

**Subject:** Legal standards

**From:** Dr Katherine Horton <katherine@horton.global>

**Date:** 21/01/16 21:10

**To:** strobes@private-eye.co.uk

Dear Sir/Madam,

Please see below the complaints I have just sent to the Investigatory Powers Tribunal after attending the hearing of Philip Kerr vs MI5 yesterday. Those complaints only touch on the procedural issues.

To you I would also like to confess that I have been even more disconcerted by the content of what I saw yesterday. One may think what one likes about the claimant, nevertheless, he should be entitled to a fair hearing during which his pleading ought to be considered in full. I did not see that happen yesterday.

Mr Kerr approached the court with the express intent of pleading under the Protection from Harrassment Act, which grants a 6 year limitation period. Given that he claims to have been stalked and harrassed by MI5 for 13 years, the time window crucially determines how many of his detailed complaints that accrued over the years will be considered.

The limitation period is also of paramount importance because the judge, who heard this case in the High Court, decided that it should be transferred to the IPT with the express request that the IPT use the discretion it has been granted to extend its usual 1-year time window to 6 in this case. This was because the High Court judge intended that Mr Kerr should not be disadvantaged through being heard by the IPT instead of the usual courts.

However, during the hearing, which lasted barely more than an hour, Mr Kerr was reproached for not advancing his case using the Human Rights Act, which has a limitation period of 1 year. His case was considered to be covered by Human Rights, whereas in the case of the Harrassment Act it would have to be argued first "if the Crown was covered by the Harrassment Act at all".

In all previous ('proper') hearings I have watched via the Supreme Court's live channel, the standard procedure seemed to have been that the barristers can make submissions for each type of act that might apply. In contrast yesterday, the IPT declined to hear any submission regarding the Harrassment Act. Instead, Mr Kerr's counsel was pressured into make his pleadings based soley on the Human Rights Act at a future date.

The issue with the different limitation periods between the Human Rights Act (1 year) and Harrassment Act (6 years) was resolved by bribing him with the assertion that the Tribunal shall use its discretion to consider the full 6 year period in Mr Kerr's case AS AN EXCEPTION. The panel cautioned, however, that it shall not be inclined to go outside its own 1-year limitation period in future cases.

Justice Mitting stated that the Tribunal's reluctance to consider the Harrassment Act was out of fear from setting a precedent for future cases that might come before the Tribunal.

Despite this confession, it was emphasised that the most important reason for sticking to the Human Rights Act was that it would just be "simpler" and "far less work" for counsel and the tribunal, since it circumvented the need to argue if the Harrassment Act applied to the Crown.

I cannot convey to you the cow-trading through which Mr Kerr's counsel was bullied into taking instruction from his client on the spot to decide THEN AND THERE if he would settle for the Human Rights Act.

It was particularly sickening because the conniving of the court with MI5 appeared to be palpable in the room, not least as a result of the self-satisfied smiles that were visibly exchanged between the head of the panel and counsel for MI5.

But secondly and, nationally speaking, more importantly: It is nigh on impossible for a victim of MI5's surveillance and harrassment to accumulate enough evidence within a year to pin down MI5 as a culprit. After all, they are meant to be professionals at undercover operations!

Nevertheless, there is a clear evidence for an epidemic of HUMINTEL gone wrong that is sweeping the country. I would surmise that it has to do with a large increase of MI5 and police budgets as a result of the 'war on terror'.

One can study this phenomenon in more detail by searching on YouTube for the key word 'gang stalking', selecting those videos which appear to be credible victim statements of covert harrassment, deducing the country of residence of the victims from their accents and surroundings etc., and looking at the time stamp of those videos.

When I conducted this rough survey, I concluded that the phenomenon seems to have arisen in the US, spread to Canada, Australia and the UK (presumably along the Five Eyes Network), and finally to Germany and France. Interestingly, the victims seem to complain about pretty much the same sort of things. And, according to Annie Machon, those are exactly the kind of things MI5 and other police organisations do as part of their standard procedure.

In other words, the case of Kerr vs MI5 matters the Earth to the victims, whose number is going up by the day. And therefore, it was particularly sickening for me to leave the court yesterday and be strongly reminded of a large bouncy animal with a pouch...

See below for the procedural irregularities of yesterday's hearing (so called).

Yours sincerely,

Dr Katherine Horton

[Submitted via the online contact form at <http://www.ipt-uk.com/contact.aspx>]

Dear Sir/Madam,

Yesterday, I attended the hearing of the Investigatory Powers Tribunal pertaining to the case of Philip Kerr vs MI5 as a member of the public. This was such a shocking experience that I would like to register the following complaints with you.

1. The date of the hearing was not announced beforehand on your website.

Your website states under 'Development - Open hearings' that the "Tribunal's open hearings are published on this website and on the website of the British and Irish Legal Information Institute (<http://www.bailii.org/uk/cases/UKIPTrib/>)."

As a matter of fact, there was and still is no mention of the event, despite the fact that your front page carries under 'Announcements' listings of other open hearings ahead of time. For example:

"13 Oct 2014 - Public Hearing

The Tribunal will be holding a short, interlocutory hearing at the Royal Courts of Justice Rolls Building, London, at 17.00 on Thursday 16 October 2014."

The fact that the hearing was open to the public cannot be disputed, given that this is the information that the claimants were provided with, and given that the Honourable Justice Mitting proceeded with the hearing without raising an issue about the fact that the entire public gallery and the last row of tables was filled with members of the public.

2. There was no mention of the hearing on the online case listing of the Rolls Building the day before. At 4.30pm that day, I called the support team of the claimant to draw attention to this fact. Only after a subsequent call to the authorities was this remedied just before 5pm.

3. When I arrived at the Rolls Building yesterday, the hearing was not listed anywhere on the displays in the building. I had to chase down a person from building maintenance to confirm if and where the hearing was taking place.

4. This hearing was the only one, which was also not announced on the computer display outside the court room itself. Just before the hearing, someone appeared and placed a paper sign outside the door announcing the details. The comical aspect of this sign was that it was barely legible, being in font size 10, while all paper notices for other hearings must have been font size 80 or larger.

5. At the end of the hearing, I was shocked to hear Justice Mitting announce to the assembled room that he request that the defence counsel join him and the other members of the panel in the room behind the judges' door.

Justice Mitting emphasised with a sheepish smile that under no circumstances was this to be taken as anything other than a private matter related to the barrister. Upon rising, we all watched the judges leave the room and the defence counsel follow them shortly after through the same door. She reappeared half an hour later and couldn't suppress a smile and a blush when she saw the room as full as before with all of us still standing and chatting.

I was startled by this entire episode. Surely, any meeting over a private matter between the judges and counsel could be arranged via email or at least after the hearing concluded?

I was under the strong impression that the entire setup of the court room (i.e. with a separate door for the judges and with the judges' area raised and sealed off by a high barrier from the rest of the room) was intended to maintain equality between counsel and the impartiality of the judges - or at least the appearance of it.

Well, that appearance has certainly been shattered yesterday.

Please, could you ensure that in future your public hearings are announced ahead of time and in a manner that complies with the standard expected of all other court cases in the

UK?

And please could the Tribunal be mindful of the customs signalling equality and impartiality that all other courts in the land are expected to honour?

Yours sincerely,

Dr Katherine Horton