IN THE HIGH COURT OF JUSTICE

**[2016] EWHC 2095 (QB)**

Royal Courts of Justice

Monday, 25th July 2016

Before:

MR. JUSTICE HOLGATE

B E T W E E N :

HORTON — Applicant

- and -

(1) SIS
(2) MI5
(3) GCHQ — Respondents

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THE APPLICANT appeared in Person.

MR. GREEN (instructed by the Government Legal Department) appeared on behalf of the Respondents.

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# J U D G M E N T

(As approved by the Judge)

MR. JUSTICE HOLGATE:

1 I am going to refuse the application. I will give my reasons briefly. This application was initially made on about 19th May 2016, seeking emergency injunctive relief against the security agencies in this country. Because of the alleged urgency of the matter the Applicant, Dr. Horton, did not issue a claim or particulars of claim at that stage. The Applicant had already brought a similar claim in the Investigatory Powers Tribunal by letter dated 6th May 2016. The outcome of that process was not known when the Applicant first applied in the High Court for an injunction, but plainly her allegations fell within the ambit of that tribunal's jurisdiction. No suggestion to the contrary has been made today. Subsequently the tribunal decided that the Applicant's claim was frivolous and vexatious.

2 The matter came before Spencer J on 19th May. He made an order adjourning the application so that the Respondents could be heard and so that evidence could be filed on behalf of the Applicant. The matter, therefore, came before Edis J on 16th June 2016 so that the application could be considered properly with all the material upon which the Applicant wished to rely. Instead, what happened on that occasion was that the Applicant applied successfully to adjourn the hearing so that she could place before the court the evidence upon which she wished to rely. So the matter has come before me today with a time estimate of one hour.

3 The Applicant has not provided a draft of the injunction that she asks the Court to make. But in summary, she seeks an order which would require the Respondents to stop stalking the Applicant, to remove her from surveillance lists and, in particular, cease the use of electromagnetic frequencies or waves to attack or harm the Applicant.

4 This morning, the Applicant provided a substantial bundle of documents to the court shortly before the hearing, which made it necessary for me to go through them with her during the hearing to identify the points which she seeks to make and the sources upon which they are allegedly based. It turned out that there is very little in this material which relates to the Applicant herself. In particular, there are some readings from a meter, all of which were taken by the Applicant on one day only, on 18th July, which are said to show the level of frequency which was being experienced in her home, I believe in Switzerland. In particular, at tab 2, there was a frequency reading of 422 megahertz. The intensity is also shown.

5 The obvious question is: what is that supposed to show? In answer to that question, the Applicant took me to an article by Dr. Paul Batcho at tab 4 of the bundle, which gives an opinion about the effect of frequencies at that level. But

the whole thrust of his document was to criticise the telecommunications industry for electromagnetic waves said to be emitted by mobile phone technology, notably from masts. The Applicant accepts that she has not produced any evidence to substantiate a claim against the Respondents. She has merely produced some readings for one day in her home without dealing with any sources.

6 The Applicant also says that she has experienced medical symptoms since 2015 which she seeks to attribute to the Respondents. But she confirmed that there is no medical evidence in the bundle about herself. She has not been to see a doctor. She herself accepts that there is "some difficulty" in establishing a causal link, but in fact there is no medical evidence whatsoever to support her assertions about her medical condition, let alone a link with the Respondents.

7 Mr. Green, for the Respondents, says that this application should be refused on several grounds. First of all, he says that it is an abuse of process because there was a remedy available to the Applicant which she did indeed pursue, namely to present a claim to the IPT. I accept his submission. That was the appropriate forum for the claim.

8 The second basis upon which he says relief should be refused is that the IPT, having made a ruling that the claim presented to them was vexatious or frivolous, I should simply follow the decision of that tribunal. I am cautious about taking that approach because it is unclear what material was put before the tribunal. If it was exiguous, as I suspect it was, I can understand why the tribunal took that view. But I do not know how it compares to the material put before the High Court. However, even assuming that the Applicant has supplied more information to the High Court than was provided to the tribunal, I have no hesitation in reaching the conclusion that this claim is vexatious or frivolous. No factual basis has been put forward to support the medical conditions asserted by the Applicant or any causal link with any of the Respondents.

9 I do not accept the submission which has been made this morning by the Applicant that she has had difficulties in putting materials to support a claim, still less that the Respondents have impeded in some way the preparation of her case. There have been two adjournments now. More than two months have elapsed. The material in the bundle upon which the Applicant claims that she has been prevented by what she calls "sabotage" affecting her health from preparing evidence directly relating to herself does not begin to support that sweeping assertion. Whatever her medical state of health, the Applicant has not been prevented from preparing a substantial bundle dealing with other matters. Although it is not essential to my conclusions, I would add that the Applicant has put forward her submissions today with clarity, charm and mental

dexterity, without any outward sign that she is suffering the sort of debilitating harm referred to in her papers

10 I also add that I have not been asked to deal with this as a strike out. Here the court is simply responding to the material which has been put before it by the Applicant. In summary, I have firmly reached the conclusion that the content of the claim proposed to be advanced is frivolous or vexatious. Secondly, and in any event, the application certainly comes nowhere near the threshold at which the court could consider granting an interim injunction. So, for all those reasons, the application is refused.

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