**HIGH COURT OF JUSTICE Claim No: KB-2025-000497**

**KING’S BENCH DIVISION**

**IN THE MATTER OF AN APPLICATION FOR INJUNCTIVE RELIEF**

**BETWEEN:-**

**THE CHANCELLOR, MASTERS AND SCHOLARS**

**OF THE UNIVERSITY OF CAMBRIDGE**

**Claimant**

**- v -**

**PERSONS UNKNOWN**

**Defendants**

- and –

**EUROPEAN LEGAL SUPPORT CENTER**

**Intervener**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**SKELETON ARGUMENT ON BEHALF OF THE CLAIMANT**

**FOR THE HEARING ON 19 MARCH 2025**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Essential reading (1.5hrs):

* Particulars of Claim **[HB/2/9(PDF11)]**
* First witness statement of Emma rampton, dated 14 February 2025 **[HB/6/41(PDF43)] (“Rampton 1”)**
* Second witness statement of Emma rampton, dated 26 February 2025 **[SB/6/707(PDF69)] (“Rampton 2)**
* Judgment of Fordham J [2025] EWHC 454 (27 February 2025) **[SB/10/912(PDF274)] (“Fordham Judgment”)**
* Third witness statement of Emma rampton, dated 11 March 2025 **[SB/7/752(PDF114)] (“Rampton 3”)**
* Second witness statement of Samuel Maw, dated 11 March 2025 **[SB/8/864(PDF226)] (“MAw 2”)**
* Witness statements filed by the Intervener on 14 March 2025
* Fourth witness statement of Emma Rampton, dated 16 March 2025
* Draft order **[SB/4/665(PDF27)]**

The Court will have before it the original hearing bundle (“**[HB]**”) and a supplementary hearing bundle containing further documents (“**[SB]**”).

reference to **“[hb or sb/x/y(pdfz)]”** is a reference to tab x and page y of the hearing bundle or supplementary hearing bundle and to the page number of the pdf of the electronic hearing bundles.

Reference to “**[AB/x/y]**” is a reference to tab x and page y of the Authorities Bundle.

1. **INTRODUCTION**
2. The hearing on 19 March 2025 is the adjourned hearing of the Claimant’s (the “**University**”) application for injunctive relief to restrain threatened acts of trespass and nuisance by the Defendants (Persons Unknown) on two relatively small sites owned and occupied by the University (the “**Land**”).
3. The Defendants (or a number of them) form part of a well-organised group of individuals[[1]](#footnote-2) – with strong and committed views on the Palestine-Israel conflict – who appear to be affiliated with the group known as Cambridge for Palestine. The Cambridge for Palestine website states that “*We are a coalition standing against Cambridge University's complicity in the genocide of and apartheid against Palestinians*.” Their methods involve protests in the form of direct action aimed at the University.
4. In terms of direct action, the University seeks to prohibit the Defendants from carrying out the following acts, without its consent: (1) entering, occupying or remaining upon the Land; (2) directly blocking the access of any individual to the Land with the intention of stopping that individual accessing the Land; or, (3) erecting or placing any structure (including, for example, tents or other sleeping equipment) on the Land, (the “**Direct Action**”).
5. This claim is similar to the recent case of University of London v Persons Unknown [2024] EWHC 2895 (Ch) (25 November 2024), where injunctive relief was sought and obtained against student protestors taking direct action on related grounds **[AB/14/407]**.
6. Following the first hearing of this application on 27 February 2025, Fordham J, *inter alia*: (1) granted an interim injunction covering Senate House and Senate House Yard in relation to the graduation ceremony taking place on 1 March 2025; and, (2) otherwise adjourned the application for further consideration at a return hearing (the “**Fordham Order**”). The hearing on 19 March 2025 is that return hearing.
7. The Claimant now seeks a narrower form of relief as compared to the draft order originally attached to the application. In particular:
   1. At this stage, it seeks relief for approximately 4 months, expiring on 26 July 2025 (the final graduation ceremony of the academic year).
   2. It has narrowed down the prohibition contained at paragraph 2 of the draft order to directly and intentionally blocking the access of any individual to the Land.
8. In addition, by its application dated 13 March 2025, the Claimant will invite the Court to adopt the simplified description of the Defendants to “Persons Unknown” to accord with the approach taken in respect of ‘newcomers’ by Nicklin J in MBR Acres v Curtin[2025] EWHC 331at §353- 362 [**AB/15/508-510**] and adopted by Fordham J at §27 of the Fordham Judgment [**SB/10/920(PDF282)].**
9. The effect is to seek *contra mundum* relief for the acts of trespass and private nuisance identified above, but with the protection conferred by the Draft Order, at §5 by which affected persons are entitled to apply to the Court or vary or discharge the order and at §13, by which the permission of the Court is required before a contempt application is brought [[2]](#footnote-3). The Claimant’s seeks to amend the Claim Form to reflect the *contra mundum* wording (Draft Order §1) and the Court will be invited to consider its application at an appropriate juncture at the hearing [**SB/4/667(PDF29)].**
10. **THE LAND**
11. Plan A **[HB/1/6(PDF8)]** shows the general locations of the two sites sought to be protected by injunctive relief – the Land **[HB/6/46-47(PDF48-49)]**. These are shown in more detail in Plan 1 and Plan 2 (edged red) **[HB/1/7-8(PDF9-10)]**.
12. Plan 1 comprises **[HB/1/7(PDF9)]**:
13. Senate House and Senate House Yard, Trinity Street, Cambridge, CB2 1TA. Together with The Old Schools, this is the ceremonial and administrative heart of the University. It is where degree ceremonies are held and is the official meeting place of the Regent House and of the Senate; and,
14. The Old Schools, Trinity Lane, Cambridge, CB2 1TN. This is situated next to Senate House and Senate House Yard and, with them, forms one enclosed site (albeit that The Old Schools is physically distinct). It houses key University administrative departments.
15. The University is the freehold proprietor of these sites. Whilst currently unregistered, this land is pending first registration at Land Registry under title number CB489602. The University’s long-standing ownership and possession of these historic sites is demonstrated by the statutory declaration of Richard Griffin, dated 3 September 2024 **[HB/7/105(PDF105)]**.
16. Plan 2 **[HB/1/8(PDF10)]** shows Greenwich House, Madingley Rise, Cambridge, CB3 0TX. This is an administrative office building accommodating approximately 500 of the University’s employees.
17. The University is the registered freehold proprietor of Greenwich House under title number CB337595 **[HB/7/86(PDF88)]**.
18. The position on access to the Land is set out in Rampton 1, §§15-27 **[HB/6/47(PDF49-53)],** and photos can be seen at **HB/7/111-113 (PDF113-115)**.
19. **NOTIFICATION**
20. As the Defendants are Persons Unknown, notice of this application in the usual sense is not possible: Wolverhampton CC v London Gypsies & Travellers [2024] AC 983 (“**Wolverhampton CC**”), §§132, 139, 142, 167(ii), 176-177 **[AB/6/127]**. Rather, the University “*must take reasonable steps to draw the application to the attention of persons likely to be affected by the injunction sought or with some other genuine and proper interest in the application*”: Wolverhampton CC, §226 **[AB/6/202]**.
21. **The claim and application**
22. The University has done so by taking the following steps in relation to the Claim Form, Application Notice and evidence in support:
23. Uploading copies onto the following website: [www.cam.ac.uk/notices](http://www.cam.ac.uk/notices).
24. Sending an email to the email addresses associated with the Defendants ([cambridge4palestine@proton.me](mailto:cambridge4palestine@proton.me); [encampmentnegotiations@proton.me](mailto:encampmentnegotiations@proton.me); [bloodonyourhands@systemli.org](mailto:bloodonyourhands@systemli.org))

stating that a claim has been brought and an application made, and that the documents can be found at the website referred to above.

1. Affixing a notice at those locations marked with an “x” on Plans 1 and 2 setting out where these documents can be found and obtained in hard copy.
2. These steps were completed on Wednesday 19 February 2025: First Witness Statement of Mark Parker, 19 February 2025 **[HB/536(PDF38)]** and Maw 1, dated 24 February 2025 **[SB/5/674(PDF36)]**.
3. As such, although the requirements in CPR r.23.7(1) and s.12(2)(a) Human Rights Act 1998 **[AB/1/5]** do not technically apply – on account of Persons Unknown not capable of being parties to proceedings – they have been complied with in spirit: see, e.g., London City Airport v Persons Unknown[2024] EWHC 2557 (KB), §5 (Julian Knowles J) **[AB/13/397]**.
4. **The Fordham Order**
5. The University notified Persons Unknown of the Fordham Order by carrying out the steps referred to at §9 of the Fordham Order. As confirmed in Maw 2, §§4-6, these steps were completed on 28 February 2025 **[SB/8/865(PDF227)]**.
6. **Notice of the hearing on 19 March 2025**
7. The University notified Persons Unknown that the return hearing would be taking place on 19 March 2025 by carrying out the steps referred to at §11 of the Fordham Order. In addition, notices of the hearing were affixed at various locations around the perimeter of the Land. As confirmed in Maw 2, §§7-9, these steps were completed on 7 March 2025 **[SB/8/865(PDF227)]**.
8. **Notice of the application to amend description of Defendants**
9. The University notified Persons Unknown of its application, dated 13 March 2025, by carrying out the steps referred to at §10 of the Fordham Order. In addition, a notice stating that this application had been made was also affixed at the entrance to Greenwich House. As confirmed in Maw 3, §§4-5, these steps were completed on 13 March 2025 **[SB/9/901(PDF263)]**.
10. **THE CAMPAIGN**
11. The background to the present dispute is set out in Rampton 1, §§28-59 **[HB/6/51(PDF53)]** and summarised below.
12. **The Defendants**
13. The Defendants are responsible for conducting a campaign of direct action against the University in relation to the Palestine-Israel conflict. Many of them appear to be affiliated with the group known as Cambridge for Palestine, whose stated aim (on its website “cambridge4palestine.org”) is as follows: “W*e are a coalition standing against Cambridge University's complicity in the genocide of and apartheid against Palestinians*.” As well as its website, Cambridge for Palestine also has an X account (formerly known as Twitter) (“@cam4palestine”), a Facebook account (“Cambridge for Palestine”) an Instagram account (“cambridgeforpalestine”) and a TikTok account (“cambridge4palestine”), on which they, e.g., organise events, publish their views and demands, and publicise the action they are taking.
14. On Instagram, Cambridge for Palestine has set out the following demands under the heading “*CAMBRIDGE ENCAMPMENT FOR PALESTINE: OUR DEMANDS*”:

“We will not move until the University of Cambridge agrees to:

1️ Disclose financial and professional ties with complicit organisations

2️ Divest funds and collaboration away from such organisations

3️ Reinvest in Palestinian students, academics, and scholars

4️ Protect students at risk and become a university of sanctuary”

1. **Previous incidents of direct action**
2. The Defendants have engaged in direct action on the Land on multiple occasions in the last year, as summarised in the Fordham Judgment, §§13-16 **[SB/10/916(PDF278)]**.
3. On 15 May 2024, 40-50 Defendants entered Senate House Yard by climbing a ladder over the perimeter fence. They set up an encampment with approximately 13 tents on Senate House Yard **[HB/7/601-603(PDF603-605)]**. This was for the ostensible purpose of preventing graduation ceremonies taking place at Senate House on 17 and 18 May 2024 **[HB/7/600(PDF602)]**. They departed at 10:20pm on 16 May 2024.
4. On 22 November 2024, a group of Defendants entered Greenwich House, activated the fire alarm and, once all staff had evacuated the building, blockaded the entrances and exits to prevent re-entry **[HB/7/370-373, 400, 470-540 (PDF372-375, 402, 472-542)]**. During this time, the Defendants gained access to restricted areas of the building, opened locked cabinets and searched through them. Due to the confidential and commercially sensitive nature of the documents kept in Greenwich House, the University applied for and obtained an injunction on 16 December 2024 which, *inter alia,* prohibited the defendants from using, publishing or disclosing any documents or information obtained whilst in Greenwich House **[HB/7/154(PDF156)]**. The Defendants departed on 6 December 2024.
5. On 27 November 2024, a group of Defendants entered Senate House Yard by climbing over the perimeter fence. They set up an encampment with approximately 6 tents on Senate House Yard **[HB/7/394-404, 584-592 (PDF396-406, 586-594)]**. This was for the ostensible purpose of preventing graduation ceremonies taking place at Senate House on 30 November 2025 **[HB/7/567 and 580 (PDF569 and 582)]**. They departed on 30 November 2024.
6. **Statements made by the Defendants**
7. As well as the incidents of direct action, the Defendants have made various statements demonstrating their continuing intention to carry out direct action.
8. On 27 November 2024, after resuming its encampment on Senate House Yard, Cambridge for Palestine declared that, “*our movement is left with no option other than principled escalation”,* “*long live the student intifada”* and stated that “*The Cambridge Liberated Zone has expanded and will continue to do so”* **[HB/7/133(PDF135)].**
9. In further posts on 29 November 2024, Cambridge for Palestine stated that, “*Such unprecedented times require sustained escalation”* and “*As long as there are no universities left in Gaza, Cambridge will not know normalcy”* **[HB/7/148 and 150(PDF150 and 152)]**.
10. On 30 November 2024, after leaving Senate House Yard, Cambridge for Palestine posted, “*We will be back*”, under the tag line “*We Will Not Stop. We Will Not Rest*” **[HB/7/153(PDF155)]**. They further stated:

“This end is a temporary one…Our encampment from last spring was only a beginning, and this one is not nearly an end. We will ensure that the University does not see normalcy until we see divestment and liberation.” **[HB/7/581(PDF583)]**

1. On 5 December 2024, Cambridge for Palestine posted a response to the University’s statement, dated 3 December 2024, relating to the direct action at Senate House. Cambridge for Palestine stated, “*As students at this institution, we refuse to sit idly by as our University proudly kills. ‘Disruption’ of normalcy is the only ethical, moral choice”* [**HB/7/440(PDF442)]**.
2. On 8 December 2024, after ending their occupation of Greenwich House, Cambridge for Palestine stated that, “*our movement will remain steadfast until justice is achieved”* **[HB/7/447(PDF449)]**.
3. Moreover, in light of the ceasefire that was agreed between Israel and Hamas on 15 January 2025, Cambridge for Palestine has made various statements, including the following:

“CEASEFIRE TODAY… LIBERATION TOMORROW…

We commit to continuing the struggle from the belly of the beast, in unequivocal solidarity with the pursuit of a free Palestine, from the river to the sea.” [on 18 January 2025] **[HB/7/455(PDF457)]**

“As we honor the relief and joy of the steadfast people of Gaza, we recommit ourselves to the struggle against the complicity of our institutions, in pursuit of a free Palestine.” [on 21 January 2025] **[HB/7/636(PDF638)]**

1. Further, Cambridge for Palestine endorsed the actions of Oxford Action for Palestine (a group which appears to have very similar aims to Cambridge for Palestine) when it occupied the Radcliffe Camera (library) in Oxford on 24 January 2025.
2. At no stage have the Defendants or Cambridge for Palestine disavowed an intention to carry out further direct action.
3. **Conduct since the hearing on 27 February 2025**
4. No Direct Action took place at Senate House or Senate House Yard on 1 March 2025, the day of the most recent graduation ceremony. Instead, Cambridge for Palestine organised a rally which took place outside Great St Mary’s Church, directly opposite Senate House: Rampton 3, §5 **[SB/7/754(PDF116)]**. At its height, approximately 100 individuals were part of the rally: Rampton 3, §9 **[SB/7/755(PDF117)]**.
5. On 2 March 2025, Cambridge for Palestine uploaded a social media post, which stated (Rampton 3, §52):

“Cambridge University tried to silence us.

We will NEVER be silent while they profit From Genocide. Our call remains the same Disclose, Divest, We Will NOT Stop, We Will NOT REST” **[SB/7/766 and 769(PDF128 and 131)]**

1. On 4 March 2025, red paint was sprayed on the wooden door and archway masonry which forms the west entrance to the Old Schools, a Grade I building. Graffiti sprayed on the masonry and wooden door read, “*DIVEST*” and “*ALWAYS RESIST…FREE PALESTINE”* **[SB/7/756, 813 - 817(PDF118, 175 – 179)]** *.* A group called Palestine Action claimed responsibility for the vandalism: Rampton 3, §§12-17. Cambridge for Palestine endorsed this action, by republishing Palestine Action’s post (claiming responsibility) and stating, “Di*vest from Israeli arms or expect resistance. Full support to Palestine Action.*”: Rampton 3, §18 **[SB/7/757(PDF119)]**.
2. **HARM TO THE UNIVERSITY**
3. The harm to the University caused by the direct action was substantial and is set out in Rampton 1, §§60-83 and 153-160 **[HB/6/57(PDF59)]**. In summary:
4. Cancellation of graduation ceremonies at Senate House: the two occupations resulted in the disruption of graduations for 1,658 students and approximately 3,000 guests. Aside from the administrative difficulties in relocating these ceremonies, the University considers that there is a substantial harm suffered by graduands (and their families) when they are not able to graduate, as expected, in the historic and traditional setting of Senate House.
5. Operational disruption: University staff were unable to work at Greenwich House between 22 November 2024 and 8 January 2025 and their relocation involved significant resource (approximately 500 staff work there although the numbers working there each day will be lower due to hybrid working). On their return, staff had to carry out an audit of the documents within the building to establish whether they had been interfered with.
6. Risk of disclosure of confidential and commercially sensitive information: the University has an annual turnover from research grants in excess of £500m. Its funding partners rely on the University to safeguard their interests and their confidential information. The publication or misuse of documents and information stored at Greenwich House and The Old Schools could have serious consequences for the University, including the withdrawal of grant funding and reputational damage as a secure and professional research partner.
7. Financial costs: including extra security, cleaning and legal costs (prior to this claim), as well as the costs of relocating graduations, the University has incurred costs in excess of £230,000.
8. Health and safety: the blockading of entry and exit points in Greenwich House raised serious health and safety concerns, in particular relating to fire safety.
9. **RELEVANT LEGAL PRINCIPLES**
10. The law in relation to Persons Unknown, who are newcomers (as in this case), has been resolved by the Supreme Court in Wolverhampton CC. Wolverhampton CC has now also been considered in detail in the protest context in a number of cases, in particular Valero Energy Ltd v Persons Unknown[2024] EWHC 134 (KB) (“**Valero**”) **[AB/7/207]**. In Valero, Ritchie J set out a list of factors to be satisfied (albeit in the context of a summary judgment application). For a summary of the case law, see, generally, Y Vanderman, Manual on Protest Injunctions(v.2, 2024), §§5.1-5.9 **[AB/17/565]**.
11. The High Court recently granted precautionary injunctive relief to a university prohibiting direct action by student protestors (including Persons Unknown): University of London v Persons Unknown [2024] EWHC 2895 (Ch) (“**UoL**”). In doing so, Thompsell J applied the principles and tests set out in Wolverhampton CC and Valero: UoL, §§16-53 **[AB/14/410]**.
12. Very recently, Nicklin J in MBR Acres Ltd v Curtin [2025] EWHC 331 (19 February 2025) (“**MBR Acres**”) after citing Valero, considered the description of those who are to be restrained by a ‘newcomer’ injunction following Wolverhampton CC and held that it was “no longer necessary, nor appropriate” to restrain particular categories of defendants for *contra mundum* ‘newcomer’ injunctions. On the basis that these were truly *contra mundum* orders, he found that Persons Unknown did not need to be, and ought not to be, defined in any way: §§356, 360 and 362 **[AB/15/508]**. In his judgment, “*one benefit of the* ***Wolverhampton*** *decision is that the form of the injunction order, if granted, can be much simplified. The experience that I have gained in this case suggests that, if there is an opportunity to simplify injunction orders directed at those who are not parties to the proceedings, it should be grasped*”. The *quid pro quo* appears to have been that permission of the Court was required in order to bring a contempt application (see §48 [**AB/15/430];** and order in MBR at **[AB/16/526]**).
13. **SUBMISSIONS**
14. In relation to the Valero tests, set out at §58 of Ritchie J’s judgment **[AB/7/236]**, the University makes the following submissions:[[3]](#footnote-4)
15. **First,** there are two civil causes of action identified. In relation to trespass:
    1. No member of the public has been granted a licence to be on the Land or carry out the Direct Action.
    2. In respect of students, Greenwich House, Senate House and The Old Schools are not open to them and they have no general licence to be there. Senate House Yard is generally open to them but only when the gates are open and there is no event taking place there. But in any event, students do not have a general licence to carry out protests on/occupy Senate House Yard. In particular, to do so without obtaining express consent under the University’s Rules of Behaviour **[HB/7/230(PDF232)]** and the University’s Code of Practice of Freedom of Speech **[HB/7/248(PDF250)]** amounts to a breach of the Rules of Behaviour, paragraphs 1(a), 1(d), 2(a) and 2(b), and paragraph A.3 of the Annex to the Code. These are rules which students signed up to when enrolling at the University. Consequently, any student entering onto the Land for the purposes of carrying out the Direct Action would have no licence to do so and would be a trespasser: Fordham Judgment, §§6, 25 and 36 **[SB/10/914, 919 and 923 (PDF276, 281 and 285)]**; UoL, §23 **[AB/14/411]**).

In relation to nuisance, Direct Action on the Land would also amount to an undue and substantial interference with the University’s enjoyment of the Land even if the Defendants were not on the Land – e.g. by directly blocking the access of others onto the Claimant’s land: HS2 v Persons Unknown[2022] EWHC 2360 (KB), §§85-86 (Julian Knowles J).

1. **Secondly,** the University has complied (and will continue to comply) with its duty of full and frank disclosure. This is considered further below.
2. **Thirdly,** there is sufficient evidence to prove the claim. There is a real and imminent risk of further Direct Action by the Defendants for the reasons set out at §§23-40 above,in Rampton 1, §§134-152 **[HB/6/73(PDF75)]** and in Rampton 3, §§50-52 **[SB/7/765-766(PDF127-128)]**. The evidence set out in Rampton 1, §§12-118 **[HB/6/46(PDF48)]**, regarding the nature of the Land, the University’s interest in the Land, and the Defendants’ previous actions and statements are more than sufficient evidence to prove the claim.
3. In the Fordham Judgment, §23, the Judge referred to the fact that the Old Schools “*does not feature in any of the evidenced prior incidents”*. That is no longer the case. As set out above, on 4 March 2025 the Old Schools was vandalised by Palestine Action, with the words “*DIVEST*” and “*ALWAYS RESIST…FREE PALESTINE”* graffitied onto the building. This conduct was endorsed by Cambridge for Palestine **[SB/7/805(PDF167)]***.* Although the Draft Order is not seeking to cover this conduct, this building was targeted because it is the administrative heart of the University: Rampton 1, §§18-19 **[HB/6/48(PDF50)]**. For the same reason that it was targeted by Palestine Action, there is a real and imminent risk that it will be targeted with Direct Action.
4. The fact that Cambridge for Palestine has not disavowed any intention to carry out Direct Action on the Land is significant: Fordham Judgment, §33 **[SB/10/922(PDF284)]**; Esso Petroleum v Persons Unknown[2023] EWHC 1837 (KB), §67 (Linden J) **[AB/5/124]**. Far from making such a disavowal since the Fordham Order, they appear to have doubled-down on their position. In particular:
   1. On 2 March 2025, Cambridge for Palestine uploaded a social media post, which stated “*Cambridge University tried to silence us…We will NEVER be silent while they profit From Genocide. Our call remains the same Disclose, Divest, We Will NOT Stop, We Will NOT REST*”
   2. On 4 March 2025, Cambridge for Palestine endorsed the criminal damage carried out by Palestine Action on the Old Schools, stating “*Divest from Israeli arms or expect resistance. Full support to Palestine Action.*”
5. The fact that no Direct Action took place on 1 March 2025 says nothing of the risk posed by Persons Unknown. This is evidence of the Fordham Order having its intended effect: Valero Energy Ltd v Persons Unknown [2025] EWHC 207, §34 (Hill J) **[AB/19/732]**.
6. **Fourthly**, there is no realistic defence. The Defendants would be trespassers on land owned by the University. Human rights issues are considered below.
7. **Fifthly**, there is a compelling justification for the injunction. The University wishes to use its own land for important purposes and the Defendants are preventing it from doing so without any lawful right to do so. They are doing so not just at great cost and disruption to the University, its staff, graduating students and their guests, but also at risk to themselves. In light of the evidence in Rampton 1, §§137-145 **[HB/6/74(PDF76)]**, the University has no other practical means of restraining the Defendants from carrying out the Direct Action. The University has attempted to engage in dialogue with protestors but that did not put a stop to the Direct Action: Rampton 1, §§84-97 **[HB/6/61(PDF63)]**.
8. The harm to the University of Direct Action on Senate House and Senate House Yard was encapsulated in the Fordham Judgment as follows:

“34. Alongside these points about the evidence of the risk there is the powerful evidence filed by the University, describing the impact for those for whom this is their graduation ceremony, and for their guests. That is the impact of a relocation to an alternative venue which, on the face of the evidence, would mean an event and location of a very different character. There is, in my judgment, powerful evidence – within the supporting witness evidence which can be viewed in the public domain on the injunction webpage – about these impacts and the impacts on the University itself and its staff. Against those impacts, I cannot see that there is any countervailing justification – still less compelling justification – which would extend to disrupting that graduation event by forcing it to again to be moved.”

1. **Sixthly**, in terms of ECHR rights, the Defendants might seek to rely on Article 10/11 ECHR. Such an argument is bound to fail.
2. For the purposes of this application, the University is content to proceed on the basis that it is a public authority and that the grant of injunctive relief would interfere with the Article 10 and 11 ECHR rights of Persons Unknown.[[4]](#footnote-5) This was the approach taken before Fordham J: Fordham Judgment, §29.
3. Any interference with Article 10/11 ECHR rights (by virtue of the sought injunction) would be justified in that:[[5]](#footnote-6)
   1. It would be prescribed by law. It would be the result of a Court-ordered prohibition flowing from powers in s.37 of the Senior Courts Act 1981.
   2. It would be in pursuit of the legitimate aim of protecting the University’s property rights as well as the rights and interests of third parties lawfully seeking to use the Land.
   3. The injunction sought is proportionate as: its aims are sufficiently important to justify any interference; there is a rational connection between the means chosen and the aims; and, there is a fair balance between the various rights at issue given (and see UoL, §36 **[AB/14/414]**):
      * + 1. The University only seeks relief in relation to two relatively small sites which have already and recently been the subject of Direct Action.
          2. Interim relief is sought for only a short duration – approximately 4 months, the expiry of which would coincide with the end of the academic year.
          3. Direct action, by which the Defendants are seeking to compel others to act in a certain way, rather than persuade them, is not at the core of Article 10/11 ECHR rights: Esso Petroleum v Persons Unknown[2023] EWHC 1837 (KB), §57 (Linden J) **[AB/5/122]**.
          4. Having breached the terms of their contract with the University and the Code, the Defendants have no licence or other right to carry out the Direct Action.
          5. The nature of the Direct Action is such as to exclude the use of the Land by the University and all others who have a lawful right to be there.
          6. The Defendants have now carried out Direct Action on the Land on three separate occasions in the recent past at great disruption, and cost, to the University, the Colleges, staff, graduating students and the guests of students.
          7. There is limited connection between the Land and the substance of the Defendants’ protest.
          8. The Defendants are able to protest at other locations and through other methods without causing significant disruption to the University, its staff and students. One example is the rally on 1 March 2025 which took place just outside the Land.
          9. There are no less restrictive or intrusive alternative means available to the University. These are for the reasons set out at §53 above.
4. **Seventhly**, damages are not an adequate remedy as: (1) significant elements of the harm – i.e. disrupted graduation ceremonies, damage to reputation, and health and safety concerns – are not realistically capable of being financially compensatable; and, (2) in any event, any financial loss could not be recovered from Persons Unknown: Fordham Judgment, §36 **[SB/10/923(PDF285)]**; UoL, §38 **[AB/14/414]**; Valero, §70 **[AB/7/242]**. For the same reasons, the resulting harm would be “*grave and irreparable”*: Esso Petroleum v Persons Unknown[2023] EWHC 1837 (KB), at §§63-64 **[AB/5/123]**.
5. **Eighthly,** in terms of identifying Persons Unknown, this has not been possible as they have not yet carried out the threatened trespass, it is not known who may attempt to do so in the future and the University would not know their names if they did (as they would likely cover their faces).
6. In terms of describing Persons Unknown, the University submits that it would be appropriate to adopt the approach taken by Nicklin J in MBR Acres and by Fordham J at the first hearing of this application in circumstances where the injunction is sought against newcomers who might at some future commit the acts of trespass and nuisance and against whom the order is made, necessarily, without notice.
7. The Supreme Court in Wolverhampton CC held at §221 that “*Even where the persons sought to be subjected to the injunction are newcomers, the possibility of identifying them as a class by reference to conduct prior to what would be a breach (and, if necessary, by reference to intention) should be explored and adopted if possible*.”
8. In MBR Acres, Nicklin J at §§358 and 359 said this:

“*358 Of course, every case will have to be decided on its facts. In a case of unlawful encampment on land, it may very well be possible to identify, if not to name, (a) those currently on the land; (b) those immediately threatening to move onto the land; and (c) newcomers who might at some future point move onto the land.* *I read the Supreme Court’s guidance as a reminder that the fact that the injunction sought includes a contra mundum ‘newcomer’ injunction against (c), does not relieve the local authority for taking such steps as are available to identify, and serve the Claim Form upon, those in categories (a) and (b) (if necessary, by an alternative service order)”.*

*359. But there can be no question of service of a Claim Form on those in category (c). These people cannot be identified. They cannot be served, not even under the terms of an alternative service order. As against them, the contra mundum ‘newcomer’ injunction is made, necessarily, without notice. For persons in category (c), the Supreme Court regarded their interests adequately safeguarded by their ability to apply to vary or discharge the order.”*

1. At §360, Nicklin J held that following Wolverhampton CC it is “*no longer necessary, nor appropriate*” in relation to *contra mundum* ‘newcomer’ injunctions to identify categories of Persons Unknown defendants and that injunction orders directed at those who are not parties could be simplified to improve the clarity and comprehensibility of the order: see §§360-362 **[AB/15/508]**.
2. That approach was considered and adopted by Fordham J. Protection against any perceived risk of contempt applications being brought for trivial infringements, is factored into the Draft Order by the requirement at §13, that “*Any contempt application against any Person Unknown may only be brought with the permission of the Court*” **[SB/4/669(PDF31)]** (and by the ability of any affected person to apply for the order to be varied or discharged, at §5 of the Draft Order).
3. Alternatively, if the Court rejects that approach, Persons Unknown are capable of being clearly and plainly identified by reference to the tortious conduct prohibited (trespass) and clearly defined geographical boundaries, as originally drafted.
4. **Ninthly,** the prohibition in the draft Order is set out in clear words. It does not prohibit any conduct which would be lawful on its own.
5. **Tenthly,** the prohibition in the draft Order mirrors the torts claimed.
6. **Eleventhly,** the prohibition in the draft Order is defined by clear geographic boundaries.
7. **Twelfthly**, the University seeks a short injunction of approximately 4 months, the expiry of which coincides with the end of the academic year. During this period, the University will review the risk of Direct Action and consider whether, before the expiry of the injunction (if granted), it is necessary to seek further relief for a longer duration.
8. **Thirteenthly**, the University has taken reasonable steps to draw the application to the attention of persons likely to be affected by the injunction sought or with some other genuine and proper interest in the application. The proposed steps for notification of any order granted at the hearing are set out in the Draft Order, as are the proposed steps for notification of other applications and documents [**SB/4/668(PDF30)]**.
9. **Fourteenthly**, the draft Order includes provision for any person to apply to set aside or vary the injunction on short notice **[HB/4/27(PDF29)]**.
10. **Fifteenthly**, as a short interim injunction of approximately 4 months only is sought, the Draft Order contains no provision for review during this period.
11. **CROSS-UNDERTAKING IN DAMAGES**
12. The University is willing and able, if necessary, to provide a cross-undertaking in damages: Rampton 1, §§167-168 **[HB/6/83(PDF85)]**.
13. **FULL AND FRANK DISCLOSURE**
14. The University believes it has complied with its duty of full and frank disclosure. In order to support compliance with its duty of full and frank disclosure, in this section the University sets out some arguments that could be made against its application for an injunction.
15. **First**, it could be argued that the Defendants no longer pose a real and imminent risk of carrying out the Direct Action because two students from the Cambridge for Palestine Task Force were re-invited to, and attended, the meeting of the University’s Working Group on 5 February 2025: Rampton 1, §97 **[HB/6/64(PDF66)]**.
16. The University does not consider that this diminishes the real and imminent risk of Direct Action in the future. This is because:
17. There has been no disavowal by Cambridge for Palestine of an intention to carry out the Direct Action on the Land. Its social media channels continue to make the demands as referred to above.
18. The University has no way of knowing whether the participation of the two students in the Working Group will impact the inclination of other Persons Unknown (who may or may not be connected with/members of Cambridge for Palestine) to carry out Direct Action on the Land. We know from the incident on 4 March 2025, for example, that Palestine Action remain willing to carry out criminal acts notwithstanding meetings of the University’s Working Group.
19. In any event, the University is concerned that if, for whatever reason, the two students and Cambridge for Palestine Task Force subsequently become aggrieved with the work of the Working Group, just as before, Persons Unknown may decide to carry out Direct Action in order to put pressure on the University.
20. **Secondly**, it could be argued that the University has identified two individuals who participated in previous Direct Action (one in relation to Greenwich House and one in relation to Senate House Yard) and ought to have joined these persons as named defendants. The reason why the University has not joined these individuals is because it has no evidence that they plan to carry out Direct Action on the Land in the future. On this basis, it would not be appropriate to single them out in these proceedings: Rampton 1, §133 **[HB/6/73(PDF75)]** and Rampton 3, §49 **[SB/7/765(PDF127)]**.
21. In any event, even if the Court takes the view that this individual ought to be joined to the proceedings, the University would still need to seek a *contra mundum* injunction against newcomers.
22. **Thirdly**, it could be argued that there are other ways of stopping the Direct Action, such as police involvement. However, the case law has repeatedly stated that the existence of the criminal law is no substitute for a claimant bringing its own civil claim: see, most recently, N Warwickshire BC v Persons Unknown [2024] EWHC 2254, §88 (HHJ Emma Kelly) **[AB/11/336]**.
23. Further, Public Space Protection Orders under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 are not available as the Direct Action is not being carried out in a “*public place”*, i.e. “*any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission*” (s.74(1)) **[AB/2/10 and 12]**.
24. **Fourthly**, it could be argued that the *contra mundum* approach sought by the University ought not to be adopted because: (a) this would significantly broaden the scope of any order to cover unwitting members of the public; and, (b) this method has not been used in at least 16 High Court cases decided since Wolverhampton CC (including UoL).[[6]](#footnote-7) The University made these submissions before Fordham J but they were rejected.
    * + 1. The University now seeks to adopt the approach of Fordham J and relies on two of the most recent cases to justify its approach: i.e. MBR Acres, §§356, 358 and 362 **[AB/15/508]** and the Fordham Judgment, §27 **[SB/10/920(PDF282)]**. The merit of adopting this approach is to improve the clarity and comprehensibility of the Order as to its scope. Concerns regarding the broader scope of the Order are dealt with by the safeguard at Draft Order, §13, that the Court’s permission be obtained before a contempt application be brought.
25. If the Court is not minded to take this approach, however, the Order can expressly be confined to apply only to a defined category of Persons Unknown.
26. **Fifthly**, on the morning of the hearing before Fordham J, the University was sent an email from Ms Gina Romero, the UN Special Rapporteur on the Rights of Freedom of Peaceful Assembly and of Association expressing concerns about the University’s claim **[SB/16/984(PDF346)]**. In relation to this:
    1. Ms Romero referred to her “*concern about some allegations I have received regarding University’s [sic] claim for a precautionary injunction…”*. It is unclear what Ms Romero was told about the claim, whether she had seen any of the claim documents or whether she knew any of the underlying facts. In these circumstances, minimal weight can be given to the points she makes in her email.
    2. The domestic case law on these issues, as referred to above, are well-established. Nothing Ms Romero says could affect that.
    3. In any event, the document she refers to containing recommendations for universities[[7]](#footnote-8) positively supports the University’s approach in this instance: see Fordham Judgment, §35 **[SB/10/922(PDF284)]**.
27. **CONCLUSION**
28. For the reasons set out above, the Court is respectfully requested to grant an Order in the terms of the Draft Order.

**MYRIAM STACEY KC**

**YAASER VANDERMAN**

17 March 2025

1. It is believed that they are a student-led group but the University cannot be sure whether all of those carrying out direct action are, in fact, students of the University. [↑](#footnote-ref-2)
2. As Mr Nicklin J put it in MBR Acres at §390, to reduce the risks of a *contra mundum* injunction being used as a weapon against perceived adversaries for trivial infringement **[AB/15/515]**. [↑](#footnote-ref-3)
3. See Y Vanderman, Manual on Protest Injunctions(v.2, 2024), §5.10 **[AB/17/568]**. [↑](#footnote-ref-4)
4. It reserves the right to argue the contrary at any future hearing. [↑](#footnote-ref-5)
5. In a recent possession claim on similar facts, Johnson J proceeded (at the first hearing) on the basis that there was a real prospect of establishing that a University seeking a possession order could amount to the exercise of public functions: University of Birmingham v Ali [2024] EWHC 1770, §§50 and 60 **[AB/8/257 and 260]**. He, nevertheless, found that there was no real prospect of a successful ECHR claim as “*the severity of the impact on Ms Ali's rights does not (by a significant margin) come anywhere close to outweighing the importance of the objective of the University being able to regain possession of its own land*.”: §§74-75. A very similar approach was taken in QMUL v Persons Unknown [2024] EWHC 2386, §§40-59 (Deputy Master Henderson) **[AB/12/358]**. [↑](#footnote-ref-6)
6. Valero Energy Ltd v PU[2024] EWHC 134 (KB) (Ritchie J) (26 Jan 2024); Exolum Pipeline Systems Ltd v PU [2024] EWHC 1015 (Farbey J) (20 Feb 2024); 1 Leadenhall Group London v PU [2024] EWHC 854 (8 Mar 2024); HS2 v PU [2024] EWHC 1277 (Ritchie J) (24 May 2024); Jockey Club Racecourses Ltd v PU [2024] EWHC 1786 (Sir Anthony Mann) (9 Jul 2024); Leeds Bradford Airport Ltd v PU [2024] EWHC 2274 (Ritchie J) (18 Jul 2024); Manchester Airport v PU [2024] EWHC 2247 (HHJ Coe KC) (24 Jul 2024); Drax Power Ltd v PU [2024] EWHC 2224 (Ritchie J) (25 Jul 2024); Arla Foods v PU [2024] EWHC 1952 (Jonathan Hilliard KC) (26 Jul 2024); Tendring DC v PU [2024] EWHC 2237 (Ritchie J) (31 Jul 2024); N Warwickshire BC v PU [2024] EWHC 2254 (HHJ E Kelly) (6 Sep 2024); London City Airport Ltd v PU [2024] EWHC 2557 (Julian Knowles J) (11 Oct 2024); Thurrock Council v Adams [2024] EWHC 2576 (Julian Knowles J) (11 Oct 2024); Heathrow Airport Ltd v PU [2024] EWHC 2599 (Julian Knowles J) (14 Oct 2024); Shell UK Ltd v PU [2024] EWHC 3130 (Dexter Dias J) (5 Dec 2024); ; Teledyne UK Ltd v Gao [2024] EWHC 3538 (Bourne J) (20 Dec 2024); TfL v PU [2025] EWHC 55 (Morris J) (16 Jan 2025); Enfield LBC v PU [2025] EWHC 288 (Jason Beer KC) (12 Feb 2025). [↑](#footnote-ref-7)
7. “Recommendations for universities worldwide for the second semester of 2024: Safeguarding the right to freedom of peaceful assembly and association on campuses in the context of international solidarity with the Palestinian people and victims” (2 Oct 2024) **[SB/18/989(PDF351)]**. [↑](#footnote-ref-8)