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ENGLAND

The Registrar
European Court of Human Rights
Council of Europe
67075 Strasbourg - Cedex
FRANCE

5 September 2011

BY FAX AND REGISTERED POST

Dear Registrar

Re: Heavey v. the United Kingdom

The Applicant, Declan Heavey, an Irish citizen living in London, England, is writing to introduce an application under Article 34 of the European Convention on Human Rights.

On 10 August 2011, the Applicant made (a) a complaint to the Investigatory Powers Tribunal (IPT) under the Regulation of Investigatory Powers Act 2000 (RIPA, s65(4)) and (b) a claim under the Human Rights Act 1998 (HRA, s7(1)(a) and within the jurisdiction of the Tribunal under s65(2)(a) RIPA) in respect of ongoing interception by the Security Service (MI5) and/or Government Communications Headquarters (GCHQ) over a period dating back to September 2003.

The Applicant also alleges harassment, directed surveillance, the disabling of internet access at home and in public libraries, interference with a website, blog and emails and interception of privileged communications by one or both agencies. The Rt Hon Baroness Neville-Jones, Minister of State for Security, in response to a letter from the Applicant's local political representative, Equalities Minister Lynne Featherstone, recommended the IPT to investigate.

The Applicant believes that the activities complained of to the IPT are directly linked to a 2007 High Court case that he was involved in in Ireland involving the RC Hospitaller Order of St John of God and his subsequent move to England to establish a network of those abused by church, now a non-profit organisation called Network for Church Monitoring (N4CM). Despite the opposition, N4CM's activities have generated the support of 39 Nobel Laureates and hundreds of other distinguished scientists and scholars from around the world, including seven prominent members of the UK's House of Lords and world renowned philanthropists Drs. George Soros and James Martin.

Within two weeks of the Applicant's dispatch of his complaint and Human Rights Act claim to the IPT, Facebook disabled his wife's account; their web host SiteGround twice blocked their IP address; their landlord served them notice to vacate what has been their home since 2009; and Haringey Council left the Applicant, a recipient of housing benefit by agreement with the local authority, with an unprecedented £76.92 shortfall in rent to pay. Facebook currently threatens to permanently disable the Applicant's wife's account the next time she posts on a Facebook page with similar interests.

On 1 September 2011, the IPT dismissed the Applicant's complaint and Human Rights Act claim of 10 August by stating that:

The Investigatory Powers Tribunal has carefully considered your complaint and Human Rights Act claim, and has concluded that it is obviously unsustainable, and thus falls within the provisions of Rule 13(3)(a) of the Investigatory Powers Tribunal Rules 2000, such that, pursuant to s67(4) of the Regulation of Investigatory Powers Act 2000, the Tribunal has resolved to dismiss the claim.

The Applicant notes that the Report of the Intelligence Services Commissioner for 2010 avers in

paragraph 55 that during 2010, the IPT made six determinations in favour of complainants; and that, since its inception in 2000, the Tribunal has only ever upheld ten complaints. On the other hand, the New Internationalist issued a report in 2009 headlined, with good evidence, “Police surveillance and intimidation of political activists in the UK is hitting new heights”.

The Applicant seeks a declaration from the Court that Articles 8 and 13 of the Convention have been violated, together with just satisfaction under Article 41 (pecuniary and non-pecuniary damages, plus legal costs and expenses).

This letter has been introduced within six months of the exhaustion of domestic remedies, in accordance with Article 35(1) of the European Convention.

A completed application form, together with a file of relevant copy documents, will be submitted shortly.

Please would you acknowledge receipt.

Yours faithfully

Declan Heavey