

Investigative journalism and the RTI Act

SHAMSUL BARI and RUHI NAZ

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.

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

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

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, Shyamal 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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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.

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

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

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

Why institutions are so important for growth



BIRU PAKSHA PAUL

IN 1900, Argentina looked like a promising country with respectable growth. It was queueing to be an industrialised country like many other western European nations. However, financial markets, the legal system, stock exchange, and the central bank were not ready with up-to-date regulations and, more importantly, their enforcement. Argentina turned out to be unfortunate for not being able to keep the pace of other European nations which had better institutions in place. Argentina's per capita income is now USD 14,000, far below the mark of USD 40,000 which it should have enjoyed right now like its other comparable European peers.

enforcement, must be ahead of African standards. Abidjan, its economic capital, is slightly less congested than Dhaka, reflecting a failure of street discipline. After independence in 1960, Ivory Coast (Côte d'Ivoire) grew almost at 10 percent for the first 20 years – the highest of Africa's non-oil exporting countries. But average growth since the early 1980s until now has remained in the doldrums of 2 percent or so.

A once growth champion can thus turn into a case of growth disaster, alerting us that growth may cascade down like spring water anytime if the society fails to build adequate institutions. There are many stories in the world to remind us that we should fix our institutions at a faster pace to keep our growth going. Otherwise, challenges, as faced by countries like Argentina, Mexico, or Ivory Coast won't be a surprise. It is imperative to clarify first what the term 'institutions' means.

The term, 'institutions,' has different meanings in different disciplines. But when we speak of it in relation to growth, we usually refer to the definition of institutional economics. Although 'institutions' and 'organisations' may appear the same, in reality they aren't. Institutions are a set of consistent rules that shape the behaviour of organisations and

individuals in a society. They can be formal, such as constitutions, laws, regulations, contracts, and procedures. Norms, values, and traditions are informal institutions. Since values, traditions, and laws are often interwoven, institutions give us a much bigger width and depth than a simple set or rules.

There are four key sectors such as finance, education, justice, and public administration, where institutions play the most effective role in promoting growth in a society. If a rule is broken, it's often both an institutional and organisational failure. Dhaka is a thriving city representing 35 percent of the country's GDP. Different studies state that Dhaka's mobility impediments owing to traffic congestion are taking a toll of USD 1 to 3 billion from the nation's potential income. Thus, we are losing almost 1 percentage point of growth each year. This is partly an infrastructural constraint and heavily an institutional problem, because rules aren't there. Laws aren't enforced even if they are there. Defective institutions are in place. A recent report by Brac's Institute of Governance and Development states that 40 percent of Dhaka's traffic jam can be removed without any engineering effort, but by enforcing

street laws. Opening an organisation isn't enough to ensure proper institutions – just like opening the Board of Investment didn't guarantee enough comfort for foreigners to jump into Bangladesh. The newly formed Bangladesh Investment Development Authority (BIDA) has taken a different approach. It is examining why Bangladesh's position in the ease of doing business is so poor - 176 out of 190 countries. The target BIDA has taken is to bring down the number to at least 99. Here the authority is directly addressing the institutional problems that are actually preventing foreigners to flow in. And that is how a nation can build institutions.

The medicines of growth economics, as suggested in textbooks are not new, but they don't work without institutions. Imagine a case where a patient with physical injuries approaches two different physicians separately. Doctor A prescribes antibiotics and pain relievers. Doctor B emphasises on therapy but prescribes lesser antibiotics and pain pills. Who is better is hard to say, but Doctor B appears to have kept the patient's less medicated recovery and therefore long-term welfare in mind. Institutions provide long-term sustainability of

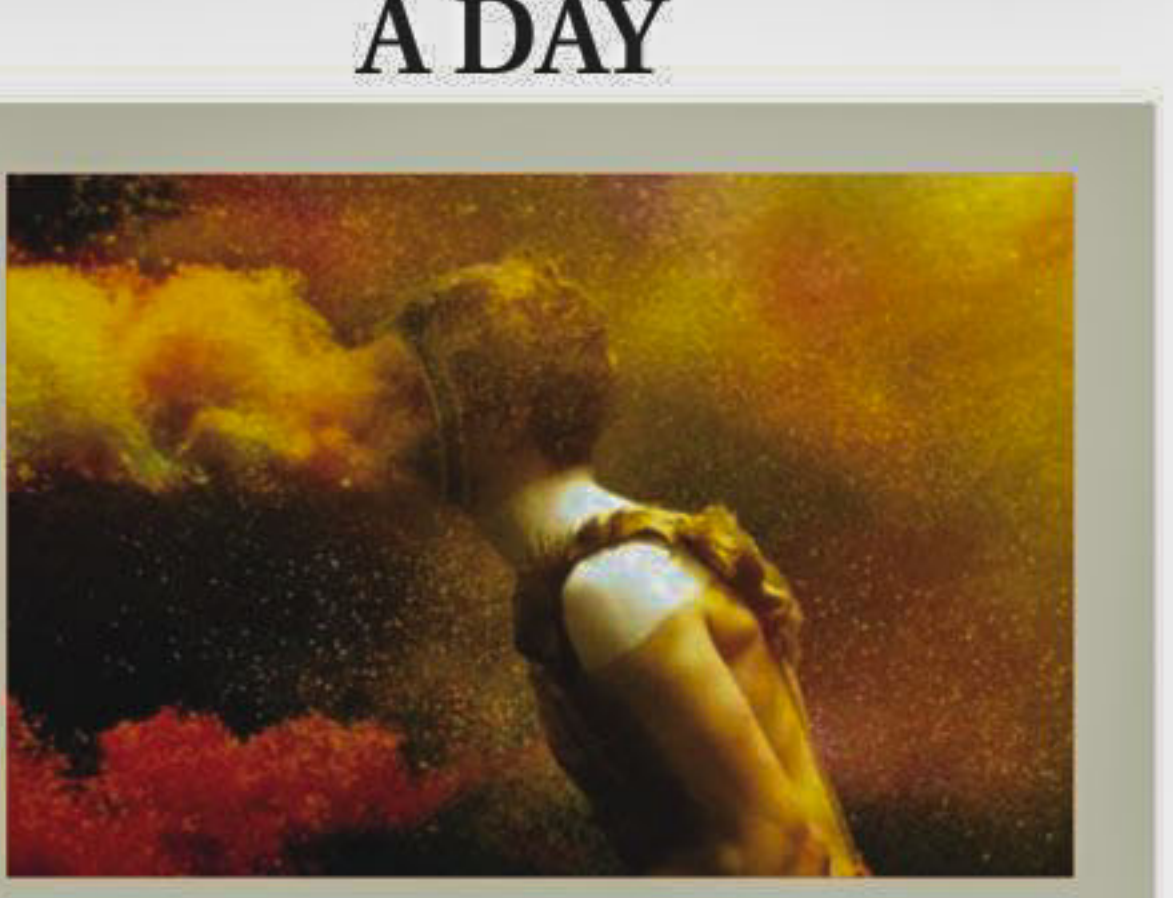
growth to a nation. Otherwise, growth gets out of steam at some point. When there is no good rule to drive in the street, there is a legal gap. But when the law is there without any regard from the public, there is an enforcement gap. These two gaps must be filled before defining institutions. When we see vehicles of some powerful officials being driven on the wrong side of the road, it sends a signal to many that institutions are not in place. Institutions mean laws not in books but in real action.

Bangladesh has investment opportunities as well as a bundle of fiscal and monetary policies which are, at least in theory, no less accommodative than those in Vietnam. Then why is Vietnam attracting FDI equivalent to 5 percent of its GDP while ours is less than 1 percent? Simply put, institutions in Bangladesh are not as well-prepared and accessible as they are in Vietnam. It's high time to look at improving institutions for Bangladesh just to make sure that we want to maintain this growth momentum. Bangladesh can't afford the similar fate of growth as experienced by Ivory Coast, Mexico, or Argentina.

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A WORD A DAY

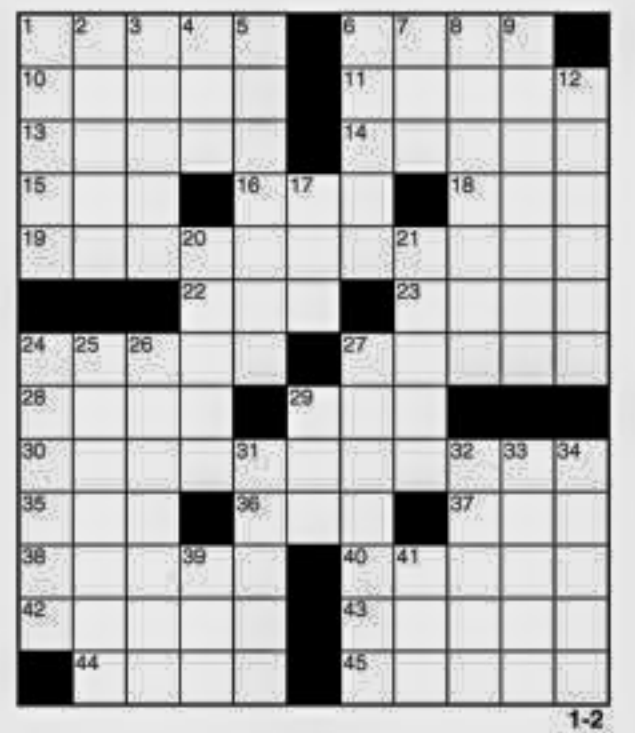


SOLIPSISM

noun
The view or theory that the self is all that can be known to exist.

CROSSWORD BY THOMAS JOSEPH

- ACROSS
1 Frighten
6 Vagrants
10 "Death of a Salesman" salesman
11 Leaves out
13 "The Tempest" sprite
14 Incurred, as debt
15 Old horse
16 Rink surface
18 Groom's answer
19 Explains away
22 Ocean between Eur. and Amer.
23 Talk crazily
24 Locks up
27 Layout choices
28 Land unit
29 Make illegal
30 Bridges
35 -- -Tiki
36 Parrot or puppy
37 Boxing's "Greatest"
38 Battery end
40 Lawyer's jobs
42 Song line
43 Smart -- (wise guy)
- 44 Timid
45 Takes a break
- DOWN
1 Informal language
2 Reef material
3 Baja buddy
4 "Norma --"
5 Signs up
6 Uses a drill
7 Thurman of "Kill Bill"
8 SUV's cousin
9 Pupul
12 Newspaper section
17 Animation frame
20 Store events
21 Maine college town
24 Wolf's cousin
25 NASA or NATO
26 Smelter's need
27 Racer, for example
29 Pollen collector
31 Tiny dot
32 Bud holders
33 Put in office
34 Hazards
39 Game cube
41 Pub brew



YESTERDAY'S ANSWER

R A S T I O L I M B
C A T I O N D O R S
A P O R T T A R O T
C O N S E N T A G E
E T C B E A M S U P
S E E S A W U S E S
E G Y P T
S C A N E A T E R S
C O L D W A R M A A
A M P I R O N I N G
R E I G N L A N G E
F I N E D L E E S
N E T S D A M S

BEETLE BAILEY by Mort Walker



BABY BLUES by Kirkman & Scott

