

The Ponta Government: 2 months of illegality and anti-democratic slippages

- July 2nd, 2012

1. Prime Minister Ponta's plagiarism accusation and the actions taken against the institutions in charge of verifying the plagiarism claims

- **8th of June 2012** – The interim Minister of Education, **Liviu Pop**, **changes the composition of the Ethics Committee** of the Ministry of Education, while it was checking the plagiarism accusations against former social democrat (PSD) Minister of Education, Ioan Mang, appointed by Prime Minister Ponta;
- **18th of June 2012** – **Prime Minister Ponta is accused of having plagiarized his PhD thesis**, as *Nature* magazine and the journal *Frankfurter Allgemeine Zeitung* reveal this intellectual theft to the entire world. Subsequently, the case of plagiarism is further debated by other important international newspapers such as: *El Pais*, *Le Monde*, *Der Spiegel*, *The Guardian*, *Washington Post*, *The New York Times* etc;
- **28th of June 2012** – In Brussels, Prime Minister Ponta states for *El Pais* that he would resign if the plagiarism were officially proved;
- **28th of June 2012** – One day before the National Council for the Certification of the University Degrees (CNATDCU)'s meeting for analyzing the plagiarism accusations against Prime Minister Ponta, the interim Minister of Education, Liviu Pop, issues an order to change the composition and jurisdiction of the CNATDCU;
- **29th of June 2012** - The National Council for the Certification of the University Degrees convenes in the morning, before the Minister's order entered into force. **CNATDCU decides unanimously that 85 pages of Prime Minister Ponta's doctorate thesis have been copied word by word from several books. This Council is formed of university professors and members of the Romanian Academy, including its president;** (see also on this matter the article in *Nature* magazine, July 2nd).

2. The political assault against the institutions of the State and threats against the judiciary

- *Prime Minister Ponta and the former Prime Minister Adrian Nastase' criminal case*
- **8th of May 2012** (first meeting of the new Government) – **Prime Minister Ponta transfers the State Inspectorate in Constructions (ISC) from the subordination of the Ministry for Development to his own. ISC is a „civil party” requesting damages of approximately 1,5 million Euros in the criminal case against the former prime Minister Adrian Nastase and others** (at the time of this decision, the case was during the last appeal procedures);
- **11th of May 2012** – **Prime Minister Ponta dismisses the director of the State Inspectorate in Constructions;**
- **18th of May 2012** – **Prime Minister Ponta appoints Mr. Grajdán as the new director of the State Inspectorate for Constructions. Mr. Grajdán belongs to the same political party as prime Minister Ponta and former, under trial, Prime Minister Nastase;**

- **22nd of May 2012** – The new director of the State Inspectorate for Constructions (ISC), Mr. Grajdan, sends a letter to the High Court of Cassation and Justice claiming that the Inspectorate had not been damaged, thus withdrawing the “civil party” status of the Inspectorate in the criminal case of the former Prime Minister Nastase;
- **24th of May 2012** – Following the public pressure, Prime Minister Ponta dismisses Mr. Grajdan and appoints a new director who informs the High Court of Cassation and Justice that Mr. Grajdan’s letter is null and void.
- Former Prime Minister Nastase, Prime Minister Ponta and the Minister of Interior Rus
- **20th of June 2012** - The High Court of Cassation and Justice convicts former Prime Minister Adrian Nastase to 2 years imprisonment for corruption related offenses. The same day, the court sends the Ministry of Interior the incarceration warrant in accordance to the Code of Criminal Procedure. Immediately after, the Interior Minister Rus telephones the convicted Adrian Nastase to negotiate how to enforce the warrant;
- **20th of June 2012** – While two policemen tried to apply the incarceration warrant and arrest the former Prime Minister, he, allegedly, tried to commit suicide. Nastase was rushed to a civil hospital, instead of being transported to a penitentiary hospital. The former Prime Minister Nastase was imprisoned only after the anticorruption prosecutors started criminal investigations against a doctor (also under trial for corruption and former PSD Senator) for abetment in crime and after the Bucharest Tribunal decided that policemen and the doctors in the civil hospital were in breach of the law;
- **20th of June 2012** - Ponta visits convicted Adrian Nastase at Floreasca hospital and states “Nastase looks terrible, how else can a man who just shot himself look like?”. An entire country would see something else the following days;
- **21st -24th of June** – The Minister of Interior Rus makes contradictory statements: he says that Nastase is a detainee, then states that Nastase is no longer detained and subsequently withdraws the guard from the civil hospital; shortly afterwards the guard is reinstated.
- Other threats against the judiciary and actions ignoring its decisions
- **22nd, 24th and 27th of May**, the Minister of Justice Corlatean and the Deputy Secretary General of the Government Mihalache made public statements against the Anti Corruption National Directorate, The General Attorney’s Office and the National Integrity Agency, despite the findings by the European Commission under the Cooperation and Verification Mechanism (CVM) that, for years, these agencies produced the most satisfying results: impartial and effective investigations in cases of high level corruption, organized crime, conflicts of interest or incompatibilities.. Statements against these institutions and their leadership continued in June by more USL politicians.
- **1st of May - 7th of May** (the day of the investiture) – Prime Minister Ponta defies the public opinion and ignores the judicial decisions or pending procedures by proposing as members of the Government controversial figures, already found incompatible by the court (e.g. Victor Alistar, proposed Minister for Governmental Strategies and Transparency) or who were under pending procedures for conflict of interest (e.g. Mircea Diaconu, Minister of Culture). While Alistar’s proposal was withdrawn upon public pressure before being confirmed as minister by the Parliament, Mircea Diaconu remained minister for 2 weeks until the High Court of Cassation and Justice confirmed the previous courts’ decisions of conflict of interest;

3. The Romanian Television, the Romanian Cultural Institute and the National Archives

- **12th of June 2012 - The Social-Liberal Union (USL), formed of the Social Democrat Party, the National Liberal Party and the Conservative Party dismisses the Council of Administration of the public Television, the first step in the political takeover of the institution;**
- **13th of June 2012 - Ponta Government (USL) transfers the Romanian Cultural Institute (ICR) from under the authority of the Presidency (where it has been functioning ever since 2003, when it was established) to the subordination of the Senate. The decision to subordinate the ICR to the Senate was perceived as a mean to politicize this cultural institution and a step to change its leadership. Since 2005, the directorship of ICR has been formed of persons with no political affiliation and with highly international recognized cultural background. Furthermore, this decision has been taken through an **Emergency Ordinance** although there was obviously no emergency in changing the status of the ICR; **this triggered complaints and a public street protest from the cultural society and non governmental organizations;****
- **15th of June – The Minister of Interior Rus dismisses, without any public explanation, the director of the National Archives. The directorate allowed access to the archives of the Romanian Communist Party and of its Central Committee. Previously, on the 23rd of May, Prime Minister Ponta changed the director, who had no political affiliation, of the Institute for the Investigation of the Crimes of Communism and the Remembrance of the Romanian Exile;**
- **25th-26th of June 2012 - The Social-Liberal Union (USL) violates the Law 41/1994 and excludes a parliamentary opposition party (PDL) from appointing its representatives in the Administration Council of the public Television. Moreover, USL designates a party member, from the National Liberal Party, for the office of **president-director general**, thus **politicizing the public Television.****

4. The European Council, the Official Journal and the decision of the Romanian Constitutional Court (CCR)

- **27th of June 2012 - The Constitutional Court decides that the President is entitled to represent Romania at the European Council. Immediately after the Court's decision was made public, Prime Minister Ponta declares that he would not respect this mandatory decision of the Constitutional Court: "*I want to announce that, obviously, tomorrow I will go to Brussels...*". To fool people, Prime Minister attacks five judges of the CCR. In the same speech, he blackmails the President with having him suspended from the office, without invoking any violation of the Constitution;**
- **27th of June 2012 – The Minister of Justice, Titus Corlatean, accuses two judges of the CCR that they are "undoubtedly" in a state of incompatibility, although the Justice Minister has no attributions to check or establish incompatibilities. Immediately after, the National Integrity Agency publicly stated that none of the 2 judges lies in a state of incompatibility. However, this has not prevented Justice Minister Corlatean to keep on lying on the subject;**

- **27th of June 2012** – After the ruling of the Constitutional Court, **Prime Minister Ponta transfers the Official Journal from under the authority of the Chamber of Deputies to that of the Government, through an Emergency Ordinance (OUG)**, thus controlling which and when documents are published. The Official Journal had always been under the authority of the Chamber of Deputies. The Decision of the Constitutional Court establishing that the President represents Romania in the European Council has not been published;
- **27th of June 2012** – Despite the ruling of the Constitutional Court, **Prime Minister Ponta and the Minister of Foreign Affairs, Andrei Marga, ignore the official letters from the Presidency requesting the renewal of the procedure for notifying the European Council regarding the composition of the Romanian delegation;**
- **20th of June 2012** - **Prime Minister Ponta had signed for himself the memorandum for the departure to the European Council instead of the President.**