

By e-mail:

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Professor Suleiman Abu-Sharkh – [S.M.Abu-Sharkh@soton.ac.uk](mailto:S.M.Abu-Sharkh@soton.ac.uk)

1 April 2015

Dear Oren and Suleiman

**Appeal against withdrawal of permission to hold conference “International Law and State of Israel: Legitimacy, Responsibility and Exceptionalism”**

I refer to your letter to me dated 1<sup>st</sup> April, 2015 in which you set out your grounds for appealing against the decision of Steve White, acting as Responsible Officer, under the Code of Practice to Secure Freedom of Speech under the law, and to his letter to you dated 31<sup>st</sup> March 2015 setting out the reasons for withdrawing permission to hold the conference “*International Law and the State of Israel: Legitimacy, Responsibility and Exceptionalism*” at the University from 17<sup>th</sup> to 19<sup>th</sup> April, 2015.

I also refer to the two hour meeting that took place between us this morning, which I found helpful and illuminating.

I would like to thank you for engaging with me in such a thoughtful and considered way. I hope that I made clear from the start that not only do I understand the University’s duty in relation to upholding freedom of speech within the law but that I take that duty very seriously. I also was able to draw your attention to the fact that at the University of Southampton, we have a record to be proud of in upholding freedom of speech.

I reassured you that throughout the process, the only issues under consideration were how to balance the University’s duty to uphold freedom of speech within the law with its duty to ensure the safety of staff and students of the University on University premises and these are the only considerations that have weighed in the decision making process.

I advised you both that I had received advice independently from the Director of Estates and Facilities, the Head of Security and the Head of Safety and Occupational Health on the specific issues arising in relation to the conference. In addition, I have consulted fully on the principles with the University Council, the Senate and the University Academic Executive.

I have also reviewed and considered the advice we have received from the Police: in particular, the wide media attention (both national and international) that the conference has attracted; the potential for protest and counter protest; the need to consider mitigation against the potential for terrorist attack; and the University’s capacity and experience to deal with such matters.



The University has a small security team who are not trained or resourced to deal with public order matters. They do not have the experience or training to deal with provision of protest areas or clear stewarding. Consideration has been given to obtaining additional skilled resources but I am advised that it would not be possible to get this in place in time for this event.

The purpose of this morning's meeting was to give you an opportunity to present your appeal and make any and all representations to me that you wished to and then I would consider your representations alongside the advice and feedback that I have received as outlined above and make a decision on your appeal.

I completely accept your concern for the reputation of the University with regard to its obligations to uphold freedom of speech under the law and your desire to promote the best interests of the University and academic learning. At no stage in this process have I had reason to question the sincerity or integrity of either of you and I wish to make clear that the decision letter from Steve White set out the background and timeline to this issue and was in no way intended to suggest that you did or did not take any particular set of actions.

I have considered the specific grounds of appeal you raised but have not addressed them in detail in this letter in the interests of getting a response to you promptly. Indeed, I understand that you have asked for the outcome to the appeal to be provided to you today so that you are able to take advice about seeking interim relief prior to the Easter bank holiday weekend. Should you wish to see full reasons for the basis of this outcome, please do let us know and we will endeavour to provide them to you within 7 days.

In short, however, my decision, based on the advice that I have received, is that it is not possible to put in place measures or take remedial action to ensure that good order can be maintained on campus that will safeguard staff and students while the conference is taking place. For that reason, and that reason alone, I uphold the decision of the Responsible Officer to withdraw permission to hold the conference at the University from 17<sup>th</sup> to 19<sup>th</sup> April, 2015.

The University remains committed to taking such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for staff and students. I was impressed by the commitment you gave this morning to holding a conference reflecting a broad spectrum of views and I would like to confirm the offer that I made when we met that the University would be prepared to work with you to find a venue suitable for a conference of this nature at a later date. I remain committed to the possibility of the event taking place in the future if adequate safeguards can be put in place to minimise the risk to the safety of university staff and students. Given the short period time between now and 17<sup>th</sup> April, the amount of publicity that the conference has attracted and the consequent risk of protest and counter-protest, I do not believe that such measures could be put in place for the present conference.

In our meeting you advised that if my decision was to uphold the decision of the Responsible Officer, then you would make an application tomorrow before the High Court for an injunction requiring the University to proceed with the conference.

As I said at the time, I fully respect your entitlement to take such steps as you deem appropriate, however, I understand that this is not an application that should be made *ex parte*. Indeed, I understand that there is no basis whatsoever for such an application to be made

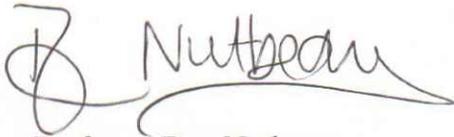
without providing the University with 3 clear days' notice, as is required by CPR Practice Direction 25A 2.2.

Given the co-operation that has taken place between the parties, your involvement with this appeal and the fact that the conference is not due to start until 17<sup>th</sup> April, I believe that there are no grounds at all for a failure to provide the University with proper notice of your application so that it can attend any application and make representations.

In the event that you do seek to make an application with no or short notice, please advise me and the University's Director of Legal Services immediately so that arrangements can be made for the University to be represented and in any event, please ensure that this letter is put before the judge.

I realise that this will be a disappointment to you both and of no consolation to you that this is the most difficult decision that I have had to make in my whole time as Vice-Chancellor of the University of Southampton.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Don Nutbeam', with a stylized flourish extending from the end of the name.

Professor Don Nutbeam  
Vice-Chancellor