

APPROVED
BY THE LEGAL ADVISOR

Raluca Visan
cu privire la aspectele procedurale în temeiul
art. 30 din Comoritură nr. 123 din L. 1/2011

THE POINT OF VIEW OF THE ETHICS COMMITTEE OF THE UNIVERSITY OF BUCHAREST

concerning the Ph.D. dissertation entitled *Curtea penală internațională (The International Court of Justice)*, authored by Mr Victor Ponta, the disputation of which took place at the Faculty of Law of the University of Bucharest in the year 2003.

Self-convened in formal session on 18 July 2012, for the purpose of examining the possible violations of ethics, integrity and good academic conduct of the Ph.D. dissertation entitled *Curtea Penală Internațională (The International Court of Justice)*, authored by Mr Victor Ponta, the disputation of which had taken place at the Faculty of Law of the University of Bucharest, the Ethics Committee hereby expresses the following point of view:

The said doctoral dissertation authored by Mr Victor Ponta and entitled *Curtea Penală Internațională (The International Court of Justice)*, the disputation of which took place at the Faculty of Law of the University of Bucharest, does indeed violate the principles of ethics, integrity and good scholarly conduct in research work, as defined in the following three legal documents (*the names of these documents remain in the original, in the national language, for facility of identification*):

- *Legea 8/1996 privind dreptul de autor și drepturile conexe, art. 8, 13, 33, 35;*
- *Carta Universității din București, art. 5 alin. 2, art. 21 lit. h și art. 40, lit. e și g (see also art. 5 alin. 2, art. 38 lit. h, art. 41 lit. i și k of the Charter of the University of Bucharest for 2003);*
- *Codul de etică al Universității din București, art. 8 și 9, and the art. 9 din Codul de etică al Universității din București also valid in 2003.*

By the side of the said doctoral dissertation, *Curtea Penală Internațională (The International Court of Justice)*, the disputation of which took place in 2003, the Ethics Committee has also scrutinized the following scholarly works (*no translations, again, for precision of identification*):

- CREȚU, Vasile (1996) *Drept Penal Internațional*, Editura Societății Tempus.
- DIACONU, Dumitru (1999) *Curtea penală internațională. Istorie și realitate*, București: All Beck.

- DUCULESCU, Victor (1999) „Cuvânt înainte” (*Foreword to the previous volume*) la Dumitru Diaconu.
- DIACONU, Ion, (2002) *The International Criminal Court. A New Stage*, Romanian Institute of International Studies Nicolae Titulescu.

The Ethics Committee has exclusively and only taken into account the aspects regarding academic practice and integrity in the process of drafting a Ph.D. dissertation. It has not passed judgement on the substance of the thesis itself, which pertains to its specific field of reference.

In the case of a scientific work such as a Ph.D. thesis, the accusation of plagiarism can be formulated when citation rules are disregarded, and when precise identification of quoted texts or ideas – by means of inverted commas, text indentation, mention of author, title, year and location of the edition, page etc.— becomes impossible. According to customary rules of scientific and academic tradition, which are well known and have been applied everywhere for centuries, the mere insertion of a title in the bibliography section is not equivalent to citing or mentioning the fact that text excerpts or ideas belonging to another scientific work have been used by the author of the work in question.

The Ph.D. thesis entitled *Curtea Penală Internațională (The International Court of Justice)*, written by Victor PONTA, has 432 pages, which are numbered as such. The text itself, not including the Appendices, the preface signed by the Academic Supervisor – Professor Adrian Năstase, and the Contents, covers 297 pages. Evidence of plagiarism can be identified in 115 pages, out of these 297 pages.

The thesis is divided into three chapters: I (on the history of international criminal law, pages 9-97), II (Elements of civil-law and common-law taken over by the the International Court of Justice..., pag. 98-133), and III (the structure and functioning of the International Court of Justice, pag. 134-306); the chapters are divided into subchapters. The elements of plagiarism have been identified in chapter I and chapter III.

Instances of plagiarism identified in Mr Victor Ponta's Ph.D. thesis *Curtea Penală Internațională (The International Court of Justice)* of the University of Bucharest in 2003, are outlined in the following two annexed documents, which are fully backing the present standpoint of the Ethics Committee:

- Appendix No. 1: *Types of plagiarism in Victor Ponta's Ph.D. thesis.*
- Appendix No. 2: *The list of pages in the Ph.D. thesis where texts from the other four source-scientific works were inserted, without following the basic rules of quotation.*

The Ethics Committee avails itself of this opportunity in order to seriously question the quality and level of academic supervision in the case under discussion.

The Ethics Committee makes an appeal to the sense of responsibility and decency of public personalities with a view of not exploiting our position for party political purposes, as part of the public debate which is raging at the moment. The members of the Committee have issued their standpoint relying solely on their respect for academic propriety, and have taken it to be an obligation to the spirit of scientific integrity, a duty to the Romanian intellectual community as a whole. Politics and the pressure exerted by mass-media have played no part whatever in the process of formulating this standpoint. The use of this standpoint to non-academic purposes and all partisan interpretations would go counter to the intentions of honesty and good faith of the members of the Committee. It might even

lead to forcing some of members to withdraw from the position of civic and ethical responsibility that they are invested with.

On Behalf of the Committee of Ethics:

Prof. Dr. Marian Popescu,
The Chairman