

Daily Star, January 15, 2017

Investigative journalism and the RTI Act



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A few years ago, a Mexican journalist learnt from a government press release that 47,515 people were murdered between 2006 and 2012 in the country, with victims and killers reportedly related exclusively to the drug trade.

But the journalist knew from her experience that the victims also included children and fellow journalists. Local police commanders told her that they did not investigate most shootings because the fight against organised crime was the duty of the federal government. Federal law enforcement in turn informed her that they did not always investigate those crimes, as homicide was not included in the federal law on organised crime. She decided to use Mexico's Freedom of Information (FOI) Act to find out.

First, she compiled data from available sources. She examined hundreds of press releases, searching for patterns and clues, as well as names, ages and other information on the victims. She discovered that most of the victims were young and had nothing to do with drugs.

To determine what percentage of the cases had led to arrest and conviction, the journalist filed a series of FOI requests with the judiciary and police. In addition to conviction rates, she wanted to know what the police did to solve murders.

After obtaining and analysing the information, the journalist concluded that nearly all cases had remained unsolved, and only two percent had been investigated. Subsequent reporting by the journalist and her colleagues revealed that much of the failure to investigate had been deliberate, designed by police and prosecutors working for the drug cartels. The story unveiled a national scandal.

Such is the power of the Right to Information (RTI) Act, as it is known in this country.

Through RTI, citizens today can access the whole gamut of information available with public offices – not just those we need from time to time, but also those that help us monitor the larger trends and use them as a tool to improve the world we live in.

Such an understanding of the RTI law is most important for journalists and others connected with the media. For they would not only pass on the knowledge to the wider public but also prove the efficacy and power of the law through its use in their profession. Unfortunately, in Bangladesh, this is yet to happen.

The interest of journalists in RTI waned soon after the adoption of the RTI Act 2009 in which they had played a supportive role. They soon found that obtaining information under the law takes more time than they can normally wait for, as it may take anywhere between 20 to 75 working days to complete the process.

Such a reaction of the law may be true in the context of the daily work of journalists which involve reporting breaking news. Their objective most often is simply to inform the people.

But journalists also engage in other kind of activities, including investigative reporting, where they must gather information through their own initiatives. They apply themselves in serious research over a period to do a report of this nature. The outcome often results in penetrating or exposing a situation which may lead to systemic change and reform. This is where the RTI law comes in handy.

Before RTI laws were enacted in most countries, the task of journalists in investigative journalism was often fraught with personal danger as it exposed them to dangerous situations or even confrontation with those who would be negatively affected by their reporting. RTI made it easier and, at least, less dangerous, as the information may be sought in writing.

RTI/FOI Acts may expose corruption. In the UK, Members of Parliament are entitled to reimbursement of expenses in maintaining two homes, one in their constituency and one in London. Three journalists applied to the House of Commons under the FOI Act for information about the expense claims of some MPs. They wanted access to full information, not just total amounts, with relevant documentation. The House of Commons authorities denied disclosure on grounds that it would breach the privacy rights of the MPs. On appeal, the FOI Tribunal and the High Court decided for the applicants.

As the authorities prepared to publish a substantial amount of information, it was leaked to the press. Four million separate individual items of information, including some embarrassing facts like the building of a duck house by an MP costing 1,645 British pounds, were made public. As a result: a number of ministers resigned; many exposed MPs decided not to seek re-election; the MP's expense system was reformed; criminal charges were brought against seven individuals; and there was severe damage to reputation of Parliament and to the public perception of politicians.

Investigative journalism uncovers systemic problems, too. Jerry Melton, an American veteran of the Iraq and Afghanistan war, was found pointing a loaded machine gun at fellow soldiers during an argument. After numerous misdiagnoses, drug treatments, and a stint in a secure psychiatric

hospital where he exhibited homicidal tendencies, he was remanded to civilian jail to await court-martial for the gun incident.

On learning this, Dave Philipps, an American journalist in Colorado, who was acquainted with the plight of troubled veterans, visited Melton in the jail. He returned with a feeling that Melton was just another soldier suffering from post-traumatic stress disorder (PTSD) and traumatic brain injuries. But doubts lingered in his mind. When he went back to see Melton, he found the veteran gone. Melton had voluntarily quit the military without facing charges.

The episode got Philipps thinking. He asked himself: “How many vets had quit the Army and lost their benefits in lieu of facing court-martial for fighting, alcohol abuse, insubordination, and other behaviours associated with PTSD and similar injuries?”

Philipps submitted a FOI Act request to the Army seeking data on GIs who were given so-called Chapter 10 discharges for misconduct. He soon received a set of spreadsheets from which he found out that there was a sharp increase in such discharges, with all veterans' benefits forfeited, particularly in relation to combat troops. “Were the troops that were burned out getting kicked out the back door?” he asked himself.

Armed with this information, Philipps interviewed discharged veterans coping with psychological distress, addiction, and anger management. Together with this and the FOI Act data, he was able to establish that “more than 76,000 soldiers have been kicked out of the Army since 2006. They end up in cities large and small across the country, in hospitals and homeless shelters, abandoned trailers and ratty apartments, working in gas fields and at the McDonald's counter.”

The result was the 2014 Pulitzer Prize-winning 'Other than Honorable' series about the Army discharging, without veteran's benefits, traumatised and injured soldiers for misconduct.

Closer to home, an Indian journalist, Shyamlal Yadav, sent RTI applications to the Prime Minister's Office, Cabinet Secretariat and 50 other ministries and received details about foreign travel by the ministers. He put the data in Excel sheets and calculated the total distance. It showed that the ministers travelled the distance equivalent to 256 round trips of the globe. The impact was that Prime Minister Manmohan Singh wrote to ministers asking them "to severely curtail expenditure on air travel, particularly foreign travel, except in cases where it is deemed to be absolutely necessary. This economy may be made applicable immediately for your own self and for all senior functionaries in your ministry.”

It is hoped that the above stories would encourage our journalists to make similar use of RTI in their efforts to unearth and shed light on the activities of our public bodies. They would do a great service to the nation if they do so and publicise their findings widely. There could be no better way to make the power and benefits of RTI known to a larger audience.

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