

## Words Matter: Peer Review as a Failing Safeguard

by Tom Quiggin

### *Abstract [1]*

*Peer review is intended to support the quality and standards of academic work. The peer review process has been questioned recently in a number of different arenas. Source reliability and information credibility can be a problem when an academic scholar or an academic product steps into the public realm through a court case. In these circumstances, it is not just the credibility of the academic community that is being tested: lives and liberty can be at stake. Peer-reviewed article must provide a basic standard of trustworthiness. At a minimum, the peer review process, though a fact checking process, should be able to assure the reader that the sources of the information are reliable and the information provided is credible.*

### *Testing Reliability*

Some years ago, information from a peer-reviewed journal paper was rejected by the Federal Court of Canada in a terrorism-related court case. The judgement of the court identified that a component of the paper depended on sources of questionable reliability.[2] Additionally, the judge raised concerns about other information entered into court in the same case which had a patina of academic credibility.[3] The case is significant, in that the judge also determined that the accused in question had spent six and a half years in detention on a national security certificate without ever actually being a threat.[4]

Consider the following sentences from an article used in this court case that was earlier published in a peer-reviewed journal.[5]

*“The terrorists who attacked the London transport system in July 2005 [6] were subsequently found to have been in possession of a large cache of illicit identity documents. The police investigation that followed uncovered a veritable trove of fraudulent passports, visas, and forged identity documents, sufficient, it was said, to supply several terrorist cells.”[7]*

Whether these words are read by an academic, an average citizen or by the mythical ‘reasonable person’[8] in a court room setting, it would seem fair to make the following observations about this statement:

1. Terrorists attacked or attempted to attack the London transport system in July 2005.
2. A police investigation occurred subsequent to the terrorist attack.

3. These terrorists in question were found by the police to have in their possession a large amount of illicit identity documents.
4. The police investigation determined that the illicit documents in their possession consisted of a large amount of fraudulent passports, visas and forged identify documents.
5. The number of documents in the possession of the terrorists and found by the police would supply several terrorist cells, thereby inferring that more terrorist activity was planned by this group or its associates.

The information presented in this statement, however, is misleading. The documents referred to were not found by the police. The documents were not found in the possession of the terrorists. The persons finding the documents were not connected to the failed 21 July 2005 attacks to which the article refers nor were they connected to any “subsequent police investigation.” There was no “veritable trove” of fraudulent passports, visas, and forged identity documents found in the possession of the terrorists who attempted to attack the London transport on 21 July 2005. There was no indication in the case that suggested these terrorists were planning another attack or were supplying passports or visas to others.

### ***Source Reliability and Information Credibility***

How can a statement made in a peer-reviewed journal be rejected by a court?[9]

At this point, it may be instructive to authors, peer reviewers and other readers to examine potential pitfalls in source reliability and the closely related issue of information credibility in an academic article. In this case, the endnote [10] provided to substantiate the claim that the police investigation had uncovered a trove of fraudulent passports refers the reader to a *Washington Times* article with the title of *7 more arrested in Britain*.

Several problems immediately arise upon examination of this source. The first issue is that it is a newspaper. This is not to say that newspapers should or should not be used as sources in peer-reviewed academic articles. Newspapers, as with any other endeavour, are known to vary widely in their quality and may have an agenda. An agenda is not necessarily a problem if it is identified to the reader up front. In this particular case, the paper is the *Washington Times*.

The *Washington Times* was formed in 1982 by the Reverend Sun Moon of the Unification Church (the Moonies). The paper, according to various sources, has a reputation for an agenda such as was reported in the University of Columbia’s *Journalism Review*. [11] At the 20<sup>th</sup> anniversary of the paper, the Reverend Sun Moon gave an hour long speech in which he stated: “The Washington Times will become the instrument in spreading the truth about God to the world.” [12]

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In the press article used in the academic paper, the *Washington Times* journalist bases part of his information on a “security source, who spoke on the condition of anonymity.”[13] The source is not identified and neither is the agency or company for which the source works. Additionally, no explanation is offered as to how the source came to possess the information. While the practice of using unidentified sources with no explanation of how they came into possession of certain information may be an acceptable practice for journalists, it should be a significant flag of warning for the academic author. It is necessary to avoid using such information until some sense of reliability of the source and the credibility of the information can be established.

In the *Washington Times* article, the journalist also qualified his own statement by noting that “the source offered no substantive evidence of additional cells.”

As for the discovery of the documents, the *Washington Times* journalists writes:

*The travel bag was stuffed with visas, forged documents supposedly from the British Home Office, bank cards and work permits. It was handed over to police after a taxi driver found them and passed them to investigative journalist Mazher Mahmood.*

The journalist does make it clear that the documents in question *were not found* by police as part of a subsequent investigation. Rather it was a passing taxi driver, Gary Saunders, who found them and turned the travel bag over to a journalist. They were found about a mile from Heathrow airport which has no physical proximity to the attempted attacks. Mr. Saunders turned the documents over to a journalist. The journalist in turn brought them to the attention of the authorities.[14] It is clear that the documents came to the attention of the police due to good practices of a taxi driver and a journalist, not due to an investigation.

The *Washington Times* article provides us only the information that the journalist in question was Mazher Mahmood. Further research reveals that, at the time, Mr. Mahmood was working for the *News of the World*. Again, this should be a flag to the reader or potential author. The *News of the World* is a ‘red top’ paper or tabloid with a reputation for sensationalist articles. At best, extraordinary caution should be used when quoting from a tabloid paper. With respect to peer-reviewed articles, it may be advisable to avoid any source material from tabloids without establishing the credibility of the information via another source.

To be clear and to be fair to the *Washington Times* journalist, it should be noted that the newspaper article in question states in the opening paragraph that:

*Police investigating a wave of transit system bomb attacks yesterday arrested seven more persons and separately uncovered a large cache of faked identity documents, spurring fears that additional terror cells are waiting to strike. [15]*  
(emphasis added, TQ)

The author of the newspaper article states directly in the first sentence that the discovery of the documents in question was a *separate* action from the police investigation into the transit system

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bomb attacks. It is clear that the author of the newspaper article did not intend to say that the police investigation of the transit system bomb attacks uncovered the documents. However, the first sentence does weakly infer that the police did find the passports in question, even if the article later clarified that was not the case. While the *Washington Times* journalist does attempt to link the two issues, (documents and terror cells) he is clear that it was fear, not facts, that spurred the observations.

The journalist does go on to clarify the opening statement and explains that the documents in question were not found by the police. They were actually reported to have been found by a taxi driver.[16] They were never in the possession of the 21 July 2005 terrorists and no connection to their case has been identified. Additionally, no subsequent information has appeared that would clearly determine if the passports and other documents were part of an immigration fraud ring, a criminal organization or a terrorist group.

As such, the statement in the peer-reviewed article is false and misleading. The sources for the information lacked credibility and even at that, the article manages to distort and misrepresent the information that was originally provided by the journalists in question.

Ironically, the same *Washington Times* article also made the following statement about Osman Hussain[17], who was one of the terrorists convicted in the July 2005 London transit attempted bombings case:

*The British internal security service also faced criticism after it was revealed that Mr. Hussain had managed to escape the country aboard the Eurostar train through the Channel Tunnel to France. He traveled using his regular British passport five days after the failed July 21 bombings.[18] (emphasis added, TQ).*

This information from the *Washington Times* article used by the author of the peer-reviewed journal actually leans more towards disproving the general thesis of the article, rather than proving it. As such, the source for the peer-reviewed article in this case not only does not support the claims made in the article, it contradicts the main thesis of the argument in question.

An examination of the remainder of the peer-reviewed article reveals that the other examples used in the paper are also misleading. Under the subsection in the academic article titled (d) Passport Forgery, there is the statement “Al Qaeda operatives arrested in the United Kingdom were found in possession of hundreds of fraudulent travel documents.” The reader is directed to endnote 78[19] to confirm the source of this information which was a *Sunday Times* (London) article of 29 February 2004. When the 2000 word article is read, it can be found to say only in the second to last paragraph that:

*Two Al-Qaeda terrorists, jailed in Britain in July 2003, were discovered with hundreds of fraudulent travel documents that had been used to open bank accounts, get bank loans and claim benefits.*

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No source is identified in the article as to how many passports the terrorist might have had nor are they identified. However, further research beyond what is provided in the newspaper article or the academic article reveals that the two individuals involved were Brahim Benmerzouga and Baghdad Meziane. It appears that Mr. Meziane was found with one passport in the name of Cyril Jacob and Mr. Benmerzouga was found with three fake passports. The primary focus of their conviction was for "entering into a funding arrangement for the purposes of terrorism" and for this they were found to have hundreds of bank cards.[20]

According to reporting based on the judgment of Mr. Justice Curtis, Mr. Benmerzouga and Mr. Meziane were found to have the "names and credit card details of almost 200 different bank accounts on computer discs and envelopes found littered around their homes and cars." [21]

Press reporting speculated that Mr. Meziane *may* have been involved in the distribution of false visas based on emails found on his computer that referred to washed and unwashed clothes. This, however, was speculation and did not refer to passports themselves as the journalists make clear when they state that the information was "thought to have referred to doctored travel visas." [22]

### ***The Outcome***

The overall impact of the lack of reliability of the sources and the lack of credibility of the information is clear. Refereeing specifically to the misuse of identity documents, the judge determined that the article had:

*...relied on secondary or tertiary sources of information, such as newspaper articles, of questionable reliability.*[23]

The judge made a further observation on the issue of reliability and credibility in the same judgment. The judge states that the author, also appearing as a witness, was:

*cross-examined closely on the accuracy of sources he had referenced in his report, including a Washington Times article dated August 1, 2008 (Ex. R-3), [24] an article on the use of deception by Raymond Ibrahim (Ex. R-4) and the Encyclopaedia of the Afghani Jihad (Ex. A-7). The content of the Washington Times article did not support the statement for which it was used as a reference. There is no explicit reference in the Encyclopaedia to support the statement that it encourages Al Qaeda members to deceive the court." (the witness) acknowledged that Mr. Ibrahim's perspective may be biased.*[25]

In this case and other related court cases, numerous other examples have been found in which misleading information has been entered into court with at least the patina of academic credibility. This may be the subject of another article on how circular reporting (including that of the academic world) allows unreliable information to enter into mainstream thinking.

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*Peer Review*

Academics claim to have a special or privileged position in society. As with other professions such as doctors or lawyers, academics are presumed to have an area of competence. This is enforced in the public mind by a number of formal mechanisms (degree granting, research and teaching positions, tenure, etc.) and by informal mechanisms such as ceremonial and dress conventions. The credibility of the field is believed to be maintained by enforcement actions such as peer review, article retraction or the loss of tenure.

Peer review, at least publicly, is presented as a key part of the process of ensuring the quality of academic research work. However, despite its long history, peer review is frequently questioned. Note the comments of Richard Horton, editor of the medical journal *The Lancet*:

*Editors and scientists alike insist on the pivotal importance of peer review. We portray peer review to the public as a quasi-sacred process that helps to make science our most objective truth teller. But we know that the system of peer review is biased, unjust, unaccountable, incomplete, easily fixed, often insulting, usually ignorant, occasionally foolish, and frequently wrong.[26]*

Other comments on peer review have been considerably less kind than those of Richard Horton! [27]

One of the problems with peer review is that no clear definition explains the process and the standards that should guide it. A general consensus appears to exist on the view that those doing peer review should be knowledgeable in the field of endeavor under examination and that the peer review process is intended to improve the quality of the work involved. However, peer review, contrary to some views, does not necessarily ensure the correctness of the work presented.[28]

As a part of the research into this article, an email was sent to the publishers Taylor and Francis on 03 February 2013 which asked the following question:

*Peer Review: As a general rule, does the process of peer review at a journal ensure the correctness of the general thesis of the article and the facts contained within it? Or would it be fair to state that it is more of a process of quality control?*

The answer (email of 04 February 2013) provided by the Production Coordinator was “Visit <http://journalauthors.tandf.co.uk> for further help and resources.” This page provides a link to another page titled “What is peer review?” The page describes the peer review process at Taylor and Francis but does not address the question of whether or not peer review ensures the correctness of the main thesis of the article or the facts within it. It does state that peer review can “alert you to any errors or gaps in the literature you may have overlooked.”

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*What Should Be Expected of Peer Review?*

Peer review is fraught with difficulty, especially in areas such as terrorism and national security. These fields often have a lack of clarity in defining many of the most commonly used terms and the nature of the subjects tends to bring out value-laden terms. No one should expect the peer review process to sort out such complex problems and the wide variety of analytical views which result.

However, the reader should expect at least source reliability and information credibility. The information provided by the author should then link to the general thesis of the article in question. While it is difficult to expect that academic work can provide absolute ‘truth’ or ‘pure facts’ in the nebulous and value laden subjects of terrorism and national security, it is not unreasonable to expect source reliability and information credibility.

*What to Watch and What to Avoid*

Assessing the value of a peer-reviewed article can be difficult, especially if the reader is not an expert in the field of study. However, there are key indicators and warnings which may alert the reader to potential problems. The first of these is to actually check the source given in an endnote. Does the source exist as described and can the source be assessed as reliable? Does the source have a known agenda? Often overlooked is the next step, which is to measure the credibility of the information provided. While a source may be well known, it does not infer that the information itself is credible. This needs to be determined separately.

Details are everything. If the details of an argument do not withstand examination, then the entire argument becomes subject to questions of reliability. In a court of law, these flaws will be exposed and subject to an aggressive cross examination. Check the details!

Readers should also be aware of the often used writer’s trick of placing two concepts side by side and allowing the reader to make the association. Consider the following: “The 9/11 attacks on America must not be allowed to stand. We must attack Iraq so we fight them over there rather than fighting them over here.” Clearly, there was no linkage between Saddam Hussein’s Iraq and the 9/11 attacks, but politicians, journalists and academics will use this rhetorical trick to lead the reader into making an assumption. If such an observation is made in an article, then the entire argument of the article or paper should be closely examined for validity.

*Conclusions*

While the concept and bounds of peer review remains contested, it should be expected to meet some form of minimum standard. In terms of surviving cross examination in court, this means ensuring the reliability of the source involved and the credibility of the information provided by

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that source. Following that, the arguments advanced must actually support by the claims made. Even if the arguments of the article do not carry the day in court, the author and the article can retire from the legal battlefield with their credibility intact while enhancing the integrity of the academic profession. If they do not, then both the author and academia suffer.

In short, words matter.

**About the Author: Tom Quiggin, (M.A, C.D.)** is a court qualified expert in “the reliability of intelligence as evidence in court” (Federal Court of Canada) as well as the “structure, organization and evolution of the global jihadi movement” (Criminal Court and Federal Court). He has more than twenty years of practical intelligence experience in a variety of positions. These include the Royal Canadian Mounted Police, the Canadian Armed Forces, the United Nations Protection Force in Yugoslavia, Citizenship and Immigration Canada (War Crimes), the International War Crimes Tribunal for the former Yugoslavia (The Hague), and the Privy Council Office of Canada. He was also a qualified arms control inspector for the Conventional Forces in Europe Treaty and the Vienna Document. He holds a Masters Degree in International Relations and is a certified knowledge management practitioner. He is the author of the monograph ‘Seeing the Invisible: National Security Intelligence Requirements in an Uncertain Age’ (Singapore: World Scientific, 2007) and has numerous publications and book chapters in Canada, the USA, the UK, Germany, Singapore and the Netherlands on his name.

### Notes

[1] A short piece of a similar nature was published by the same author in *Global Brief* magazine in February 2010. It was titled *Words Matter: Academia, Terrorism and National Security*. It can be found online at: <http://globalbrief.ca/tomquiggin/2010/02/21/words-matter-academia-terrorism-and-national-security/> (downloaded on 04 March 2012 at 04:53 EST).

[2] See paragraph 269 of the Federal Court of Canada reasonableness judgement on Hasan Almrei. Date: 20091214,

Docket: DES-3-08, Citation: 2009 FC 1263. It is available online at: <http://web.archive.org/liveweb/http://decisions.fct-cf.gc.ca/en/2009/2009fc1263/2009fc1263.html> (downloaded on 29 January 2013 at 1211 EST).

[3] See also paragraphs 283 and 284 in the same decision above.

[4] The key paragraph [504] of the judge’s conclusions in his findings states: *Having considered all of the information and other evidence presented to the Court, I am satisfied that Hassan Almrei has not engaged in terrorism and is not and was not a member of an organization that there are reasonable grounds to believe has, does or will engage in terrorism. I find that there are no reasonable grounds to believe that Hassan Almrei is to-day, a danger to the security of Canada. Thus, I find that none of the grounds of inadmissibility in subsection 34(1) of the Act have been made out and, accordingly, I find that the certificate is not reasonable and must be quashed.* The decision is available online at: <http://web.archive.org/liveweb/http://decisions.fct-cf.gc.ca/en/2009/2009fc1263/2009fc1263.html>. (downloaded on 03February 2013 at 17:58 EST).

[5] The journal in question is *Studies in Conflict and Terrorism*. The title of the article is *Misuse of Passports: Identity Fraud, the Propensity to Travel, and International Terrorism*. The publishers of this journal, Taylor & Francis, make the following statement concerning peer review on this particular publication: “All research articles in this journal have undergone rigorous peer review, based on initial editor screening and

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refereeing by two anonymous referees.” This statement can be seen online at: <http://www.tandfonline.com/action/aboutThisJournal?show=aimsScope&journalCode=uter20> . The peer review process of Taylor & Francis is further described at: <http://journalauthors.tandf.co.uk/review/peer.asp> . (downloaded on 4 March 2012 at 04:55 EST).

[6] This article does not refer to the attacks on the London Tube system of 05 July 2005, but rather the later failed attempt on 21 July 2005. This fact is not made especially clear in the article.

[7] These sentences can be found on page 96 of the article *Misuse of Passports: Identity Fraud, the Propensity to Travel, and International Terrorism* as published in *Studies in Conflict and Terrorism*, 31:2, 95-110. The article also has an online publication date of 01 February 2008. DOI:10.1080/10576100701812803.

[8] The term is used herein the context of common law and can be defined as a *hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability*. A further explanation of a reasonable person can be found in the Canadian Supreme Court ruling *R. v R.D.S.* [1997] 3 S.C.R. 484.

[9] It should be noted this was the Federal Court of Canada. The standard of evidence used in the Federal Court is less challenging than that used in a criminal court in Canada. It is all the more distressing that the statements from this article did not meet the standards used in the Federal Court.

[10] Endnote number 10 in the article reads: Paul Martin, “7 More Arrested in Britain,” *Washington Times*, 1 August 2005.

[11] For an overview of issues raised by a newspaper having an agenda, see the article by Dante Chinni, a senior associate at the Project for Excellence in Journalism, Columbia University, Graduate School of Journalism titled *The Other Paper* as published by the *Columbia Journalism Review*, 01 September 2002.

[12] See, among others, Frank Ahrens, *The Washington Post*, 2, May 2002. *Moon Speech Raises Old Ghosts as the Times Turns 20*.

[13] Paul Martin, “7 More Arrested in Britain,” *Washington Times*, 1 August 2005.

[14] See the article titled *EVIL ON OUR STREETS: WE FIND FAKE PASSPORTS NEAR AIRPORT* as reported by the *News of the World* (London); Jul 31, 2005; Mazher Mahmood investigations; p. 2. Copies of the article can still be found online at: <http://z13.invisionfree.com/julyseventh/index.php?s=f854a41a35253ce6e84eacdc8033ae57&act=Print&client=printer&f=18&t=128>

[15] Paul Martin, “7 More Arrested in Britain,” *Washington Times*, 1 August 2005. (downloaded on 04 March 2012 at 04:57 EST).

[16] For more on the taxi driver see the article of Tuesday, 02 Aug 2005 at 14:02:51 titled *Fake Indian passports found in holdall*. It is available online at: <http://newsgroups.derkeiler.com/Archive/Soc/soc.retirement/2005-08/msg01049.html> (downloaded on 28 January 2013 at 2215 EST.)

[17] The individual in question has had his name reported as Hussain Osman, Hussein Osman and Osman Hussian. According to a BBC profile of him, his name was originally Hamdi Isaac Adus. For further on his background and conviction, see the BBC *Profile: Hussain Osman* dated Monday, 9 July 2007, 15:45 GMT 16:45 UK. It is available online at [http://news.bbc.co.uk/2/hi/uk\\_news/6634923.stm](http://news.bbc.co.uk/2/hi/uk_news/6634923.stm). (downloaded 13 February 2013 at 09:24 EST).

[18] Paul Martin, “7 more arrested in Britain”, *Washington Times*, , originally published 12:13 a.m., August 1, 2005, updated 12:00 a.m., August 1, 2005.

[19] Endnote 78 reads: Nick Fielding, “Going Cheap: The Fake Passports That are Just a Phone Call Away,” *Sunday Times* [London] 20 February 2004.

[20] See the BBC article *Terror-link pair jailed* as published on Tuesday, 1 April, 2003, 15:42 GMT 16:42 UK. It is available online at [http://news.bbc.co.uk/2/hi/uk\\_news/england/2887953.stm](http://news.bbc.co.uk/2/hi/uk_news/england/2887953.stm) (downloaded 13 February 2013 at 11:07 EST). See also the BBC article *Hundreds arrested, few convicted* published Friday, 11 March, 2005, 14:29 GMT. It is available online at [http://news.bbc.co.uk/2/hi/uk\\_news/3290383.stm](http://news.bbc.co.uk/2/hi/uk_news/3290383.stm) (downloaded 13 February 2013 at 15:14 EST).

[21] *Al-Qaida terrorists jailed for 11 years*, attributed to Staff and agencies at The Guardian, Tuesday 1 April 2003 16.56 BST. The article is available online at <http://www.guardian.co.uk/uk/2003/apr/01/terrorism.alqaida> (downloaded 13 February 2013 at 11:18 EST).

[22] Ibid.

[23] See paragraph 269 of the Federal Court of Canada reasonableness judgement on Hassan Almrei. Date: 20091214,

Docket: DES-3-08, Citation: 2009 FC 1263. It is available online at: <http://web.archive.org/liveweb/http://decisions.fct-cf.gc.ca/en/2009/2009fc1263/2009fc1263.html> (downloaded on 29 January 2013 at 1211 EST).

[24] The exhibit noted the date as 2008 which was the year in which the peer-reviewed article was published. The year of the *Washington Times* article was 2005.

[25] See paragraph 283 of the Federal Court of Canada reasonableness judgement on Hassan Almrei. Date: 20091214,

Docket: DES-3-08, Citation: 2009 FC 1263. It is available online at: <http://web.archive.org/liveweb/http://decisions.fct-cf.gc.ca/en/2009/2009fc1263/2009fc1263.html> (downloaded on 29 January 2013 at 1211 EST). For more on this issue, see paragraph 284 of the same judgement.

[26] For the comment of Richard Horton in the context of new ideas for scholarly publishing, see the article *New vision for scholarly publishing* on the website of Scientific Journals International. The article is available online at [http://www.scientificjournals.org/new\\_vision.htm](http://www.scientificjournals.org/new_vision.htm) (downloaded 16 February 2013 at 08:02 EST). See the original statement concerning peer review at: Richard Horton, *MJA – The Medical Journal of Australia*, *Genetically modified food: consternation, confusion, and crack-up*, *Aust* 2000; 172 (4): 148-149.

[27] See the comments of Drummond Rennie as quoted in Glenn W. Suter II, *Ecological Risk Assessment*, CRC Press, 2006, Second Edition, page 133: “*There seems to be no study too fragmented, no hypothesis too trivial, no literature too biased or too egotistical, no design too warped, no methodology too bungled, no presentation of results too inaccurate, too obscure, and too contradictory, no analysis too self-serving, no argument too circular, no conclusions too trifling or too unjustified, and no grammar and syntax too offensive for a paper to end up in print.*”

[28] Notes the comments by Paul Ginsparg of Cornell University in his short article *Can Peer Review be better Focused?* (paragraph two of second section). He notes that “*Outsiders, and even some insiders to the system are sometimes surprised to learn that peer-reviewed journals do not certify correctness of research results.*” See the full text of the article online at <http://people.ccmr.cornell.edu/~ginsparg/blurb/pg02pr.html> . (downloaded 15 February 2013 at 09:20 EST).

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