE FEDERATION V. OLANIYI JONES (2017) LCN /9621 (CA) and HASSAN V ALIYU (2010) 17 NWLR (PT. 1233) 547.**

In his reply on points of law, the Applicant submitted that the 4th Respondent is not only a necessary party but a proper party where the interpretation of the constitution, federal statutes or legality of federal executive agencies is in issue. Reliance was placed in the cases of **A.G FEDERATION V A.G LAGOS STATE (2013) 16 NWLR (PT. 1380) 249, A.G ONDO STATE V A.G FEDERATION (2002) 9 NWLR 9PT. 722) 222 and FAWEHINMI V PRESIDENT (2007) 14 NWLR (PT. 1054) 249** and that **Section 66 of the Police Act** provides for the wearing of name tag by police officers while on duty, thus anonymity of police officers is unlawful. **Reliance was placed in the case of IGP V UBAH (2014) LPELR- 24250 (CA).**

The Applicant maintained that the 4th Respondents contention that citizens cannot record police officers is inconsistent with **Section 39 of the Constitution**. There is no statute prohibiting citizens from recording police officers performing public duties.

He further argued that the 4th Respondent filed no Counter Affidavit as a result the averment stands unchallenged and the court is bound to accept it as true. Reliance was placed in the case of **AKINSETE V AKINDUTIRE (1996) NMLR 147** and **INEC V OLOGUN (2021) LPELR- 55347 (CA)**

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RESOLUTION OF THE SOLE ISSUE

Whether the Applicant has proved his case to be entitled to the reliefs sought?

Before delving into the sole issue for determination, I shall now consider the preliminary issue raised by the 4th Respondent, that it is not a proper party to the suit. Counsel for the 4th Respondent argued that the 4th Respondent being not part of the body to exercise control over the police force should not be added to this action as she is not a proper party to the action.

The court in **YOHANNA V GABRIEL (2020) AL FWLR PT 1050 PAGE 569 PARTICULARLY @ PAGES 589 -590; PARAS E-A**, held thus:

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"The law recognizes two categories of persons who can sue and be sued in court. They are natural persons, with life, mind, brain and physical body and other artificial persons or institutions having juristic personality. A party who should commence action in court must be a person known to law, that is, a legal person. In other words, no action can be brought by or against any party other than a natural person or body of persons, unless such a party has been given by statute, expressly or impliedly either (a) a legal personality under the names by which it sues or is sued or (b) a right to sue or be sued by that name".

Furthermore, in **GASSOL V. TUTARE 2025 ALL FWLR PT @ PAGE 499 PARAS E-F**, where **GALADIMA JSC** put it thus;

"On whether or not the 3rd Respondent is a party to the action, the blue litmus test for the determination of who may be necessary party to a suit is predicated on whether the judgment will affect the party, and one of the reasons which makes it necessary to make

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a particular person a party to an action is that he will be bound by the result of the action and to put an end to parallel litigations”.

It is true that by **Sections 13(1), 16(1) and (3)** of the Police Act, both the Inspector General of Police and the Commissioner of police have the Powers to exercise full command and control over the police and all its departments, the claim against the 4th Defendant is not for the court to direct the Attorney General of the Federation to manage police operations but for the court to interpret the Constitution and the Police Act which the Attorney General of the Federation is constitutionally mandated to defend. Thus, **OKORO JSC in F.A.A.N V. BI COURTNEY LTD (2025) 7 NWLR (PART 1989), PAGE 405 PARAS B-F** stated thus:

“ it is settled law that the federal government of Nigeria exercises the executive powers of the federation on behalf of the federation. It therefore, together with its ministries and parastatals in Government, represents the interest of the federation.....in the circumstance, by virtue of Section 150(1) of the 1999 Constitution of the Federal Republic of Nigeria, 1999(as amended), the Attorney General of the Federation who is the chief



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law officer of the federation and a minister of the Government of the Federation is the proper party to have been proceeded against by the 1st Respondent. He is the most competent person to either sue or defend actions for and on behalf of the Federal Government”

It is also correct that by virtue of Section 150 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) the Attorney General of the Federation functions in dual capacity both as the Chief law officer of the Federation and as a minister of the Federation. The Attorney General of the federation is generally a necessary and proper party in suits involving constitutional interpretation, particularly when challenging the validity of legislation or actions by the government or its agencies. As the chief law officer, the Attorney General represents the federation or state, making them crucial for ensuring the constitution is upheld.

From the affidavit evidence of the Applicant, particularly paragraphs 3 to 31, the questions for determination and the reliefs sought, I am convinced that the 4th Respondent is a proper party to the action whose presence is necessary for the court to effectively and completely adjudicate over the matter and I so hold.

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It is not in doubt that sections 49, 50 and 51 of the Police Act empowered the 1st Respondent and his officers to carry out stop and search on vehicles, person or a place if they reasonably suspect such a person of having committed a criminal offence but the police officers can only carry out such search with their uniform or wear a visibly police identity card. See section 50(4) of the Police Act, 2020, this is necessary for easy identification to ensure transparency and prevent extortion.

By the above statutory provisions, a search carried out without proper uniform or identity is considered illegal, violating the citizen's right to privacy as guaranteed under the constitution. And an Applicant can file legal action for such harassment. The Applicant has thus in paragraphs 4, 5, 6, 7, 8, 9, 15, 16, 17, 18 and 19 of the affidavit in support of the originating summons allegedly explained how alleged officers of the 1st to 3rd Respondents on 10/5/2025, mounted road block around the Sapele Roundabout while on his way from Benin to Warri flagged him down without any lawful basis, began to question him in a harsh and aggressive tone, dressed in black without any means of identification, whether by name tag or inscription on their vehicle threatened to arrest him if he does not put his phone away as he attempted to record their activities, out of fear of being

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manhandled and or arrested kept his cool and could not question them as to their illegal acts. Similar occurrence occurred at the Effurun Roundabout sometime in June, 2025 and at other instances. It has become a pattern for officers of the 1st to 3rd Respondents to deliberately put on unidentified regalia so as to perpetrate illegality on Nigeria roads.

These averments deposed by the Applicant was not challenged by any of the Respondents as a result, stand unchallenged and uncontroverted and the court is enjoined to act and believe it.

See, **EZECHUKWU V. ONWUKA (2016) 5 NWLR (PT. 1506) 529 SC. The Court of Appeal in FGN V. ZEBRA (2002) 18 NWLR (PT. 798) 162. PP. 200-201, PARAS H,** held thus:-

"When a matter is clearly spelt out in a statute and the procedure for carrying out such duty is laid down, a party has no choice but to comply fully with the provisions of the statute".

Similarly in **AGBI V. F.R.N (2020) 15 NWLR (PART 1748) PAGE 462, PARAS D-E. IGE, JCA** stated thus:-

"It is trite law that when a law provides a particular way/method of doing a thing, and unless such a law is altered or amended by a

legitimate authority, then whatever is done in contravention of those provisions amount to a nullity and of no effect whatsoever”

It must be emphasized at this point that members of Police force by virtue of Section 4 of the Police Act are saddled with the responsibility to protect the rights and freedom of every person in Nigeria as provided in the constitution and to facilitate the free passage and movement on high ways, roads and streets open to the public, and where they are found to be the ones abusing and/or disobeying the law, then such acts cannot go without appropriate consequences, it must be redressed inter alia, through award of compensation. I agree with the Applicant that Nigerian citizens have the right to record police officers performing their duties, including during a road search or traffic stop, in order to document and subsequently disseminate that information as this gives room for accountability provided a citizen does not obstruct or interfere with the police physically. I also agree with the submission of the Applicant that in accordance with a citizen's right to privacy he or she can record acts of police officers as it relates to the search of their vehicle or property.

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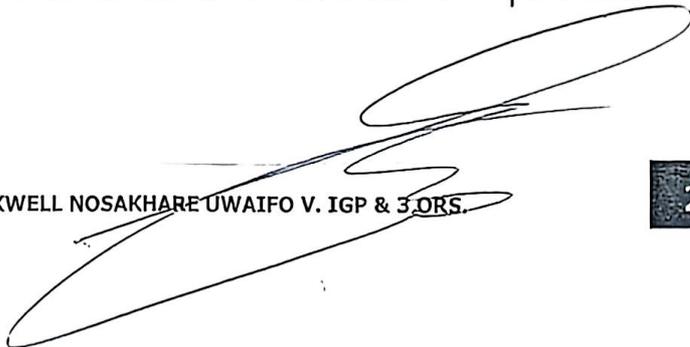
I must quick to add that we are in a world of digital era. Before the amendment of the Evidence Act, 2011, computer or digital generated evidence are not admissible. With the so amendment, computer generated evidence has become one of the means of proof, a litigant or claimant can prove its case. By implication, the provisions of section 84(2) of the Evidence Act, 2011 allows or provides any person, and in the instant case, the Applicant, to use his phone to record the exercise or/search by the 1st – 3rd Respondent's officers while performing their duties for diligence accountability and fairness and I so hold.

See also, section 39 of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

It is trite law that once an Applicant has successfully proved a breach of his Fundamental Right, he is and should be entitled to compensation.

At this juncture, the question that comes to mind in the instant case is, whether the Applicant has established by way of credible evidence that the group of men that flagged him down on the 10/05/2025 at a checkpoint on Benin to Warri were Nigerian Police personnel? To my mind, the answer to the above question is in the positive/affirmative.

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Date: 18-3-26
Sign: [Signature]
Rank: H.E.O.
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Now, to the sole issue. The case of the applicant is that among other things, he is a Nigerian Citizen, and a lawyer. He frequently travels on Nigerian roads within and outside Delta State. On 10/05/2025 while travelling from Benin to Warri, immediately after Sapele roundabout, in Delta State, he encountered a group of men who blocked the road with a Black Toyota Seinna vehicle, which has no plate number or any type of police markings for identification. The said men were stopping cars in a manner that appeared to be a Police checkpoint. They flagged the Applicant down and without lawful basis or reasonable suspicion of wrongdoing on his part, they began to ask him questions in a harsh and aggressive manner which gave the impression of extortion or harassment. The men did not wear any name tags, and they did not disclose their identity or provide a reason for their conduct. He brought out his mobile phone to record the exchange, and immediately he did that, one of the men, dressed in black and appearing to be a police officer, threatened to arrest the applicant and demanded that the Applicant put his phone away, and because of the hostile and intimidating interaction from the men, the Applicant complied and quietly left for fear of assault or arrest among other things. The Applicant has heard and seen many similar instances where Nigerian Police officers,

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intimidate, harass and even assault Nigerians simply for recording them or questioning the unlawful acts of the police at check points. In his personal travels, the Applicant observed that police officers routinely conduct stop and search operations on public Highways, without displaying name tags or visible force numbers on their uniforms and in multiple occasions, he has been subjected to these random stop and search encounters where police officers wear no identifying insignia whatsoever and were dressed in partial or improper uniform; Again, in June, 2025, around Effurun roundabout in Warri, Delta State, the Applicant was stopped by some police officers conducting checks, and non among the officers displayed any name tag or badge and force number on their uniforms. The policemen were carrying arms and aggressively issuing commands, making it unsafe to inquire into their identity, also they operated with an unmarked Toyota Hilux with no Police insignia, plate number or department and the Applicant was deeply unsettled that he could not identify the said police operatives. Their conduct caused the Applicant emotional trauma, fear and psychological distress, to the extent that he is vulnerable whenever he sees armed men on the road, regardless of whether they are in uniform. The Applicant has spoken to Nigerians, both lawyers and non-lawyers, who shared similar

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Rank: Lt. Col.
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experiences and fears of being unable to identify the officers that violated their rights during such encounters. The Applicant believes that failure of the 1st to 3rd Respondents to regulate, monitor and discipline officers under their supervision facilitates the said sufferings of Nigerians in the hands of police officers. See paragraphs 1-30 of the Applicant's affidavit evidence. From the foregoing, it is clear to me that the Applicant is empowered by law to bring this suit for himself and in the interest of members of the Nigerian public. See paragraph (e) of the preamble to the Fundamental Rights (Enforcement Procedure) Rule, 2009. These facts were not denied nor controverted by the Respondents, having been served with the originating processes. It is trite law that, where a party refused to file counter affidavit to contradict facts adverse to his position, which were deposed to in an affidavit served on him, those facts contained in the said affidavit stands unchallenged and uncontroverted and the court can act upon it. See, **EZECHUKWU V ONWUKA (2016) 5 NWLR (PT. 1506) 529 SC.**

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The applicant argued that law enforcement operatives have a duty of clear identification during operations and a deliberate refusal to do so facilitates extortion, abuse of power and

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undermines the fundamental right to personal liberty, dignity of human person and fair hearing of citizens.

Sections 49(1) and 50(4) of the Police Act, 2020 provides as follows:

"49(1) A Police officer may exercise the power to stop and search in any

(a) place the public or section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or

(b) other place to which the public has ready access at the time when he proposes to exercise the power but which is not a private residence.

50(4) For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid police identity card."

The Court of Appeal in **FGN V. ZEBRA (2002) 18 NWLR (PT. 798) 162. PP. 200-201, PARAS H,** held thus:

"When a matter is clearly spelt out in a statute and the procedure for carrying out such duty is laid down,

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a party has no choice but to comply fully with the provisions of the statute”.

Similarly in **AGBI V F.R.N (2020) 15 NWLR (PART 1748)**

PAGE 462, PARAS D-E. IGE, JCA stated thus:

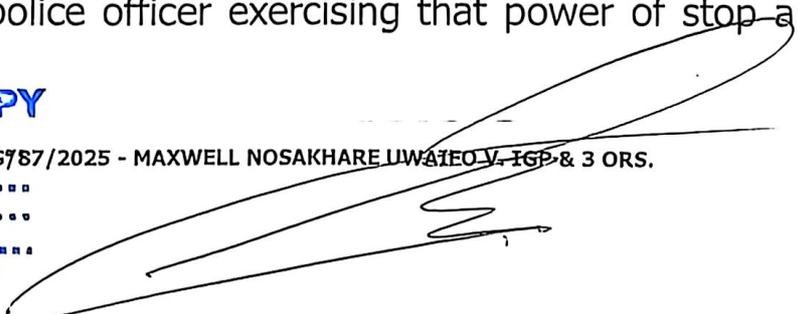
“it is trite law that when a law provides a particular way/method of doing a thing, and unless such a law is altered or amended by a legitimate authority, then whatever is done in contravention of those provisions amount to a nullity and of no effect whatsoever”

Having read and understood sections 49(1) and 50(4) of the Police Act, 2020, their provisions are unambiguous and it is clear to me that officers of the Nigerian Police are empowered thereby to conduct stop and search operations in public places, including all Nigerian roads. However, **“For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid police identity card.”** It is clear to me that the intention of the legislature by inserting section 50(4) in the Police Act, is for purpose of identifying any police officer exercising the power of stop and search in public places in Nigeria and the word shall was used in the provision, making it mandatory for any police officer exercising that power of stop and

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search to comply with the section. To me any act done by a police officer exercising the power of stop and search, without complying with the mandatory requirement of being in police uniform or wearing visibly a police identity card, then such action amount to illegality and abuse of power and I so hold.

In paragraph 7 of the Applicants affidavit evidence, he stated as follows:

"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"

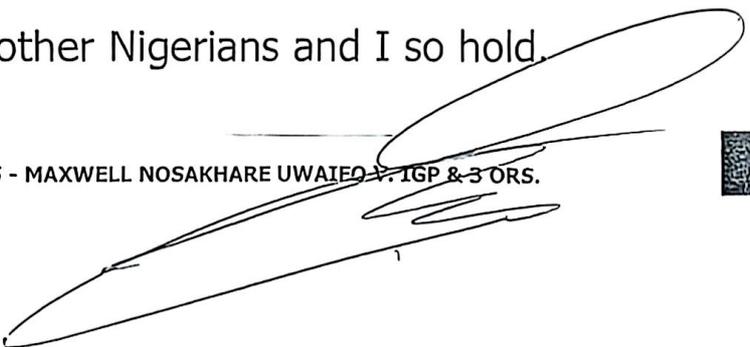
From the said deposition, it is obvious that one of the men that stopped and threatened to arrest the Applicant after Sapele roundabout, on Benin to Warri road, appeared to be a police man because his uniform is black but it bears no name tag or police identification insignia. See paragraphs 8, 15 and 16 of the Applicant's affidavit evidence. The 4th Respondent argued that police are empowered under sections 49, 50 and 51 of the Police Act, 2020 to conduct stop and search exercise, upon reasonable suspicion that the person subjected to the stop and search committed an offence. However, in paragraph 5 of the applicant's

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affidavit, he deposed that he was flagged by men appearing to be police officers, without any lawful basis or reasonable suspicion of wrong doing on his part. This fact stands uncontroverted, the Respondents having refused to file counter affidavit to challenge same. In the circumstances, the actions of the men of the 1st to 3rd Respondents improperly dressed while exercising powers of the police to stop and search, on 10/05/2025 after Sapele roundabout, Benin – Warri road is contrary to section 50(4) of the Police Act; likewise the actions of the armed police officers that stopped the Applicant at Efurrun roundabout, Warri for checks, wearing uniforms without name tags, Police badge and force number is illegal and contrary to section 50(4) of the Police Act. Furthermore, on multiple occasions, the Applicant, has been subjected to such random stop and search exercises by officers of the Nigerian Police and he has witnessed other Nigerians suffer such similar abuse of power by police officers.

From the foregoing, I am satisfied that the Applicant has shown that actions of Policemen under the supervision of the 1st to 3rd Respondents in the circumstances of this case are contrary to sections 34(1), 35(1), 36, 37 and 39(1) of the 1999 Constitution as amended, and same amounts to violation of the fundamental rights of the Applicant and other Nigerians and I so hold.

W. O. Meshach
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The sole issue for determination is hereby resolved in favour of the Applicant and against the Defendants. Accordingly, this suit succeeds and the Applicant is entitled to the reliefs sought.

I hereby make the following Declarations and Orders:

- 1. A DECLARATION is made 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 is made that any attempt by officers of the Nigeria Police Force to prevent or punish such acts or 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 is made 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**

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Applicant or any Nigerian for video recording police officers on duty in public.

4. A DECLARATION is made that the acts of the 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 breach of Sections 34, 35 and 36 of the Constitution and the Police Act.
5. AN ORDER of Perpetual Injunction is made restraining the Respondents, their agents, officers or privies from further engaging in stop and search or check point operations without ensuring all operatives wear uniforms bearing their full names and force numbers.
6. AN ORDER is made 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.

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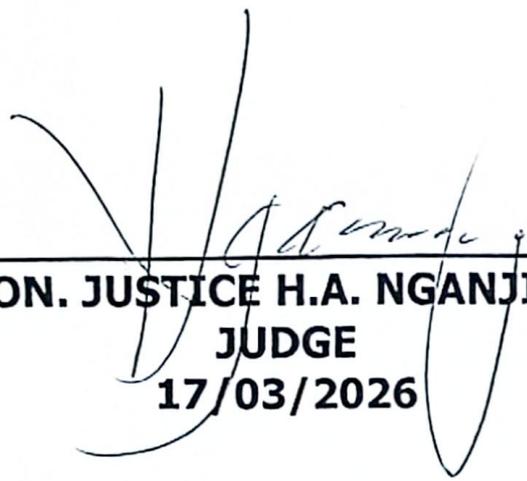
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7. **AN ORDER** is made mandating the 2nd and 3rd Respondent to discipline any officer found to have acted in breach of this right.
8. **AN ORDER** is made mandating the 3rd Respondent (Police Service Commission) to issue a circular or directive mandating all officers on public engagement duties to wear full uniforms with identification and to initiate disciplinary action against any defaulters.
9. The sum of **N5,000,000.00 (Five Million Naira)** only is awarded as compensation in favour of the Applicant and against the Respondents jointly and severally for infringing the fundamental rights of the Applicant as guaranteed under section 34(1), 35(1), 37 and 39 (1) of the Constitution of the Federal Republic Nigeria (1999) as amended.
10. Cost is assessed at **N2,000,000.00 (Two Million Naira)** for prosecuting this case.

This is the Judgment of the court.

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Date: *18-3-26*
Sign: *[Signature]*
Rank: *H. F. O.*
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HON. JUSTICE H.A. NGANJIWA
JUDGE
17/03/2026

Appearance:

The Applicant is present in court and appears in person.

No appearance for the Respondents.

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WARRI DIVISION.
CASHIER
SIGN: [Signature]
DATE: 18-3-2026

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