

Case No: None Allocated
Urgent hearing heard in Court 37

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand
London
WC2A 2LL

BEFORE:

MR JUSTICE EDIS

BETWEEN:

Dr Katherine Horton

Applicant

- and -

SIS
MI5
GCHQ

Respondents

Dr Horton, Litigant-in-person

Mr Green (Government Legal Department) on behalf of the Respondents

Hearing date: 16th June 2016

Proceedings

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Court Clerk: Matter of Horton -v- SIS and others.

Mr Justice Edis: Now, Dr Horton, I don't think there'll be time to dispose of your case before lunch --

Dr Horton: Right.

Mr Justice Edis: So I think we'll have to probably do most of it after lunch. But I wanted to make a start with it because I wanted to know exactly where we stand procedurally. You've served a skeleton argument and the Respondents have served a skeleton argument as well. You don't anticipate them attending?

Dr Horton: No. What has happened, and so this is I think procedurally not as it, it should have been and certainly not as I intended it, what has happened is, I'm not sure if you had time to go through the actual case but what I allege is actually physical assaults with modern technology. And what has happened in my case is that, after I appeared at the High Court, I was assaulted in a hotel room in London savagely and three days back in Switzerland I actually experienced an assassination attempt. What happened after that is, there was, I was given essentially four weeks to prepare the case and I had to serve after three weeks, and the assaults during that time were just absolutely incredible. So this means I couldn't actually work in my own home. I am a high energy physicist so I do understand the technology and I have managed to insulate my work area by building essentially a bunker made out of aluminium shielding, and with that I can prove that I can block out the attacks. But in that time the assaults were just inhumane. And I was also assaulted at night, kept awake, and it was just absolutely unacceptable, and I was, I was severely fearing for my life. So I, actually eventually I, it's in the, in my skeleton argument, I describe what I, what I did. I flew to Rotterdam because I knew that filming would take, would take place where, where victim testimonies would be recorded by a film director who wants to create, essentially make a documentary out of this and, because I am aware of several cases in the UK and also in Germany where people were, well it's alleged that they have been murdered, they complained about exactly the same things that I have and they have been found dead under rather suspicious circumstances. In one case, this is Dr Rauni Kilde, the Chief Medical, ex Chief Medical Officer of Sweden, she actually openly stated that she had been severely assaulted, she went public on record and died three days later of multiple site cancer, which is exactly what one would expect with this technology as a side effect. And therefore I saw myself forced to travel to Rotterdam and then after that I fled to my parents and I essentially have been in hiding for, for almost two weeks, for a week and a half. And I have not left the house apart from in the, my, because I had a business, business meeting to attend, next year a trade exhibition, my mother actually changed her schedule to attend that with me. And the only time I actually left the house on my own was to drive to a friend and I was assaulted in the car on the drive there, so.

Mr Justice Edis: By assault you mean what?

Dr Horton: What I mean is, forgive me, My Lord, I actually haven't explained the background of this technology. So what, what I allege is being used is a novel technology based on electromagnetic waves, so I think the simplest way to, for non-

physicists to understand this technology is if one imagines a laser pointer but working with different frequencies. Now laser light can be extremely powerful, there's laser light that can essentially cut through steel, and it very much depends on the exact frequency used. And what has now become public is that there are certain frequencies which are essentially what's called bioactive, which is a very, well very mild way of putting that they can cause cancer, they can cause heart attacks, they can actually trigger nerves and cause pain, they can also cause bruising, and bruising during these attacks is actually alleged by I think the majority of victims including myself. So this is a novel technology that has been hailed by Russian and American generals as the game changer, as the weapons of the 21st century because they are essentially silent, can penetrate walls and, at the same time, they are cheap to manufacture. And there's, well an increasing catalogue of cases where organised crime has essentially used these electromagnetic weapons to, to induce heart attacks and commit murders whereby people, well it's alleged that they have car accidents by becoming disoriented. I think the most prominent case was that of the Polish author who was writing about organised crime in Prague and his aorta exploded, that is I, I think an impossible medical, well, incident to have but it's exactly what can be achieved with these micro, with these electromagnetic weapons. And one frequency band that is used is microwaves. So one, imagine one's own £20 microwave at home with the shielding removed and the transmitter focused into a laser beam, it's essentially what happens to a steak in the microwave would happen to the human body. But what is particularly hard to understand is, well unless one has seen a demonstration of this technology or one understands the underlying physics, is that these waves can penetrate most substances that we would consider impermeable. So standing in a room, maybe behind windows or even behind sealed walls does not protect one from an attack. And also it does not protect one from being seen and observed through walls with modern technology. And what I was collecting during the attacks was, also I was, essentially I had uncovered a fairly large stash of advertising material from arms traders who are actually selling and advertising this technology for partially law enforcement but partially also for warfare. And they are now, it was back in 2009 when one company was advertising, I think they called it the real time people observation or radar device, but anyway what they actually demonstrated was that people can be seen on, almost like on film live through walls. One can see their, their limbs, their posture, their movement, everything. And this is precisely what has also been alleged, confessed by Carl Clark, an MI6 whistle blower, and I think his testimony is under tab, tab 8, and the article with which he went public in the German press, the original is on page 125, that's tab 8, but the English translation starts at page 119. And he essentially alleges, or confesses to electromagnetic torture of civilians.

Mr Justice Edis: Page what, sorry?

Dr Horton: Oh, forgive me.

Mr Justice Edis: The English translation is on?

Dr Horton: Page 119.

Mr Justice Edis: Thank you.

Dr Horton: And this man, Carl Clark, is, said in this article, and this is, the article itself is from 2009, however he essentially repeated his confession in 2015, and there's a video testimony of that, and he, he made these allegations again at a conference called the Covert Harassment Conference, which is actually a fairly high profile conference that was attended in the year before by the famous NSA whistle blower, William Binney. So that's just to put it into context, it's not what one would consider maybe a crackpot conference, it is a conference of, of scientists and victims and people who are researchers in the area, and they are discussing these developments that they are extremely concerned about. But anyway, so Carl Clark has repeated these statements several times and he also, in an email to me personally which can be found on page 115, where I begged him to help me and actually provide an expert testimony, he agreed to give that. And the background to Carl Clark is that, on page 113, he has worked for the intelligence agencies for several decades, British intelligence, also Mossad and so on, and I think he fell out with his employers, I think when, I think there was some kind of employment dispute and after he fell out he started being attacked himself. However, in this, in the article on page 119 he essentially describes pretty much to the letter what I have been complaining about for, for months before I even knew about the existence of this. And he describes how, yes, indeed, the intelligence agencies do have this technology to look, see through walls and actually target specific body parts through walls and use that to harass, intimidate people and to silence them. And, yes, so the background to this, to return to Your Lordship's question in the beginning, the procedural status is that I appeared, I have, well to start at the beginning, I have, I was in the process of submitting a proper complaint to the IPT when the attacks on me became extremely severe, to the extent that I actually didn't finish the, the evidence collection, I just submitted a request for an emergency injunction to the IPT. That was, so the information can be found in tab 3, and my request, I believe, is on page, probably 29 in Your Lordship's bundle, and the response is here. On the 10th May they said they'd received my application form and they were considering it. However, as soon as I actually sent the, the request for an emergency injunction to the IPT, I was severely assaulted in my own home in Switzerland, and that was pretty much immediate, I think within an hour. And, as a result of that, well there was, I think, an entire week where I also noticed that after contacting the IPT I started being attacked in public for the very first time, so there was a definite escalation, and I was also attacked on a flight to Spain. Now, at that time I, well I am also alleging that MI6 has, has now networked with the German intelligence agency and it's kind of one combined project, but I sent an email, a request for cease and desist to the Bundesnachrichtendienst after the assault on the aeroplane, and I also sent photographs of the, the perpetrators, or the main perpetrator. The outcome of that was that I was severely assaulted in the holiday home in Spain in the presence of my family. I started being severely and, what I allege, demonstratively assaulted in the streets of Spain, and then on the flight back home the very same young man appeared in the security queue, this was witnessed by my husband. He, he literally, right I would call it, paraded in front of me, he came so close I almost fell over his suitcase a couple times, then he walked up and down in front of my face in the waiting hall. In the queue to boarding again he was so close that I, in that case I literally did stumble over his suitcase, and he sat in the, again in the row behind us and again I was assaulted. And this concatenation of coincidences seems so impossible that I allege that this was essentially a revenge or vindictive act in response to my emails to the Bundesnachrichtendienst. And the assaults in Spain and the, the audacity I felt was so extreme that I felt these people will not stop for anything and I, I really felt, feared for my life. So, when I returned from Spain, I immediately booked the next flight to

London and I approached the High Court with a desperate request for an emergency injunction. And, I mean, my motivation is that I want to prepare a proper case but, under these circumstances, this is impossible, and this is a situation, a situation whereby victims are not even safe in their own home is essentially, I would submit, a world premiere that has been brought about by this technology that is now being used with impunity. And I do not submit that this is a standard procedure by the intelligence agencies, however I do submit that there are rogue elements who are basically running amok and they, they do enjoy their power with this technology, they are drunk on their power and they do feel that they can do this with impunity because of, well the, the Official Secrets Act and the fact that there is absolutely no oversight. And I think they have clocked up enough infringements that by now even their, their supervisors who might have got to know are so embarrassed to actually see this come to light that there is now a concerted effort to keep this quiet. However, no-one seems to be able to actually stop it, so.

Mr Justice Edis: OK. Well that's very helpful as an introduction. Now I'm going to go and, I shall be reading the material between now and two o'clock and then we'll resume then. OK?

Dr Horton: Thank you.

Mr Justice Edis: Thank you.

Court Clerk: Court rise.

Mr Justice Edis: Before, just before you go, I gather that there was somebody here this morning from the government legal department.

Dr Horton: Oh, I didn't know about that.

Mr Justice Edis: Apparently there was.

Court Clerk: Yes. There were two of them. You informed them that you would be coming today, you advised them?

Dr Horton: Yes, they, they knew that I was coming, so essentially I did not serve the court order because I did not have the evidence assembled. I intended to come here to, to ask for an extension of time.

Mr Justice Edis: OK.

Court Clerk: OK, so there is no need for them to come?

Mr Justice Edis: Well we'd better, if they came, we'd better ring them and tell them that it's going to be at two o'clock.

Court Clerk: OK.

Mr Justice Edis: OK, that's fine, thank you.

(luncheon adjournment)

Mr Justice Edis: Right, Dr Horton, what you want is an extension of two months.

Dr Horton: Yes, I do.

Mr Justice Edis: So an adjournment from today until mid-August.

Dr Horton: Yes.

Mr Justice Edis: Ah, hello. Is this the government legal department?

Mr Green: Yes.

Mr Justice Edis: Right. Good afternoon. Now the, the hearing started before lunch in your absence. We therefore telephoned you to say that it was going to, but nothing's happened except that Dr Horton has explained to me what her case is and where the procedural position lies at the moment.

Mr Green: Understood, thank you.

Mr Justice Edis: That's all that's happened.

Mr Green: Thank you.

Mr Justice Edis: And I haven't made any decisions or said anything yet at all about the case.

Mr Green: I'm grateful for the notification as well.

Mr Justice Edis: OK, not at all. Now, what, Dr Horton, you're actually asking for is an extension of time two months of the date specified by Mr Justice Spencer in the order that he made, and I understand you want that so that you can, do sit down while I deal with, no, well it's up to you.

Female: Oh, sorry, Sir.

Mr Justice Edis: It's usually just the person to whom the Judge is talking or who is addressing the Judge who stands up. Anyway, you're asking for a month, two months, and what I'm concerned about is why you need quite so long.

Dr Horton: Well it's practical because as, one of the things that I haven't actually said before lunch is that I've spent five months desperately trying to find a lawyer, both here in Britain and also in Germany, and in Switzerland, and out of these three countries I managed to find one lawyer who is a specialist on Swiss law. But what my situation, situation actually revealed to me is how extraordinarily difficult it is to find somebody as soon as one mentions MI6. And basically the only hope I had up until now is the Bar Pro Bono Unit who said that, even though my husband's income doesn't actually make us their target group, they would be willing to consider my application, but they need at least three weeks buffer to actually work themselves into the case, so that was an extra

week buffer. And I, I realistically think, was assessing how, if, if they should decline the case, how will I find a lawyer? I would need at least another month or two months to just phone --

Mr Justice Edis: Well in the end, if you can't find a lawyer, then you'll have to pursue your --

Dr Horton: Yes.

Mr Justice Edis: Application yourself.

Dr Horton: And then do the preparations for that.

Mr Justice Edis: Right. OK, well I've, I've read everything that you've filed, and obviously I heard from you before lunch so I know, I know what the case is about. The IPT has said, has rejected the claim that you made --

Dr Horton: That's right.

Mr Justice Edis: And that's final, I think, as far as they're concerned.

Dr Horton: Yes. Whereby I should also say that this is not clear from the bundle that has been prepared by myself in, under this pressure, but they also, when I applied to them, they were not actually given any evidence. I sent a letter to them, which I think Your Lordship has, and I, I submitted the two forms, T1 and T2 pro forma, because at this stage I didn't even have the evidence. So their rejection is based on essentially a letter and two empty forms.

Mr Justice Edis: Yes, yes. Right, OK. And I'll, I'll just hear what, what the other side have to say about your, I mean essentially quite a short application, isn't it, you just want some more time?

Dr Horton: Yes.

Mr Green: I'm grateful. We weren't exactly clear as to what the application was, I now, I understand what it is. And our concern is that this is of course the Applicant's application, Dr Horton's application herself, she is now asking for more time. It's not clear what she would gain from that time, I understand the legal representation time, but that's not going to change the nature of the actual allegations themselves. We say that there is, it's not in the overriding objective to continue this case, to continue costs accruing for my three clients and --

Mr Justice Edis: You're appearing, I think that there has been notification given to the Attorney General but I know that the Crown is fairly indivisible in some ways, but your three clients are the three name Respondents --

Mr Green: Yes.

Mr Justice Edis: To the application? Yeah.

Mr Green: Yes.

Mr Justice Edis: Right. And they're obviously, you say, accruing costs in dealing with it.

Mr Green: Absolutely. I don't know if you've seen the skeleton argument that I put in? I'm grateful.

Mr Justice Edis: Yes.

Mr Green: If there was some good reason that the, the case might change or anything like that in the next two months, that might be different. We say, on the merits itself, there is no merit to this application, and what's more, this is almost exactly the same, according to Dr Horton's skeleton, as the application she submitted to the IPT. The IPT have made it very clear, I don't know if you've seen the letter from the IPT?

Mr Justice Edis: Yeah.

Mr Green: You have. And in those circumstances, not only will it potentially be an abuse of process to bring the same application here as has already been put into the IPT and have a second bite of the cherry, but we say there is no, in essence, there's no merit to the application even in Dr Horton's case at its highest. And, therefore, we say that there should be no adjournment because there is no good likely to come out of the adjournment.

Mr Justice Edis: Yes, I understand. Thank you. Well, I am going to allow some more time but I'm not going to allow two months. My reason is that the relationship between the Court dealing with an application essentially brought under the Protection from Harassment Act and its powers, and those of the IPT and of procedures of the IPT are, is not entirely without difficulty. It may well be that the submission that the rejection by the IPT of the claim means these proceedings are an abuse, but it seems to me that that is something which requires quite careful consideration, not least because the Court would not reject an application for an injunction without sight of, if the party wanted to rely on evidence, without sight of the evidence, and the court would hold a hearing of some kind. And whether the Court should hold itself bound by the determination of the IPT seems to me to be a question which is capable of argument. Whether there are any merits in the substantive claim is a separate question but, if the Claimant seeks some more time to develop that and to secure representation in order to assist her, then I think it's reasonable to allow her to do that. But I'm not willing to allow it to go into the vacation because during the vacation, and the vacation begins at the beginning of August, during the vacation the resources of the court are more stretched than they are in term time and it seems to me that this is a case, therefore, which ought to have its substantive hearing before the end of July. And I'm willing to allow time until the end of July but not beyond that. And I think that, in those circumstances, the, the only order that I need to make is that time, as allowed by paragraph 1 of the order of Mr Justice Spencer, dated the 19th May 2016, is extended. Does it matter to you, Dr Horton, which date at the end of July I choose?

Dr Horton: No.

Mr Justice Edis: OK, but does it to you, Mr Green?

Mr Green: If I can just --

Mr Justice Edis: Yes, please do.

Mr Green: Check my diary?

Mr Justice Edis: Yes, and, if you need to communicate electronically to do so, please feel free.

Mr Green: Hopefully it's all here, My Lord.

Mr Justice Edis: Yes.

Mr Green: Thank you. Any day in the last week of July except for the 27th.

Mr Justice Edis: Well I think that's, we'll say Monday the 25th July. And I think we will reserve the time estimate of one hour, which I think means it can stay in the Applications Court, in the Applications Court but it may be listed elsewhere, it just depends on how they decide to deal with it. I don't think there's any other directions. You don't want to serve any evidence or anything, I'm presuming?

Mr Green: No.

Mr Justice Edis: And obviously, Dr Horton, you, the point of the adjournment is so that you can take further steps, you can seek advice if you can find advice, and representation, you can serve evidence if you want to in, and develop your application in any way you want. But obviously the other side are entitled to sight of what you rely on and they're entitled to reasonable notice of what you rely on as well and, if you serve stuff very late before the return date, you might find the Court will just ignore it because they won't have had a reasonable opportunity to see it. But I'm not going to make formal directions, but I want you to understand that you have to give them a fair opportunity of dealing with your case. OK?

Dr Horton: I, because this is the first time I'm doing it, it's, so Justice Spencer gave, I think, a week that was the deadline for serving the evidence and the court order.

Mr Justice Edis: Yes.

Dr Horton: Is that to be extended for this case, for the more material?

Mr Justice Edis: Well, what I'm going to do, I think, what I had in mind, let me just have a look back at his order. I will extend it and I'd be inclined to extend it to the 18th July which will give them a week to see it. I don't think they'll be responding to it whatever it is probably, so I don't think they'll need longer than that.

Mr Green: Correct.

Mr Justice Edis: Thank you. OK? Thank you very much. And I think the, paragraph 3 of Mr Justice Spencer's order has already been complied with actually. All right, thank you, thank you both very much for your help.

Mr Green: Good afternoon, My Lord.

Mr Justice Edis: Thank you, that's fine, I'm just going to put a draft order, so.

(court rises)
