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Zagreb, 12 March 2018

**CROATIAN ACADEMY  
OF SCIENCES AND ARTS**  
The Honourable  
Zvonko Kusić, President

10000 Zagreb  
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Dear Mr President,

Further to the email of 9 March 2018, whereby your Cabinet forwarded the question of Professor Dr Günter Stock, President of All European Academies (ALLEA): *"We have recently learned (Science article: <http://www.sciencemag.org/news/2018/02/croatia-s-top-judge-sues-national-ethics-panel-after-it-finds-him-guilty-plagiarism>) that the President of Croatia's Constitutional Court is caught in plagiarism and is now, in turn, suing the members of the ethics committee. Question: Did your academy comment on this already or would you feel that ALLEA should comment indirectly, for example by making aware of our European Code of Conduct for Research Integrity"*, I hereby inform you about the case Professor Stock is interested in.

I have brought two lawsuits against Professor Vjekoslav Miličić, who in his work *"Čudoređe i deontologija znanstvenoga rada - nečudoređe i neprofesionalnost plagiranja"* accused me of plagiarism in my doctoral thesis. The first lawsuit is for the criminal offence of libel and the second for the compensation of damages for the violation of personality rights. Dr Vladimir Silobričić, Fellow of the Croatian Academy of Sciences and Arts (F.C.A.), and also member of the Science and Higher Education Ethics Committee (hereinafter: the Ethics Committee), testified in the criminal proceedings on the side of the defence and stated that he had not read my doctoral thesis and that there were no written rules on the manner of citation.

In the then appealable judgment of the Zagreb Municipal Criminal Court No. K-1419/16 of 28 December 2016, Professor Miličić was found guilty of libel and fined HRK 14,500 (approximately EUR 1,933) because he had falsely accused me of plagiarizing Professor Dr Aleksandra Korać and Professor Dr Dubravka Hrabar in two places in my doctoral thesis. Both professors were heard in the criminal proceedings as witnesses and stated in their testimonies that there was no plagiarism and that their works had been correctly cited.

After the Zagreb Municipal Criminal Court had delivered the stated judgment, the accused Professor Miličić filed a complaint against me with the Ethics Committee.

The Constitutional Court of the Republic of Croatia, in decision No. U-II-6251/2016 of 25 April 2017, repealed the relevant provision of the Ethics Code of the Ethics Committee and found that the Committee, contrary to the Scientific Activity and Higher Education Act (Official Gazette Nos. 123/2003, 198/2003, 105/2004, 174/2004, 2/2007, 46/2007, 45/2009, 45/2009, 63/2011, 94/2013, 139/2013, 101/2014, 60/2015, 131/2017), gave itself the power to rule on individual cases of violations of the Ethics Code. Let me mention that the proposal to review the constitutionality and legality of the Ethics Code was filed by the University of



Zagreb, stating, *inter alia*, that in its work the Ethics Committee had violated the constitutionally guaranteed autonomy of the University.

In accordance with this Constitutional Court decision, which is binding on everyone, those competent for deciding on individual cases of dishonest academic conduct (plagiarism) are faculties, i.e. universities, and not the Ethics Committee whose jurisdiction is stipulated in Article 112 paragraphs 4 and 5 of the above-mentioned Act as promoting ethical principles and values in science and higher education, in business and public relations, and in the application of modern technologies and environmental protection. Let me note that I did not participate in these Constitutional Court proceedings, but as President I had recused myself from both the deliberations and decision making.

Despite this appealable judgment of the Zagreb Municipal Court and the above-mentioned decision of the Croatian Constitutional Court, on 23 November 2017 the Ethics Committee delivered an opinion on Professor Vjekoslav Miličić's complaint alleging that I had violated Article 8 of the Ethics Code by incompletely and unclearly citing sources in my doctoral thesis, given that I did not always mark the texts of other authors with quotation marks but in some other appropriate manner, which the Ethics Committee found erroneous.

Furthermore, the Ethics Committee is composed of 9 members, of whom 4 had previously resigned – thus only 5 members had the right to vote. Dr Silobričić, Fellow of the Academy (and also an activist of the "Pametno" political party) testified in the above-mentioned court proceedings, although pursuant to the Code of Ethics – which, by the way, was adopted by the Ethics Committee itself – he ought to have been recused from deciding in my case before the Committee due to a conflict of interest. But, in that case, the Ethics Committee would have had no quorum for deciding. I also note that the Government of the Republic of Croatia, in its opinion of 7 December 2017, refused to accept the Ethics Committee report because it found that in its work the Committee, *inter alia*, had acted contrary to the law and had failed to respect the decision of the Constitutional Court of the Republic of Croatia.

Let me also mention that the Ethics Committee delivered its opinion directly contrary to the Zagreb Municipal Criminal Court judgment in which Professor Miličić was found guilty of libel, as the Court established that in his book he had falsely and unfoundedly depicted me (defamed me) as a plagiarist.

In the proceedings before the Ethics Committee, neither myself nor my doctoral thesis supervisor, nor the members of the Board for defending doctoral theses of the Zagreb Faculty of Law, were called on to participate. Furthermore, no information had been requested from the Zagreb Law Faculty on the existence of written rules or guidelines for citing sources.

I point out that for every quotation in my doctoral thesis I have clearly and unambiguously stated the source, marked it with a footnote, quoting the name of the author, cited the work and relevant pages, thus making it possible for my views to be distinguished from those of the cited author. Allow me to note that at the Zagreb Faculty of Law there are no written rules/standards on citing, and that the Faculty itself has on several occasions confirmed, whether in court proceedings or elsewhere, that I have respected the common standards of that faculty on quoting other authors.

In its opinion, the Ethics Committee made reference to guidelines for seminar papers and graduate theses compiled by one department of the Zagreb Faculty of Law for its students. However, Professor Dr Igor Gliha, Dean of the Zagreb Faculty of Law, confirmed in writing



However, Professor Dr Igor Gliha, Dean of the Zagreb Faculty of Law, confirmed in writing that: *"Given that at the level of the institution no uniform rules on citation have been adopted, no rule stipulating that a part of a text that is taken over verbatim from some other source should be separately marked by quotation marks has been adopted either. In other words, the parts of a text taken over in such a manner can be marked in various other ways, as long as from the entire context and manner of writing it can be concluded that these are parts of a text which have been taken over verbatim from another source"*.

Thus, I have written my doctoral thesis in accordance with the instructions of my supervisor, Professor Dr Dubravka Hrabar, exactly in the manner stated by the Dean of the Zagreb Faculty of Law.

Even regardless of the fact that the Ethics Committee invoked the guidelines of one department, which is not the Department of Family Law where I gained my doctorate, I maintain that I also respected the guidelines of that department, although I was not obliged to. Namely, these Guidelines, *inter alia*, state as follows: *"(...) Everything that is taken over from other sources has to be marked in a proper manner (by quotation marks or in some other manner) and the source of the quotation precisely indicated."*

In my doctoral thesis I acted precisely in the above-mentioned manner. As can be seen from the above, there are no rules stipulating "quotation marks" as the only proper manner of citing other authors. Thus, I have written my doctoral thesis in accordance with the standards of the Zagreb Faculty of Law, and with the instructions given by my doctoral supervisor, just as any other doctoral candidate that has defended a thesis at this faculty.

In view of the above, I was forced to bring criminal charges against the members of the incomplete (broken) Ethics Committee, given that they, in my opinion, committed the criminal offence of abuse of office and authority by claiming that in my doctoral thesis I had incorrectly and unclearly cited sources, although this is not true, and thus acted contrary to the law, to the decision of the Constitutional Court of the Republic of Croatia, and to the judgment of the Zagreb Municipal Criminal Court which was in force at the time.

I am not happy for having to sue, but I have had no alternative given that in my case the Ethics Committee deliberately violated my honour, reputation and dignity, thus damaging not only me but also the institution over which I preside. They did so only to favour Professor Vjekoslav Miličić, who falsely accused me of plagiarism, which is why both criminal proceedings and proceedings for compensation of damages are pending before the competent courts. I also note that this case has generated considerable media attention, and that I have instigated the above-mentioned court proceedings as a private person, and not as a judge and President of the Constitutional Court of the Republic of Croatia.

I would appreciate it, Mr President, if you could forward this letter to the Honourable Professor Dr Günter Stock, President of the ALLEA.

Yours sincerely,

Dr Miroslav Šeparović

