

HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO: KB-2025-000497

**IN THE MATTER OF AN APPLICATION FOR INJUNCTIVE RELIEF
BETWEEN:-**

**THE CHANCELLOR, MASTERS AND SCHOLARS
OF THE UNIVERSITY OF CAMBRIDGE**

Claimant

- v -

PERSONS UNKNOWN AS DESCRIBED IN THE CLAIM FORM

Defendants

**SKELETON ARGUMENT
ON BEHALF OF THE CLAIMANT**

HEARING DATE: 27 FEBRUARY 2025

COUNSEL: YAASER VANDERMAN, BRICK COURT CHAMBERS (YAASER.VANDERMAN@BRICKCOURT.CO.UK)

ESSENTIAL READING (30 MINS):

- PARTICULARS OF CLAIM [HB1/9]
- FIRST WITNESS STATEMENT OF EMMA RAMPTON, DATED 14 FEBRUARY 2025 [HB2/41]
- FIRST WITNESS STATEMENT OF MARK PARKER, DATED 19 FEBRUARY 2025 [HB1/36]
- FIRST WITNESS STATEMENT OF SAMUEL MAW, DATED 24 FEBRUARY 2025
- DRAFT ORDER [HB1/25]

REFERENCE TO “**RAMPTON 1, §x [HB2/z]**” IS A REFERENCE TO PARAGRAPH X OF EMMA RAMPTON’S FIRST WITNESS STATEMENT, WHICH CAN BE FOUND AT PAGE Z OF HEARING BUNDLE 2. REFERENCE TO “**[AB/x/Y]**” IS A REFERENCE TO TAB X AND PAGE Y OF THE AUTHORITIES BUNDLE.

I. INTRODUCTION

1. The hearing on 27 February 2025 is the 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**”).
2. The Defendants (or a number of them) form part of a well-organised group of individuals¹ – with strong and committed views on the Palestine-Israel conflict – who

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.

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.

3. In terms of direct action, the University seeks to prohibit the Defendants from carrying out the following acts, without its express consent, when done for the purpose of carrying out a protest, or taking part in any demonstration, public assembly or encampment: (1) entering, occupying or remaining upon the Land; (2) blocking, preventing, slowing down, obstructing or otherwise interfering with the access of any other individual to the Land; or, (3) erecting or placing any structure (including, for example, tents or other sleeping equipment) on the Land, (the “**Direct Action**”).
4. 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].
5. This application has been brought with some urgency in light of the graduation ceremonies due to take place at Senate House and Senate House Yard on Saturday 1 March 2025.

II. THE LAND

6. Plan A shows the general locations of the two sites sought to be protected by injunctive relief – the Land [HB1/6]. These are shown in more detail in Plan 1 and Plan 2 (edged red).
7. Plan 1 comprises [HB1/7]:
 - a. 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,

- b. 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.
8. 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 [HB2/105].
9. Plan 2 [HB1/8] shows Greenwich House, Madingley Rise, Cambridge, CB3 0TX. This is an administrative office building accommodating approximately 500 of the University's employees.
10. The University is the registered freehold proprietor of Greenwich House under title number CB337595 [HB2/86].
11. The position on access to the Land is set out in Rampton 1, §§15-27 [HB2/47], and photos can be seen at HB2/111-113.

III. NOTIFICATION

12. 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].
13. The University has done so by taking the following steps in relation to the Claim Form, Application Notice and evidence in support:
 - a. Uploading copies onto the following website: www.cam.ac.uk/notices.

- b. Sending an email to the email addresses associated with the Defendants (cambridge4palestine@proton.me; encampmentnegotiations@proton.me; 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.

- c. 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.

- 14. These steps were completed on Wednesday 19 February 2025: First Witness Statement of Mark Parker, 19 February 2025 [HB1/36] and First Witness Statement of Samuel Maw, dated 24 February 2025.
- 15. 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].

IV. THE CAMPAIGN

- 16. The background to the present dispute is set out in Rampton 1, §§28-59 [HB2/51] and summarised below.

(a) **The Defendants**

- 17. 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: “*We are a coalition standing against Cambridge University's complicity in the genocide of and apartheid against Palestinians.*” [HB1/6] 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.

18. 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:

- 1 Disclose financial and professional ties with complicit organisations
- 2 Divest funds and collaboration away from such organisations
- 3 Reinvest in Palestinian students, academics, and scholars
- 4 Protect students at risk and become a university of sanctuary"

(b) Previous incidents of direct action

19. The Defendants have engaged in direct action on the Land on multiple occasions in the last year.
20. 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 [HB2/601-603]. This was for the ostensible purpose of preventing graduation ceremonies taking place at Senate House on 17 and 18 May 2024 [HB2/600]. They departed at 10:20pm on 16 May 2024.
21. 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 [HB2/370-373, 470-540]. 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 [HB2/154]. The Defendants departed on 6 December 2024.
22. 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 [HB2/401-404, 386-454, 584-592]. This was for the ostensible purpose of preventing graduation ceremonies taking place at Senate House on 30 November 2025 [HB2/567 and 580]. They departed on 30 November 2024.

(c) Statements made by the Defendants

23. As well as the incidents of direct action, the Defendants have made various statements demonstrating their continuing intention to carry out direct action.
24. 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"* [HB2/133].
25. 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"* [HB2/148 and 150].
26. 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"* [HB2/153]. 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." [HB2/581]
27. 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"* [HB2/440].
28. 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"* [HB2/447].

29. 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] [HB2/455]

“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] [HB2/636]

30. 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.
31. At no stage have the Defendants or Cambridge for Palestine disavowed an intention to carry out further direct action.

V. HARM TO THE UNIVERSITY

32. The harm to the University caused by the direct action was substantial and is set out in Rampton 1, §§60-83 and 153-160 [HB2/57]. In summary:
- a. 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.
 - b. 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.

- c. 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.
- d. 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.
- e. 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.

VI. RELEVANT LEGAL PRINCIPLES

- 33. 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].
- 34. 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].

35. Very recently, Nicklin J in MBR Acres Ltd v Curtin [2025] EWHC 331 (19 February 2025) (“**MBR Acres**”) adopted a novel approach to injunctions against Persons Unknown on the apparent authority of Wolverhampton CC. 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 and 362 [AB/15/508]; and see the Order granted in that case, which would appear to prohibit *anyone* from going onto the relevant land, whether carrying out a protest or not, and even whether or not they have consent to be on the land [AB/16/526]. This approach has not been adopted in this claim as: (a) this method has not been used in at least 16 High Court cases decided since Wolverhampton CC (including UoL),² only one of which (Valero) appears to have been referred to in the judgment; and, (b) it would considerably expand the scope of the injunction to cover individuals who come onto the Land, even lawfully, without any intention of carrying out the Direct Action.

VII. SUBMISSIONS

36. The Valero tests, set out at §58 of Ritchie J’s judgment [AB/7/236], are satisfied here for the following reasons:³
37. **First**, there are two civil causes of action identified. In relation to trespass:

² 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).

³ See Y Vanderman, Manual on Protest Injunctions (v.2, 2024), §5.10.

- a. No member of the public has been granted a licence to be on the Land or carry out the Direct Action.
- b. 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 [HB2/230] and the University's Code of Practice of Freedom of Speech [HB2/248] 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 (see 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.

38. **Secondly**, the University has complied (and will continue to comply) with its duty of full and frank disclosure. This is considered further below.
39. **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 §§16-31 above and in Rampton 1, §§134-152 [HB2/73]. The evidence set out in Rampton 1, §§12-118 [HB2/46], 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.
40. **Fourthly**, there is no realistic defence. The Defendants would be trespassers on land owned by the University. Human rights issues are considered below.

41. **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 [HB2/74], 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 [HB2/61].
42. **Sixthly**, in terms of ECHR rights, the Defendants might seek to rely on Article 10/11 ECHR. Such an argument is bound to fail for the following reasons.
43. The Land is private land. For the purposes of the Human Rights Act 1998, the University is not a public authority or exercising public functions when seeking to use its own private land. Articles 10 and 11 ECHR include no right to trespass on private property and thereby override the rights of private landowners: London City Airport v Persons Unknown [2024] EWHC 2557 (KB), §8 (Julian Knowles J) [AB/13/398]; DPP v Cuciurean [2022] 3 WLR 446 (DC), §§40-50 [AB/14/33]; Y Vanderman, Manual on Protest Injunctions (v.2, 2024), §8.9 [AB/17/601].
44. Alternatively, any interference with Article 10/11 ECHR rights (by virtue of the sought injunction) would be justified in that:⁴
- a. 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.

⁴ 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].

- b. 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.
- c. 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 been the subject of Direct Action.
 - (2) 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].
 - (3) 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.
 - (4) 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.
 - (5) The Defendants have now carried out Direct Action on the Land on three separate occasions at great disruption, and cost, to the University, the Colleges, staff, graduating students and the guests of students.
 - (6) There is limited connection between the Land and the substance of the Defendants' protest.

- (7) The Defendants are able to protest at other locations and through other methods without causing significant disruption to the University, its staff and students.
- (8) There are no less restrictive or intrusive alternative means available to the University. These are for the reasons set out at **§41 above**.
45. **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: 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].
46. **Eighthly**, the Persons Unknown are clearly and plainly identified by reference to the tortious conduct prohibited (trespass) and clearly defined geographical boundaries. It is not possible to identify the Persons Unknown 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).
47. **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.
48. **Tenthly**, the prohibition in the draft Order mirrors the torts claimed.
49. **Eleventhly**, the prohibition in the draft Order is defined by clear geographic boundaries.
50. **Twelfthly**, the University seeks an injunction lasting 5 years (with an annual review). Given the longstanding nature of the conflict at the heart of the Defendants’ protests, it is considered this is reasonably necessary to protect the University’s legal rights. 5-year final injunctions (with annual reviews) have recently been granted in a variety of

Persons Unknown cases: see Y Vanderman, Manual on Protest Injunctions (v.2, 2024), §7.13 [AB/17/598] and, more recently, Arla Foods v Persons Unknown [2024] EWHC 1952 (Ch) [AB/9/265] and London City Airport v Persons Unknown [2024] EWHC 2557 (KB) [AB/13/395].

51. The University, therefore, effectively seeks final relief against Persons Unknown (newcomers) given that, in this context, there is no meaningful difference between interim and final injunctive relief: Wolverhampton CC, §§139, 143(vii), 178 and 234 [AB/6/127] and, more recently in the protest context, Drax Power Ltd v Persons Unknown [2024] EWHC 2224, §18 (Ritchie J) [AB/10/304]. Their procedural rights are maintained by, for example, their ability to apply, at any time, to set aside or vary the order: Wolverhampton CC, §§167(ii), 178 and 232.
52. **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 going forward are set out in the draft Order [HB1/28].
53. **Fourteenthly**, the draft Order includes provision for any person to apply to set aside or vary the injunction on short notice [HB1/27].
54. **Fifteenthly**, provision is made in the draft Order for any injunction to be reviewed by the Court on an annual basis [HB1/27].

VIII. CROSS-UNDERTAKING IN DAMAGES

55. The University is willing and able, if necessary, to provide a cross-undertaking in damages: Rampton 1, §§167-168 [HB2/83].

IX. FULL AND FRANK DISCLOSURE

56. 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.

57. **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 [HB2/64].
58. The University does not consider that this diminishes the real and imminent risk of Direct Action in the future. This is because:
- a. 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.
 - b. 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.
 - c. 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.
59. **Secondly**, it could be argued that the University has identified one individual who participated in the occupation of Greenwich House and ought to have joined this person as a named defendant. In response, the reason why the University has not joined this individual is because it has no evidence that the individual plans to carry out Direct Action on the Land in the future and that, on this basis, it would not be appropriate to single them out in these proceedings: Rampton 1, §133 [HB2/73]. This is the sort of approach taken by courts in the past: HS2 v Harewood [2022] EWHC 2457 (KB), §§32 and 35 of the "Appendices...Containing the Approved Transcripts of 4 decisions Made Extempore During the Hearings" [AB/4/75] and upheld by a majority in the Court of Appeal [2022] EWCA Civ 1519, §§37 and 42 [AB/4/98].

60. 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 an injunction against Persons Unknown.
61. **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].
62. 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].
63. **Fourthly**, it could be argued that the approach to defining Persons Unknown in MBR Acres ought to be adopted. This has been dealt with above. Indeed, such an approach would appear to broaden drastically the scope of any order to cover unwitting members of the public.
64. Moreover, although it was said in MBR Acres, §390 [AB/15/515], that orders of this kind should provide for the Court’s permission to be obtained before a contempt application may be brought, the University’s view is that this is unnecessary. The bringing of trivial contempt applications does not appear to be a widespread problem in protest injunction cases.

X. CONCLUSION

65. For the reasons set out above, the Court is respectfully requested to grant an Order in the terms of the draft Order.

YAASER VANDERMAN

Brick Court Chambers

24 February 2024