**“SPECIAL INVESTIGATIVE METHODS”**

**(Presentation by Barr. S. Charles Odenigbo, DA(TJI), FDM,FCie,ChMC, at the Editorial Workshop by Daily Trust Foundation in collaboration with Centre for Media Law & Development, held in Abuja on the 89th of April, 2019).**

1. **Introduction**

* ‘Is it ok for investigative journalists to behave like detectives, including working undercover and using techniques such as hidden microphones and cameras?
* It is worth remembering that whether working as IJ or detectives in the police, the scope of investigation and the rights of citizens been investigated are usually governed by legal framework.
* Journalism entails a high degree of public trust/Public interest.
* **S. 22 CFRN 1990**: Obligation of the Mass Media: The press, radio, tv and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the Government to the people.
* **What are these Fundamental Objectives and Directive Principles of State Policy? Sections 13-24 CFRN**
* 13 Fundamental obligation of the Government
* 14 The Government and the People
* 15 Political Objectives
* 16 Economic objectives
* 17 Social objectives
* 18 Educational objectives
* 19 Foreign Policy objectives
* 20 Environmental Objectives
* 21 Directive on Nigerian Culture
* 22 Mass Media Obligation (Fourth

Estate of the Realm)

* 23 National Ethics
* 24 Duties of Citizens
* **COEFNJ: Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information.**
* **Article 2(i)-(iii)**
* **Article 10 Access to information**
* **Article 11 Public Interest**
* **FOI Act 2011**
* **Law of Torts and others**
* **Defamation**
* **Matters Sub-judice/Court proceedings**
* **etc**

1. **Meaning of SIM**

Special investigative methods refer to the process by which a journalist gathers factual, accurate, balanced information for the purpose of fair reporting to earn public trust and confidence.

1. **Types of SIM**
2. **Undercover Reporting**
3. **Covert Recording**
4. **False Identities**
5. **Stealing Documents**
6. **Instances of Application**

**Interactive**

1. **When to use SIM**
2. Information of Overriding Public Interest
3. No other way of getting information
4. Gains of making the information public far

outweighs harm to individuals and

Organizations

1. Carefully planned investigation
2. Etc
3. **Some Legal Issues (Laws that Encourage or**

**Discourage SIM)**

1. Restrictions by the Constitution of the FRN

1990 (as amended)

1. S.37 (Privacy & Covert recording etc): The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected ,
2. S.39 Right to Freedom of Expression and the Press (Licensing and Restrictions/Prevention from Disclosure of information received in confidence, independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films)
3. FOIA 2011

* Right to information
* Denial

1. Official Secret Act
2. Protection of Confidentiality sources
3. Breach of Confidentiality
4. Breach of Privacy or data protection laws
5. Covert Recording
6. Cybercrime Act
7. Terrorism Act
8. Contempt of court
9. Defamation
10. Public order & trust
11. Code of Ethics for Nigerian Journalists

(National interest and Security)

1. **Conclusion**

* Always gather supporting evidence in case your story is challenged in court.
* Always double-check everything you do, from the information you gather to the way you write your final story.
* Always consult your lawyer if you have any worries about the legality of what you are doing or writing.
* Always protect confidential sources of information.
* According to “The News Manual”:

“You may live a country where the media are controlled and the government will not allow any real investigative reporting. You and your editor must decide whether or not you should take the risk of carrying out investigative journalism which the government will not like, and may punish you for. But journalists throughout the world have often had to make such decisions. Some have paid the price with imprisonment or death. You must decide in each case whether the issue is worth the risk”.

**THANK YOU FOR SHARING WITH ME!**

**S. CHARLES ODENIGBO.**

**charlesodenigbo@yahoo.com**