

BETWEEN:

THE CHANCELLOR, MASTERS AND  
SCHOLARS OF THE UNIVERSITY OF  
CAMBRIDGE

Claimant

- and -

PERSONS UNKNOWN AS DESCRIBED IN THE CLAIM FORM

Defendants

- and -

EUROPEAN LEGAL SUPPORT CENTRE

Proposed Intervener

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**SKELETON OF THE PROPOSED INTERVENER  
FOR HEARING ON 27 FEBRUARY 2025**

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**Time estimate:** 30 minutes

**Pre-reading:** The Proposed Intervener suggests pre-reading, if time permits: (i) Skeleton Arguments; and (ii) the First Witness Statement of Anna Ost (“Ost 1”)

**Reading estimate:** 15 minutes

*References to {AB/page} are to the Claimant's Authorities Bundle, and {HB/page} to the Claimant's Hearing Bundle.*

**A. INTRODUCTION**

1. This is the skeleton argument of the Proposed Intervener (“ELSC”) for the hearing of its applications dated 26 February 2025 for (i) joinder as an intervener; and (ii) adjournment of the hearing of the Claimant's application for an interim injunction against Persons Unknown (“**the Claimant's Application**”). By letter received the

yesterday evening (26 February 2025), the Claimant indicated that it does not oppose the joinder application.

2. The Proposed Intervener's applications were made as a matter of urgency and without the benefit of time to prepare detailed submissions. The ELSC became aware of the Claimant's Application on Friday, 21 February 2025: Ost 1 at [8]. Counsel was instructed promptly after the weekend, on 25 February 2025.
3. This follows solely from the Claimant's leisurely and opportunistic approach to its own urgent injunction:
  - 3.1. The Claimant relies on two protests by Cambridge 4 Palestine at Senate House Yard and Greenwich House, that concluded on 30 November 2024 and 6 December 2024 respectively: Rampton 1 at [46], [53] {**HB/54-55**}.
  - 3.2. More than two months after these events, on 12 February 2025, the Claimant filed its Claim Form and Application Notice. The Claimant at that stage did nothing to bring that filing to the attention of any Defendant or potential Intervener.
  - 3.3. Instead, those documents were held back for another week, being served only on 19 February 2025: Maw 1 at [4]-[7]. As there are no named Defendants, service is said to have been accomplished by posting notices electronically to the University's website, physically upon the affected properties, and by writing to email addresses said to belong to Cambridge 4 Palestine. Even though the class of Defendants extended well beyond Cambridge 4 Palestine, to any individual acting "*for a purpose connected to the Palestine-Israel conflict*", the Claimant made no attempt to contact or serve any other organisation that may have wished to intervene.
  - 3.4. The Claimant only served its papers after it had already acquired a listing date of 27 February 2025, with that date appearing in the service documents: see e.g. Exhibit SM1 at pg. 3.
  - 3.5. The ELSC only became aware of the application documents indirectly, two days after they were posted online and less than a week before hearing.

4. The scope of the injunction that the Claimant has rushed to hearing is broader than any comparable newcomer injunction in the university protest context. It would potentially affect all those who manifest any speech, action or belief “*connected with the Palestine-Israel conflict*”, whether or not in the context of protest. It would cover highly symbolic properties in the heart of the University of Cambridge. It would extend for 5 years from date of order, remaining in effect until 2030. It would prohibit a wide array of conduct, all of which is said to somehow ground a claim in trespass or nuisance.
5. These issues plainly require determination, even on an interim basis, upon consideration of full legal submissions and evidence, and particularly on the severe human rights and equality implications. The Claimant’s compressed timetable to hearing has therefore necessitated the making of an adjournment application: in the time available, there has simply been insufficient time for the ELSC (or any party) to prepare submissions and evidence on the merits. The Claimant seeks to gain the benefit of a wide-ranging injunction, with none of the scrutiny.

**B. JOINDER**

6. The ELSC seeks joinder in this matter to address the court (in due course) on the Claimant’s Application. The joinder application is not contentious. For good order, joinder is appropriate here because:
  - 6.1. There are no named Defendants, and there is reason to believe that no individual Defendant would be willing to become a named party: Ost 1 at [15]. In particular, the Claimant’s submissions (but not its Draft Order) focus on students at the University, who face particular financial and disciplinary vulnerabilities in defending claims brought by the University.
  - 6.2. In the circumstances, the ELSC is well-placed to fulfil a protective role: Ost 1 at [16]. Its mission already extends to protecting the legal interests of pro-Palestine protestors in the UK, and it has the legal and other resources available to effectively assist the Court with submissions in due course.
7. To that end, the ELSC seeks joinder, either pursuant to CPR 19.2(2) or under the Court’s inherent jurisdiction, as is standard: Ost 1 at [17].

C. **ADJOURNMENT**

8. Subject to joinder, the ELSC seeks the adjournment of the hearing of the Claimant's Application. The Claimant by its letter yesterday expressed its opposition to this application, on the basis that (i) its injunction does not raise significant or novel questions of legal and public interest; and (ii) there is a real and imminent risk to the University in respect of the 1 March 2025 graduation. Neither argument is sound.
9. **First, on the injunction sought**, the Claimant does not seek a straightforward newcomer injunction. The draft order is materially different in its core provisions from prior orders in university protest cases. Most strikingly, the inclusion of the phrase "*or otherwise for a purpose connected with the Palestine-Israel conflict*" in the Defendant definition is unprecedented. In singling out a particular form of political speech, action or belief, the injunction brings into question the University's compliance with Articles 9, 10 and 11 ECHR (including as read with Article 14) and the Equality Act 2010. Further, if ordered, the injunction threatens prejudice to this broad and undefined category of individuals in respect of a wide-ranging set of conduct, for an extensive period, by reference only to the alleged "*purpose*" for which they perform that conduct: Ost 1 at [21].
10. This view on the merits is shared with other interested parties, who (given the short notice) have been unable to attend. I understand that Liberty wrote to the Court yesterday, expressing its view that full submissions should be heard on matters pertaining to freedom of expression and protest on campus. The Cambridge Students' Union is also considering intervention, to make factual submissions on the impact on students: Ost 1 at [24].
11. It is apparent that the Claimant does not appreciate the full scope of the injunction it seeks, and its ramifications for affected individuals. For example:
  - 11.1. In Rampton 2 at [37], the Claimant's evidence is that "[t]he University does not intend to alter the approach it has historically taken in respect of student-led peaceful protests". But nothing in the injunction excludes "*student-led peaceful protests*", which would be straightforwardly caught by the terms of the Draft Order where "*connected with the Palestine-Israel conflict*".

- 11.2. The Claimant's skeleton at [35] expressly (and rightly) rejects an injunction that covers "*individuals who come onto the Land [...] without any intention of carrying out the Direct Action*" as excessively broad. But the Claimant's Application would have precisely this effect: there is no limitation for "*intention*" in the Draft Order, let alone an intention to carry out any particular action on the land.
12. It is inappropriate that the Claimant gain the benefit of the injunction while awaiting a full hearing on contested merits. It appears that the Claimant is treating its application as akin to an ex parte freezing injunction, subject only to the full and frank disclosure duty pending a prompt return date. To that end, it is noted that the Claimant seeks an annual review of the interim injunction: paragraph 5 of the Draft Order {**HB/27**}. The Claimant does not seek any direction for a final determination hearing.
13. In any event, this is the wrong approach. The Supreme Court in *Wolverhampton* at [173]-[176] {**AB/191-192**} was clear that a newcomer injunction is only 'without notice' for the purposes of the Persons Unknown. But where an applicant has in fact alerted other bodies capable of making submissions, there is no principled reason for not subjecting the application to the usual requirements for reasonable notice (and its exceptions). This is the procedurally fair result of the obligation to advertise: that, where appropriate, the applicant is subject to the scrutiny of a contested hearing.
14. **Second, on urgency**, the starting point is that the Claimant has not proceeded expeditiously. The points made on timing at paragraph 3 above are repeated. The Claimant waited two months from the time of the allegedly pertinent conduct to filing, and a further week before attempting to tell anyone what it had done. This is not the conduct of a Claimant fearing real and imminent risk of prejudice.
15. The single urgent matter on which the Claimant relies is the graduation ceremony on 1 March 2025 at the Senate House. The Claimant has known that date since at least mid-2024: see Exhibit ER1 pg. 214 {**HB/300**}.
16. The Claimant has provided no evidence that any protest is expected or planned at the Senate House on 1 March 2025. The highest the Claimant's evidence goes is: (i) that Cambridge 4 Palestine have made public posts about, for example, its "*commit[ment]*" to the "*struggle*" for Palestine (but has not threatened to disrupt the 1 March 2025

graduation): Rampton 1 at [146]-[152] {HB/76-78}; and (ii) that protests by Cambridge 4 Palestine have previously caused the University to re-locate two of its several graduation ceremonies in 2024, on 16 May and 30 November respectively.

17. On the contrary, the Proposed Intervener has provided evidence that Cambridge 4 Palestine is not intending to protest or otherwise take direct action in or at the Senate House Yard on 1 March 2025, but rather to conduct a protest across the road at Great St Mary's church (on public land): Ost 1 at [28.2]; Exhibit AO1. The date, time and location of the protest suggests that Cambridge 4 Palestine wishes to garner the attention of those attending the graduation. It is implausible, and inconsistent with the available evidence, that Cambridge 4 Palestine separately intends to take any action on the Senate House Yard that would threaten the ceremony (and thereby their own publicly advertised protest).
18. In the circumstances, an adjournment is appropriate, to allow full submissions on the merits of the application in good time and by all appropriate Interveners. The ELSC suggests that the hearing of the Claimant's Application be relisted for:
  - 18.1. The week commencing 14 April 2025 before the end of Hilary Term, permitting determination before the University returns for Easter Term on 29 April 2025; or
  - 18.2. Alternatively, for the week commencing 24 March 2025, before the University's next graduation ceremony on 29 March 2025 (assuming the Claimant can produce any evidence of a real risk to that ceremony).

**D. MERITS OF THE CLAIMANT'S APPLICATION**

19. If the Court does not order an adjournment, I am instructed that, for the reasons of timing given above, the ELSC reserves all its rights in respect of the merits of the Claimant's Application, pending a full hearing of the matters with comprehensive legal and factual submissions (either at final determination or upon review, whichever is sooner). The ELSC requests that directions for that hearing be included in any order.

**GRANT KYNASTON**

**Blackstone Chambers**

**27 February 2025**