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CITIZENS' RIGHT TO RECORD THE POLICE

A Review of Maxwell Nosakhare Uwaifo v. Inspector-General of Police & 3 Ors.

Suit No. FHC/WR/CS/87/2025,
Federal High Court, Warri Division.

A landmark ruling that advances Nigerian constitutional jurisprudence and the cause of civil liberties by declaring the right to record police officers in public a constitutionally protected act.



KRISPY LEGAL

ATTORNEYS AT LAW

✉ info@krispylegal.com

🌐 www.krispylegal.com

📍 Suite 911, 9th Floor, Western House,
8/10 Broad Street, Lagos.

✕ 📷 🌐 [Krispy_legal](#)

Citizens' Right to Record the Police: A Review of Maxwell Nosakhare Uwaifo v. Inspector-General of Police & 3 Ors. Suit No. FHC/WR/CS/87/2025, Federal High Court, Warri Division.

Abstract

On March 17–18, 2026, Justice Hyeladzira A. Nganjiwa of the Federal High Court sitting in Warri, Delta State, delivered a landmark judgment that has reverberated across Nigeria's legal and civil society landscape. In the case of **Maxwell Nosakhare Uwaifo v. Inspector-General of Police & 3 Ors.**¹ the court ruled definitively that Nigerian citizens have a constitutionally protected right to record police officers performing their duties in public. The court further declared anonymous policing where officers operate without name tags, force numbers, or proper identification to be unconstitutional. This article provides a comprehensive review of the factual background, legal arguments, judicial findings, constitutional underpinnings, implications for civil liberties, and the challenges of enforcement that lies ahead.

1. Introduction

Police accountability remains one of the most persistent challenges in Nigeria's democratic development. Since the violent suppression of the **EndSARS** protests in October 2020 which drew international attention to allegations of torture, extortion, and extrajudicial killings by the now-disbanded Special Anti-Robbery Squad (SARS) Nigerians have become increasingly vocal about the conduct of law enforcement officers. Even after the disbandment of the SARS unit of the police force, the menace still persists. Viral videos of police officers harassing, extorting, and physically assaulting citizens including at routine checkpoints have flooded social media platforms, creating public outrage and calls for systemic reform.

Against this backdrop, the judgment in **Maxwell Nosakhare Uwaifo v. Inspector-General of Police & 3 Ors.** arrives as a significant judicial intervention.² It is not merely a case about one man's encounter with aggressive officers on a road in Delta State; it is a case that crystallises, for the first time in binding Nigerian jurisprudence, the right of citizens to monitor the exercise of state power in public spaces. As a fundamental rights enforcement

¹ Suit No. FHC/WR/CS/87/2025.

² *Maxwell Nosakhare Uwaifo v. Inspector-General of Police & 3 Ors., Suit No. FHC/WR/CS/87/2025, Federal High Court, Warri Division (March 17–18, 2026)*

action, the judgment carries constitutional force and has direct implications for every Nigerian at every police checkpoint, patrol point, or public interaction with law enforcement.

2. Background and Factual Matrix

2.1 The Applicant

Maxwell Nosakhare Uwaifo is a legal practitioner based in Ekpan, Warri, Delta State, practicing under the firm name Lex Phronesis Solicitors where he served as the Managing Partner of the firm, located at No. 57, NNPC Housing Complex Road, Ekpan/Warri, Uvwie Local Government Area. He holds the academic qualifications of LLB, BL, LLM, and ACI Arb, indicating a well-trained lawyer with postgraduate and international arbitration credentials. The suit was brought by him on behalf of himself and, in a public interest dimension, on behalf of the Nigerian public at large.³

2.2 The Triggering Incidents

The first incident occurred on May 10, 2025. The applicant was travelling by road from Benin City to Warri. Immediately after the Sapele Roundabout in Delta State, he encountered a group of men who had blocked the road with an unmarked black Toyota Sienna with no police inscription, no plate number, and no identifying markings. The men appeared to be conducting a police checkpoint. They flagged him down and began questioning him aggressively and without reasonable suspicion.

Sensing that the encounter might be an attempt at extortion or harassment a common experience at Nigerian roadblocks, Uwaifo reached for his mobile phone to record the interaction. Almost immediately, one of the men, dressed in black and appearing to be a police officer, stepped forward and threatened to arrest him if he did not put his phone away. The officers wore no name tags, did not introduce themselves, and made no effort to disclose their identities or provide a legitimate reason for their conduct.

Fearing assault, unlawful detention, or seizure of his phone, Uwaifo complied with the demand and left quietly. He deposed in his affidavit that the absence of identification made it impossible to gather concrete evidence against the officers or formally report them. A second, similar incident occurred in June 2025, near the Effurun Roundabout axis in Warri, where

³ *Premium Times: 'Court Permits Nigerians to Record Police on Duty, Awards Damages for Rights Violation'*. Available at: <https://www.premiumtimesng.com/news/headlines/864854-court-permits-nigerians-to-record-police-on-duty-award-damages-for-rights-violation.html?tztc=1> Accessed on 21st March, 2026.

armed officers conducting stop-and-search operations again displayed no name tags, badges, or force numbers on their uniforms.⁴

2.3 The Respondents

The four respondents named in the suit were:

- 1st Respondent: The Inspector-General of Police
- 2nd Respondent: The Nigeria Police Force (NPF)
- 3rd Respondent: The Police Service Commission (PSC)
- 4th Respondent: The Attorney-General of the Federation (AGF)

It is notable that neither the Inspector-General of Police, the Nigeria Police Force, nor the Police Service Commission appeared in court or filed any counter-affidavit. The Attorney-General of the Federation was represented by O. F. Ezekaigbe Esq., who filed a written address, but without a counter-affidavit, the factual depositions of the applicant stood unchallenged and were deemed admitted.

3. Legal Framework and Grounds of the Suit

The suit was brought under the Fundamental Rights (Enforcement Procedure) Rules, 2009, which provide the procedural mechanism for enforcing constitutionally guaranteed rights in Nigerian courts. The substantive legal basis invoked included:

3.1 Constitutional Provisions

- Section 34 — Right to dignity of the human person
- Section 35 — Right to personal liberty
- Section 36 — Right to fair hearing
- Section 37 — Right to private and family life
- Section 38 — Right to freedom of thought, conscience and religion
- Section 39 — Right to freedom of expression and the press
- Section 41 — Right to freedom of movement
- Section 46 — Special jurisdiction of the High Court and Legal Aid

⁴ *Punch Newspapers: 'Court Affirms Citizens' Right to Film Officers in Public' (March 18, 2026). Available at: <https://punchng.com/court-affirms-citizens-right-to-film-officers-in-public/> Accessed on 21st March, 2026.*

3.2 African Charter on Human and Peoples' Rights

The applicant also relied on the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, specifically Articles 5, 6, 7, 9, and 11, which protect respectively: the right to respect of dignity and prohibition of degrading treatment; the right to liberty; the right to a fair trial; the right to receive information and express and disseminate opinions; and the right to assemble freely.

3.3 Nigeria Police Act 2020

Sections 4, and 7 of the Nigeria Police Act 2020 were also cited. Section 4 provides for the functions of the police, while Section 7 imposes a duty on every police officer to be professional and maintain conduct that respects the rights of citizens. The invocation of the Police Act 2020 is significant as it is a relatively new statutory framework that modernises the legal obligations of Nigerian law enforcement officers.

4. Reliefs Sought by the Applicant

The applicant made extensive and far-reaching prayers to the court. These can be summarised as follows:

- A declaration that Nigerians are entitled under Section 39 of the 1999 Constitution to freely express themselves, including the right to record and publish the conduct of law enforcement officers performing public duties.
 - A declaration that any attempt by officers of the Nigeria Police Force to prevent or punish such recording, whether through threats of arrest, harassment, intimidation, or seizure of devices is unconstitutional, unlawful, and a violation of fundamental rights.
 - An order of perpetual injunction restraining the Respondents, their officers, agents, and privies from harassing, intimidating, threatening, arresting, or otherwise infringing upon the rights of any Nigerian citizen in relation to recording police officers on duty in public.
 - A declaration that police officers conducting patrols, stop-and-search operations, and other public interactions without wearing uniforms that visibly display their names and force numbers act unconstitutionally and illegally.
 - An injunction restraining the Respondents from carrying out stop-and-search or checkpoint operations without ensuring all operatives wear full uniforms bearing their names and force numbers.
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- A directive to the Police Service Commission to issue clear guidelines and training for all officers of the Nigeria Police Force affirming the public's right to record and report police activities.
- A directive that relevant authorities discipline any officer found to have violated these constitutional rights.
- An award of damages for the violation of the applicant's fundamental rights.

5. Key Judicial Findings and Holdings

Justice Nganjiwa granted all the reliefs sought by the applicant. The following are the principal holdings of the court:

5.1 Constitutional Right to Record

The court held, anchoring its decision in Section 39 of the 1999 Constitution, that Nigerians have the constitutional right to record police officers performing their duties in public. The court reasoned that freedom of expression which includes the right to receive, seek, and impart information encompasses the act of recording state actors engaged in public functions. A police officer conducting a stop-and-search at a public road has no reasonable expectation of privacy and cannot lawfully suppress the recording of his or her conduct.

5.2 Anonymous Policing is Unconstitutional

Perhaps the most far-reaching holding of the court is the declaration that anonymous policing is unconstitutional. The court declared that police officers must, at all times during public operations, wear visible name tags and display their force numbers. Operating in plain clothes, unmarked vehicles, or without identification during stop-and-search and patrol operations was held to be a violation of citizens' constitutional rights to dignity, liberty, and freedom of expression. This holding directly confronts a culture within certain units of the Nigerian police of operating covertly while exercising coercive public powers.

5.3 Prohibition on Harassment and Seizure

The court held unequivocally that it is unlawful for police officers to harass, intimidate, arrest, or seize devices from citizens who are recording them in public spaces. Any such act constitutes a violation of the citizen's fundamental rights. This holding creates a direct and enforceable duty officers who confiscate phones or threaten citizens for recording them may now face contempt of court or fresh fundamental rights enforcement actions.

5.4 Institutional Directives

The court directed the Police Service Commission to issue clear guidelines and provide training to all officers of the Nigeria Police Force, affirming the public's right to record and report police activities in public spaces, including at checkpoints and during stop-and-search operations. This institutional directive is significant because it attempts to translate judicial pronouncements into systemic operational change within the police force.

5.5 Damages Awarded

The court awarded the following:

- ₦5,000,000 (Five Million Naira) as damages for the violation of the applicant's fundamental rights.
- ₦2,000,000 (Two Million Naira) as the cost of litigation.

The total award of ₦7,000,000 (Seven Million Naira) reflects the court's appreciation of the gravity of the constitutional violations and the public interest dimension of the litigation. All the reliefs prayed for by the applicant were granted in their entirety.

6. Constitutional and Jurisprudential Analysis

6.1 Section 39 and the Right to Record

Section 39(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference. The court's application of this provision to the act of recording police officers represents a forward-looking and purposive interpretation of the right to free expression.

This is consistent with the position of courts in other jurisdictions. In the United States, for instance, multiple Circuit Courts of Appeal have held that the First Amendment protects the right to record police performing their duties in public (as seen in the cases of **Glik v. Cunniffe**⁵, **Fields v. City of Philadelphia**⁶). In South Africa, recording police operations has been treated as a valid exercise of the right to freedom of expression under Section 16 of the Constitution of the Republic of South Africa, 1996. Justice Nganjiwa's approach aligns Nigeria with this global constitutional trend.

6.2 Police Officers and the Right to Privacy

⁵ *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011).

⁶ *Fields v. City of Philadelphia*, 862 F.3d 353 (3rd Cir. 2017).

A fundamental question in this type of case is whether a police officer performing public duties has a right to privacy that can override a citizen's right to record. The court's implicit answer consistent with democratic principles is that public officials, when exercising coercive state powers in public spaces, have a diminished, if not absent, expectation of privacy. This is a logical extension of the principle of public accountability: those who wield public power must be subject to public scrutiny.

This reasoning draws support from the Supreme Court decision in **Fawehinmi v. Abacha**⁷, in which the court affirmed the enforceability of rights under the African Charter, and from **I.G.P. v. Ubah**⁸ where the rights of citizens vis-à-vis police conduct were addressed. The applicant also cited **Arthur Nwankwo v. The State**⁹ in support of the broad interpretive approach to freedom of expression.

6.3 The African Charter Dimension

Nigeria ratified the African Charter on Human and Peoples' Rights and domesticated it through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004. In **Centre for Oil Pollution Watch v. NNPC**¹⁰, the Supreme Court confirmed that the African Charter has the force of federal law in Nigeria. Articles 5, 6, 7, 9, and 11 of the Charter reinforce each of the constitutional provisions relied upon by the applicant, and their citation strengthens the international human rights foundation of the judgment.

7. Significance and Implications of the Judgment

7.1 A New Weapon for Citizens

For ordinary Nigerians, this judgment is a practical shield. Historically, a citizen who attempted to record an aggressive or extortionate police officer had no legal backing and faced the real risk of arrest on fabricated charges. Now, that citizen can point to a binding court judgment that declares their right to record constitutionally protected. The case has become a reference tool that lawyers, civil society actors, and informed citizens can invoke at the point of confrontation.

⁷ *Fawehinmi v. Abacha* (2000) 6 NWLR (Pt. 660) 228 (SC).

⁸ *IGP v Ubah* (2014).

⁹ *Arthur Nwankwo v. The State* (1985) 6 NCLR 228

¹⁰ *Centre for Oil Pollution Watch v. NNPC* (2019) LPELR-46766 (SC).

7.2 Codification of Existing Rights

It is important to note that this judgment does not create rights that did not previously exist. The right to record police in public was arguably always **implicit** in Section 39 of the Constitution. What the judgment achieves is the judicial articulation of that right transforming it from a theoretical constitutional guarantee into an expressly declared, enforceable legal right. This is the essential function of fundamental rights enforcement proceedings.

7.3 Prior Police Acknowledgment

Interestingly, even before this judgment, the former Nigeria Police Force's Public Relations Officer, DCP Olumuyiwa Adejobi, had publicly acknowledged that recording police officers on duty is not an offence and that no law criminalises such conduct. The court's judgment now elevates that administrative acknowledgment into a binding legal principle. Officers who previously relied on institutional uncertainty to suppress citizen recordings can no longer do so.

7.4 Limitations of the Right

The right to record police officers, as affirmed by the court, is **not** without limits. Citizens cannot obstruct police operations, disregard lawful instructions, or use recording as a pretext for interference.¹¹ Getting too close during arrests, engaging in disruptive behaviour, or provoking officers during active operations may still attract lawful interventions. The right, in other words, is the right to a passive, non-obstructive record not a right to impede law enforcement. Citizens exercising this right should remain calm, keep a safe distance, and maintain compliance with any other lawful directions.

7.5 Post-EndSARS Context

This judgment must be understood against the broader context of the **EndSARS** movement. The protests of October 2020 were, at their core, a demand for police accountability and an end to impunity. Viral videos recorded by citizens on their phones were the primary evidence of police brutality that fueled the movement and informed the judicial panels of inquiry set up

¹¹ *Pulse.ng: 'You Can Record Police Officers on Duty; It Is Your Constitutional Right, Federal High Court' (March 18, 2026). Available at: <https://www.pulse.ng/story/court-right-to-record-police-nigeria-2026031809054160546> Accessed on 21st March, 2026.*

across states. The court's affirmation of the right to record is, in this sense, a post-EndSARS judicial validation of citizen journalism as a mechanism for democratic accountability.

8. Challenges of Implementation and Enforcement

While the judgment is constitutionally sound and socially significant, its real-world impact will depend entirely on implementation. The following challenges must be addressed:

8.1 Institutional Non-Compliance

The most glaring concern is that the Nigeria Police Force, the Inspector-General of Police, and the Police Service Commission did not participate in this litigation. Their absence from court suggests either institutional indifference or a lack of awareness of the proceedings. For the judgment to produce systemic change, the Inspector-General of Police must issue a nationwide circular to all commands, divisions, and units informing officers of the court's ruling and directing strict compliance. The Police Service Commission must also develop and deploy training protocols as directed by the court.¹²

8.2 Street-Level Defiance

Even with institutional directives, street-level compliance by individual officers is a separate challenge. Many officers operating at checkpoints may be unaware of the judgment, and those who are aware may continue to use intimidation tactics knowing that citizens are unlikely to pursue legal action. Civil society organisations and legal aid bodies must therefore take on the responsibility of disseminating knowledge of this judgment at the grassroots level.

8.3 Contempt Proceedings as Enforcement Tools

The perpetual injunctions granted by the court provide a powerful enforcement mechanism. Any officer or authority that violates the terms of the injunction may be cited for contempt of court, which carries penalties including fines and imprisonment. Citizens and their lawyers should not hesitate to invoke this remedy where the orders of the court are demonstrably defied.

8.4 Need for Body-Worn Cameras

¹² *Opinion Nigeria: 'Upholding Court Ruling: Protecting Citizens' Right to Record Police on Duty, A Call to Action for the IGP and Police Service Commission'* by Daniel Nduka Okonkwo (March 20, 2026). Available at: <https://www.opinionnigeria.com/court-affirms-nigerians-right-to-record-police-on-duty-awards-n7m-damages/> Accessed on 21st March, 2026.

Commentators and civil liberties advocates have called on the Nigeria Police Force to introduce body-worn cameras and data-driven Early Intervention Systems as integral components of modern police accountability. Such technology not only protects citizens from abuse but also protects officers from false allegations. The court's ruling on transparency and identification provides the constitutional rationale for investing in such technology.

9. Critical Assessment

This judgment merits the highest praise on several grounds. Firstly, it is procedurally impeccable brought under the correct legal framework, grounded in clearly identified constitutional provisions, and supported by uncontroverted affidavit evidence. Moreover, it is jurisprudentially sound the court's interpretation of Section 39 to encompass the right to record is consistent with comparative constitutional law and the purposive approach to fundamental rights interpretation mandated by the Nigerian courts.

Furthermore, it is socially necessary. In a country where police impunity has been one of the defining grievances of the citizenry, a judgment that says 'you have the right to watch and record what is being done in your name and with your tax money' is profoundly important. It affirms the principle that in a democracy, the state serves the people not the other way around.

On the critical side, the absence of the police defendants from proceedings means the judgment was obtained without adversarial testing. A more contested case might have produced an even richer set of judicial reasoning on the limits of the right to record or the state's legitimate interests in operational secrecy in certain contexts. However, given the clear constitutional basis and the uncontroverted facts, the court's broad affirmation of the right is both justifiable and welcome.

It is also worth noting that this is a first-instance decision of the Federal High Court. While binding on parties, it will carry persuasive authority until upheld by the Court of Appeal or Supreme Court. One hopes that the Respondents will either comply voluntarily or, if they appeal, that a superior court seizes the opportunity to further develop this area of constitutional law in Nigeria.

10. Conclusion

The judgment in **Maxwell Nosakhare Uwaifo v. Inspector-General of Police & 3 Ors.**¹³ is a landmark ruling that advances Nigerian constitutional jurisprudence and the cause of civil liberties in a meaningful way. By declaring the right to record police officers in public a constitutionally protected act, and by striking down anonymous policing as unconstitutional, Justice Nganjiwa has crafted a decision that will outlast the individuals involved and shape the relationship between Nigerian citizens and their law enforcement institutions for years to come.

The judgment's full value, however, will only be realised if it is implemented. The Inspector-General of Police, the Police Service Commission, and the Attorney-General of the Federation must treat this not as a litigation loss but as an opportunity to bring policing in Nigeria into alignment with constitutional standards and global best practices. Citizens, on their part, should be aware of their rights, exercise them responsibly, and hold authorities accountable when those rights are infringed.

A copy of this judgment or at minimum the case name and case number should be known to every Nigerian who owns a mobile phone and may one day find themselves at a police checkpoint. It is, at its core, a reminder that the Constitution is not merely a document for lawyers and courts. It is a living instrument that belongs to every Nigerian citizen.

¹³ Suit No. FHC/WR/CS/87/2025.
