

**BHATT MURPHY SOLICITORS**  
**PRESS RELEASE**  
**14 March 2013**  
(FOR IMMEDIATE RELEASE)

**POLICE BREACH 88 YEAR OLD PROTESTOR'S HUMAN RIGHTS**

In a landmark judgment handed down by the Court of Appeal today, three of the country's most senior judges have found that the Association of Chief Police Officers (ACPO) and the Metropolitan Police Commissioner Sir Bernard Hogan-Howe violated the human rights of an 88 year old peaceful protestor, Mr John Catt, by subjecting him to almost a decade of state surveillance. The Court found that the conduct of the police involved "*a significant interference*" with Mr Catt's right to respect for private life, protected by Article 8 of the European Convention on Human Rights.

The information about Mr Catt, a war veteran, was gathered and retained by the National Public Order Intelligence Unit (NPOIU). This is the same unit responsible for deploying undercover officers in protest groups, some of whom went on to form personal relationships with protestors and to use the identities of dead children.

The appeal was heard by Lord Dyson (the Master of the Rolls), Lord Justice Moore-Bick and Lord Justice McCombe on 29 and 30 January 2013, with interventions on behalf of the *Equalities and Human Rights Commission* and the *National Council for Civil Liberties ('Liberty')*, both supportive of Mr Catt's case.

There was astonishment in court when lawyers acting on behalf of the Commissioner and ACPO argued that if Mr Catt had wished to avoid his details being captured by the police he could have "covered his face" whilst protesting. The Court of Appeal's findings include the following:

- "*There is nothing to suggest that [Mr Catt] actively encourages criminality or public disorder, much less that he has engaged in behaviour of that kind himself*" [37]
- "*The systematic collection, processing and retention on a searchable database of personal information, even of a relatively routine kind, involves a significant interference with the right to respect for private life*" [44]
- "*It is striking that Mr Tudway [National Co-ordinator for Domestic Extremism] does not say that the information held on Mr Catt over many years has in fact been of any assistance to the police at all*" [44]

Mr Catt first discovered that his activities were being monitored when he was searched by police officers in 2005. He was later provided with a video camera by the BBC in order to film any other negative interactions with the police at a Labour Party conference in Manchester in 2008. Whilst in Manchester he noticed he was being filmed by officers of Greater Manchester Police who subsequently informed him that information about him may be retained by the NPOIU in London. Having discovered that NPOIU had been monitoring him since at least 2005, Mr Catt issued judicial review proceedings to

challenge the collection and retention of this data. He lost his claim in the High Court and successfully appealed to the Court of Appeal.

In response to the Court of Appeal's judgment **Mr Catt** said as follows:

*"I hope this judgment will bring an end to the abusive and intimidatory monitoring of peaceful protestors by police forces nationwide. Police surveillance of this kind only serves to undermine our democracy and deter lawful protest."*

Mr Catt's solicitor **Mr Shamik Dutta** of **Bhatt Murphy** said as follows:

*"This judgment exposes the widespread and sinister nature of police surveillance of ordinary members of the public in this country. It also acts as a safeguard against the creeping criminalisation of peaceful protest. The Association of Police Officers and Metropolitan Police Commissioner have sanctioned this unlawful conduct for almost a decade and must be made accountable".*

### **Notes to Editor**

- An approved copy of the Court of Appeal's Judgment dated 14 March 2013 is **attached**. The key findings are set out in particular at pages 29-31 of the judgment.
- The Master of the Rolls is the second most senior judge in England and Wales. The Lord Chief Justice is the most senior.
- The name of this case for court purposes is The Queen (on the application of John Oldroyd Catt) v The Association of Chief Police Officers and The Commissioner of Police of the Metropolis
- The NPOIU is a unit formerly under the command of ACPO whose responsibility then transferred to the Metropolitan Police Commissioner during the course of Mr Catt's case.
- The NPOIU has recently been severely criticised by the Parliamentary Home Affairs Select Committee [here](#) for the Unit's officers' relationships with female protestors and their use of the identities of dead infants. The NPOIU was also criticised by Her Majesty's Inspectorate of Constabulary in a report published in February 2012. That report can be found [here](#). The report castigated the "over-broad definition of domestic extremism" (see page 40 recommendation 2) and also the ineffective governance of the NPOIU.
- Mr Catt's barristers are Tim Owen QC and Alison Macdonald of Matrix Chambers.
- Any requests for interviews to take place on 14 March 2013 (after the judgment is handed down) should be emailed to [s.dutta@bhattmurphy.co.uk](mailto:s.dutta@bhattmurphy.co.uk)
- John Catt's legal representation is supported by the Legal Services Commission.

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