



Neutral Citation Number: [2025] EWHC 724 (KB)

Case No: KB-2025-000497

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 21/03/2025

**Before :**

**MR JUSTICE SOOLE**

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**Between :**

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

**Claimant**

**- and -**

**PERSONS UNKNOWN WHO FOR THE PURPOSE  
OF PROTEST (i) ENTER OCCUPY OR REMAIN  
UPON (ii) BLOCK ACCESS TO; OR (iii) ERECT  
ANY STRUCTURE (INCLUDING TENTS), ON  
THE FOLLOWING SITES (AS SHOWN FOR  
IDENTIFICATION EDGED RED ON THE  
ATTACHED PLANS 1 AND 2):**

**Defendant**

**(A) GREENWICH HOUSE, MADINGLEY RISE,  
CAMBRIDGE, CB3 0TX**

**(B) SENATE HOUSE AND SENATE HOUSE  
YARD, TRINITY STREET, CAMBRIDGE, CB2  
1TA**

**(C) THE OLD SCHOOLS, TRINITY LANE,  
CAMBRIDGE, CB2 1TN, WITHOUT THE  
CONSENT OF THE CLAIMANT**

**-and-**

**EUROPEAN LEGAL SUPPORT CENTRE**

**First Intervener**

**-and-**

**NATIONAL COUNCIL FOR CIVIL LIBERTIES**

**Second Intervener**

**Myriam Stacey KC and Yaaser Vanderman** (instructed by **Mills & Reeve LLP**) for the  
**Claimant**  
**Owen Greenhall, Mira Hammad and Grant Kynaston** (instructed by and for the **First**  
**Intervener**)  
**Hollie Higgins and Rosalind Comyn** (instructed by and for the **Second Intervener**)

Hearing dates: 19-21 March 2025

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## **JUDGMENT**

### **Approved Judgment**

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**Mr Justice Soole :**

1. By application dated 12 February 2025 the Claimant University seeks an injunction against Persons Unknown to restrain them from alleged threats of trespass and private nuisance in respect of its land in Cambridge at two sites namely (i) that comprising the Senate House, Senate House Yard and the Old Schools and (ii) Greenwich House in Madingley Road. The context is various forms of direct action demonstration and protest by those supportive of the Palestinian cause in the continuing conflict in Gaza and elsewhere and who contend that the University is complicit in the events taking place. The leading group in this action is Cambridge for Palestine (C4P) which on its website states that “We are a coalition standing against Cambridge University’s complicity in the genocide of and apartheid against Palestinians”.
2. This application first came before Fordham J in an urgent hearing on 27 February 2025. The particular urgency arose from the pending graduation ceremony in Senate House on Saturday 1 March 2025. The University feared that this would be disrupted in the same way as graduation ceremonies planned for the Senate House on 17 and 18 May 2024 and 30 November 2024 and which had to be relocated in consequence of encampment and occupation of Senate House Yard.
3. By his Order of 27 February 2025 Fordham J granted injunctions until 23.00 on 1 March 2025 restraining Persons Unknown from, without the consent of the University, (i) entering occupying or remaining upon the land comprising Senate House and Senate House Yard or (ii) erecting or placing any structure (including tents or other sleeping equipment) on that land.
4. The Judge declined to grant injunctive relief in respect of those properties for the longer five-year period sought by the University or in respect of the Old Schools part of the central site, Greenwich House or the claim in private nuisance. Those matters were adjourned to be heard on the first available date after 17 March 2025 and came before me on 19 March 2025 with a time estimate of one day. In the event it was necessary to continue the hearing into the morning of 20 March 2025. The most pressing pending event is the next University graduation ceremony on Saturday 29 March. For this reason, and my own judicial commitments next week, this judgment must be given today.
5. In the meantime the University had reconsidered its position and now seeks interim injunctive relief for a period of approximately four months expiring at 23.00 on 26 July 2025, rather than the original five year period. 26 July is the date of the final graduation ceremony in this academic year.
6. By its Claim Form dated 12 February 2025 the University identified the Defendant Persons Unknown by the description “...who, in connection with Cambridge for Palestine or otherwise for a purpose connected with the Palestine-Israel conflict, without the claimant’s consent (i) enter occupy or remain upon (ii) block, prevent, slow down, obstruct or otherwise interfere with access to (iii) erect any structure (including tents) on the following sites...”.
7. In the light of observations of Nicklin J in MBR Acres Ltd v. Curtin [2025] EWHC 331 (KB) at [358]-[359], Fordham J granted an Order in terms which simply identified the Defendants as Persons Unknown, i.e. without any further description. By subsequent

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application it applied to amend the Claim Form accordingly. However, following discussion with the Court at the outset of this hearing, that application is not pursued. The application for an injunction proceeds on the basis that the Defendants should be described. The University has for that purpose supplied two alternative revised draft orders.

8. By the Order of Fordham J, the European Legal Support Centre (ELSC) was permitted to intervene in these proceedings and to make written and oral submissions. The National Council for Civil Liberties (Liberty) subsequently applied to intervene with written and oral submissions, a request which I granted at the outset of the hearing. ELSC opposes the grant of any relief. Liberty is neutral on the matter but focuses its submissions on the drafting of any Order and in opposing the initial proposal that Persons Unknown should have no further description. I am grateful for the detailed and helpful submissions which I have received from Counsel for the University, ELSC and Liberty.
9. In addition to the witness statements and exhibits served on behalf of the University, in particular by its Registry Ms Emma Rampton, I have received and considered eight witness statements served on behalf of ELSC. These are from Prof James Scott-Warren, an elected member of the University Council; Dr James Clark; Mr Michael Abberton on behalf of the executive committee of the University and College Union (UCU); Ms Jenny Hardacre, current chair of the Cambridge Palestine Solidarity Campaign; Mr Augustin Denis, an academic and participant in pro-Palestine rallies in Cambridge since October 2023; Dr Amelia Hassoun, a Research Fellow at Darwin College and British-Palestinian; Mr Basil Alaeddin of Trinity College and of Palestinian heritage; and Ms Elleni Eshete, an elected representative of university students under the remit of Welfare and Community.
10. The evidence sufficiently shows that the University is the owner of the relevant Land. Ms Rampton's first witness statement describes the Senate House and Senate House Yard and the Old Schools as the ceremonial and administrative heart of the University. In Senate House, the University holds its formal ceremonies, including graduation. It is also the official meeting place of the Regent House and Senate. The Old Schools houses key University administrative departments including the offices of the Senior Leadership Team which includes the Vice-Chancellor. Its working capacity is 261, with an average daily occupancy of 100.
11. The public do not have a right of access to the Senate House or Senate House Yard or the Old Schools. Students may enter the Old Schools for specific purposes including attending a University committee meeting, but do not have general access.
12. Greenwich House is an administrative office building, accommodating about 500 employees, but with lower daily occupation given hybrid working arrangements. University students do not have general access to the building. It stores physical records that only authorised University personnel have permission to inspect.
13. C4P is understood to be a student-led group. It is not a registered society with the University's Student Union. It maintains social media profiles on platforms such as X, Instagram, Facebook and Tik Tok. These show that it engages in various activities in support of Palestine and in the particular context of the conflict in Gaza. As already noted, it states on its website: "We are a coalition standing against Cambridge

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University's complicity in the genocide of and apartheid against Palestinians". A particular focus is the University's alleged complicity in the actions of the Israel Defense Forces in the conflict in Gaza and its financial, academic, research and other relationships with third party companies and other entities that have connections with Israel in that context. Its website includes the following demands: "DISCLOSE the University of Cambridge's financial ties with institutions and companies complicit in Israel's violations of international law. DIVEST from institutions and companies complicit in the ongoing ethnic cleansing of Palestine. REINVEST by supporting Palestinian students, academics, and scholars in the University of Cambridge and the reconstruction of higher education institutions in Gaza. PROTECT the academic freedoms and safety of all University of Cambridge students, faculty, and staff and become a University of Sanctuary."

Previous incidents of direct action

14. The University supports its application for precautionary interim injunctive relief by reference to a number of previous incidents of direct action.
15. The first is an encampment on the lawn in front of King's College Cambridge on or about 6 May 2024 which was undertaken by C4P in support of its demands on the University. The encampment ended on about 14 August 2024.
16. The second was an encampment on Senate House Yard which began on 15 May 2024. The original number of occupiers was between 40 and 50. The gates into the Yard had been locked at the time and entrance was obtained by a ladder. There were around 12 to 13 tents throughout the occupation; people staying overnight; and a fluctuating number of people present, peaking to about 100 when they had daytime marches. The encampment ended with the occupiers' voluntary departure on the evening of 16 May. However, because of the occupation, the University was forced to reorganise its degree graduation ceremonies which were due to be held at Senate House on Saturday 18 May and to hold them at various colleges. All the occupiers had their faces covered or partially covered during the encampment. The area was left in a tidy state.
17. The third was a further encampment which was set up by C4P in Senate House Yard on about Wednesday 27 November 2024. There were about six tents. The average number staying overnight was about 5 to 8. A meeting area was erected under the colonnades of the Old Schools building. They attempted to block the view of the area by attaching large sheeting/bedding from each of the colonnades. The occupiers left voluntarily on Saturday 30 November; and left the area in a tidy state. The occupiers again had their faces covered or partially covered.
18. In consequence the University again had to reorganise the degree graduation ceremonies that had been scheduled to take place at Senate House on Saturday 30 November. They were held instead at Great St Mary's Church. Social media posts by C4P recorded that "Our presence at the Liberated Zone on Senate House Lawn has forced the University to move graduations – typically held at Senate House – to Great St Mary's Church across the street".
19. The relocation of the graduation ceremonies at Senate House on these two occasions affected 1658 students and approximately 3000 guests.

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20. The fourth direct action event was the occupation of Greenwich House in November 2024. On the evening of Friday 22 November, a group believed to be connected to C4P entered Greenwich House. They activated the fire alarm which led to staff evacuating the building. They then blockaded the entrances and exits to prevent University staff from re-entering the building. During the occupation, security staff observed the occupiers gaining access to restricted areas of the building, opening locked cabinets and searching through cabinets. This precipitated a Court application by the University dated 6 December 2024 against Persons Unknown for an interim non-disclosure order to prohibit the dissemination of confidential information obtained from within the building. An interim injunction order was made to that effect. The occupation ended on 6 December 2024.
21. The occupation caused significant disruption to the work carried out in Greenwich House. Staff were unable to work there from late afternoon on 22 November and only returned on 8 January 2025. Some were able to work from home; others needed to be accommodated in alternative University buildings. In addition there were concerns about the health and safety of the occupiers. The costs of additional security, cleaning and legal costs totalled at least £230,000.
22. The University is also concerned at the reputational damage that could arise from republication or misuse of documents stored at Greenwich House and The Old Schools. It has an annual turnover from research grants in excess of £500 million. Its funding partners rely on the University to safeguard their interests and their confidential information.
23. At the hearing on 27 February Fordham J expressed his concern that it was only at the hearing that the Court had been told about the unimpeded graduation ceremonies which had taken place at the Senate House and Yard on 10 occasions in June, July and October 2024.
24. Following the Judge's Order, the graduation ceremony on 1 March 2025 went ahead unimpeded; and C4P organised a rally of about 100 people outside Great St Mary's Church, opposite Senate House.
25. On 2 March 2025 C4P 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'.
26. On 4 March 2025, red paint was sprayed on the wooden door and archway masonry which forms the west entrance to the Old Schools. The sprayed graffiti read 'DIVEST' and 'ALWAYS RESIST...FREE PALESTINE'. A group called Palestine Action claimed responsibility. C4P republished that post and stated 'Full support to Palestine Action'.
27. On the night of 17/18 March, protesters placed placards on the outside of the Senate House windows including the word DIVEST.
28. On Wednesday 19 March, starting at 4.30, a rally took place in King's Parade. The participants gathered round the Gatehouse of the Old Schools and chanted. Part of the incident was captured on video. Mr Paul Oliver, the University of Cambridge Security

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Officer, produced a transcript of part of the demonstration in his witness statement which states: ‘We will not be silenced. We will not stop, we will not rest, disclose, divest’. At about 16.57 a representative from “Youth Demand” made a speech which included “We can’t just shout any more. We have to materially disrupt the genocidal machine, that is what we have to do, it’s no good just saying we are not comply with it, we have to actively resist and that is what Palestine Action did a couple of weeks ago, and that is what Youth Demand is planning to do. Youth Demand in April is going to swarming numbers for an entire month, we’re going to be getting a thousand people into the streets of London and blockading roads for 15 minutes and then [disturbing] before police start making arrests. This is what it’s going to take, it’s going to take months and months of direct action, it’s going to take months of disruption, it’s going to take all of you to think about what you can do more, and do it because it is not enough we need to escalate we need to do more.”

The law

29. As I understood to be common ground by the end of the hearing, there are a number of principal sources of instruction and guidance in this evolving area of law. First, the general principles which apply to applications for interim precautionary injunctions. Secondly, the adaptations to those principles which are necessary if and when ECHR Convention Rights and/or s.12 HRA 1998 are engaged. Thirdly, the principles and guidance identified by the Supreme Court in Wolverhampton City Council v. London Gypsies and Travellers [2024] AC 983.
30. As to the HRA 1998, s.6(1) provides that it is unlawful for a public authority to act in a way which is incompatible with a Convention right. Section 12 provides as material: ‘(1) *This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the Convention right to freedom of expression ... (3) No such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.*’
31. It is unnecessary to rehearse the provisions of Articles 10 and 11 on freedom of expression and of assembly. ELSC also rely on Article 14 which provides that ‘*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*’
32. I find a particularly helpful starting point for the relevant principles, albeit prior to Wolverhampton, to be the summary by Julian Knowles J in HS2 v Persons Unknown [2022] EWHC 2360 (KB). They are not accepted in every respect by Counsel for ELSC. Excluding the references to the authorities cited in support, the summary includes the following.

Trespass

33. A landowner whose title is not disputed is prima facie entitled to an injunction to restrain threatened or apprehended trespass on the land: [74].

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34. A protester's rights under Articles 10 and 11 of the ECHR, even if engaged, will not justify continued trespass onto private land or public land to which the public generally does not have a right of access: [81].
35. This statement must now be subject to the following observations of the Court of Appeal in R v Hallam [2025] EWCA Crim 199 at [34]: '*Articles 10 and 11 did not confer on the appellants a right of entry to private property: see Appleby v United Kingdom (2003) Application No. 44306/98... However, we were not referred to any case in which the European Court of Human Rights...has decided that a protester who commits an act of trespass thereby automatically loses their rights under Article 10 or 11 altogether...*'

Private nuisance

36. Private nuisance is any continuous activity or state of affairs causing a substantial and unreasonable interference with a claimant's land or his use or enjoyment of that land: [85].
37. The unlawful interference with the claimant's right of access to its land via the public highway, where a claimant's land adjoins a public highway, can be a private nuisance: [86].

Interim injunctions

38. The general function of an interim injunction is to 'hold the ring' pending final determination of a claim. The basic underlying principle of that function is that the court should take whatever course seems likely to cause the least irremediable prejudice to one party or another: [93].
39. The general test for the grant of an interim injunction requires that there be at least a serious question to be tried and then refers to the adequacy of damages for either party and the balance of justice (or convenience): [94].
40. The threshold for obtaining an injunction by the defendant is normally lower where wrongs have already been committed by the defendant: [95].
41. Where s.12(3) HRA 1998 applies, the Court must be satisfied that the claimant would be likely to obtain an injunction preventing future trespass at trial; not just that there is a serious question to be tried. 'Likely' in this context usually means more likely than not: [97]. I interpose that this must apply also to an application for an injunction to restrain a private nuisance.
42. Where the relief sought is a precautionary injunction, the question is whether there is an imminent and real risk of harm: [99]. 'Imminent' means that the circumstances must be such that the remedy sought is not premature: [100].
43. 'Publication' in s.12(3) HRA 1998 has been interpreted by the courts as extending beyond the literal meaning of the word to encompass 'any application for prior restraint of any form of communication that falls within Article 10 of the Convention': [122].
44. Whether a claimant is a core public authority or at least a hybrid public authority, it can pray in aid A1P1 Convention rights and the common law values they reflect: [123; 125].



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ELSC dispute that a core or hybrid public authority has A1P1 rights but of course acknowledge that the University has common law rights in trespass and private nuisance.

45. Where Articles 10 and 11 are engaged, the court must consider the questions identified in DPP v Ziegler [2022] AC 408, namely: (a) Is what the defendant did in exercise of one of the rights in Articles 10 or 11?; (b) If so, is there an interference by a public authority with that right?; (c) If there is an interference, is it ‘prescribed by law’; (d) If so, is the interference in pursuit of a legitimate aim as set out in paragraph (2) of Articles 10 and 11, for example the protection of the rights of others?; (e) If so, is the interference ‘necessary in a democratic society’ to achieve that legitimate aim?: [136].
46. That final question can be subdivided into four further questions: (a) Is the aim sufficiently important to justify interference with a fundamental right?; (b) Is there a rational connection between the means chosen and the aim in view; (c) Are there less restrictive alternative means available to achieve that aim?; (d) Is there a fair balance between the rights of the individual and the general interest of the community, including the rights of others?: [137].
47. I turn to the principles and guidance in respect of newcomer cases provided by the Supreme Court in Wolverhampton at [188] et seq. By reference to Gypsy and Traveller cases, these are: (1) the applicant must satisfy the court by detailed evidence that there is a compelling justification for the order sought; (2) there must be a strong probability that a tort or breach of planning control or other aspect of public law is to be committed and that this will cause real harm. Further the threat must be real and imminent; (3) the actual or intended respondents to the application must be defined as precisely as possible; (4) the injunction must spell out clearly and in everyday terms the full extent of the acts it prohibits; and this is particularly so where it is sought against persons unknown, including newcomers. The terms of the injunction and therefore the prohibited acts must correspond as closely as possible to the actual or threatened unlawful conduct. Further the order should extend no further than the minimum necessary to achieve the purpose for which it was granted. Further the authority must be prepared to satisfy the court that there is no other more proportional way of protecting its rights or those of others. The prohibited act should be defined so far as possible in non-technical and readily comprehensible language; (5) the need for strict temporal and territorial limits is another important consideration; (6) the authority must take reasonable steps to draw the application to the attention of persons likely to be affected by the injunction sought; (7) there must be effective notice of the order and its consequences; (8) the order ought always to include generous liberty to any person affected by its terms to apply to vary or discharge the whole or part of any order; (9) costs protection should be considered; (10) there may be occasions where a cross undertaking in damages is appropriate.
48. The Supreme Court then turned to protest cases and stated: ‘...*nothing we have said should be taken as prescriptive in relation to newcomer injunctions in other cases, such as those who engage in direct action by, for example, blocking motorways, occupying motorway gantries or occupying HS2’s land with the intention of disrupting construction. Each of these activities may, depending on all the circumstances, justify the grant of injunction against persons unknown, including newcomers*’: [235]. However in the following paragraph it stated: ‘*Again, insofar as the applicant seeks an*

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*injunction against newcomers, the judge must be satisfied there is a compelling need for the order*': [236].

49. In support of the application the University also relies on the provisions of its Rules of Behaviour and Code of Practice of Freedom of Speech to whose provisions all students sign up when enrolling at the University. The Rules of behaviour unsurprisingly include that a student must not 'damage, misappropriate or occupy without appropriate permission any University or College property or premises, or any property or premises accessed as a result of a College or University activity'. The Code of Practice includes that 'Permission is required for meetings and events to be held on University premises, whether indoors or outdoors'.
50. Ms Rampton's evidence also refers to the steps taken by the relevant University officials to engage with demonstrators including members of C4P. This led to an agreement that the University would review its approach to investments in and research funded by the defence industry. Further that a working group would be established to make recommendations to the relevant University committees overseeing investments and research and that the working group would include two student representatives. However on 28 November 2024 a decision was made by the University Council to suspend the two student members from the working group because of the Senate House Yard occupation of that month. On 27 January 2025 the University Council agreed that the two members should be invited to rejoin the working group subject to two conditions identified in an email of 28 January. There was no reply to that email but Ms Rampton understood that they attended the meeting which took place on 5 February 2025.
51. Ms Myriam Stacey KC submits first that the claim is properly founded on the causes of action in trespass and private nuisance. As to the latter, direct and deliberate blocking would be an undue and substantial interference with the University's enjoyment of the land.
52. The evidence established a real and imminent risk of further direct action on the relevant sites. As to the Senate House and Yard, she points in particular to the occupations of the Yard in May and November 2024 and its effect on the graduation ceremonies; to the placards placed on 17/18 March; to the absence of any disavowal of further direct action; and to the expressions of support for the conduct of Palestine Action. As to Old Schools, she now points to the graffiti on 4 March 2024 carried out by Palestine Action and endorsed by C4P; and to the rally on 19 March, its location and the terms of the speech of the representative of Youth Demand. As to Greenwich House, she points to the occupation of November 2024 and its effects; and to the evidence of the broader determination to continue direct action against the University. The harm from such incursions was real and substantial in all the ways indicated in the evidence.
53. Ms Stacey submits that the evidence of 1 March 2025 showed the good effect of the injunction and how the interests of the University and the protesters had each been met. The graduation ceremonies had proceeded and the protesters had carried out their rally opposite the Senate House and outside Great St Mary's Church.
54. As to Articles 10 and 11, whilst not accepting that these were engaged in respect of the cause of action in trespass, Ms Stacey was content to proceed on the assumption that the enhanced threshold of liability applied. On the evidence, it was likely that at a

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notional trial the University would succeed in obtaining relief in the terms which were sought.

55. As to proportionality, the University was pursuing the legitimate aim of protecting its property rights as well as the rights and interests of third parties lawfully seeking to use the land. Those aims were sufficiently important to justify any interference with Convention rights. There was a rational connection between the means chosen and the aims. The proposed order struck a fair balance between the various rights; and confined itself to the two sites and for the short duration of four months until the end of the academic year.
56. In the meantime the protesters were able to protest effectively at other locations and through other methods without causing significant disruption to the University, its staff and students. One example was the rally on 1 March 2025.
57. As to the cause of action in private nuisance and the proposed restraint against blocking access to the relevant buildings, this would not unduly interfere with the rights of others on the public highway. Such orders had been granted in other similar cases and were neither new nor controversial.
58. There were no less restrictive alternative means available to achieve the University's legitimate aim, whether by use of the criminal law or the internal disciplinary processes of the University.
59. Damages would not be an adequate remedy. There was, in all, a compelling justification for the grant of the limited injunctive relief which was sought.
60. On behalf of the ELSC, Mr Owen Greenhall, Mr Grant Kynaston and Ms Mira Hammad made the following particular submissions.
61. As to the University's approach that it was willing to proceed on a range of assumptions in favour of the Defendants, i.e. as to whether it was exercising a public function and/or whether the application had to satisfy the enhanced threshold under s.12(3) HRA and/or whether it could rely on A1P1, this was unsatisfactory. The Court should determine these questions and in each case find in favour of the Defendants for the detailed reasons which they set out in their careful legal analysis and submissions.
62. As to proportionality, the proposed injunction was a disproportionate infringement of the Defendants' rights. First, whilst the University was advancing its claim on a broad basis that it was pursuing the legitimate aim of vindicating its own property rights, the evidence and the order now proposed suggested that its aims were in fact limited to protecting particular events, namely restricting encampments in relation to graduation ceremonies. This was the only potential harm identified by the Registry as posing a risk to the Senate House, Yard and Old Schools. This was further confirmed by the time-limited relief now sought. There was no rational connection between the proposed prohibition which covered any non-consensual access to the land and the aim of preventing disruption to graduation ceremonies through encampments.
63. Secondly, the injunction was not necessary. There was a broad and robust framework under the criminal law which addresses such protests. In particular s.68 Criminal Justice and Public Order Act 1994 and its offence of aggravated trespass provided wide

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protection in relation to disruptive protests on private property. The offence was in respect of trespass which creates disruption, obstruction or intimidation to lawful activity taking place on the land. It extends to activity taking place on adjoining land where that activity can properly be said to be disrupted by the trespasser. There is no requirement that any disruption must be severe or significant. That offence was apposite to a protest occurring on the University's land. Further it had a maximum sentence of three months; in contrast to the maximum 2-year penalty for contempt of court by breach of a Court order.

64. Further, s.137 Highways Act 1980 provided a criminal offence for unreasonable obstruction of the highway, punishable with up to 6 months imprisonment. Police officers have powers of arrest for those suspected of such offences and bail conditions could be imposed on those arrested pending any further investigation. The power of the police to deal with such matters provided a much quicker and more appropriate remedy than contempt proceedings for breach of an injunction. In MBR Acres at [348] Nicklin J had noted the importance in such cases of taking account of the extensive powers of the police in these and other respects. Further or in the alternative, the University could effectively and sufficiently deal with these matters through its own internal disciplinary processes for students.
65. Thirdly, the University had not identified any serious risk sufficient to justify the extreme infringement now sought. The protests affecting graduations formed part of continual and ongoing political dialogue between the University and its students. For example, the occupation of the Senate House Yard in May 2024 was concluded on the evening of 16 May, after the University had reached an agreement with students.
66. Further, during the encampments at the Senate House Yard, the protesters did not exclusively occupy the land, which remained accessible by others. No encampments or other disruption took place at the Senate house between May and November 2024. In that period 10 graduations went ahead without disruption. There was currently no encampment at any of the identified sites. The University had identified no C4P conduct at Old Schools which could justify injunctive relief. The graffiti on 4 March 2025 did not involve access to the site, would not be covered by the proposed injunction and was not carried out by C4P. The rally on 19 March and the speech by a representative of Youth Demand was expressly focused on plans for demonstrations and direct action in London.
67. The risk of further direct action at Greenwich House was entirely speculative. The University's true complaint about the incident there was the severity of the incursion. That was not a safe basis for assessing the future risk of such an incursion.
68. Fourthly, the proposed injunction affected the ability of the Defendants to exercise their Article 10 and 11 rights at the very heart of the University, namely at the Senate House and Senate House Yard with its potent symbolic importance. They pointed to the evidence of Dr Hassoun that such protests are intended to be "seen by the people in charge and who may make decisions on investment".
69. Fifthly, the proposed prohibition was not calibrated by the requirements of Articles 10 and 11. It affected all entry onto the land without the consent of the University. By the proposed paragraph 2, it then extended the restraint to conduct on the public highway. The unreasonable and disproportionate effect of that restraint would prevent, for

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example, a one-off peaceful five-minute prayer vigil in the entrance to the Senate House Yard which deliberately stopped people from entering the land as part of a symbolic protest asking persons to reflect for a few minutes on the University's connections to the children killed in Gaza. Such vigils were common at Cambridge for Palestine, Ukraine and other causes.

70. Sixthly, the condition in the proposed injunction that the conduct must be without the consent of the University produced uncertainty for students and staff as to the nature of that consent. On the evidence of Dr Clark, the process of securing consent was not fit for purpose, including because of "spontaneous individual or group responses to specific fast-emerging issues". For ordinary students there was in practical terms no appreciation of the need to request permission from the University prior to protesting against it. The results would be a chilling effect on political expression at Cambridge, supported by e.g. the evidence of Dr Hassoun that she would be afraid to be caught by the injunction if walking through any of the University buildings with cultural symbols of her people.
71. Seventhly, there were less restrictive means of achieving the intended aim. As to disciplinary processes, the evidence showed a recent history of student occupations of University buildings which did not result in applications for injunctions. The University had given no explanation as to why it was now thought appropriate to seek an injunction. Further the four-month period was not proportionate to the events, i.e. in particular graduation ceremonies, which they sought to protect. The University's evidence identified 23 days over the coming 12 months – 21 graduation ceremonies and 2 further election days.
72. Eighthly, the application for the injunction and its consequences had not been subjected to appropriate scrutiny by the University's decision-making bodies. The evidence of Professor Scott-Warren was that the University decided to pursue the application for an injunction without consultation or approval from the Council. The University had filed witness evidence to the effect that the Registry had authority to commence the proceedings. There was no evidence of any proportionality assessment or other University consultation undertaken prior to seeking the injunction.
73. Ms Hammad presented ELSC's arguments on the alleged discriminatory effect of the proposed injunctions, having regard to the provisions of ECHR Article 14. The effect of their terms was discriminatory in respect both of race and of political and philosophical beliefs.
74. The question for consideration was whether a particular group would be particularly disadvantaged by the proposed injunctions, by comparison with other groups. That question had to be considered in the context of the 4-month period proposed.
75. The situation would be different if the evidence were of many different groups protesting about other causes as well. Here the evidence was of a particular cause; so that the impact would be disproportionate to those who had a reason and urgency to protest about that cause.
76. This factor needed to be taken into account as part of the consideration of whether there was a less restrictive means of achieving what was sought by the injunction. The evidence showed that previous protests had not been dealt with by means of

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applications for an injunction. This case involved a new approach which the Court was being asked to sanction. She contrasted the circumstances of an occupation of Greenwich House in 2018 by protesters of the Climate Zone movement. That occupation was no less disruptive than the occupation in this case. The University had taken proceedings for possession but had not sought injunctive relief. Likewise an occupation of the Old Schools building by the Education Movement in March 2020 had been met with possession proceedings rather than applications for injunction. Possession proceedings did not have the chilling effect of precautionary injunctions. This was a particularly restrictive means of responding to the protest.

77. By way of example, Ms Hammad pointed to the evidence of Dr Hassoun that: *‘Unlike other specific national/ethnic groups experiencing state-sanctioned violence abroad, like our Ukrainian colleagues, whose speech and expression has received support from the University (and certainly has not been targeted by the University), this injunction singles out Palestinians based on their national and ethnic identity and limits our expression (and expressions of solidarity on our behalf) as it is protests on behalf of Palestine that have led to the injunction being sought’*.
78. In contrast to a protester who was not of Palestinian origin, it was a person’s identity as a Palestinian person which made her wish to protest so important. The same applied in respect of political and philosophical beliefs.
79. Ms Hammad accepted that the potential availability of other places in Cambridge at which to protest was a factor that went into the overall balancing exercise.

Conclusions

80. I am satisfied that there is a compelling need for the grant of an injunction in the terms and for the period now proposed. This is subject to final discussion with Counsel on one or two points of detail.
81. First, I am satisfied that there is an imminent and real risk of the occurrence of the conduct which it is sought to restrain and consequent substantial harm. Indeed I consider that there is a strong probability that this will otherwise occur.
82. This is demonstrated in particular by the evidence of the occupations of Senate House Yard in May and November 2024; the occupation of Greenwich House in November 2024; by the overall continuing campaign of direct action against the University and the terms in which this is expressed; and by the symbolic importance which is attached by the campaigners and indeed the University alike to all these buildings and spaces at the heart of the University’s central administrative and public functions. In the absence of restraint, there is an imminent and real risk that one or more of these would be occupied in order to cause disruption to the University and thereby to advance the campaign. This includes a real and imminent risk of acts to prevent people entering those buildings. Given the overall nature of the campaign and the symbolic importance attached to these buildings, I do not accept that the risk is any less in respect of Old Schools or Greenwich House.
83. In such events, there would be very substantial harm to the University. Depending on the choice of location this includes its central administration; the staff working in the buildings; the effect on the relationship of the University with third parties (here I have

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in mind in particular the sort of incursion that happened at Greenwich House); and all those who look to the University for the ceremonial events, in particular the graduation ceremonies which fittingly mark and celebrate the achievements of the graduands. The incursions in Senate House Yard in 2024 and consequent transfer of those ceremonies to other places in the University will surely have been a particular disappointment to most if not all of the graduands and their families, and in turn a blow to the reputation of the University. In my judgment, the more that the evidence and submissions on behalf of ELSC and the campaign emphasised the symbolism of all these buildings and spaces, the more it confirmed the extent and imminence of the risk which the University fears.

84. Secondly, I am satisfied that it is likely (indeed very likely) that, at a notional final trial or hearing of this application for relief, the application would succeed. Without deciding the point on publication, I think it right to proceed on the assumed basis most favourable to the Defendants that s.12(3) HRA 1998 is engaged. In any event, where there is unlikely to be such a final hearing within that period, I consider it appropriate to apply that enhanced threshold.
85. I turn to the factors which satisfy me that the test of likelihood is passed. For this purpose, and in particular for the assessment of proportionality, I proceed on the assumed basis that the Defendants' Convention rights under Articles 10, 11 and 14 are engaged in respect of the University's causes of action in both trespass and private nuisance.
86. On the authorities, I consider that the University is entitled to pray in aid its A1P1 Convention rights. However, I consider the point to be immaterial on the facts and circumstances of the present case, because the University can sufficiently rely on its common law rights in trespass and private nuisance as part of the overall balancing exercise.
87. Turning to the Ziegler questions in respect of Articles 10 and 11, I am quite satisfied that any interference is in pursuit of the legitimate aim of the University to secure its buildings and spaces and the activities carried out thereon; and that any such interference is necessary to achieve that end.
88. As to necessity, the legitimate aim is sufficiently important to justify any interference and there is a rational connection between the means and the end. I do not accept that there is any irrationality in respect of an injunction whose terms are not confined to restraint against incursion for the purpose of disrupting graduation and other ceremonies. The campaign of direct action and the consequent real and imminent risk of unauthorised incursions is not confined to those ceremonies and it is necessary and proportionate for the University to have the broader protection which is sought. Indeed, I consider that a restriction which is confined to the context of ceremonies would be likely to exacerbate the risk of incursions on other occasions.
89. I have given due consideration to the suggested alternative means of reliance on police powers and the provisions of criminal offences such as for aggravated trespass and unreasonable obstruction of the highway; and/or through deployment of the University's internal disciplinary processes. In my judgment, these suggested alternative means do not meet the problem which the University faces. This is in particular because they are essentially focused on dealing with disruptive events as and

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after they happen, whereas the fully justified concern of the University is to prevent their occurrence. I do not accept that prior letters to students from the University or warnings from the police would be a sufficient alternative to the remedy which the civil law provides if (as here) the Court otherwise thinks it just to grant such relief.

90. I am also satisfied that the proposed injunction does provide a fair balance between the rights of all parties. The protesters and the campaign are left with ample opportunities and ability to protest their cause in Cambridge; and the University is enabled to carry on its administrative and ceremonial work in these core buildings and spaces. The fairness of the resulting balance was in my judgment well demonstrated by the events on the graduation day of 1 March, following the Order of Fordham J.
91. In reaching these conclusions, I have also taken due account of the particular arguments advanced in respect of private nuisance and of Article 14.
92. As to private nuisance, I consider it necessary and proportionate to include an order which prevents people from deliberately blocking the access of individuals to these sites. I am not persuaded that this limited restraint of use of the public highway is unjustified. On the contrary, given the nature of the campaign and the imminence of the risk, I consider it to be a necessary adjunct to the injunction against trespass. As to vigils and the like, there are ample other places for these to be carried out. I do not accept that in this or any respect the proposed injunction has the chilling effect which is alleged. Nor do I consider that the simple wearing of supportive and/or emblematic badges or clothing would put anyone at risk of breach of the proposed injunction.
93. As to Article 14, in circumstances where the campaigners and protesters are evidently not confined to those of Palestinian heritage, I am very doubtful if the proposed order has any discriminatory effect in that respect. I am also doubtful in respect of the arguments based on discrimination on the grounds of opinions and beliefs. But, in any event, even if there is a discriminatory effect on either or both bases, I am again quite satisfied that the proposed restraint leaves ample opportunity for the protesters to campaign and express their opinions and beliefs elsewhere in Cambridge and its city centre and that Article 14 provides no basis for refusal of the proposed relief.
94. Both in this context and generally, I do not see any fair basis for the criticism that the University has not sought this type of injunctive relief in respect of previous occupations of its buildings; but has rather resorted to instituting possession proceedings after the event. The oral submissions properly made clear that it was not being suggested that the decision to take this new course of action was motivated by the nature of or the parties to this particular cause. Further, applications for injunctions against Persons Unknown in such cases are both a relatively new and developing area of law. True it is that such remedies were available e.g. in 2018, but it is entirely reasonable and appropriate for the University to keep under review its potential remedies in these situations; and on this occasion to take the course of applying for precautionary injunctive relief. Having done so, it has then further reviewed the terms of the application as first presented to the court and then sought an order for a significantly reduced period.
95. I also do not accept that the application has not been subject to appropriate scrutiny by the University and its decision-making bodies. The evidence, including the minutes of the meeting of the senior University officers on 7 February 2025 demonstrates a careful,



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fair and measured analysis and approach and a full and proper regard to its various duties under statute and the ECHR. Amongst other statements in the minutes, I note paragraph 5.1.8 which states: *‘The Application is based entirely on the impact of the direct action threatened on the University, its staff and students and has nothing whatsoever to do with the particular race, religion or beliefs of the intended Defendants’.*

96. Further, I do not accept the submission that there is a lack of clarity in the proposed reference in the terms of the injunction to the prohibited acts being carried out “without Consent”. In the latest draft, “Consent” is sufficiently defined as permission given by the University under the terms of the Code of Practice ‘or other express permission’.
97. It is clear that damages would not be an adequate remedy; nor, realistically, was any such argument advanced.
98. All in all, I am satisfied that the evidence points compellingly to the grant of the injunction sought; and that the proposed terms are the minimum necessary in the circumstances.
99. For the same essential reasons, I am satisfied that, even on the assumption that the Wolverhampton principles apply in full measure to this protester case, each of the requirements is fully met.
100. In addition to the compelling justification, strong probability of the commission of the torts and the real and imminent threat, I am satisfied that: (i) subject to final drafting, the Persons Unknown are defined as precisely as possible and the prohibited acts identified with sufficient clarity; (ii) the territorial and temporal limits are appropriate; (iii) the provisions for effective service are appropriate; (iv) there is the necessary liberty to apply to discharge or vary; and (v) the proposed cross-undertaking in damages is appropriate.
101. There will also be the further and valuable safeguard of the proposed inclusion in the Order of a permission requirement in respect of any contempt application based on alleged breach.