

Dean of Law Prof. Justyński arrested!¹

by Marek Wroński

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Translated from the Polish by Voy Le Vitzki

Prof. Justyński was arrested in front of his house in Thorn, handcuffed and in a police van delivered to the Prosecutor's Office. Dean of the Faculty of Law and Administration of the Nicolaus Copernicus University³ in Thorn⁴, Poland, allegedly plagiarised from a German PhD thesis in a book that was to bring him the title of professor. The academic and lawyer, using skillful manipulation, almost managed to get away with his trickstery. However, when he started playing a cat and mouse game with the Prosecutor's Office to avoid their summonses, they lost patience and ordered police to apprehend and bring him in to face charges⁵.

¹ Title by translator

² This is an English translation, predominantly dynamically equivalent, of the second part of an article published originally under subheading 'Sprawa dziekana Justynskiego' in the Polish language in a monthly magazine for Poland's academics, *Academic Forum*, in March 2016. (Odebranie habilitacji w Lublinie, Marek Wroński FA 03/2016 Forum Akademickie, Lublin: Akademicka Oficyna Wydawnicza, ISBN:1233-0930. Retrieved on 18 March 2016 from <https://forumakademickie.pl/fa/2016/03/odebranie-habilitacji-w-lublinie/>). The publication is from a series of articles that has been appearing since 2002 each month in the magazine's section called 'From the Archives of Research Misconduct' [Z archiwum nieuczciwości naukowej] <http://forumakademickie.pl/publicystyka/nauka/z-archiwumnieuczciwosci-naukowej/>

³ Translator's comment: The Nicolaus Copernicus University in Thorn – in Polish: Toruń (NCU) is a leading Polish academic and research institution, named in honour of the famous astronomer, who was born in this medieval town more than 500 years ago. It must be noted that the first higher education institution in Thorn was founded already in 1568 and was one of the first universities in northern Poland, attracting meritorious scholars from a wide range of disciplines. However, the Nicolaus Copernicus University in its modern form was only opened after World War II, in 1945. Presently NCU has 16 Faculties, among them: History; Humanities; Languages; Law and Administration; Mathematics and Computer Science; Political Science and International Studies; Physics, Astronomy and Applied Informatics; Theology. The University has been recently plagued by cases of violation of research integrity by the institution's prominent scholars and among them, former Vice-Chancellor, Prof. Radziwiński. This was described in *Academic Forum* in the article 'Time of deceit (or how to lose reputation)' (<http://www.bmartin.cc/dissent/documents/Wronski/Wronski1306.pdf>).

⁴ Translator's comment: Thorn (Polish: Toruń), a city in Poland and one of the oldest in this country, has a population of approximately 20,000. The astronomer Nicolaus Copernicus was born in Thorn on 19 February 1473.

⁵ Introduction by translator

On 7 March 2016 the spokeswoman for the Prosecutor's Office in Gdańsk⁶ announced that in the morning the police arrested a law scholar and academic from the Nicolaus Copernicus University in Thorn (NCU), Prof. Tomasz Justyński⁷. He is the Dean of the Faculty of Law and Administration at NCU. In February 2016 the NCU's Vice-Chancellor, Prof. Andrzej Tretyn, suspended him from his office and academic teaching duties. Prof. Justyński was apprehended and handcuffed in front of his house in Thorn. He was taken in the police van to Gdańsk, where he was charged with violating copyright law⁸ in his professorial book⁹. The scholar pleaded not guilty and refused to answer questions. He was released without posting bail on the condition he reports once a week to the local police station.

The Prosecutor's Office explained that such drastic steps were necessary because of Prof. Justyński's non-cooperation and evasive tactics. In order to avoid being summoned to the Prosecutor leading the investigation, he found ways to prevent the prosecution notices from reaching him. In turn, the accused explained in his internet blog that the December 2015 notice arrived at the post office delayed. Then the date of his visit was settled with the Prosecutor Office over the phone and scheduled for the end of the January 2016. However, on that day he became ill with cardiac symptoms and was admitted to hospital for three days. After the discharge, he was on a two-week sick leave arranged by the hospital.

Next Prof. Justyński discussed in his blog the issue of the five year statutory limitation period for prosecution of copyright law's cases. He claimed that because he had submitted the manuscript of his book to the Wolters Kluwer Publishing House on 23 January 2011, therefore the five year period for prosecution of copyright law's cases expired on 23 January

⁶ Translator's comment: Gdańsk is the fourth-largest city in Poland, the capital of the region of Pomerania on the Baltic South coast and Poland's principal seaport.

⁷ Translator's comment: In the 2013 article 'Accusations against a Dean' (<http://www.bmartin.cc/dissent/documents/Wronski/Wronski1307.pdf>) published in the *Academic Forum* (FA 7-8 / 2013), Marek Wroński described the case of alleged academic fraud committed by Prof. Justyński, the Dean of the Faculty of Law and Administration at the Nicolaus Copernicus University in Thorn. It was alleged that the Polish scholar had violated copyright law in his important book by plagiarising from a German PhD thesis.

⁸ Translator's comment: Under the Polish Copyright Act, intellectual fraud is subject to prosecution ex officio, without the necessity of the victim to file a complaint.

⁹ Translator's comment: 'Professorial book' is a monograph which is published in book form and which constitutes one of the main requirements for the highest academic title in Poland, that of professor. This lifetime distinction, connected with exceptionally high social status and very generous remuneration, is conferred upon a highly accomplished academic ceremoniously by the President of Poland.

2016. Thus the legal steps undertaken against him by the prosecution are an enormous misuse of power. Therefore he filed a complaint with the Office of Appellate Prosecutor.

He also stated that the disciplinary proceedings that are being conducted at the Nicolaus Copernicus University against him are invalid for the same reason. Further, Prof. Justyński said that the only reason NCU's Vice-Chancellor Prof. Tretyn suspended him from his academic duties was to prevent him from applying in the upcoming March 2016 election for the same position of the NCU's Vice-Chancellor, which was something that Prof. Justyński was seriously considering ...

The Prosecutor's Office replied that the new rules introduced in February 2015 extended the statutory limitation period for a further five years provided that the proceedings in a case had already commenced.

Criminal investigation against Prof. Justyński started in November 2012 . The delay was caused by the need to translate from the German into Polish the book Prof. Justyński allegedly plagiarised. This process took several months. Further delays in the proceedings were also caused by the fact that the author of the German monograph, Dr Natascha Schultze, moved to New York.

Now it should not take much longer for the Prosecutor's Office to file a complaint against Prof. Justyński with the court of law. I will keep the readers informed of further developments regarding this unusual case.

Marekwro@gmail.com