

CAFAS Update No. 74

12 October 2012

Council for Academic Freedom & Academic Standards

[<http://www.cafas.org.uk>] Temporary site: www.cafas.net

Meeting:

*Saturday 27 October 2012
2.00 pm
Room 253
Birkbeck College
Malet Street
London WC1*

Underground: Goodge Street, Euston Square, Euston, Russell Square, Holborn

Support Students and Staff at London Metropolitan University

Dear colleagues,

Please sign, and encourage all of your workmates, friends, and family to sign, the following petition (see below for text) in support of London Met students and staff:

<http://www.gopetition.com/petitions/full-amnesty-now-reverse-revocation-save-london-met.html>

In solidarity

Mark...

Mark Campbell
London Metropolitan University UCU (Chair)
UCU National Executive Committee (London and East HE)
SERTUC Public Services Committee (Vice-chair)

Full Amnesty Now - Reverse Revocation - Save London Met

Following significant campaigning and political pressure from students, staff, and supporters, the High Court has allowed London Metropolitan University to proceed to full Judicial Review to challenge the revocation of its Tier-4 HTS licence to recruit international students.

As a result of the High Court decision the Home Office, via the UK Border Agency, has now agreed a limited 'amnesty' for current international students at London Met of up to one academic year.

Unfortunately, as welcome as such an amnesty is, it fails to address the needs of over 500 current London Met international students. This includes students in either the first or second year of a three year degree course, and PhD students with more than one academic year of study remaining. This is an invidious position to place such students in.

In addition to the immediate damage the decision to revoke the university's Tier-4 licence has had on its international students, the long term damage to the university as a whole is considerable. London Met now finds itself in significant financial trouble with anticipated revenue losses following withdrawal of its Tier-4 licence running into £10M's.

We understand that such losses now jeopardise the

university's continuation as a community-based public university, primarily serving two of the poorest boroughs in London and the UK - Tower Hamlets and Islington.

Additional notes:

TUC Congress 2012 unanimously adopted an Emergency Motion from the University and College Union (UCU) that demanded a full amnesty for London Met international students and the removal of international students from net migration stats and targets. Details at:

http://www.tuc.org.uk/the_tuc/tuc-21410-f0.cfm

Jeremy Corbyn MP (Islington North) has launched a parliamentary Early Day Motion (EDM 437) calling for the reversing of the revocation of London Met's Tier-4 HTS licence. Details at:

<http://www.parliament.uk/edm/2012-13/437>

Petition:

We call upon the Home Secretary to:

- 1) provide an immediate amnesty to all of London Met's current international students so they can fully complete their courses and programmes of study;
- 2) reverse the decision to revoke London Met's Tier-4 HTS license and thus enable it to immediately restart its recruitment of international students;
- 3) protect the long term financial viability of London Met as a community-based public university by requiring the Higher Education Funding Council of England (HEFCE) to appropriately reschedule the university's £15M+ repayments due to it.

Suspension of Ian Parker – international protest!

Dearest friends, something incredibly shocking has happened. Ian Parker has been suspended from Manchester Metropolitan University. It has happened suddenly and unexpectedly, and students and staff at the University have been given little to no explanation as to why.

Ian was suspended from work after having been unable to arrange, with barely 18 hours notice, for a union official to come with him to hear a charge that the university said amounted to 'gross professional misconduct'. What this seems to mean is that Ian raised concerns within the University about the problem of secrecy and control in the department in which he works, and was suspended for doing so. Ian has had to leave his office and key, been told not to

contact University staff and students, and his access to his email has been suspended.

For his students Ian has simply 'disappeared' overnight, and while he is keen to continue supervising and teaching, he is not allowed to. I could never fully express what effect Ian's sudden, shocking and completely unjustified suspension might mean for students at MMU and for the wider international academic community. Ian's suspension is happening against a wider backdrop in the UK where while universities are now charging students £9000 a year (and much more for international students), they are also cutting essential resources, often meaning staff have to work harder and complain less. This means that those staff who defend University as a space for open and democratic deliberation are often put under pressure to remain silent.

In fact another member of staff at MMU (and another member of the University and College Union- the UCU), Christine Vié, is also being victimised, and has been made compulsorily redundant (and [there is an ongoing campaign to defend her](#)). We are in shock, but only if we speak openly together will we be in a position to challenge and change what is happening to all of us. Openness and democratic debate are the hallmarks of good education. Yet secrecy and silencing are key issues here. Ian has been silenced but his work continues to speak.

Yesterday I looked at the principle aims of 'Psychology, Politics, Resistance', which Ian helped to set up in 1994 as a network of people who were prepared to oppose the abusive uses and oppressive consequences of psychology, to support individuals to challenge exploitation, to develop a collective active opposition to oppression, and to make this a key element in the education of all psychologists.

So, let's act together, and follow Ian's example, and speak out – tell as many people as we can, and come together collectively as an international critical community to call upon the management of MMU to come to a resolution of this problem and to reinstate Ian. Messages of protest can be sent to the Vice-Chancellor John Brooks (j.brooks) and the Head of the Department of Psychology Christine Horrocks (c.horrocks). These messages can be copied as messages of solidarity to the MMU UCU chair Pura Ariza (p.ariza) and it is imperative that, at the same time, support should be stepped up to support Christine Vié (c.vie).

The postgraduate students at MMU are sending a letter to the Vice Chancellor, and there will be flyers and posters put up on campus, and call outs in lectures all next week. Please do send letters and emails, and tell as many people as you can. We will

keep you posted about further action, and do let us know if you have any ideas for how we can fight this together (because we can fight this together). Please feel free to email me china.t.mills@mmu.ac.uk.

Messages of protest can be sent to the Vice-Chancellor John Brooks (j.brooks@mmu.ac.uk) and the Head of the Department of Psychology Christine Horrocks (c.horrocks@mmu.ac.uk). These messages can be copied as messages of solidarity to the MMU UCU chair Pura Ariza (p.ariza@mmu.ac.uk) and it is imperative that, at the same time, support should be stepped up to support Christine Vié (c.vie@mmu.ac.uk).

In solidarity, China Mills (alongside many of the students at MMU)

An international petition is growing by the minute: <http://www.change.org/en-GB/petitions/ian-parker-should-get-back-to-his-work#share>

Apart from the petition at <http://chn.ge/Q3IV1R>, the Times Higher Education Supplement in the UK has picked up the story (<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=421442&c=1>),

The item above was posted on the Defending-Academic-Freedom list via Bullied Academics on 7 October 2012

CAFAS Website

An investigation is currently taking place concerning the apparent hijacking of our domain name www.cafas.org.uk. **In the meantime, our website can be accessed via www.cafas.net.**

Cafas apologises for any inconvenience caused and we hope to have our domain name restored soon.

Don't Shoot the Messenger

Cafas Case Coordinator and UCU member, Colwyn Williamson, is currently being investigated by the UCU for allegedly criticising the union in his CAFAS Report: **James Luchte & Trinity Saint David: A casework study in university ineptitude and union inertia.**

Updates 72 and 73 carried items on the issue that Ben Cosin summarises below.

On the basis of one student's complaint that Dr James Luchte in one philosophy lecture had used bad language, had shown disrespect for religious belief, and had advanced his personal philosophical opinions, Dr James Luchte was suspended by Trinity St David University in October 2011, and subjected to the prospect of a dismissal hearing in January 2012. (43 of his students dissociated themselves from the complaint). TSD's conduct of the case against Luchte was wholly irregular. Yet Dr Luchte received no help from UCU officers, who did not challenge the legality of his suspension, and insisted that he go through the lengthy process of applying for legal aid (which he had not requested). He was told that it was 'not a possible course of action' that Swansea UCU help him. Dr Luchte received no help from UCU officers, but only from a lay member; this lay member distributed a booklet outlining the events, and was himself threatened with punitive action for criticizing UCU officers for their unhelpfulness to a member in dire need.

The following motion was put to the meeting of London UCU Retired members in September 2012:

This Branch views with grave concern, UCU's attempt to bring spurious disciplinary charges against Colwyn Williamson, with regard to his handling of the defence of Dr James Luchte's employment case against Trinity Saint David College. This Branch endorses and highly praises Colwyn Williamson's efforts to successfully retain Dr Luchte in his post at Trinity Saint David.

This Branch calls on UCU

1. to drop all charges against Colwyn Williamson
2. to review their policies and rules on matters relating to assistance of members
3. to launch a campaign in defence of academic freedom and academic standards.

Proposed: John Fernandes
Seconded: Ben Cosin

Ben Cosin reports:

John Fernandes, Geraldine Thorpe and I tabled papers supporting Colwyn W so that the branch had in front of them five papers, which I lettered up as follows. John spoke fully. GT helpfully intervened, pointing out that far from being one-sided, our presentation had asked the trade union officers whose actions were criticised had had those criticisms made available and corrections

thereto requested. No answer had been forthcoming.*

I seconded as rapidly as I could, pointing out that the resolution contained no criticism of any union officer, and that it was designed to pacify the situation.

Only one speaker spoke against the resolution. He claimed, contrary to the factual picture outlined by GT, that we had only one side of the story; he did not however offer any corrections to our side nor attempt to outline the other side....

This provoked, if provocation were necessary, two interventions by members unknown to me at least suggesting on the contrary to the opposing speaker's views that the onus of proof was on the officers to vindicate themselves....

Votes were cast as follows:

13 for the resolution

1 against

2 abstentions

To be forwarded to head office.

John Fernandes adds

“This is not the first time that the UCU have let down their own members in their grievances against the management. We continue to receive requests from members of UCU for assistance. CAFAS has on numerous occasions been successful defending these members in distress. CAFAS would gladly assist UCU in reviewing the policy and procedures on grievance and disciplinary matters.

I would encourage members of CAFAS to write to Sally Hunt, General Secretary UCU, to drop all charges against Colwyn Williamson, and to accept CAFAS' offer to assist UCU in reviewing their policies and procedures on grievance and disciplinary matters, in the interests of UCU members.”

***Note on page nine of the Luchte pamphlet:**

‘The Wales UCU regional officers were shown the text of this report prior to publication and invited to correct any inaccuracies but did not respond.’

Amir Majid's article below is reproduced with kind permission from the Solicitors Journal.
<http://www.solicitorsjournal.com/public/administrative-and-constitutional/strasbourg-ruling-abu-qatada-case-was-right-outcome>

Solicitors Journal Vol 156 no 27 (10 July 2012)
Strasbourg ruling in Abu Qatada case was the right outcome
Feature | 6 July 2012
Abu-Qatada

Strasbourg ruling in Abu Qatada case was the right outcome

The Strasbourg court's ruling in the Abu Qatada case may have been a bitter pill to swallow but it is the price to pay for the rule of law, says Amir Majid. Earlier this year Abu Qatada succeeded in his application before the European Court of Human Rights that he would be at real risk of being subjected to torture or ill-treatment if deported to Jordan. This decision has been deplored by many commentators but the Strasbourg court has not made any error of law and instead critics should focus on other methods of dealing with this individual, known to the British officials to harbour terroristic views.

Before we jump to criticise the European court and blame it for usurping our sovereignty in judicial matters, we should remember that, exercising our parliamentary sovereignty in section 6 of the Human Rights Act 1998, we have authorised all decision makers, including the courts, to take into account the principles of the ECHR such as the rule against torture.

I admire the prescience of straight talker MP David Winnick who, amid the saga of the Abu Qatada case, did not lose sight of the fact that the rule against torture could not be condoned by civilised nations meticulously adhering to the rule of law. He told the House of Commons on 7 February 2012: “This person is clearly motivated by murderous hatred there is no doubt about that but can the Home Secretary answer this question: He has been here for some 16 or 17 years. If there is evidence that he was inciting murder, why was he not charged? Would that not have been the most appropriate way of dealing with this fanatic?”

Torture is most repugnant and deserves the maximum denunciation. Evidence obtained by torture can never lead to justice. Almost every lawyer knows shocking examples of torture. Mine is from North Korea. The suspect said: “I was taken to a room and was made to stand in water coming just above my shoulders. I was told that if I do not agree to sign the confession statement, the water level will be raised to drown me. Of course, to save my life, I agreed to sign the confession – I would have signed anything in that situation.”

An Iranian born Canadian journalist, Naziar Bahari, was tortured under blindfold and spat on. He refused to comply with the demand of his torturers to sign a confession to “incriminate” six opposition leaders of Iran whom he had “never met.” After horrendous

torture, the torturer had told Mr Bahari I have yet not put “maximum pressure” on you and “still you do not know what I am capable of.”

Resisting torture

Not only is this kind of evidence totally unacceptable and serves no use, the torture techniques have caused the suspects to develop some protective measures to escape tendering evidence under torture. A Syrian Shia lady was frightened for her life and when the BBC interviewer asked her name, she refused and said, “I shall not give my name to you; we all know that under torture it can be revealed to authorities.”

Article 3 of the European convention is very brief. It says: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

In many cases, such as *Saadi v Italy*, it has been held that the rule against torture is “absolute” and states indulging in it cannot have exemption from it on any ground.

Even in his 1968 ‘Rivers of blood’ speech, denigrating the immigration in this country, Enoch Powell could not overlook the quintessential characteristics of the observance of the rule of law, saying “All citizens should be equal before the law.”

In an earlier article, ‘Subjecting terror suspects to triple jeopardy is an affront to justice’, I warned the director of public prosecutions, Keir Starmer QC, not to go ahead with another trial, acknowledging the extraordinary character of a third jury trial. The trial went ahead, with Mr Starmer explaining: “One way or the other, I have concluded that, in this exceptional case, it is in the public interest to seek a further retrial.”

The DPP, famous for his libertarian views, ignored that warning and secured the conviction of the young Muslims, including Waheed Zaman, a young student of London Metropolitan University who had been radicalised.

It is an extraordinary tribute to the quality of the British legal system that a universally hated person like Abu Qatada – in real life, Mr Othman – who has no regard for the safety of the citizens of this land, cannot be deported to a country where he fears a conviction based on evidence obtained by torture. He should be given treatment similar to the one given to Waheed Zaman, that is, prosecuted in this country following the due process of law.

Extradition to the US

A critical test, set out in the 2003 extradition treaty with the US is that the British request must include “such information as would provide a reasonable basis

to believe that the person sought committed the offence for which extradition is requested.” Inconsistently, this requirement does not apply to requests submitted by the US to the UK.

Once a British suspect is arrested for extradition, he/she can challenge the lawfulness of the request. If the request is ruled lawful, the secretary of state takes the final decision after considering human rights issues – such as whether the suspect could be denied a fair trial or face inhumane treatment.

It is easier for the US to seek the extradition of someone from the UK because the US would no longer need to provide a prima facie case to British courts – proving the case on the face of available evidence.

The parliamentary joint committee on human rights appreciated the concerns about the existing extradition arrangements between UK and US. It said in its June 2011 report on extradition that the burden of proof for extradition should be increased.

“Guantanamo Bay, the failed extradition of Lofti Raissi and US contempt for the International Criminal Court make the decision to remove UK safeguards all the more alarming”, a Statewatch report said at the time the treaty was signed.

Mr Chris Tappin, a 65-year-old retired businessman and Kent Golf Club president resisted his extradition from the UK to the US. After exhausting UK remedies, he applied to the Strasbourg court but his application was refused. Like many of his supporters, he was disgusted by this decision. “Abu Qatada has more rights than me!”, he said.

Philip Davies MP expressed his rage about Abu Qatada in the strongest terms in the House of Commons on 7 February 2012. “Does the home secretary not accept that the British government is now in a rather pathetic, humiliating situation? A proud, sovereign country cannot deport foreign terrorists. It is no good the home secretary simply huffing and puffing about the decision. What the British public wants to know is this: if we cannot secure the reforms that we need from the European Court of Human Rights, will we withdraw from the European convention? In the absence of that commitment, the home secretary will simply be spitting in the wind,” he said.

Rejecting the proposal of David Ruffley MP to ignore the ruling of the court, the home secretary refrained from putting a stain on the UK’s track record of complying with judgments of the Strasbourg court.

I share Mr Tappin’s disappointment. However I do not agree with him that he should not have had a right of

appeal to the European court. He and his family must have been living in good hope when they were waiting for the outcome of their application to the Strasbourg court.

The Qatada judgment is very detailed and to many people it will be a complex read but it is solidly crafted. The court has referred to substantial material and has virtually left no argument unexplored and its judgment should be spared unfounded criticism.

Article Author:

Dr. Amir A. Majid is a barrister and professor in Human Rights and Disability Law at London Metropolitan University.

**CAFAS Update seeks to provide an open forum for opinion and discussion.
Items do not necessarily reflect the views of the Council.**

NOTICES

**Meeting 2.00 pm
27 October 2012
Room 253 Birkbeck College**

Agenda

1. Minutes
2. Matters arising
3. Website
4. Academic Freedom
5. Nottingham Inquiry
6. Campaigns
7. Casework
8. AOB

Pre-meeting from 1.30pm. All welcome.

Committee

Co-Chairs:

John Fernandes

76 Bois Hall Rd, Addlestone Surrey KT15 2JN
johnfernandes500@googlemail.com
tel: 07438572941

Professor Eric Barendt

74, Upper Park Road,
London NW3 2UX
020 7586 9930; e.barendt@ucl.ac.uk

Secretary:

Ben Cosin

3 Halliday Drive DEAL Kent CT14 7AX
01304 361074 Brcosin1928@yahoo.co.uk

Membership Secretary & Treasurer:

Dr Eva Link

17 Highcliffe, Clivedon Court, London W13 8DP
02089982569; rekgeml1982@yahoo.co.uk

Casework Coordinator:

Colwyn Williamson

3 Canterbury Road, Swansea SA2 0DD
01792 517 473; m:07970 838 276
cafascoordinator@gmail.com

Cafas Update Compilers:

Pat Brady

3 Ingleby Way, Chislehurst BR7 6DD
0208 467 2549; patrick.brady28@googlemail.com

Geraldine Thorpe

7 Benn Street, London E9 5SU
0208 986 3004; thorpegm@googlemail.com

David Regan Appeal Coordinator:

Dr Janet Collett

School of Life Sciences, University of Sussex, Brighton
BN1 9QN
01273 473 717

j.i.collett@sussex.ac.uk, janet.collett@gmail.com

Students' Complaints:

John Fernandes

76 Bois Hall Rd, Addlestone Surrey KT15 2JN
johnfernandes500@googlemail.com

Website

Ali Hosseini

Rashid Mehmood

Cafas Legal Advisors

Professor Eric Barendt

74, Upper Park Road,
London NW3 2UX
020 7586 9930; e.barendt@ucl.ac.uk

Dr Amir Majid

32 Forest Drive West, London E11 1LA
0208 556 1990, drmajid47@googlemail.com

Health & Safety

Ian Hewitt

Ian.Hewitt@phonecoop.coop

Founding Members

Michael Cohen

Colwyn Williamson

CONSTITUTION

CAFAS' aims are outlined on the membership form.

The full constitution can be obtained from the Secretary or www.cafas.org.uk.

CAFAS was founded in February 1994. It depends on subscriptions and an active membership. It meets in January, April, July and September/October.

Next deadline: 5 April 2013

Please send letters, news items and articles to:
Pat Brady patrick.brady28@googlemail.com &
Geraldine Thorpe thorpegm@googlemail.com

Meetings 2012-13: Birkbeck College

27 October 2012 Room 253

27 April 2013 Room 253

22 June 2013 Room 253

DO YOU BELIEVE

- That academic standards have been dumbed down throughout the higher and further education sector?
- That this decline has been accompanied by the escalating rhetoric of 'excellence' and 'world-class'?
- That the number of contact hours between teachers and students, which the Dearing Report described as a proper measure of the quality of education, has been reduced across the board?
- That there are all sorts of pressures on examiners to pass candidates who would previously have failed?
- That it is far easier to obtain Firsts and Upper Seconds than it used to be?
- That practices which used to be treated as academically unacceptable, or even as cheating, are now widely regarded as normal and inevitable.
- That the effect of the RAE and other pressures on academics is to increase the quantity of research, not the quality, and to restrict innovative and critical thought?
- That there are pressures, often of a commercial nature, to avoid certain areas of research, or to falsify results or to distort their conclusions and significance?
- That, despite lip-service to the importance of teaching, universities and colleges take little account of this in career advancement?
- That academic values have been largely displaced by market values?
- That the stated 'mission' of universities to serve the community has been abandoned in favour of commercial priorities?
- That education in the UK no longer has the status of a right bringing social benefits, but is instead treated as a commodity to be bought and sold?
- That discrimination against women and ethnic minorities is still rife in the employment and promotion practices of tertiary education, despite the multicultural community it is supposed to serve?
- That the work of the union in fighting discrimination and victimisation can usefully be supplemented by specialised advice and support from an organisation which focuses on

issues of academic freedom and standards?

If you believe that many or most of these propositions are true, you ought to be a CAFAS member and your UCU branch ought to affiliate.

Membership Secretary & Treasurer: Dr Eva Link, 17 Highcliffe, Clivesdon Court, London W13 8DP 02089982569; rekgemL1982@yahoo.co.uk

If you would like a speaker from CAFAS to address a branch meeting, contact Colwyn Williamson, colwynwilliam 07970 838 276 www.cafas.org.uk,

SUBSCRIPTION

Dear Members

Some of you have forgotten to pay your membership fee.

Could you please be kind enough to check the date of your last payment on the address label? If you should find there "**" or "****!!!" could you please send a cheque without further delay as your contribution is absolutely crucial to the well being of CAFAS.**

Many thanks for your contribution.

**Your Treasurer and Membership Secretary,
Eva Link**