

PUBLIC PROTECTOR COMPLAINTS FORM

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| FOR OFFICE USE Case number Date Received Received by |
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YOUR DETAILS

N/A = Not Applicable

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| 1. Your name | Mr. Surname: BEAURAIN Initials: J.I. |
| 2. If your complaint is about a pension or ID document matter, please provide your ID number. | ID number: N/A |
| 3. Your address and telephone number(s) | The address where you live: 23 Lower Collingwood Road, Observatory Postal Code 7925 The address we can send letters to: 23 Lower Collingwood Road, Observatory Postal Code 7925 Telephone number at home: Code 021 Number 4479727 Telephone number at work: 072 2064 911 Code 021 Number 072 2064 911 Is there any other telephone number we can call you at: Code N/A Number N/A Whose telephone number is this? N/A Fax number: Code N/A Number N/A |

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| | Cellular phone: Number 072 2064 911 |
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| 4. If this complaint is for someone else, please tell us about them. | Mrs, Ms, Mr. N/A Surname: N/A Initials: N/A |
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| 5. Their ID number If the complaint is about a pension or ID document matter. | ID number: N/A |
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| 6. Their address and telephone number(s) | The address where they live: N/A Postal Code N/A The address where we can send letters to: N/A Postal Code N/A Telephone number: Code N/A Number N/A Fax number: Code N/A Number N/A |
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| 7. If this complaint is for an organisation, please tell us: | N/A |
| The name of the organisation | N/A |
| What does it (e.g., Civic, NGO, Business, retailer, factory) | N/A |
| Who should we talk to there? | N/A |
| What is their position (e.g. Colleague, Chairperson, Director, Secretary) | The address we can send letters to: N/A Postal Code N/A Telephone number: Code N/A Number N/A Fax number: Code N/A Number N/A |

TELL US ABOUT THE COMPLAINT

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| 8. Is the problem still happening? | Yes the problem is still happening |
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| 9. If no, on what date did it happen? | day N/A month N/A year N/A what time? N/A |
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| 10. Where did it happen? | Town Bellville in Cape Town Province Western Cape Province |
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| 11. Which government agency is involved? | The University of the Western Cape |
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12. Tell us the names of the officials that you contacted to try and solve the problem?

| <u>Structure that the person represented when I contacted him or her</u> | Names | <u>13. Where can they be reached</u> |
|--|-------------------------|--|
| Thesis Supervisor (withdrawn) | Professor S. Lazarus | Private Bag X17, Bellville, 7535, Tel 021 9593887 or cell 082 8213006 Email: slazarus@uwc.ac.za or sandy@yebo.co.za |
| Dean of the Education Faculty at UWC | Professor D. Meerkotter | Private Bag X17, Bellville, 7535, Tel 021 7621529 or 021 9592649(O) Email: dmeerkot@uwc.ac.za or meerkott@gem.co.za |
| Chairperson of the Higher Degrees Committee of the Education Faculty at UWC. | Professor P. Kallaway | Private Bag X17, Bellville, 7535, Tel 021-7618825(H) or 021-9592450(O) Email: pkallaway@uwc.ac.za or kallaway@iafrica.com |
| Chairperson of the Research Committee at UWC | Professor R.L. Christie | Private Bag X17, Bellville, 7535, Tel 021-959 2949, Fax: 021 959 3170, Email: rchristie@uwc.ac.za |
| The Registrar of UWC | Dr. I. Miller | University of the Western Cape, Private Bag X17, Bellville, 7535, Tel: 021 959 2111/2102 Fax: 021 9593126 or Email: imiller@uwc.ac.za |
| Chairperson of the Senate Executive Committee as well as the Senate of UWC. Also the Vice-chancellor of the UWC. | Professor B. O'Connell | Private Bag X17, Bellville, 7535, Tel: 021-9592101, Fax: 021-959 3126 or Email: |
| Chairperson of the Council of UWC | Ms S. Tyeku | Private Bag X17 Bellville, 7535, South Africa, Telegraph: UNIBELL, Cell: 082 787 8243 E-mail: tyeku.s@doe.gov.za , |

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| <u>Structure that the person represented when I contacted him or her</u> | Names | <u>13. Where can they be reached</u> |
| | | sheilatyeku@discoverymail.co.za |
| Minister of Education | Ms N. Pandor | Care of Private Secretary, Ms Amina Jacobs, Private Bag X603, PRETORIA, 0001, Tel: (012) 312 5501, Fax: (012) 323 5989, Cell: 082 809 0727 E-mail: Jacobs.a@doe.gov.za |
| Minister of Health | Dr. M. T. Msimang | Care of Private Secretary, Mr. Mduduzile Masuku (Acting), Private Bag X399, PRETORIA, 0001, Tel: (012) 312 0825 Fax: (012) 325 5526 Cell: 082 572 7196, E-mail: masukum@health.gov.za , mngads@health.gov.za |
| Executive Officer of the Council for Higher Education (CHE) | Dr. S. Badat | Telephone: Telephone: +27 12 - 392 9119, Fax: +27 12 - 392 9110, E-mail: ceo@che.ac.za |
| The President of the Students Representative Committee at the University of the Western Cape. | Mr. W. Mdepa | E-mail: mcbright@webmail.co.za or 9781195@uwc.ac.za |
| Provincial Secretary of the Congress of South African Trade Unions | Mr. T. Ehrenreich | tony@cosatu.org.za 5th Floor Salt River Centre 358 Victoria Road Cape Town Salt River. 021 + 448-0045 / 6 Fax: 021 + 448-0047 |
| Provincial Secretary of the South African Democratic Teachers Union | Mr. D. Pasquallie | 33 Tallent Street PAROW 7500 TEL: (021) 930 8316/8565 FAX: (021) 930 8497 CELL: 083 627 8006 westerncape@sadtu.org.za |
| The Chancellor of the University of the Western Cape (UWC) | Archbishop D. M. Tutu | desmondious@yahoo.co.uk |

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| 12. Tell us the names of the officials that you contacted to try and solve the problem? | | |
| <u>Structure that the person represented when I contacted him or her</u> | Names | <u>13. Where can they be reached</u> |
| A representative of the structure of the Association for Ayurveda Practitioners in South Africa. This association for Ayurveda practitioners are registered with the Allied Health Professions Council of South Africa | Dr. R.D. Hiralall | Tel: 011 624 1889 Cell: 0837153843 rdh@icon.co.za |
| 14. Have you reported this case to anyone else? | Yes If yes, who (e.g. the police, a lawyer) to the media | |
| 15. Please tell us how you heard about the Public Protector (radio, newspaper, poster, friend) | On television | |
| 16. In this space provided below and in your own words, tell us exactly what happened, including all the information that you think is important. If you need more space, please use a separate piece of paper that will be provided to you. Please attach copies of any relevant correspondence or documents. | | |

3 October 2005

From: Johan Beaurain, 23 Lower Collingwood Road, Observatory, 7925.
Email: johanbeaurain@yahoo.com
Telephone: 021 4479727 or 072 2064 911

To: Western Cape Regional Office of the Public Protector, 2nd Floor, ABC Building, 130 Adderley Street, Cape Town, 8000.
Tel: 021-4238644
Fax: 021-4238708
Tollfree: 0800 112040
Email: shamiela@pprotect.org

Re: Complaint against the University of the Western Cape (UWC)

Dear Public Protector,

The reason I am asking your office to investigate the issue exposed in the following, is that I strongly believe that, on the one hand a free and open debate in search of the truth, and on the other hand freedom to choose one's field and topic of academic research, are fundamental democratic, as well as academic rights in our country. I have been denied both by the University of the Western Cape.

I am a student at the University of the Western Cape (UWC). I am presently working on a Master's by thesis at the Education Faculty.

It is now being alleged that my research is unethical and I am therefore unable to get ethical clearance to continue my research. However, in spite of repeated requests, I have not been given any explanation as to why my research should be considered unethical.

In a letter to the registrar of UWC, dated 28 April 2005 (enclosed), I responded in detail to the decision as outlined in the minutes of the Senate Executive Committee (SEC). Subsequently the Senate of UWC confirmed the decision of the SEC without addressing the issues I raised in my letter. I am thus left without guidance as to the modifications required in order to ensure that my research is no longer unethical.

Apparently the UWC now expects me to abandon my research.

The specific aim of my research as designed is to answer the question: Can learning and applying a particular holistic self-healing modality like Ayurveda, make a difference in learners' own health and well being? The learning sessions would focus particularly on the possible effects of Ayurveda consciousness with regard to what in allopathic medicine is called "HIV/AIDS".

I intended to do this by way of a pilot study in which I develop and implement a few learning sessions on Ayurveda. The differences would be measured by a questionnaire to be completed before and after the complete set of learning sessions.

The Senate Executive Committee stated that my research is unethical because "massive harm will result based on the accepted worldview of the subject". I see this as nothing more than a fear-based subjective opinion, and it is obviously utterly unscientific. There is no reference to any scientific foundation for this "accepted world view".

It so happens that, in preparation for this study, I have done extensive literature research that leads me to conclude that the institutionally embraced HIV/AIDS hypothesis is invalid.

I have repeatedly requested from both the UWC as such, and from my thesis supervisor individually, the references to the research that proves:

- That the HIV can be isolated in the fresh plasma of a person diagnosed as HIV seropositive.
- That the HIV tests that are used to diagnose people as HIV seropositive are scientifically validated for that purpose.
- That HIV is the cause of AIDS.
- That HIV is sexually transferable.

However, I have had no response. Nor have they tried to explain to me as a student, if I was missing the point, and if so, where or how. Instead they choose to hide behind an unhelpful institutional/bureaucratic smoke screen.

My supervisor Professor Sandy Lazarus has withdrawn because, as she put it; she refuses to supervise me without the ethical approval from UWC.

During 2004 I asked the executive of UWC to provide the scientific research behind their AIDS policy. Enclosed you will find copies of my correspondences with the Registrar of UWC regarding this request. This correspondence can also be accessed electronically <http://www.aras.ab.ca/articles/BeaurainIndex.html>. The executive of UWC has failed to do so. I thus have good reason to believe that neither the UWC as an institution, nor the individual academics consulted, are able to provide the research references I am asking for. The probable reason for this is that such research simply does not exist, though they do not want to acknowledge that.

Currently UWC continues to propagate the HIV/AIDS hypothesis as if it were a scientifically validated fact. UWC also continues to implement its institutional AIDS policy that is based on the same false premise. This is being done in the face of a number of very powerful arguments forwarded by top ranking scientists across the globe. By ignoring the arguments of prominent scientists who on solid grounds question the validity of the HIV/AIDS hypothesis, UWC also contradicts the spirit of the revised national curriculum. The curriculum statement grades R-9 (schools) policy for Life Orientation emphasize that learners should be empowered to a level where the learner will be able to make informed decisions regarding personal, community and environmental health. (Page 40) These outcomes do not give educators the right to decide for learners. Learners must be able to make their own decisions after the educators have done their duty of

exposing learners to a wide range of information. But in the case of the HIV/AIDS hypothesis, this principle is not encouraged.

I have reason to suspect that when the organs of UWC are arguing that my research is unethical, it is in order to justify their continued support for the implementation of the invalid HIV/AIDS hypothesis without having to show any scientific proof, and without engaging in an open debate. So, rather than assisting me in an unbiased search for the truth, they are actually suppressing the truth. This can hardly be in the interest of their students, nor in the interest of the rest of the population of South Africa. And it goes squarely against both the core principles of the concept of Science, and the pronounced aims and principles of the UWC.

I submitted a complaint to the Chairperson of the Council of UWC, Ms Sheila Tyeku, about the arbitrary restrictions in the choice of my academic research topic. A copy is attached. Copies of this letter were also sent to the Minister of Education and the Minister of Health, and to the Executive Officer (EO) at the Council for Higher Education (CHE). The latter informed me that the matter is not within the competence of the CHE and should best be resolved within the institution (UWC).

The matter was also reported to Mr. Tony Ehrenreich the Provincial Secretary of the Congress of South African Trade Unions (COSATU) as well as to Mr Don Pasquallie the Provincial Secretary of the South African Democratic Teachers Union (SADTU). Both of these organisations are also occupying seats on the Council of the University of the Western Cape.

UWC recommend their students to adhere to the guidelines outlined in their ‘GUIDE TO ACADEMIC WRITING’ (Basset, Oliphant, Bak, 2003:32) of which a copy is attached. An electronic copy of this guide can be accessed at: <http://www.uwc.ac.za/students/indexr.htm> under the category “For postgraduates”. I believe that I have adhered to all the requirements on research ethics as outlined in this guide, yet the UWC continues to rule that my research is unethical.

An electronic version of the record of my complaint can be accessed at: <http://www.aras.ab.ca/articles/BeaurainSummary.doc>.

I trust that your office will be able resolve the problem, of which the details are clearly outlined in the attached documentation. For any additional information I am at your disposal.

Yours truly

Johan Beaurain

Signature: Date:

Thank you for completing this form. We will communicate with you as soon as possible.
drb/noncase/compl.