

“JUSTICE FOR SALE”: GOING UNDERCOVER TO EXPOSE CORRUPTION



with Journalists for Transparency member **Damilola Banjo**

Investigative journalists serve the public interest by uncovering stories that bad actors would prefer to keep hidden. Sometimes this means going undercover to secure footage that exposes these corrupt and criminal practices for all to see. However, this can entail bending the rules in ways that raise certain ethical questions.

Is the infraction justified by the public interest? Will innocent third parties be exposed to risk during the course of the investigation? How to avoid any perception of enticing the subjects of the investigation into a trap? Acclaimed investigative journalist and J4T member Damilola Banjo shares how she resolved these dilemmas during a high-impact undercover investigation into the corruption endemic to the Nigerian penal system.



INTRODUCTION

Since **Damilola Banjo** graduated with a degree in Communication and Language Arts from the University of Ibadan, her reporting on education, health and social justice has appeared across the major news platforms in Nigeria, exposing malfeasance and corruption in the Nigerian police force, judicial system and prison service, and winning her a string of accolades. In 2018, she was one of Transparency International’s top young journalists.

She has won a commendation from the Wole Soyinka Centre for Investigative Journalism, and was a runner up for the 2019 Thompson Foundation Young Journalist Award. She was shortlisted for the 2019 Fetisov Journalism Awards and was a finalist for the 2019 Kurt Schork Memorial Awards, and runner up in the AMDF 2019 Journalist of the Year competition, among others.

These commendations reflect the impact of Banjo’s reporting. Her 2019 expose on the notorious killings and kidnappings in Zamfara State reverberated throughout Nigeria, leading to a nationwide protest in demand of improved security in the region. In 2020, her investigative series ‘Justice for Sale’ blew open the lid on the endemic corruption of the Nigerian justice system. From the police who arrested ‘suspects’, to orderlies, prison wardens, prosecutors and magistrates, everyone elicited the payment of a ‘fine’ or ‘bail’ – and Banjo’s daring undercover investigation report laid these corrupt practices bare for all to see.

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CHALLENGES

The investigations behind ‘Justice for Sale’ began in 2018, when Banjo was working as a judicial correspondent for Sahara Reporters. In the course of covering the courts and crime beat in Lagos, Banjo attended media briefings in which the police would parade alleged criminals in front of the media, ostensibly to prove just how hard they had been working to fight crime.

She noticed that many of the suspects loudly protested their innocence, claiming to have been wrongfully accused. “No one knew what happened to these people after these notorious parades. Were they arraigned in court? Were they able to prove their innocence? But regardless of how their stories would end, the ugly truth was that they had been exposed on national television as thieves, cultists and armed robbers. I knew that was not right.”

Banjo reported the story in May 2018, but she soon realised that the malfeasance ran deeper than the human rights violations represented by the unlawful parades. Consequently, she resolved to document the full range of extortion, bribery and other forms of corruption taking place in the Nigerian justice system. There was only one way to achieve this: Banjo had to go undercover.

To this end, Banjo befriended a family of people who were trying to get a relative out of one of Nigeria’s most notorious police detention centres, where he was being held by the infamous State Anti-Cult Unit (SACU). “I met the incarcerated man on one of such occasions when I was covering suspects being paraded by the police. I spoke with him, got his family’s contact details and reached out to them.”

By embedding herself with the family when they visited their relative, she could record the goings on at the detention centre and bring these corrupt practices to light.

“I had undercover recording gadgets – a wristwatch, a key holder – and occasionally when I was able to sneak in my phone, I used the background camera discreetly.”

Banjo and the family were clear about her relationship with them and the reason she was with them. “I explained to them what I wanted to do and got their consent.”



ETHICAL QUESTIONS

By going undercover, Banjo had to resolve certain ethical dilemmas and run some risks. In the first instance, could she justify secretly recording people in a place that legally would be considered private and thus off limits?

“I asked myself whether it was in the interests of the public to do so. And do those interests outweigh the right to privacy. The answer was yes. There was no other way I could show the corruption in that police station and in the court without secretly recording them.”

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Another ethical dilemma was the question of enticement. Banjo wanted to be sure that she could by no means be construed as attempting to entice or coerce the officers concerned into making incriminating statements or actions. To this end, she made sure that all negotiations were done by the family and that she was there as a witness only.

“I did not have to do much. The officers were leading the conversation because it is their modus operandi. I had a cover story. The police thought I was a family member. I was also the one handling the money, so they interacted on that basis. The first time I went to the police station, I simply said I needed to see my uncle who was in their custody, and they started telling me all the illegal fees I had to pay before I was able to see him. It is the same way they dealt with all the suspects in their custody. The officer in charge demanded 150,000 nairas to grant my supposed uncle bail but we negotiated that to 70,000. I paid him the 70,000 before he released the man. I did not have to say much, they just kept demanding.”



MITIGATING RISKS

With regard to the risks of going undercover, Banjo explains, “I had to be careful not to blow my cover. But more importantly, I had to ensure that I was not in any way jeopardising the freedom of the man in custody in my search for a story.

Also, I was a woman reporting in a place filled with men. I had to find a way to fend off sexual advances from officers that I was interfacing with without making them hostile towards me. This presented quite a challenge,” she explains.

‘Justice for Sale’ was eventually published across all major online platforms in Nigeria, and the documentary Banjo put together from her undercover footage garnered thousands of views on YouTube. It appeared on Sahara Reporters, Premium Times, The Cable, ICIR, Ripples NG and others.

SACU was temporarily suspended and the indicted officers were investigated.

“When the report was published, the spokesperson of the police force in Lagos said an investigation was underway, but then Covid-19 happened and I don’t know what became of the investigation or if it was ever completed,” she says.

Banjo lived in fear of reprisal for a few months after the story broke, but fortunately did not suffer any attacks after the year-long investigation.

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TAKEOUTS

As Banjo's example demonstrates, it is justified for journalists to record private encounters with people in secret provided that it is in the interests of the public and serves the greater good of society. This is almost always the case when it comes to corrupt practices that impact negatively on human rights.

"The world cannot be a better place if we have uncontrolled human rights violations. Neither can we build any society without proper measures against corruption," Banjo comments.

That said, it is important for undercover journalists to investigate stories in an ethical manner without the journalist bringing undue pressure to bear on or enticing those being investigated in any way. Thanks to Banjo's cover story (that she was simply a relative of the detainee, albeit the one with money) the prison officers treated her in the same corrupt and self-incriminating fashion as any other petitioner.

This lack of vigilance contrasts sharply with the occasions Banjo visited the prison with colleagues who were conducting research for her while she was reporting the story.

"We went in three different times as an NGO looking to give pro bono services to the inmate and were searched for phones and recording devices. If any of the wardens recognised me as a journalist my cover would have blown but that did not happen."



DISCUSSION POINTS

- What knowledge, skills and resources does an undercover journalist need?
- How does one go about constructing a good cover story?
- In what circumstances would it be justifiable to secretly record private encounters?
- What risks can going undercover entail for innocent third parties and how can they be mitigated?
- How would you protect yourself while going undercover?
- How can female journalists keep themselves safe from sexual advances in a toxic environment dominated by males?

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ADDITIONAL RESOURCES

Global Investigative Journalism Network safety guide:

<https://gijn.org/safety-and-security-organizations/>

International Journalists Network webinar on undercover journalism:

<https://www.youtube.com/watch?v=2Z3dAB2Bo4Q>

UNESCO Global Casebook of Investigative Journalism:

<https://www.storybasedinquiry.com/casebook>

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