

# HOW TO MAKE PARLIAMENTARY INQUIRIES SUCCESSFUL?

A look at the Audio Recordings Affair Parliamentary Inquiry two years on



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## ABSTRACT

The Inquiry Committee on the Audio Recordings Affair<sup>1</sup> comprised 12 members, held 12 sessions, and 'interrogated' 17 officials of the ruling Democratic Party of Socialists (DPS). In relation to this parliamentary inquiry, as with the previous one, three groups of problems arose during the three phases of inquiry (launching the inquiry, inquiry development, and adoption of conclusions). Additionally, this inquiry lowered the previously adopted transparency standards in the work of the Parliament and it failed to publish relevant information about the Inquiry Committee's work.

There were two important opportunities to give more power to this Parliamentary Inquiry. The first one was strong public pressure, which could have forced the government to take the necessary next step of politically punishing their officials who gave compromising statements and comments on DPS practices related to securing citizen support. The second one was to establish, under public pressure, a majority from the nine members of the Inquiry Committee who were not DPS members and who would adopt a Report pronouncing political responsibility of persons involved with the affair. Since neither produced desired outcomes, the Inquiry produced no results, i.e. it only adopted a Technical Report.

Given that in February and March 2014 two new initiatives for parliamentary inquiry were announced,<sup>2</sup> it is necessary first to form a parliamentary working group for improving the Law on the Parliamentary Inquiry so as to prevent repetition of previous problems. First and foremost, what is needed is prescribing punishment for failure to submit information to the Inquiry Committee and for false statements at the Committee, and then it is necessary to prescribe mandatory submission of responses to individual requests by Committee members.

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1 Background: The Audio Recordings Affair is related to the publication of transcripts of audio recordings from the session of the DPS Council held on 30 June 2012, where the party discussed the strategy for the forthcoming parliamentary elections scheduled for October 2012. The transcripts and recordings were published by the Dan daily newspaper on 15 February 2013. The party meeting gave guidelines on how to 'attract' voters in various ways, and especially by offering jobs and favourable loans. Dan also published transcripts and recording from other sessions of the DPS party bodies, where party officials may be heard talking openly about party-backed employment, (illegal) provision of loans, social aid distribution, changing and tampering with the entries in the voters' list, etc. All audio recordings are available at Dan's website [www.dan.co.me](http://www.dan.co.me) and their Facebook page.

2 One of which (related to the sale of the tobacco factory Duvanski Kombinats) is currently in the parliamentary procedure.

## INTRODUCTION

During the last decade of parliamentarism, or more precisely since 2002, two parliamentary inquiries have taken place in Montenegro: on the Telekom Affair<sup>3</sup> in 2012 and on the Audio Recordings Affair<sup>4</sup> in 2013. However, they have not fully met the expectations, as they failed to meet their primary objective – ascertaining the facts on what had happened. In both cases, the two parliamentary sides (the parliamentary majority and the opposition) remained at their initial positions and claims. This means that the members of the Inquiry Committee were unable to reach minimal agreement on the issues, which resulted in both inquiries adopting just technical reports. For this reason, the public had received no objective information from the inquiries on the affairs that have caused great uproar.

On 31 March 2013, the Parliament of Montenegro passed a Decision on establishing the Inquiry Committee for gathering information and facts about the “indications that members of the Democratic Party of Socialists (DPS) may have at their party sessions planned, developed, and agreed on activities in electoral processes causing suspicion that they have misused state institutions, administration bodies, agencies, public companies, the budget and public funds, IPA funds, and EIB funds.”<sup>5</sup> The inquiry was initiated by the parliamentary opposition following encouragement by EU officials’ statements, including the European Commission’s Enlargement Commissioner.<sup>6</sup>

This inquiry has confirmed some of the implementation problems faced by the previous inquiry, and has also highlighted some new problems. Bearing in mind that parliamentary oversight of the work of the Government, state organs, and institutions is of great importance for improving their work’s legality and accountability, the Institute Alternative (IA) has prepared this analysis with the support of the Open Society Foundation (TTF), as a continuation of our long-standing interest in the Parliament’s control mechanisms.<sup>7</sup>

The topic’s timeliness:

The issue of improving the implementation of parliamentary inquiries was reopened additionally in April 2015 by the Parliamentary Committee on Stabilisation and Association (POSP),<sup>8</sup> which has stated the following in its Declaration and Recommendations to the Stabilisation and Association Council and institutions in Montenegro and the European Union: “Encourages parliamentary stakeholders to improve the Law on Parliamentary Inquiry.”

To be able to give an objective overview of the Inquiry Committee’s work, IA researchers have directly monitored the Committee’s work by attending the sessions open to the public. The aim of our research was to make a contribution towards more successful future parliamentary inquiries, and consequently better work of state authorities. We researched and analysed the obstacles faced by the Inquiry Committee on the Audio Recordings Affair in collecting data, the circumstances that have affected its work in a negative way, missed opportunities for a better approach, and opportunities for the Parliament to improve this control mechanism.

3 Full name: Inquiry Committee for Finding Information and Facts on Corruption Practices in the Privatisation of the Telekom of Montenegro.

4 Full name: Inquiry Committee for Finding Information and Facts on Events Related to the Work of State Authorities Regarding the Publication of Audio Recordings and Transcripts from the Sessions of the Organs and Bodies of the Democratic Party of Socialists.

5 Article 1 of the Decision on Launching the Parliamentary Inquiry. Decision (in local language) available at: [http://www.skupstina.me/~skupcpg/skupstina/cms/site\\_data/DOC25/ZAKONI%20I%20IZVJESTAJI/187/187\\_0.PDF](http://www.skupstina.me/~skupcpg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVJESTAJI/187/187_0.PDF)

6 Štefan Füle said on the occasion that the abuse of state resources for political purposes must be investigated fully and that the parliamentary inquiry is an important step in increasing parliamentary control and strengthening citizen trust in democratic institutions and processes. His statement is available at (in the local language): <http://www.vijesti.me/vijesti/file-ocekuje-punu-istragu-o-aferi-snimak-116033>

7 Previous ones available at: <http://institut-alternativa.org/publikacije/>

8 In accordance with Article 3 of the Rules of Procedure and Article 125 of the Stabilisation and Association Agreement between the EU and Montenegro. Recommendation given at the 10th meeting held on 8 and 9 April 2015 in Budva.

## I LAUNCHING PARLIAMENTARY INQUIRY AND SETTING OBJECTIVES

The constitutional requirement for initiating a parliamentary inquiry is unreasonably high (motion by 27 MPs), whereas an overall majority (41 MPs) is required to confirm the launch an inquiry, which are some of the reasons why this control mechanism is not employed more often. Having in mind the complexity of Montenegro's transition and the numerous affairs and controversies shaking the public scene, it would be worthwhile to simplify the process of initiating and implementing this mechanism so that many open issues of public interest would benefit from an institutional and systemic fact-based response.

Moreover, defining the scope of work of the Inquiry Committee proved to be very challenging. The task of the Audio Recordings Affair Committee was to "ascertain the state of facts," on the basis of which it would potentially be possible to note political responsibility of the involved dignitaries and officials, in accordance with the Law on the Parliamentary Inquiry.<sup>9</sup> The Decision on establishing the Committee, however, did not specify in detail what issues the Committee is supposed and able to give an answer to objectively or which particulars it should clarify. Additionally, it did not anticipate possible outcomes and developments of the inquiry, especially in light of the parallel prosecution inquiries on the same matter.

In defining the subject-matter of the Committee's work, it should be borne in mind that the inquiry instruments available to the Committee are very modest – requests to submit documents for insight, and asking for statements of current or former civil service employees. Unlike the parliamentary inquiry, state prosecutors may use such tools as expert opinions, forensic evidence, secret surveillance measures, confiscation of documents and cases, etc., which makes it easier for them to highlight criminal acts.

Because it was set in such a way and because of its topic – it was based on controversial statements by party dignitaries at the meeting of the principal committee of the party for the capital city – the work of the Inquiry Committee on the Audio Recordings Affair was largely dependent on the outcome of hearings, i.e. 'confessions' or 'non-confessions' of wrongdoing by the participants and the interpretation of the facts they were presented with. Given that all dignitaries have, as was expected, denied that their recorded statements confirmed any misuse of state funds or that pressure was exerted on citizens with the view to ensuring an election result – the opposition, which did not have a decision-making majority at the Committee, was brought to a dead end street of playing the 'my word against yours' game.

**A statement from the Audio Recordings Affair:**  
"Through these projects we will aim to employ exclusively our people, DPS members. One employee; that is four votes. If we manage to get our man a job, we took one vote from them and made an increase for us."

### Opportunity missed for added value?

On the other hand, other than ascertaining political responsibility, this kind of parliamentary inquiry could have served the purpose of offering a systemic analysis of the possible abuse of public resources for gaining benefits and privileges in the election process, on the basis of the concrete examples heard at the recordings. In this sense, the work of the Inquiry Committee was closely related to the work of the Working Group for Building Trust in the Election Process,<sup>10</sup> which was active at the same time, and in this way the Committee could have in part justified the lack of results in meeting its objective. Unfortunately, the Technical Report that was adopted contains no legal or institutional recommendations for reducing the possibilities for misuse.<sup>11</sup>

9 "The Inquiry Committee, following the completion of the task entrusted to it, submits to the Parliament a report that may contain a proposal for determining political responsibility of carriers of public functions or an undertaking of other actions within the Parliament's remits, i.e. proposals of measures which, in the view of the Inquiry Committee, the Parliament should undertake in accordance with the Constitution and the law." – Article 9, para 1, Law on the Parliamentary Inquiry, IA's translation.

10 The Working Group was established through Parliamentary Conclusions on building trust in the electoral process, which may be found at: [http://www.skupstina.me/~skupcg/skupstina/cms/site\\_data/DOC25/ZAKONI%20I%20I%20VJESTAJI/183/183\\_10.PDF](http://www.skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20I%20VJESTAJI/183/183_10.PDF)

11 The Technical Report is available at: [http://www.skupstina.me/~skupcg/skupstina/cms/site\\_data/DOC25/OSTALI%20AKTI/257\\_0.PDF](http://www.skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/OSTALI%20AKTI/257_0.PDF)

## The level of political responsibility “evidence” – Actions or values?

The nature of the our political and institutional systems’ problems highlighted by the Audio Recordings Affairs, and the political responsibility dimension of this issue were best described by the then-Ambassador of Germany, Pius Fischer:

*“Even if none of these activities had ever been put to practice, these discussions still speak of the mentality and the way of thinking that is contrary to our understanding of the rule of law. (...) If it was at all discussed to use public resources for party-political purposes, than that is a violation of the basic principles and even of the rule of law. (...) I believe it is time for the parties in power and opposition to re-launch a dialogue and find a solution, as we cannot go on like this. We faced these problems during parliamentary and presidential elections, and now the story continues at the municipality level.”<sup>12</sup>*

## II THE MODEL OF SETTING UP THE INQUIRY COMMITTEE

The ‘balance of power’ at the Inquiry Committee was one of the key issues for the Committee’s work, as an imbalance in favour of either the majority or the opposition would jeopardise the functioning and objectivity of the Committee. In that regard, the Decision on establishing the Committee prescribed that six members would come from the parliamentary majority and six from the opposition. Such a division meant there was always a ‘fear’ of obstructions in the work of the Committee due to the lack of a decision-making majority. But on the other hand, having in mind certain heterogeneity of the two groups, there was a possibility of ‘overruling’ each other on certain issues – but it was used by and large for the technical ones. For example, the vote of an SDP representative supported the proposal of the Committee Chairman to adopt a Decision on hiring an advisor.<sup>13</sup>

Inquiry Committee	
Parliamentary majority:	Parliamentary minority:
DPS 3	-
SDP 1	DF 3
BS 1	SNP 2
ALB-HGI-LP 1	Positive Montenegro 1
= 6	= 6

## III DECIDING ON INVITING INDIVIDUALS TO HEARINGS

The adoption of the Decision on inviting individuals to hearings was the first major step after the inquiry had been launched, and in this part the opposition was entirely reliant on the majority. Namely, given that this issue has not been defined precisely by the Law on the Parliamentary Inquiry, there was a realistic risk for the opposition proposals on whom to interrogate would not be supported, which would make further activity impossible.

At its first session, the Inquiry Committee<sup>14</sup> received three lists of hearing proposals prepared by the Inquiry Committee Chairman, Koča Pavlović (DF), Committee Member Azra Jasavić (PCG) and Committee Member Obrad Mišo Stanišić (DPS). After a shorter discussion, the list was completed and the members voted unanimously to interrogate 15 state officials<sup>15</sup> members of the DPS Main Board.

The Inquiry Committee did not uphold the motion of the Chairman to hold hearings for Duško Marković, Nada Martinović, and Boro Vučinić on the topic of the so-called “Sure Vote” programme, and the DPS representative in turn ‘withdrew’ his motion to invite persons allegedly involved in alleged misuse in Herceg Novi, for which the majority was accusing the opposition. At its 9<sup>th</sup> session held on 11 July 2013, the Committee did not uphold the Chairman’s motion to invite three more persons (Juso Ajanović, Milivoje Tomčić, and Milutin Simović), or the motion of Azra Jasavić to invite

<sup>12</sup> Statement to TV Vijesti, available at: <http://www.cdm.me/politika/fiser-nezadovoljni-smo-odgovorom-institucija-na-afere-snimak>

<sup>13</sup> Pursuant to Article 17, para 2, Law on the Parliamentary Inquiry.

<sup>14</sup> Minutes from the 1st session of the Inquiry Committee, held on 11 June 2013.

<sup>15</sup> Zoran Jelić, Zoran Vukčević, Vukica Jelić, Daliborka Pejović, Igor Lukšić, Suad Numanović, Dejan Medojević, Zoran Bošnjak, Budimir Dabetić, Jovan Martinović, Branimir Gvozdenović, Tarzan Milošević, Boro Lazović, Slavoljub Stijepović, and Milo Đukanović.

six more individuals (Aleksandar Bogdanović, Milutin Vukić, Slobodan Borozan, Vesna Miranović, Rajko Mijušković, Borislav Pravilović), whereas the same session supported the motion of Mićo Orlandić to add more people to the initial list of persons to be invited to talk to the Committee, in accordance with the Law on the Parliamentary Inquiry:<sup>16</sup> Miomir Mugoša, Podgorica Mayor, and Vladan Vučelić, President of the Municipality Board of DPS in Podgorica<sup>17</sup> in relation to the “employment of 106 females at *Rokšped*’s kiosks just prior to the elections, as well as a number of young people for seasonal jobs.”

## IV THE PARLIAMENTARY INQUIRY PROCESS

### Data gathering

The critical question for the process of Parliamentary Inquiry is data gathering, followed by data interpretation. In order to ensure the task of the Committee is met in the best possible manner, no limitations should be put on data gathering. However, in practice, a problem arose as to the interpretation of the law regarding the initiative for requesting data submission, i.e. whether this right pertains to the Committee or to Committee members.

Namely, at its 4<sup>th</sup> session the Committee did not “verify the data submission requests by Chairman of the Committee Koča Pavlović, which he sent to 105 institutions and addressed them as Inquiry Committee requests” (voting: 6 in favour, 6 against). The Deputy Committee Chairman from DPS, Milutin Simović, was of the opinion that a procedural error was made by the Chairman, whereby he submitted requests without the prior knowledge of the Committee.

However, in reality, such verification is not mandatory. The legal framework poses no limitations for MPs whatsoever, and the members of the Committee especially (who are entitled to require insight into confidential data without obtaining a special permit), for addressing requests to institutions to submit data. This right is given to them by the Law on the Free Access to Information, and the Rules of Procedure of the Parliament. An upside of verifying all individual MPs’ requests could be in ensuring all members of the Inquiry Committee have full insight into whatever other members of the Committee have expressed their interest in, which in turn would allow all members to possess the same information and jointly reach objective conclusions on the same matter.

*As many as 50 institutions failed to submit requested data.*

At its 8<sup>th</sup> session, the Inquiry Committee ‘collectively’ submitted seven additional requests to the Interior Ministry and six to MONSTAT, and to social care centres in Podgorica, Bar, Bijelo Polje, Berane, Cetinje, Rožaje, Nikšić, and Pljevlja to submit data pursuant to Article 12 of the Law on the Parliamentary Inquiry.

However, data collection was not documented properly. Even though it is noted that the requests were submitted at the 8<sup>th</sup> session, the Technical Report does not mention which state institutions submitted data and which did not, what the quality of their responses was, and also whether the responses have contributed to solving any of the issues – even though this was the primary objective for setting up the Inquiry Committee. The media reported that as many as 50 institutions failed to submit the requested data.<sup>18</sup>

16 Article 13: “Managers, civil servants, and state employees in state administration organs, local government organs and institutions, legal persons, former carriers of official functions in the executive and the judiciary branch (the Prime Minister, the Speaker of the Parliament, minister, MP), former or active local government functionaries, are obliged to respond to the Inquiry Committee’s call and to give statements and respond to questions by Committee members on the facts known to them in relation to the subject-matter of the Parliamentary Inquiry, as well as to submit relevant documents they possess. Persons mentioned in para 1 of this Article are obliged to provide truthful statements to issues asked from them by the Inquiry Committee,” IA’s translation.

17 Minutes from the 9<sup>th</sup> session of the Inquiry Committee, held on 11 July 2013.

18 Antena M, “Radulović: Suing MONSTAT is our priority,” 22 June 2014, available at: <http://antenam.net/web/index.php/drustvo/7079-radulovic-tuzba-protiv-monstat-a-nam-je-prioritet>

## Issues with MONSTAT and the court proceedings

Chairman of the Committee Koča Pavlović asked the Statistics Office (MONSTAT) to submit to him during the Inquiry the names, unique personal numbers, and addresses of all citizens of Montenegro, as well as other data gathered during the 2011 census. MONSTAT refused to submit their entire electronic database from the census, since, according to their interpretation, the names of citizens are protected by the Law on Official Statistics and the System of Official Statistics, as well as the Law on Census. Instead, they submitted 'aggregated data sorted according to all the required markers, but without the possibility of identifying individuals from the submitted data,'<sup>19</sup> expressing the view that these are extremely sensitive data susceptible to misuse.

Since then, there have been three court proceedings (the third one is currently on-going), and MONSTAT has failed to adhere to the decisions of the Administration Court, which has overruled MONSTAT's decision refusing access to the data.<sup>20</sup>

Given that MPs have the right and the obligation to control the work of the Government and that consequently they cannot suffer any limitations in accessing data – this situation should have been overcome by submitting the requested data, at the same time ensuring proper implementation of all protection measures and requirements for handling sensitive and confidential data.

## The hearings

This analysis has no intention of discussing the crux of Inquiry Committee discussions, nor does it intend to assess the quality of the arguments and discussions, but only to assess whether any qualitative, procedural, or other problems arose as regards this and any future inquiries. With this in mind, during the inquiry into the Audio Recordings Affair we noted no technical obstacles during hearings, such as e.g. denying the right to speak, suppressing discussion, closing the sessions to the public, etc.

However, when it comes to the statements given to the Inquiry Committee, there was a potential problem of false statements, which, given that the Law on the Parliamentary Inquiry prescribes no punishments, potentially may lead to a defeated purpose of the hearings and cause damage to the reputation of the Parliament. If by any chance new evidence would turn up that would contradict the statements given to the Inquiry Committee, there are no institutional mechanisms that would ensure automatic reaction to such new developments.

In practice, it has been shown that, due to a flawed legal framework, individuals giving statements to the Inquiry Committee have too much space to express their own views, opinions, and impressions, which are, in their nature, relative, subjective, and not necessarily based on facts, which may bring into question all further inquiries and prevent the Inquiry Committees from solving issues.

*Fundamental obstacle  
for all Parliamentary  
inquiries:  
No punishments for  
false statements.*

When it comes to the themes of the hearing sessions, all took similar turns and their main characteristic has been divergence in interpretation of given statements, i.e. completely opposing views of the ruling majority and the opposition on the same issues.

19 MONSTAT granted access to e-databases from the census to the Inquiry Committee, but without names, when the Committee has first requested it in June 2013, through a written communication no. 01-1970/2 on a CD.

20 Dan, "Branislav Radulović warns Statistics Office that it must submit census data to MPs," available at: <http://www.dan.co.me/?nivo=3&rubrika=Politika&datum=2014-02-10&clanak=419584>



## A look at a hearing – the Rashomon effect

The first two MPs invited by the Inquiry Committee on the Audio Recordings Affair were Zoran Jelić and Zoran Vukčević from DPS. The key requests for them were to clarify their statements on the audio-recordings and transcripts from their speeches at DPS meetings. Following the accusations from the opposition on potential abuse, violation of the law, and discrimination, the two DPS officials denied allegations of misuse of state resources for election purposes, they denied any party-related employment practices, and they denied that their statements at party sessions have produced any negative outcomes. In their words, there was no employment of “our own or their own” people, but of all citizens regardless of political affiliation. “It’s not the party who employs people, nor is it the Employment Agency, it is the employers,” Mr Jelić has said.

Throughout the inquiry, all DPS officials, including party Chairman and Montenegro’ Prime Minister Milo Đukanović, denied the accusations of abusing state resources for party purposes, expressing views such as that the party “has fought a fair battle in accordance with the law in the 2012 parliamentary election.”

## V OUTSIDE INFLUENCE ON THE PARLIAMENTARY INQUIRY

### The public opinion as an influencing factor in deciding on political responsibility

Public opinion reactions to the facts found in the Parliamentary Inquiry are an important mechanism of outside influence on the Parliamentary Inquiry. And this is especially the case in instances when the parliamentary majority refuses to recognise its officials’ responsibility on the basis of the facts found by the Inquiry Committee. Namely, unlike the judicial system where several participants are involved in the issue – the prosecution, the defence, and the court – and this third participant, the court, decides in an unbiased manner, there are just two sides in the Parliament, the parliamentary majority and the opposition, and therefore the outcome of the parliamentary inquiry rests on joint political conclusions based on the gathered data and hearings. Political conclusions, however, due to their nature, very often depend on the public opinion. However, in Montenegro’s context of an underdeveloped political culture and a society too used to affairs, not even facing explicit proof of responsibility is always sufficient to force officials to take political responsibility for their actions.

Given that the members of the Inquiry Committee get remuneration for working at the Committee,<sup>21</sup> they have an obligation to put significant effort and hard work into making serious attempts to reach joint conclusions, and not remain pinned to initial positions. If this continues being the case, all future inquiries will also produce no results.

The professed interest of the political majority (or part thereof) to reach political agreement is in practice nothing more than a desire for self-preservation in the positions of power shaken by the public pressure to ascertain responsibility on the matter, whereas the opposition found its interest in the issue by taking the opportunity given by the Parliamentary Inquiry to improve its public ratings by pointing out errors and misdoings of the government.

The potential of this rare and specific situation of DPS having just three MPs in the Committee out of a total of 12 was not well used, as the odds in the voting process could have been swayed only in the case of the Inquiry being under strong public pressure. However, the pressure put by the opposition, media, and international officials was insufficient to reach the desired effects.

<sup>21</sup> For their work in the Committee the members earned EUR 1.000 a month each. Source: MINA News Agency, Request to the Parliament of 09 March 2013, available at: <http://portalanalitika.me/clanak/113775/clanovima-anketnog-odbora-po-hiljadu-eura-nadoknade>

## The Prosecution's inquiry into the Audio Recordings Affair

The very nature of the Audio Recordings Affair is such that the only proper response to it is a serious, professional inquiry by the Prosecution, given that alleged abuses of office primarily fall under the category of criminal liability. At the time the Parliamentary Inquiry was launched, 92 criminal charges have been submitted against 116 individuals. At the 2<sup>nd</sup> session, held on 14 June, an information meeting was held with Veselin Vučković, who was then the acting Supreme State Prosecutor, with the purpose of informing the Inquiry Committee about the Prosecution's findings.

*Of the  
116 suspected, only 2  
found guilty*

The outcome of the investigation activities and all the available checks were only several lower-level charges, mainly in the local administration in Pljevlja, where two persons –Juso Ajanović, Director of the Pljevlja Social Care Centre, and Ermin Nuhanović, an employee of the Centre – were sentenced to six months prison for abusing office in granting aid in October 2012.<sup>22</sup>

## VI TRANSPARENCY OF THE INQUIRY COMMITTEE'S WORK

All sessions of the Inquiry Committee were open to the public. The majority vote unexpectedly rejected the proposal of the Chairman for a live video feed and audio recording of the sessions, which is standard practice for all other committees, where audio recordings are an integral parts of the session minutes. Another proposal that was refused was to install a banner on the Parliament's website leading to all the full recordings and other materials and information related to the Committee's work, and this was done because the majority was of the opinion that the public nature of their work 'has been duly ensured by media presence.' The Parliament has still not published the recordings from the sessions, nor any other information pertaining to the Committee's work, even though this kind of documents are regularly published for all other parliamentary bodies.

*The Parliament's  
expenses for copying  
documents on Inquiry  
Committee's work:*

*EUR 557.10*

Moreover, the Parliament has requested the Institute Alternative to pay EUR 557.10 in order to receive the copies of the documents pertaining to the work of the Committee, in accordance with the Law on the Free Access to Information,<sup>23</sup> which means that in practice the primary sources of an inquiry into an affair on the alleged misuse of public resources are unavailable to the majority of Montenegro's citizens.

## THE END OF THE PARLIAMENTARY INQUIRY

After the expiration of the set 45-day deadline the Inquiry Committee has had to investigate the Audio Recordings Affair, MPs started preparing the report on the Inquiry's findings, which afterwards is being submitted to the Parliament for adoption through a set procedure. The Committee has received three versions of the findings, which were prepared by DPS, SDP, and DF, respectively. None of the reports was voted in by a majority of Committee members, which led to the Committee adopting the Technical Report.

22 Vijesti, "Sentences altered, Recordings Affair convicts get 6 months prison", dostupno available at: <http://www.vijesti.me/vijesti/akterima-afere-sni-mak-po-sest-mjeseci-zatvora-820286>

23 The Parliament of Montenegro, Secretary-General, Decision no: 00-41/14-152, Podgorica, 5 December 2014.

## CONCLUSIONS AND RECOMMENDATIONS

Even though the adoption of the Law on the Parliamentary Inquiry has marked notable progress in defining this control mechanism, its full efficacy can only be developed through active use. However, the two inquiries conducted so far underline problems that will make all future inquiries difficult. It is therefore necessary to amend the Law on the Parliamentary Inquiry, both in terms of boosting the Committee's real competences and in terms of improving technical matters of the Inquiry's delivery, which as it stands now can cause difficulties and sluggishness in the work of the Committee.

The desired amendments must include the following provisions:

- Instituting penal provisions (criminal and civil) for failure to turn up at the Committee's invitation, failure to provide information, and delivery of false statements;
- Making it obligatory for the Inquiry Committees to verify automatically all individual requests by MPs who are its members;
- Making it obligatory for the expert service to keep records of the submitted requests and received responses on all the requests by Inquiry Committee members;
- Adopting a provision that would ensure the opposition has an equal standing in deciding on requesting statements, which would ensure the basic success of opposition proposals on who to invite to give statements;
- Adopting a provision that would offer a legal basis for summoning citizens to testify in front of the Committee;
- Adopting a provision that would allow for receiving information and documents that might help highlight the issues being investigated from citizens who possess such information and documents;
- Prescribing an obligation for the Committee Chairman to draft, liaising with Committee members, the report to be discussed at the Inquiry Committee;
- Prescribing a technical procedure for conducting the hearings, in such a way that would ensure Committee members would have two rounds of asking a set of questions, with the possibility of commenting on the responses of the individuals being interrogated;
- Adopting a provision that would make it obligatory for the technical report of the Inquiry to contain transcripts from the sessions as part of the committee's official documents;
- Adopting a series of provisions related to improving the transparency of the Committees' work, including mandatory (and proactive) publication of all the documents related to the work of the Committee (minutes, reports, statements, decisions, data submission initiatives, and all other data).

In terms of improving the practice of Parliamentary Inquiry implementation the following is necessary:

- Paying particular attention to defining the subject-matter of the Committees' work, by proposing in advance a number of issues the Committee is supposed to highlight.

## ABOUT INSTITUTE ALTERNATIVE:

Institute Alternative (IA) is a non-governmental organization, established in September 2007 by a group of citizens with experience in civil society, public administration and business sector.

*Our mission is to contribute to strengthening of democracy and good governance through research and policy analysis as well as monitoring of public institutions performance. Our objectives are to increase the quality of work, accountability and transparency, efficiency of public institutions and public officials; to encourage open, public, constructive and well-argument discussions on important policy issues; raising public awareness about important policy issues, strengthening the capacity of all sectors in the state and society for the development of public policies. The values we follow in our work are dedication to our mission, independence, constant learning, networking, cooperation and teamwork.*

We function as a think tank or a research centre, focusing on the overarching areas of good governance, transparency and accountability. Our research and advocacy activities are structured within Five main programme strands: i) public administration, ii) accountable public finance, iii) security and defence, iv) parliamentary programme and v) social policy.

On the basis of our Five programmes, we monitor the process of accession negotiations with the EU, actively participating in working groups for certain chapters. Our flagship project is the Public Policy School, which is organised since 2012.

In our hitherto work, we had joint projects with Centre for monitoring and research (CEMI), Centre for Civic Education (CGO) and European Movement in Montenegro. When it comes to international partners, we have cooperated with Centre for Control of Armed Forces (DCAF) from Geneva, Support for Improvement in Governance and Management (SIGMA), a joint initiative of the OECD and the European Union, European Policy Centre from Brussels, Centre for International Studies (CESPI) from Rome, Centre for Study of Democracy – Sofia, etc.

Managing of the organization is divided between the Assembly and the Managing Board. President of the Managing Board is Stevo Muk. Research Coordinator is Jovana Marović, PhD.

Visit our website for more information about the work we do  
[www.institut-alternativa.org](http://www.institut-alternativa.org)